



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, April 2, 2020 – 7:00 PM

Chairperson Ed Newman
Commissioners Courtney Christiansen
 Mick Routh
 TJ Welch
 Peter Wilk

NOTICE OF REMOTE ACCESS ONLY:

In accordance with the current Shelter in Place Order from Santa Cruz County Health Services and Executive Order N-29-20 from the Executive Department of the State of California, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting online at <http://capitolaca.igm2.com/Citizens/Default.aspx> or live on Spectrum Cable Television channel 8.

Remote participation is possible in the form of emailed public comment.

How to comment via email:

1. As always, send additional materials to the Planning Commission via planningcommission@ci.capitola.ca.us by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
2. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
 - Identify the item you wish to comment on in your email's subject line.
 - Emailed comments will be accepted from the start of the meeting until the Chair announces that public comment for that Consent Agenda/Public Hearing item is closed.
 - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
 - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
 - Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE**2. ORAL COMMUNICATIONS****A. Additions and Deletions to Agenda****B. Public Comments**

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

C. Commission Comments**D. Staff Comments****3. 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. 115 San Jose Avenue #19-0186 APN: 035-221-17&18**
REQUEST TO CONTINUE Master Use Permit including designated shared seating areas with onsite consumption of beer and wine for the Capitola Mercantile located within the C-V (Central Village) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Capitola Associates, LLC
 Representative: Dennis Norton, Filed: 04.19.2019

4. PUBLIC HEARINGS

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

- A. 1515 Prospect Avenue #19-0267 APN: 034-045-12**
 Design Permit for first- and second-story additions to a nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Peter Shamshoian
 Representative: Richard L. Emigh, Filed: 06.03.2019

B. 1601 41st Avenue #20-0105 APN: 034-151-20

Sign Permit for new wall signs for Outdoor Supply Hardware located within the C-C (Community Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Ow Family Trust DBA King's Plaza SC

Representative: Nathan Moreno – Ad Art Inc., Filed: 03.10.20

C. 1850 41st Avenue #20-0114 APN: 034-201-44

Conditional Use Permit Amendment for a retail cannabis business located within the C-C (Community Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: C. Richard Deane and Marilyn Ardis Deane Revocable Family Trust

Representative: Lara DeCaro, Filed: 03.13.2020

5. DIRECTOR'S REPORT

- A. Update on Community Development Department remote submittal of Planning and Building permits.

6. COMMISSION COMMUNICATIONS**7. ADJOURNMENT**

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: APRIL 2, 2020
SUBJECT: **115 San Jose Avenue #19-0186 APN: 035-221-17&18**

REQUEST TO CONTINUE Master Use Permit including designated shared seating areas with onsite consumption of beer and wine for the Capitola Mercantile located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Capitola Associates, LLC

Representative: Dennis Norton, Filed: 04.19.2019

RECOMMENDATION

Staff recommends the Planning Commission continue application #19-0186 to the May 7, 2020, Planning Commission meeting.

Prepared By: Sean Sesanto



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 2, 2020

SUBJECT: **1515 Prospect Avenue** **#19-0267** **APN: 034-045-12**

Design Permit for first- and second-story additions to a nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Shamshoian

Representative: Richard L. Emigh, Filed: 06.03.2019

APPLICANT PROPOSAL

The applicant is proposing 367-square-feet of first- and second-story additions to an existing 1,457-square-foot, two-story, nonconforming, single-family residence located at 1515 Prospect Avenue within the R-1 (Single-Family Residential) zoning district. The project requires approval of a design permit and minor encroachment permit. The application complies with all development standards of the R-1 zone.

BACKGROUND

On March 11, 2020, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: requested the designer direct additional drainage to the front of the property. Current design shows swales to the backyard. Mr. Mozumder requested the designer show the current drainage flow and how the proposed improvements will change/modify flow. He also informed the designer to verify the stormwater application calculations reflect the latest design. Mr. Mozumder clarified that a minor encroachment permit would be required as long as the proposed wall is not on public property.

Building Official, Robin Woodman: stated that the northern wall of the structure was within five feet of the property line and would be required to have a 1-hour fire resistant construction. She also explained that the openings on the northern wall could not exceed 25 percent of total wall area.

Local Architect, Frank Phanton: Appreciated the proposal in general and noted that the remodel gives consideration in respect to neighbor privacy to the sides. Mr. Phanton noted that the flat

roof and door-sized window on the rear of the structure appears designed for conversion into a future deck.

Assistant Planner, Sean Sesanto: informed the applicant that windows adjacent to the flat roof should be at least four feet from the finished floor to prevent use of the flat roof as a deck.

Following the Architectural and Site review meeting, the applicant submitted revised plans that raised the window adjacent to the flat roof four feet from finished floor.

R-1 (Single Family Residential) Zoning District

| Development Standards | | | | |
|--|--|---|--|--|
| Building Height | | | | |
| R-1 Regulation | Existing | | Proposed | |
| 25 ft. | 21 ft. 10 in. | | 24 ft. | |
| Floor Area Ratio (FAR) | | | | |
| | Existing | | Proposed | |
| Lot Size | 3,200 sq. ft. | | 3,200 sq. ft. | |
| Maximum Floor Area Ratio | 57% (Max 1,824 sq. ft.) | | 57% (Max 1,824 sq. ft.) | |
| First Story Floor Area | 720 sq. ft. | | 1,110 sq. ft. | |
| Second Story Floor Area | 887 sq. ft. | | 864 sq. ft. | |
| Deck Exception | -150 sq. ft. | | -150 sq. ft. | |
| TOTAL FAR | 45.6% (1,457 sq. ft.) | | 57% (1,824 sq. ft.) | |
| Yards (setbacks are measured from the edge of the public right-of-way) | | | | |
| | R-1 Regulation | Existing | Proposed | |
| Front Yard 1st Story | 15 ft. | 15 ft. | 15 ft. | |
| Front Yard 2nd Story & Garage | 20 ft. | 15 ft. (2 nd Story) 15 ft. (Garage) | 15 ft. (2 nd Story) 18 ft. (Garage) Existing Nonconforming | |
| Side Yard 1st Story | 10% lot width | Lot width: 40 ft. 4 ft. min. | 4 ft. (north side) 8 ft. (south side) | 4 ft. (north side) 6 ft. 4 in. (south side) |
| Side Yard 2nd Story | 15% of width | Lot width: 40 ft. 6 ft. min | 4 ft. (north side) 8 ft. (south side) | 4 ft. (north side) 7 ft. 10 in. (south side) Existing Nonconforming |
| Rear Yard 1st Story | 20% of lot depth | Lot depth: 80 ft. 16 ft. min. | 35 ft. | 21 ft. 4 in. |
| Rear Yard 2nd Story | 20% of lot depth | Lot depth: 80 ft. 16 ft. min. | 35 ft. | 35 ft. |
| Encroachments (list all) | 2 nd story and garage in front setback area, 2 nd story in north side setback area | | | |
| Parking | | | | |

| | Required | Existing | Proposed |
|---|--|--|--|
| Residential (from <u>1,501</u> up to <u>2,000</u> sq. ft.) | 2 spaces total 1 covered 1 uncovered | 2 spaces total 2 covered 0 uncovered | 2 spaces total 1 covered 1 uncovered |
| Garage & Access. Bldg. | Complies with Standards? | | List non-compliance |
| Garage | Yes | | |
| Underground Utilities: required with 25% increase in area | | | Required |

DISCUSSION

The existing residence at 1515 Prospect Avenue is a nonconforming, two-story, single-family residence. The lot is in the Jewel Box neighborhood and is surrounded by one- and two-story single-family homes.

The applicant is proposing 367-square-feet of first- and second-story additions that include a master bedroom and an extensive remodel. The proposed remodel will utilize stucco siding on the first and second story with a Spanish tile roof. The parking onsite is being modified from two covered spaces within the garage, to one space in the garage and one space on the driveway. The project includes a third off-site parking space in the public right-of-way along Prospect Avenue and new curb and gutter and driveway approach.

Nonconforming Structures

The existing structure is nonconforming. Second stories are required to have increased front yard and side yard setbacks. The second story of the existing structure encroaches into the required second-story setbacks in the front and side yards. Also, the garage encroaches into the front setback. Pursuant to §17.72.070, the applicant submitted the required nonconforming calculation, which demonstrates that the proposed alterations do not exceed 80 percent of the present fair market value of the structure, so the alterations are permissible.

Minor Encroachment Permit

Along this section of Prospect Avenue, there is an 11-foot-wide strip of unimproved right-of-way which residents are allowed to landscape and maintain. The application is proposing several improvements within the public right-of-way, including new curb and gutter, depressed driveway approach, landscaping, and two permeable paver strips for one new parking space. The Public Works Department has reviewed the plans and supports the proposed improvements with the issuance of a minor encroachment permit.

CEQA

Section 15301(e) of the CEQA Guidelines exempts the additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. This project involves 367-square-feet of additions to an existing 1,457-square-foot single-family residence within the R-1 (Single-Family Residence) zoning district that will increase the floor area by 25%. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission approve project application #19-0267 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of the construction of a 367-square-foot addition to an existing 1,457-square-foot single-family residence. The maximum Floor Area Ratio for

the 3,200 square-foot property is 57% (1,824 square feet). The total FAR of the project is 57% with a total of 1,824 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 2, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #19-0267 shall be paid in full.
8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

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

FINDINGS

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed remodel of an existing single-family residence complies with the development standards of the Single-Family Residential District.
- B. The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a remodel of an existing

single-family residence. The design of the remodel with stucco siding and new Spanish tile roof will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. This project involves a 367-square-foot addition within the R-1 (Single-Family Residence) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 1515 Prospect Avenue - Full Plan Set
2. 1515 Prospect Avenue - Construction Cost Breakdown

Prepared By: Matt Orbach
Associate Planner

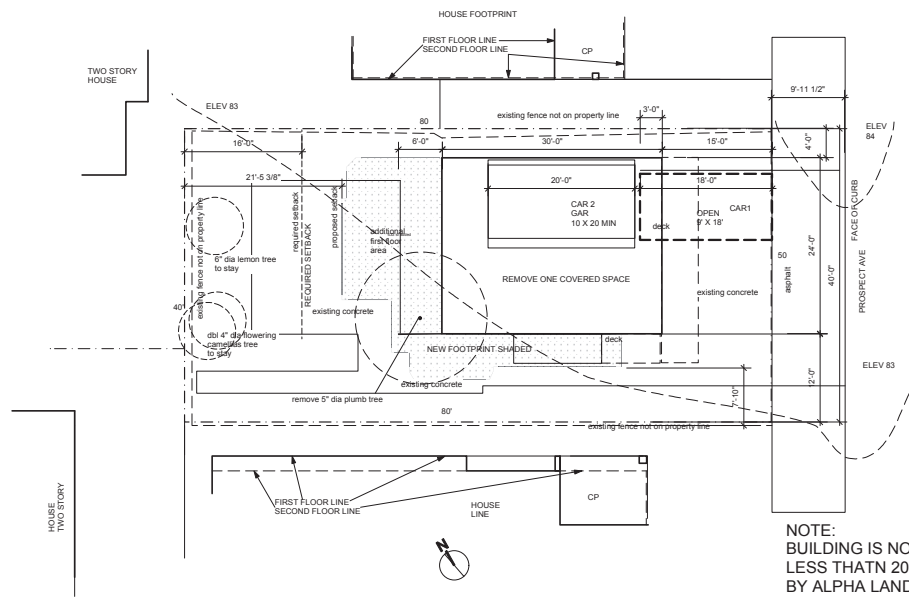
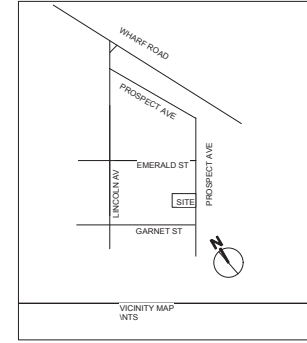
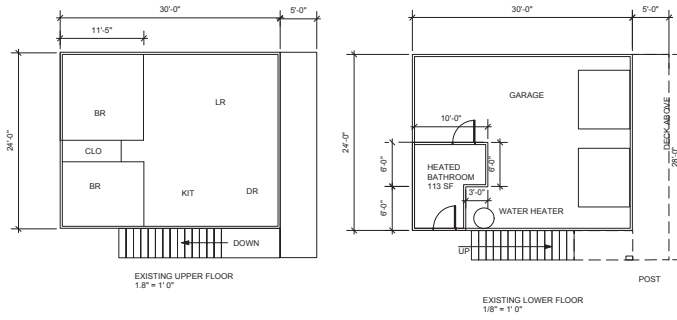
SEE SHEET L-1 FOR THE PRELIMINARY GRADING AND LANDSCAPE PLAN

THE STORM WATER BEST MANAGEMENT PRACTICES (STRM-BMP) SHALL BE PRINTED IN FULL AND INCORPORATED INTO THE CONSTRUCTION PLANS.

NOTE THIS INCLUDES DOWNSPOUTS TO SPLASH GUARDS, MOST DOWNSPOUTS TO LANDSCAPING AREAS, AND USE OF PERVIOUS PAVERS REPLACING SOME OF THE IMPERVIOUS AREAS IN THE FRONT YARD AND BACK YARD AREAS.

THE LOT SLOPES TO THE BACK FROM THE EXISTING GARAGE DOOR AREAS AND THE GRAVEL UNDER THE BACK PATIO PAVER AREA WILL ALLOW FOR RAIN WATER PERCOLATION ON THE LOT.

AS PROPOSED THERE IS A REDUCTION IN THE PERVIOUS SURFACE ON THE LOT.



BUILDING FAR = 1003 sf
 FIRST FLOOR = 636 sf
 SECOND FLOOR (stair area on first floor only) = 636 sf
 DECK AREA OVER 150 SF = 85 sf

LOT AREA 3200 SF
 FAR ALLOWED .57 = 1824 sf
 FAR PROPOSED = 1724 sf = .54
 IF COVERED PORCH OF 36 sf ON FIRST FLOOR IS ADDED PROPOSED = 1760 sf = .55

NOTE:
 BUILDING IS NON CONFLRMING ON FRONT LESS THAN 20 FEET BASED ON 8-16-19 SURVEY BY ALPHA LAND SURVEYS, INC

- LEGEND
- A-1 SITE AND EXISTING BLDG
 - A-2 POROSD FLOOR PLAN
 - A-3 ROOF PLAN
 - A-4 EXISTING ELEVATIONS
 - A-5 NEW ELEVATIONS
 - S-1 SURVEY 8/16/19
 - L-1 PRELIMINARY GRADING AND LANDSCAPE PLAN

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

Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)

RICHARD L. EMIGH
A.I.B.D.
DRAFTING, DESIGNING & LAND USE ANALYSIS
 413 Capitola Avenue
 Phone: 831-479-1452
 Capitola, CA 95010
 Fax: 831-479-1476



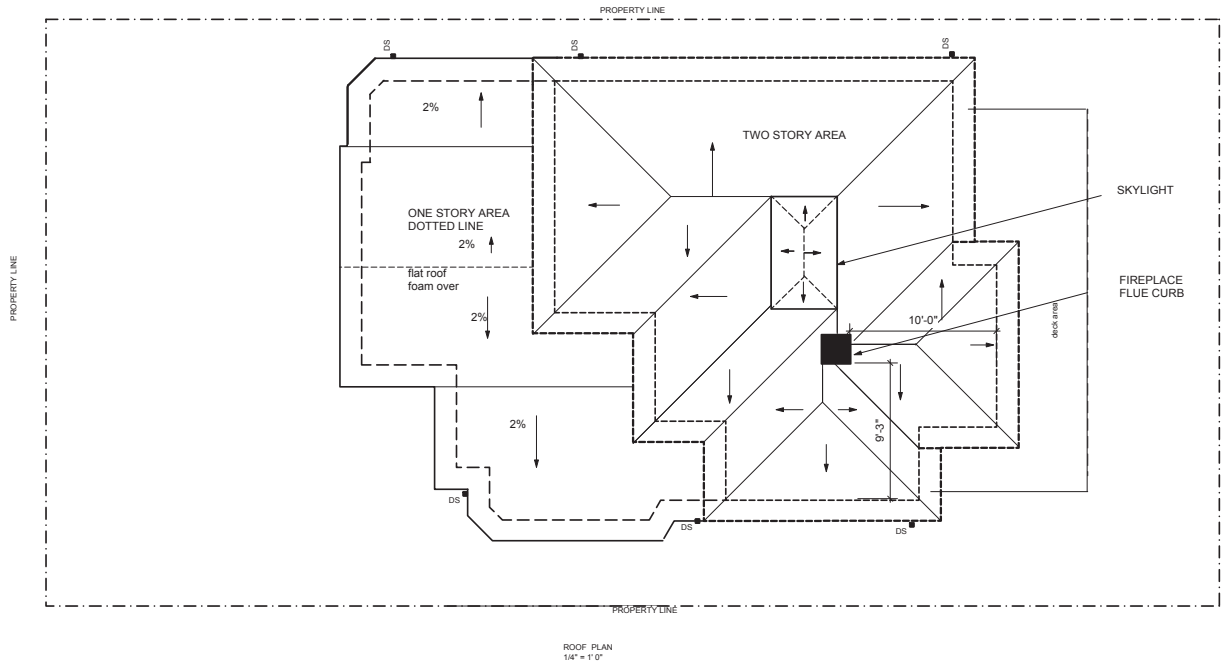
SITE PLAN

PHONE
 408-914-0404
 209 Loma Alta Ave.
 Los Gatos, CA 95030

Peter Shamsheian
 1515 Prospect, Capitola
 CA 95010

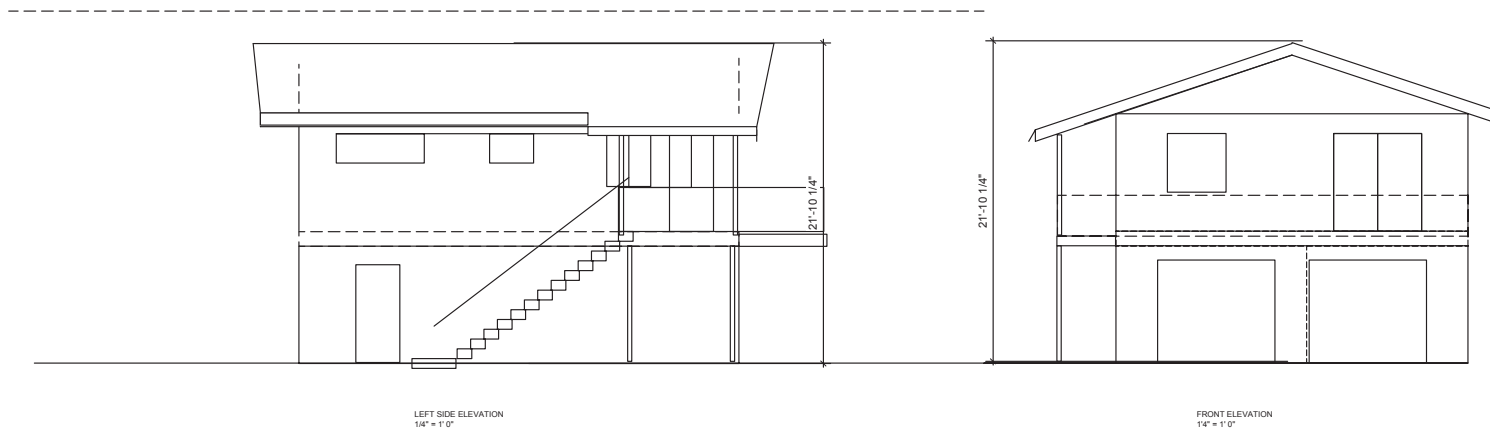
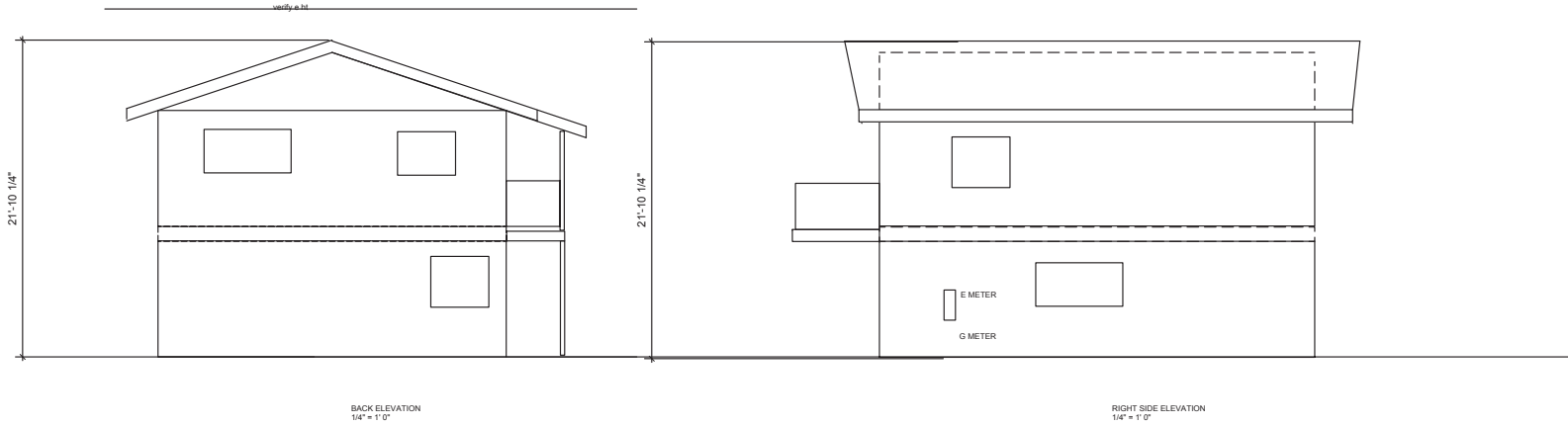
MPN 00320208
 by RLE: 03-11-19
 printed 04/18/21

SHEET
A-1
 SHEETS



Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)

| | | |
|---|--|--|
| <p>RICHARD L. EMIGH A.I.B.D. DRAFTING, DESIGNING & LAND USE ANALYSIS 413 Capitola Avenue Capitola, CA 95010 Phone: 831-479-1452 Fax: 831-479-1476</p> |  ROOF PLAN | PHONE 408-914-0404 209 Loma Alta Ave. Los Gatos, CA 95030 |
| Peter Shamshoian 1515 Prospect, Capitola CA 95010 | MPN 003/202/008 By A.B. 05-11-15 PROJECT 15151515 | A-3 SHEETS |



Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)



EXISTING ELEVATIONS

RICHARD L. EMIGH A.I.B.D.
 DRAFTING, DESIGNING & LAND USE ANALYSIS
 413 Capitola Avenue Capitola, CA 95010
 Phone: 831-479-1452 Fax: 831-479-1476

PHONE
 408-914-0404
 209 Loma Alta Ave.
 Los Gatos, CA 95030

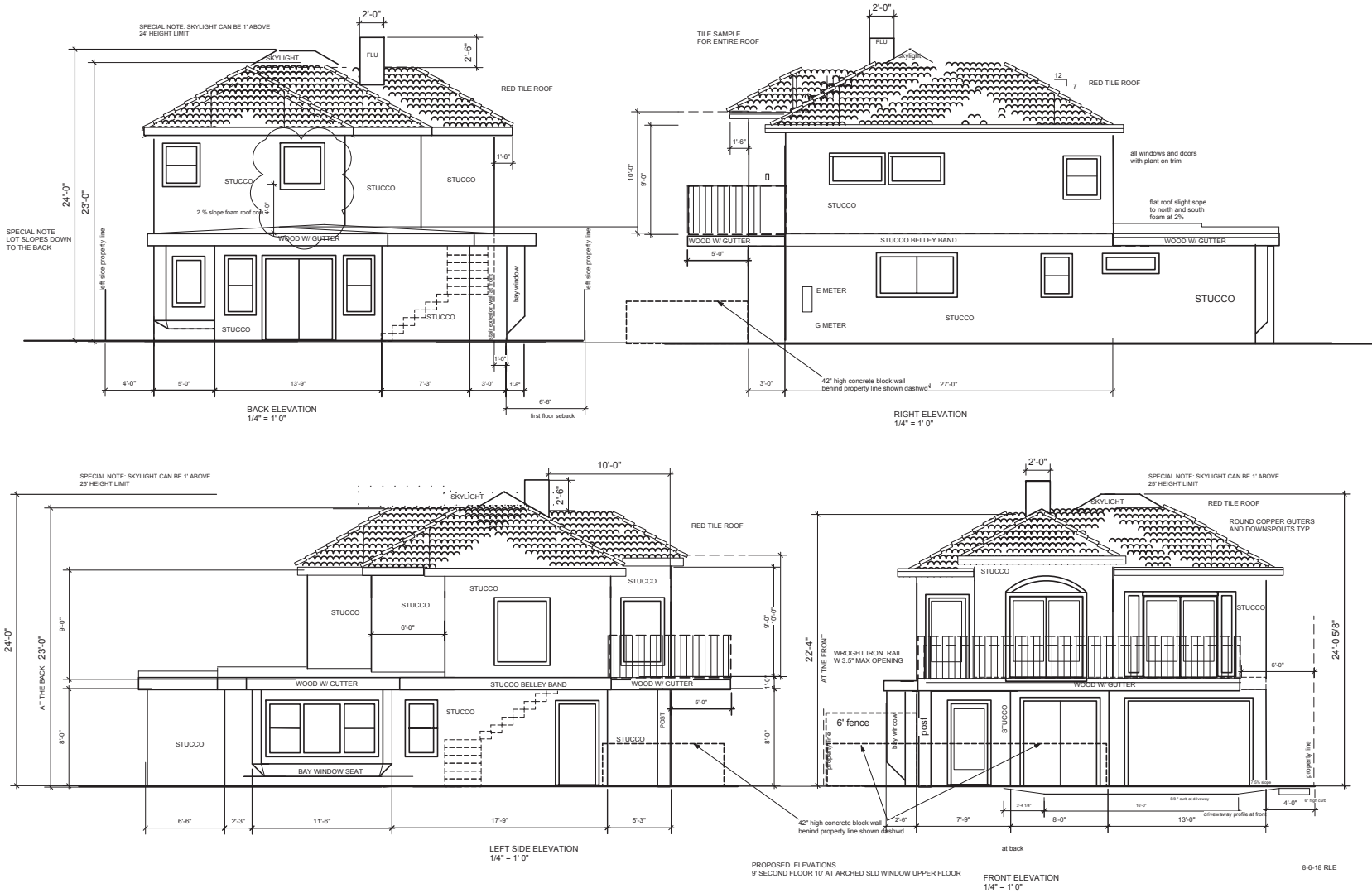
Peter Shamshoian
 1515 Prospect, Capitola
 CA 95010

APN: 003-002-008
 by A.B.S. 10-11-15
 printed 04/18/21

SHEET

A-4

SHEETS



Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)

RICHARD L. EMIGH
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DRAFTING, DESIGNING & LAND USE ANALYSIS
413 Capitola Avenue
Capitola, CA 95010
Phone: 831-479-1452
Fax: 831-479-1476

PROPOSED ELEVATIONS

PHONE
408-914-0404
209 Loma Alta Ave.
Los Gatos, CA 95030

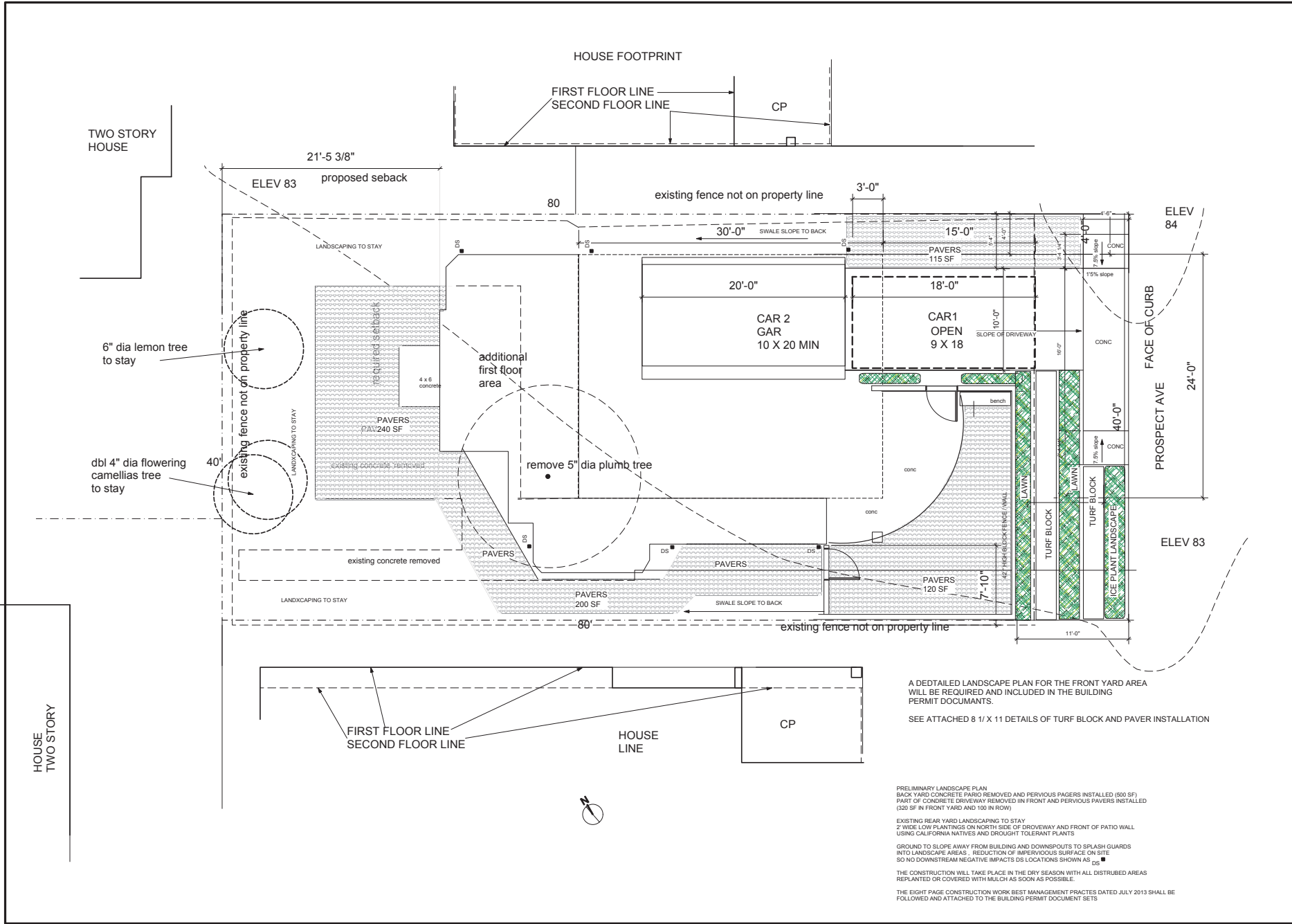
Peter Shamshoian
1515 Prospect, Capitola
CA 95010

MPN 003/20/2018
by RLE
DATE 04/10/18
PROJECT 151517

SHEET

A-5

SHEETS



A DETAILED LANDSCAPE PLAN FOR THE FRONT YARD AREA WILL BE REQUIRED AND INCLUDED IN THE BUILDING PERMIT DOCUMENTS.
SEE ATTACHED 8 1/1 X 11 DETAILS OF TURF BLOCK AND PAVER INSTALLATION

PRELIMINARY LANDSCAPE PLAN
BACK YARD CONCRETE PAVING REMOVED AND PERVIOUS PAVERS INSTALLED (500 SF)
PART OF CONCRETE DRIVEWAY REMOVED IN FRONT AND PERVIOUS PAVERS INSTALLED (200 SF IN FRONT YARD AND 100 IN ROW)

EXISTING REAR YARD LANDSCAPING TO STAY
2' WIDE LOW PLANTINGS ON NORTH SIDE OF DRIVEWAY AND FRONT OF PATIO WALL USING CALIFORNIA NATIVES AND DROUGHT TOLERANT PLANTS

GROUND TO SLOPE AWAY FROM BUILDING AND DOWNSPOUTS TO SPLASH GUARDS INTO LANDSCAPE AREAS. REDUCTION OF IMPERVIOUS SURFACE ON SITE SO NO DOWNSTREAM NEGATIVE IMPACTS DS LOCATIONS SHOWN AS DS

THE CONSTRUCTION WILL TAKE PLACE IN THE DRY SEASON WITH ALL DISTRIBUTED AREAS REPLANTED OR COVERED WITH MULCH AS SOON AS POSSIBLE.

THE EIGHT PAGE CONSTRUCTION WORK BEST MANAGEMENT PRACTICES DATED JULY 2013 SHALL BE FOLLOWED AND ATTACHED TO THE BUILDING PERMIT DOCUMENT SETS

Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)

RICHARD L. EMIGH A.I.B.D.
DRAFTING, DESIGNING & LAND USE ANALYSIS
413 Capitola Avenue Capitola, CA 95010
Phone: 831-479-1452 Fax: 831-479-1476

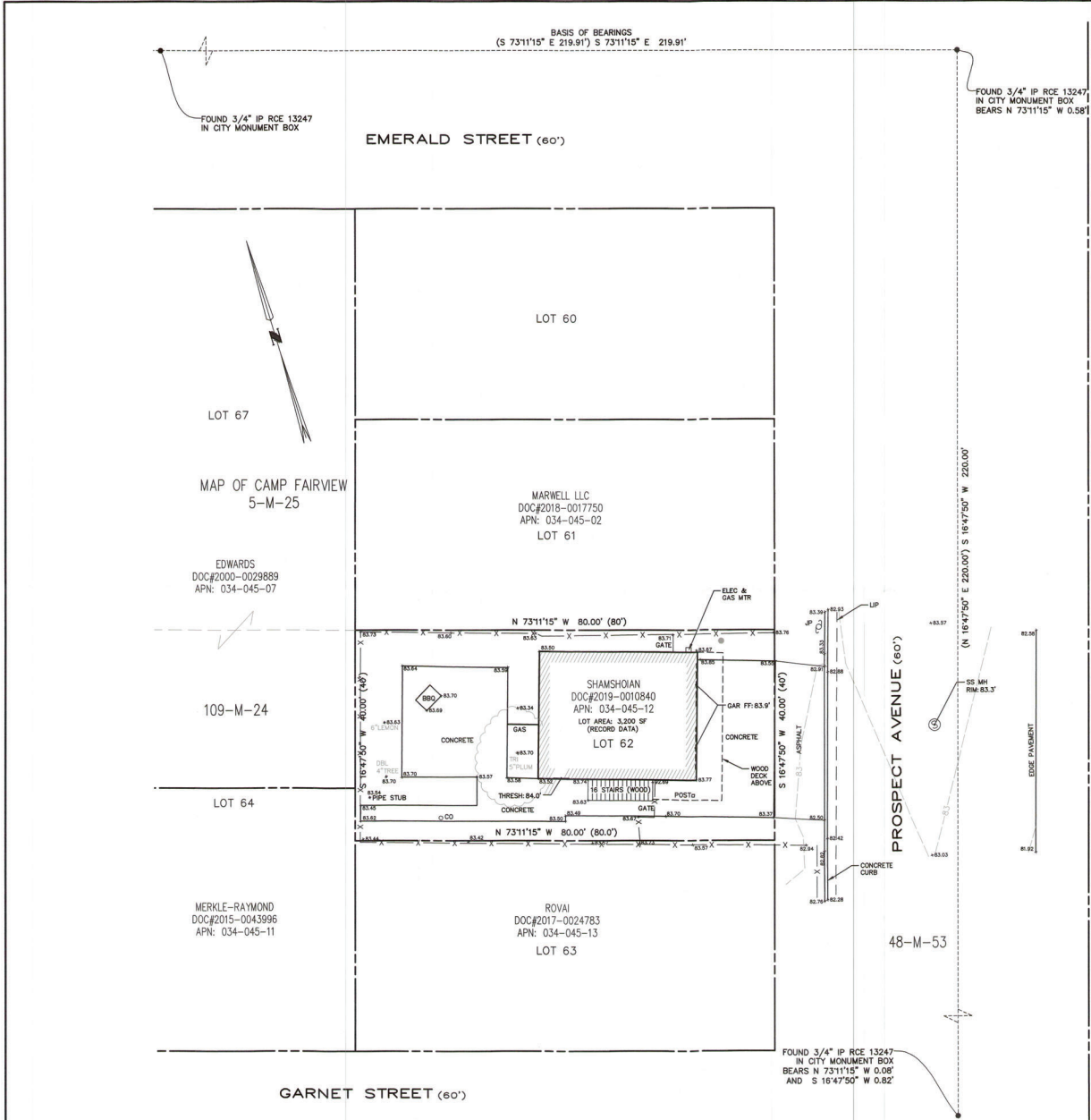
PRELIMINARY DRAINAGE & LANDSCAPE PLAN

PHONE 408-914-0404
209 Loma Alta Ave.
Los Gatos, CA 95030

Peter Shamshoian
1515 Prospect, Capitola
CA 95010

MPN 003/20/208
By A.S. 10/11/13
PROJECT 151517

SHEET
L-1
SHEETS



BASIS OF BEARINGS

BEARINGS FOR THIS SURVEY ARE BASED ON THE CENTERLINE OF EMERALD STREET AS SHOWN ON THAT MAP FILED IN VOLUME 109 OF MAPS, PAGE 24, SANTA CRUZ COUNTY RECORDS, AND WAS ESTABLISHED BETWEEN FOUND MONUMENTS AS SHOWN HEREON
SOUTH 73°11'15" EAST

BASIS OF ELEVATIONS

ELEVATIONS FOR THIS SURVEY ARE BASED ON THE COUNTY OF SANTA CRUZ BENCHMARK #61, LOCATED AT THE NORTHWEST INTERSECTION OF GARNET STREET AND PROSPECT AVENUE.
BENCHMARK ELEVATION = 86.05' (NAVD88)

UTILITY NOTE

UTILITIES SHOWN ON THIS MAP WERE DETERMINED FROM SURFACE EVIDENCE DURING A SURVEY BY ALPHA LAND SURVEYS IN JULY, 2019. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF THESE UTILITIES PRIOR TO CONSTRUCTION, AND TO NOTIFY THE PROJECT ENGINEER IN CASE OF CONFLICT.

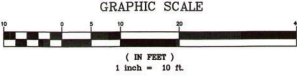
BOUNDARY NOTE

THIS IS A RECORD BOUNDARY SHOWN IS BASED ON FOUND MONUMENTS. A TITLE REPORT WAS NOT PROVIDED FOR THE PREPARATION OF THIS MAP. EASEMENTS SHOWN ARE PER RECORD DATA AS NOTED HEREON. PARCELS MAY BE SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD THAT ARE NOT SHOWN ON THIS MAP.

LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- CONTOUR INTERVAL, MAJOR
- CONTOUR INTERVAL, MINOR
- X - X - X - FENCE LINE
- MONUMENT LINE
- 100 DISTANCE MEASURED
- (100) RECORD DATA
- FOUND MONUMENT, AS NOTED
- TREE, AS NOTED
- +99.99 SPOT ELEVATION

CONTOUR INTERVAL = 1 FOOT
DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF



[Signature]
9-16-19

| | | |
|--|--|---|
| SANTA CRUZ COUNTY APN: 034-045-12 | | |
| ALPHA LAND SURVEYS, INC. | | |
| 4444 SCOTT'S VALLEY DR. #7 SCOTT'S VALLEY, CA 95066 (831) 438-4433 | P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4433 | TOPOGRAPHIC LANDS OF SHAMSHOIAN 1515 PROSPECT CAPITOLA, CA |
| 1" = 10' | DATE: 8/16/2019 | JOB#: 2019-0096 |

Attachment: 1515 Prospect Avenue - Full Plan Set (1515 Prospect Avenue)

CONSTRUCTION COST BREAKDOWN PER Section 17.72.070 for 1515 Prospect Ave.

Existing Building Costs:

| | | |
|---------------------|-----------------------------|---------------|
| Existing residence: | 833 square feet | |
| | @ \$200.00/square foot | \$ 166,600.00 |
| Existing Garage: | 607 square feet | |
| | @ \$90/ square foot | \$ 54,630.00 |
| Existing Deck: | 172 square foot | |
| | @ \$25 square foot | \$ 4300.00 |
| | Total Existing Value | \$ 225,530.00 |
| | 80% of Total Existing Value | \$ 180,424.00 |

New Construction Costs:

| | | |
|----------------------------------|-------------------------|-----------------|
| New conditioned space: | 505 square feet | |
| | @ \$200.00/ square foot | \$ 101,000.00 |
| New garage | 0 | |
| | @ \$90.00/square foot | n/a |
| New deck/porch | 32square feet | |
| | @ \$25.00/square foot | \$ 800.00 |
| Remodel conditioned space: | 637 square feet | |
| | @ \$100.00/square foot | \$ 63,700.00 |
| Remodel garage | 0 square feet | |
| | @ \$45.00/square foot | \$ n/a |
| Remodel deck | 0 | |
| | @ \$12.50/square foot | \$ n/a |
| Total Construction/Remodel Cost: | | \$165,500 (73%) |

Attachment: 1515 Prospect Avenue - Construction Cost Breakdown (1515 Prospect Avenue)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 2, 2020

SUBJECT: **1601 41st Avenue** **#20-0105** **APN: 034-151-20**

Sign Permit for new wall signs for Outdoor Supply Hardware located within the C-C (Community Commercial) zoning district.
 This project is not in the Coastal Zone.
 Environmental Determination: Categorical Exemption
 Property Owner: Ow Family Trust DBA King's Plaza SC
 Representative: Nathan Moreno – Ad Art Inc., Filed: 03.10.20

APPLICANT PROPOSAL

The applicant is proposing two wall signs for Outdoor Hardware Supply located at 1601 41st Avenue in the C-C (Community Commercial) zoning district. The proposed sign requires Planning Commission approval under the existing Master Sign Program.

BACKGROUND

On March 2, 2017, the Planning Commission approved permit #16-201 for a Master Sign Program for King's Plaza shopping center (Attachment 1).

The site was previously occupied by Orchard Supply Hardware and is now occupied by Outdoor Hardware Supply.

DISCUSSION

Outdoor Hardware Supply is located in the King's Plaza shopping center, near the corner of Capitola Road and 38th Avenue. The site is located within Capitola's 41st Avenue commercial corridor.

King's Plaza shopping center has a master sign program. All signs proposed for a property subject to an approved master sign program shall comply with the standard of the master sign program. The master sign program for King's Plaza requires Planning Commission approval for all signs over 70 square feet. There are two signs proposed for Outdoor Supply Hardware, one over the main entrance (Sign A) and one over the nursery entrance (Sign B). Sign A is 85 square feet, and therefore requires Planning Commission approval.

The following table includes the standards for Sign A and Sign B within the master sign program:

| |
|---|
| King's Plaza - Master Sign Program |
|---|

| Suite | Store Frontage | Max Sign Area | Max Sign Height | Max Letter Height | Max Logo Height |
|----------------|----------------|--------------------|---|------------------------|----------------------|
| Sign A | 150'-0" | 100 sq. ft. | 5'-6" | 5'-2" | 5'-2" |
| Sign B | 150'-0" | 70 sq. ft. | 5'-6" | 5'-2" | 5'-2" |
| Proposed Signs | | | | | |
| Suite | Store Frontage | Proposed Sign Area | Proposed Sign Height | Proposed Letter Height | Proposed Logo Height |
| Sign A | 150'-0" | 85 sq. ft. | Range 3'-3½" to 7'-6" Average 5'-4½" | 3'-5 ½" | N/A |
| Sign B | 150'-0" | 45.5 sq. ft. | 5'-6" | 1'-10 ¼" | N/A |

Wall Sign A – OSH Sign

Sign A complies with the master sign program as shown in the table above. The maximum sign area for the east frontage is 100 square feet. The proposed sign area is 85 square feet. The sign utilizes a painted aluminum background with acrylic lettering. The sign will be internally illuminated.

The sign is similar in size and theme to the original Orchard Supply Hardware sign, except that it has a hexagonal shape. The maximum sign height is five-feet, six-inches. Due to the unique shape of the sign, staff measured the height as average height, which is five feet two inches and in compliance with master sign program. If the Planning Commission does not agree with this methodology, the sign could be conditioned not to exceed five feet six inches.

Wall Sign B - Nursery Sign

The nursery sign shares the same style and shape as the primary wall sign. The sign utilizes a painted aluminum background with acrylic lettering. The sign will be internally illuminated. The maximum sign area for the south frontage is 70 square feet. The south-facing nursery sign has a sign area of 45.5 square feet. The maximum sign height is five-feet, six-inches. The proposed sign is five-feet, six-inches tall, which complies.

Tenant Signs

The application also includes a request for three double-sided tenant signs on three existing multi-tenant monument signs. The signs comply with the Master Sign Program and would otherwise be administratively approved.

1. Monument signs may have a maximum of six tenants on them.
Staff Analysis: No proposed sign would exceed the maximum number of tenants.
2. No tenant shall be on more than one monument sign on 41st Avenue.
Staff Analysis: Only one sign is proposed on 41st Avenue.
3. No tenant shall be on more than one monument sign on Capitola Road.
Staff Analysis: Only one sign is proposed on Capitola Road.
4. No tenant shall be on more than one monument sign on 38th Avenue.
Staff Analysis: Only one sign is proposed on 38th Avenue.
5. Monument signs shall use illumination within the lettering and logo only. The background must be solid and may not be illuminated.
Staff Analysis: All proposed tenant monument signs will have solid backgrounds with illuminated lettering only.

CEQA

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 two wall signs on a commercial property in the C-C (Community Commercial) zoning district. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission approve project application #20-0105 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of two wall signs for Outdoor Hardware Supply at 1601 41st Avenue in the C-C (Community Commercial) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 2, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. Any sign illumination must be screened from direct view, so that the illumination does not shine into adjacent property or distract motorists or pedestrians.
4. Wall signs shall use illumination within the lettering and logo only. The background must be solid and may not be illuminated.
5. All illumination must comply with the standards of the sign ordinance and municipal code. Animated signs and moving lights are prohibited. No sign shall have an intensity of more than fifty foot-candles as measured from the ground level.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, all Planning fees associated with permit #20-0105 shall be paid in full.
8. All signs on the property must comply with sign standards of the Capitola Zoning code. Prior to installation of the wall sign the non-compliant window signs on the site must be removed. Illegal signs that are not remedied in a timely manner may result in a citation and may remove or cause removal of the illegal signs.
9. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
10. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City.

Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends except for Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

11. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
12. This permit shall expire 2 years from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
13. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the sign application. The proposed wall signs complies with all applicable provisions of the zoning code, municipal code, and the King's Plaza Master Sign Program.

- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**

Community Development Staff and the Planning Commission have reviewed the sign application. The proposed wall signs comply with all applicable standards of Chapter 17.80.

- C. The proposed sign will not adversely impact the public health, safety, or general welfare.**

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.

- D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.

- E. The proposed signs are restrained in character and no larger than necessary for adequate identification.**

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the

architectural design of the buildings on the site.

F. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 of the CEQA Guidelines exempts minor alterations of existing public or private structures. This project involves two wall signs within the C-C (Community Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. King's Plaza - Master Sign Program
2. 1601 41st Avenue - Plan Set

Prepared By: Sean Sesanto

King's Plaza

Master Sign Program

Capitola, California USA

Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)

CREATED BY NORTHWEST SIGNS

April 5, 2017

Project File No:

Date of Approval:

INTRODUCTION

This Master Sign Program has been developed with the purpose of creating criteria that allows for creativity and varied use of sign designs. Use of established trademarks and logos are encouraged. This Master Sign Program is created for the mutual benefit of all tenants and the public, and there should be an element of continuity between the signs in the Master Sign Program. It is intended that signs should not be sterile or uninteresting. All new signs shall be consistent with this Master Sign Program. "Nothing in this Master Sign Plan shall limit non-sign improvements, including, but not limited to remodels, new construction, and/or murals."

CHAPTER ONE GUIDELINES FOR KING'S PLAZA TENANT BUILDING SIGNAGE

1. Each tenant shall be allowed a minimum of one sign over their primary storefront. End cap tenants in Suites A3, H, I, N, S, V, and the tenant in Suite Z shall be allowed a maximum of two signs.
2. The tenants in the shopping center shall be divided into the following categories:

 Inline Tenants: Suites A2, A3, B, I, J, M, N, O, P, Q, R*, S, V, W, X and Y.
 * Please note that Suite R is currently part of Suite T/U but if it is ever divided back in its own space it would be considered an Inline Tenant space.

 Sub Major Tenant: Suite A1

 Major Tenants: Suites C, D, E, F, K, L, R, T and U.

 Theater: Suites G and H.

 Restaurant Pad: Suite Z.
3. Maximum sign area, sign height, letter height and logo height for each suite is identified in table 1 **NOTE: The combined maximum height for letters in a single or double line sign shall not exceed the maximum letter height identified in table 1.**
4. In the event two adjacent inline tenant suites combine to form one space the tenant may combine the max sign area of the two suites.
5. New wall sign for a major tenant or theater site which is larger than 75 square feet shall require planning commission review and approval.
6. Maximum square footage of logo shall not exceed 25% of proposed sign area.
7. All colors and font styles shall be selected by tenant with landlord approval.
8. Wall signs shall use illumination within lettering and logo only. Backgrounds must be solid and may not be illuminated.
9. All illuminated signs shall bear UL labels. All such labels shall be in an inconspicuous location. All sign installation(s) shall comply with all local building and electrical codes.
10. All conductors, transformers, mounting hardware, wiring and other equipment shall be concealed from public view.

11. All tenant signage will be connected to tenant's electrical system and be controlled by lighting controls furnished by tenant. All signs shall be lighted during hours designated by the landlord.
12. All penetrations into building and/or roof required for installation of sign shall be sealed in a water tight condition by the roofing contractor, patched as required and painted to match adjacent finish.
13. All work shall be of an acceptable level of quality and performed by a licensed contractor. Landlord reserves the right to reject any work determined to be of insufficient quality.
14. Tenants may be asked by landlord to remove, replace or repair signs in the event that they do not properly illuminate, are damaged, aged or discolored. Tenants shall have (7) seven days to prove such corrections are being made.
15. All permitted signage in the shopping center as of the date of the approval of this Master Sign Program shall be legal and allowable. New Tenants in the shopping center shall be allowed to (1) use existing signage style that includes new tenant's business name and/or logo, or (2) install new signage consistent with this Master Sign Program.
16. In the event two adjacent inline tenant suites combine to form one space the tenant may combine the max sign area of the two suites.
17. New wall sign for a major tenant or theater site which is larger than 75 square feet shall require planning commission review and approval.

CHAPTER TWO RESTRICTIONS & SUBMITTALS FOR KING'S PLAZA TENANT BUILDING SIGNAGE**All tenants are subject to the following:**

1. No animated, revolving, flashing, audible, offensive or side walk signs shall be allowed.
2. Tenant will be required to remove any sign that does not meet landlord approval or is not approved within the Master Sign Program. Such signs will be removed immediately.

3. Tenants shall submit (2) two copies of shop drawings to landlord of all proposed signage, showing colors, locations, materials, electrical and attachment details. Upon receipt of approval from landlord, tenant (or their authorized agent) shall make all necessary submittals to city agencies and are responsible for obtaining necessary permits. No sign shall be installed until all necessary permits have been obtained.
4. Any new projecting/hanging signs shall be installed with a minimum of 8'-0" overhead clearance.

CHAPTER THREE GUIDELINES FOR KING'S PLAZA MONUMENT SIGNAGE

1. The existing theater marquee sign near Capitola Road is allowed and change to text of the sign shall be permitted
2. Shopping center owner shall be allowed to install (8) eight freestanding, double sided, internally illuminated, multi-tenant monument signs throughout the perimeter of King's Plaza, as shown on attached site plan and exhibits B, C, and E and as described in Guidelines 3-5 of this chapter.
3. Shopping center owner shall be allowed to install (4) four new monument signs near 41st Avenue. These signs, including the bases and artistic features, shall be a maximum 8'-0" tall and 6'-3" wide. The monument signs may have a maximum of six tenants on them. If landlord so chooses two tenant spaces on each monument sign may be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on 41st Avenue. See Exhibit B & E. The existing wooden monument sign near 41st Avenue that currently has signage for Lucky and Rite Aid must be removed prior to the installation of the fourth (northernmost) monument sign along 41st Ave.
4. Shopping center owner shall be allowed to install (2) two new monument signs near Capitola Road. These signs, including the bases and artistic features, may be a maximum 8'-0" tall and 6'-3" wide. The monument signs may have a maximum of six tenants on them. If landlord so chooses two tenant spaces on each monument sign shall be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on Capitola Road. See Exhibit B.
5. Shopping center owner shall be allowed to install (2) two new monument signs near 38th Avenue. These signs, including the bases and artistic features, shall be a maximum 5'-0" tall and 7'-0" wide. These signs shall have either (4) four or (6) six tenant panels on each side. If landlord so chooses two tenant spaces on each monument sign may be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on 38th Avenue. See Exhibit C.
6. Shopping center owner shall be allowed to install (3) three freestanding, double sided, internally illuminated, multi-tenant directional signs within King's Plaza, as shown on attached site plan. Also see Exhibit D.
7. No temporary signs or sandwich board signs will be allowed.
8. Monument signs shall use illumination within the lettering and logo only. The background must be solid and may not be illuminated.
9. Monument signs may list a maximum of six tenants. No tenant sign may be located on more than one monument sign per street frontage.

INLINE TENANT BUILDING SIGN TABLE 1

| SUITE | STORE FRONTAGE | MAX SIGN AREA | MAX SIGN HEIGHT | MAX LETTER HEIGHT | MAX LOGO HEIGHT |
|----------|----------------|---------------|-----------------|-------------------|-----------------|
| A-2 | 45'-0" | 72 □ | 3'-0" | 2'-6" | 2'-6" |
| A3-EAST | 35'-0" | 72 □ | 3'-0" | 2'-6" | 2'-6" |
| A3-NORTH | 44'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| B | 39'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| I-EAST | 31'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| I-SOUTH | 100'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| J | 30'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| M | 30'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| N-NORTH | 100'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| N-EAST | 31'-0" | 30 □ | 2'-6" | 2'-2" | 2'-2" |
| O | 48'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| P | 20'-0" | 25 □ | 2'-6" | 2'-2" | 2'-2" |
| Q | 19'-0" | 25 □ | 2'-6" | 2'-2" | 2'-2" |
| R | 60'-0" | 60 □ | 2'-6" | 2'-2" | 2'-2" |
| S-SOUTH | 22'-0" | 25 □ | 2'-6" | 2'-2" | 2'-2" |
| S-EAST | 36'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| V-EAST | 36'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| V-NORTH | 40'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| W | 40'-0" | 40 □ | 2'-6" | 2'-2" | 2'-2" |
| X / Y | 90'-0" | 90 □ | 2'-6" | 2'-2" | 2'-2" |

SUB MAJOR TENANT BUILDING SIGN TABLE

| SUITE | STORE FRONTAGE | MAX SIGN AREA | MAX SIGN HEIGHT | MAX LETTER HEIGHT | MAX LOGO HEIGHT |
|-------|----------------|---------------|-----------------|-------------------|-----------------|
| A-1 | 80'-0" | 72 □ | 3'-0" | 2'-6" | 2'-6" |

MAJOR TENANT BUILDING SIGN TABLE

| SUITE | STORE FRONTAGE | MAX SIGN AREA | MAX SIGN HEIGHT | MAX LETTER HEIGHT | MAX LOGO HEIGHT |
|-----------------|----------------|---------------|-----------------|-------------------|-----------------|
| C / D | 148'-0" | 148 □ * | 5'-6" | 5'-2" | 5'-2" |
| E / F | 170'-0" | 170 □ * | 5'-6" | 5'-2" | 5'-2" |
| K / L | 120'-0" | 120 □ * | 5'-6" | 5'-2" | 5'-2" |
| R / T / U east | 150'-0" | 100 □ * | 5'-6" | 5'-2" | 5'-2" |
| R / T / U south | 150'-0" | 70 □ | 5'-6" | 5'-2" | 5'-2" |

THEATER TENANT BUILDING SIGN TABLE

| SUITE | STORE FRONTAGE | MAX SIGN AREA | MAX SIGN HEIGHT | MAX LETTER HEIGHT | MAX LOGO HEIGHT |
|-------|----------------|---------------|-----------------|-------------------|-----------------|
| G / H | 130'-0" | 130 □ * | 6'-6" | 6'-2" | 6'-2" |

THEATER ALSO ALLOWED ONE 14'-6" X 50'-0" THEATER MARQUEE

RESTAURANT TENANT BUILDING SIGN TABLE

| | SUITE | STORE FRONTAGE | MAX SIGN AREA | MAX SIGN HEIGHT | MAX LETTER HEIGHT | MAX LOGO HEIGHT |
|------------|-------------|----------------|---------------|-----------------|-------------------|-----------------|
| OPTION ONE | Z-NORTH | 70'-0" | 35 □ | 4'-3" | 4'-0" | 4'-0" |
| | Z-EAST | 70'-0" | 35 □ | 4'-3" | 4'-0" | 4'-0" |
| OPTION TWO | Z-41st Ave. | 70'-0" | 70 □ | 5'-0" | 4'-8" | 4'-8" |

4-5-17

* New wall sign for a major tenant or theater site which is larger than 75 square feet shall require Planning Commission approval

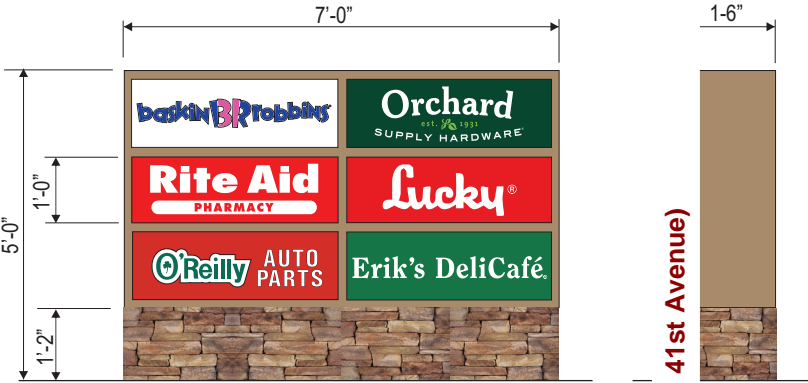
Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)

EXHIBIT A



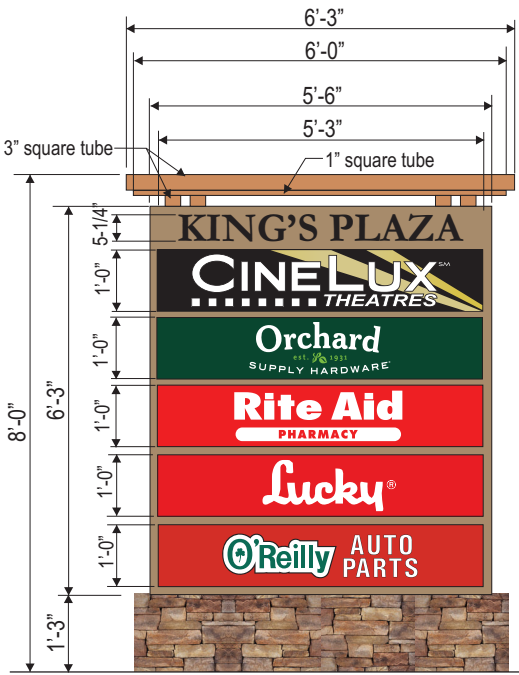
Typical Shop Tenant Sign 1/2"=1'-0"

single face internally illuminated sign with routed aluminum pan face-backed with acrylic plastic and vinyl overlay. All backgrounds must be solid and may not be illuminated. Illumination of lettering and logo only.



Typical free standing signs-38th Avenue 1/2"=1'-0"

Double sided internally illuminated multi tenant monument sign panels with vinyl overlay, fabricated aluminum cabinet and faux stone base. All backgrounds must be solid and may not be illuminated. Illumination of lettering and logo only.

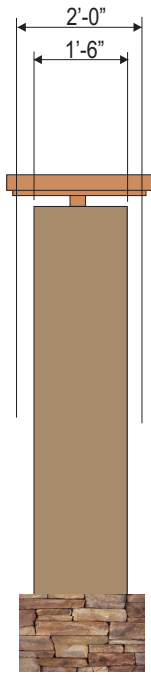


Typical free standing signs-41st Ave. & Capitola Road 1/2"=1'-0"

Double sided internally illuminated multi tenant monument sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum roof and faux stone base. All backgrounds must be solid and may not be illuminated. Illumination of lettering and logo only.

4-5-17

EXHIBIT B

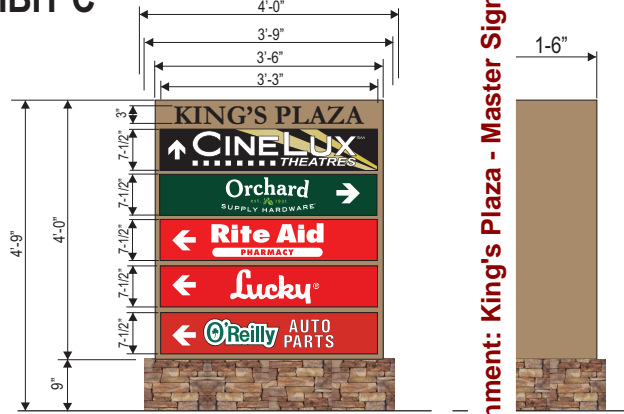


Free standing sign-41st Ave. monument A 1/2"=1'-0"

Double sided internally illuminated multi tenant monument sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum roof and faux stone base. All backgrounds must be solid and may not be illuminated. Illumination of lettering and logo only.

EXHIBIT E

EXHIBIT C

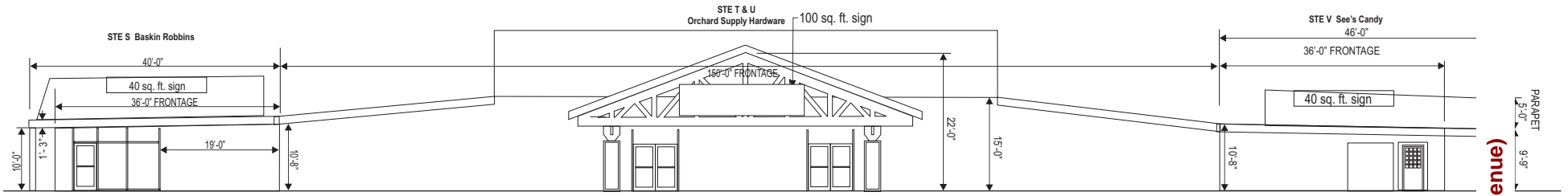


Directional Sign

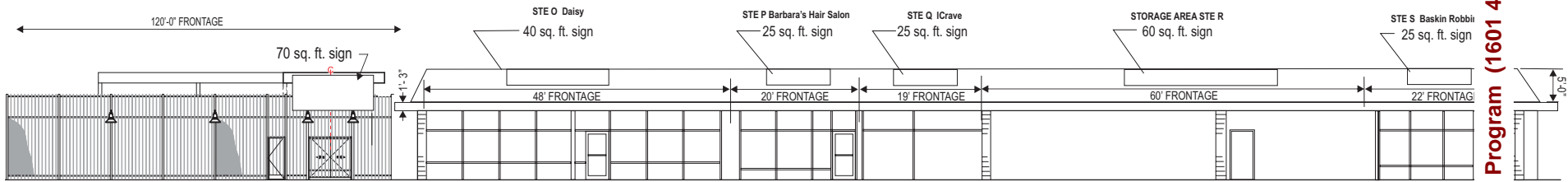
Double sided internally illuminated multi tenant directional sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum cabinet and faux stone base. All backgrounds must be solid and may not be illuminated. Illumination of lettering and logo only.

EXHIBIT D

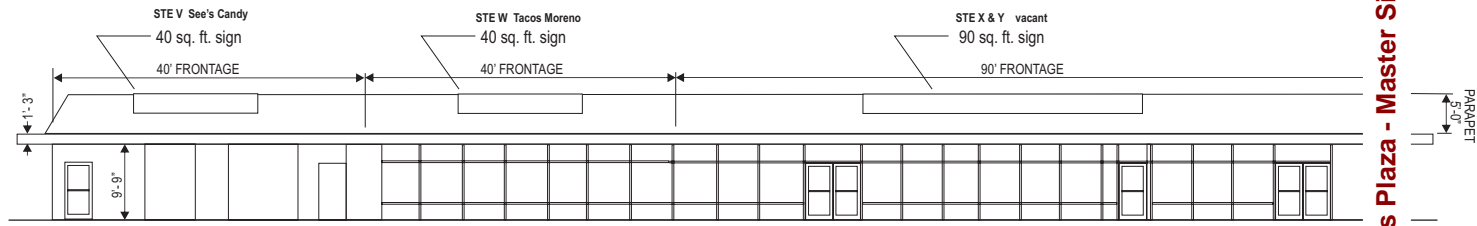
King's Plaza page 5 of 9



East Elevation 1/16"=1'-0"

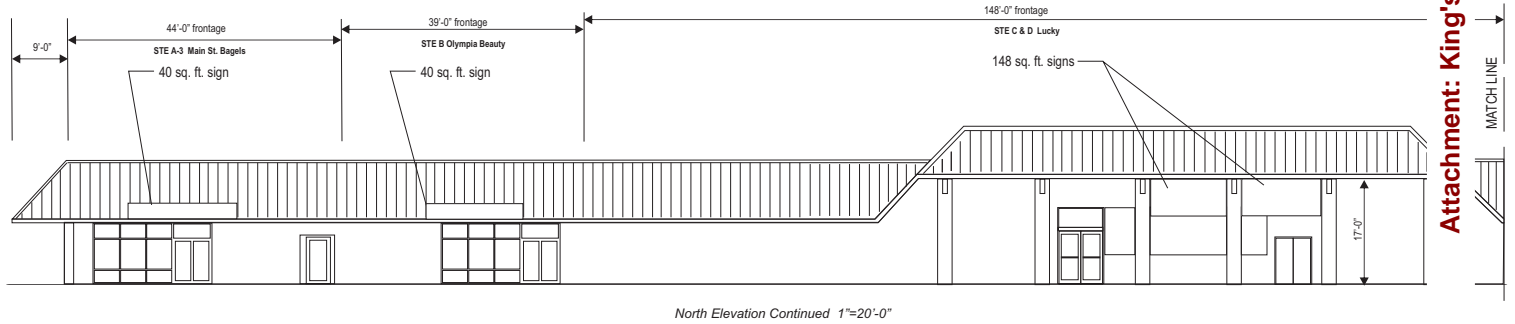
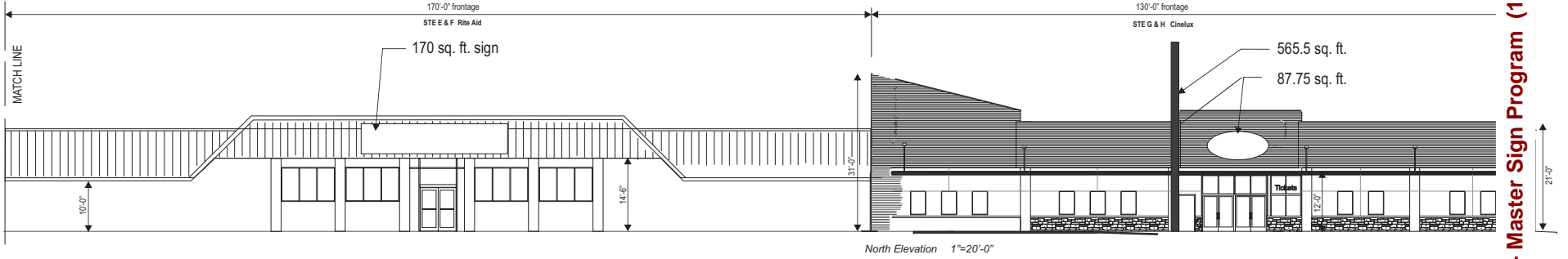
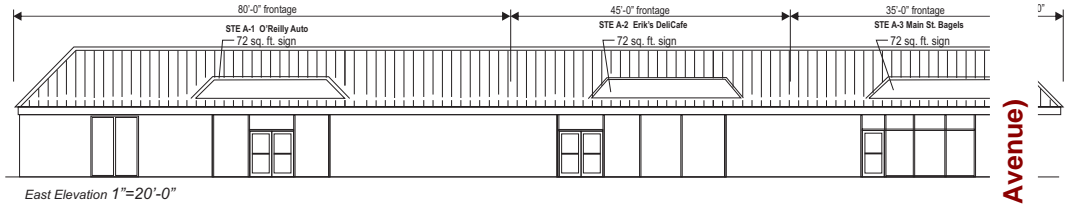


South Elevation 1/16"=1'-0"

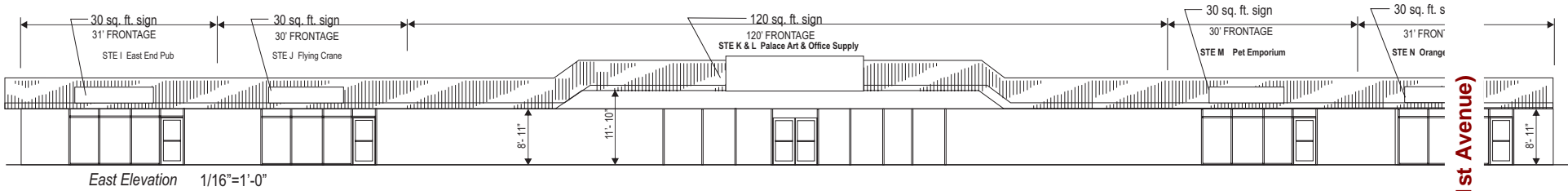


North Elevation 1/16"=1'-0"

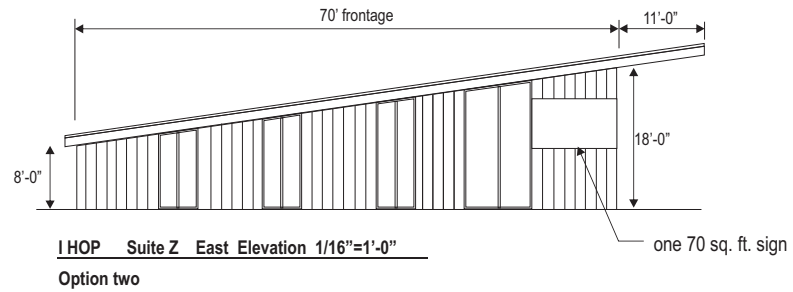
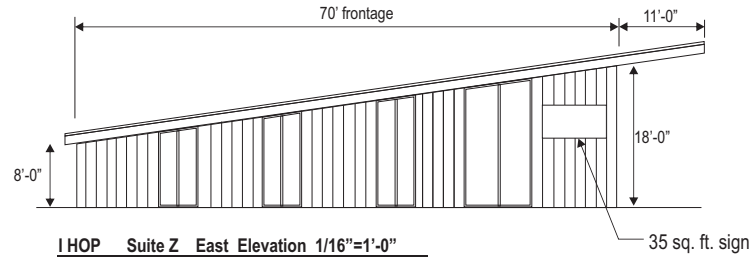
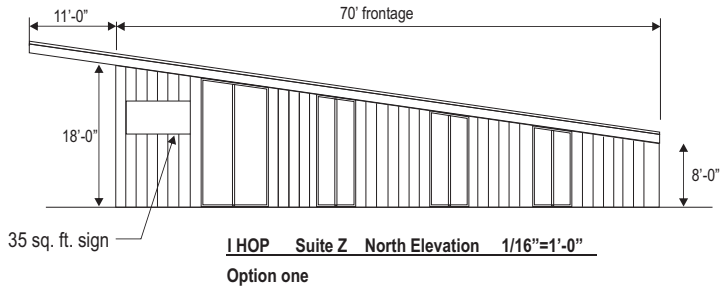
Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)



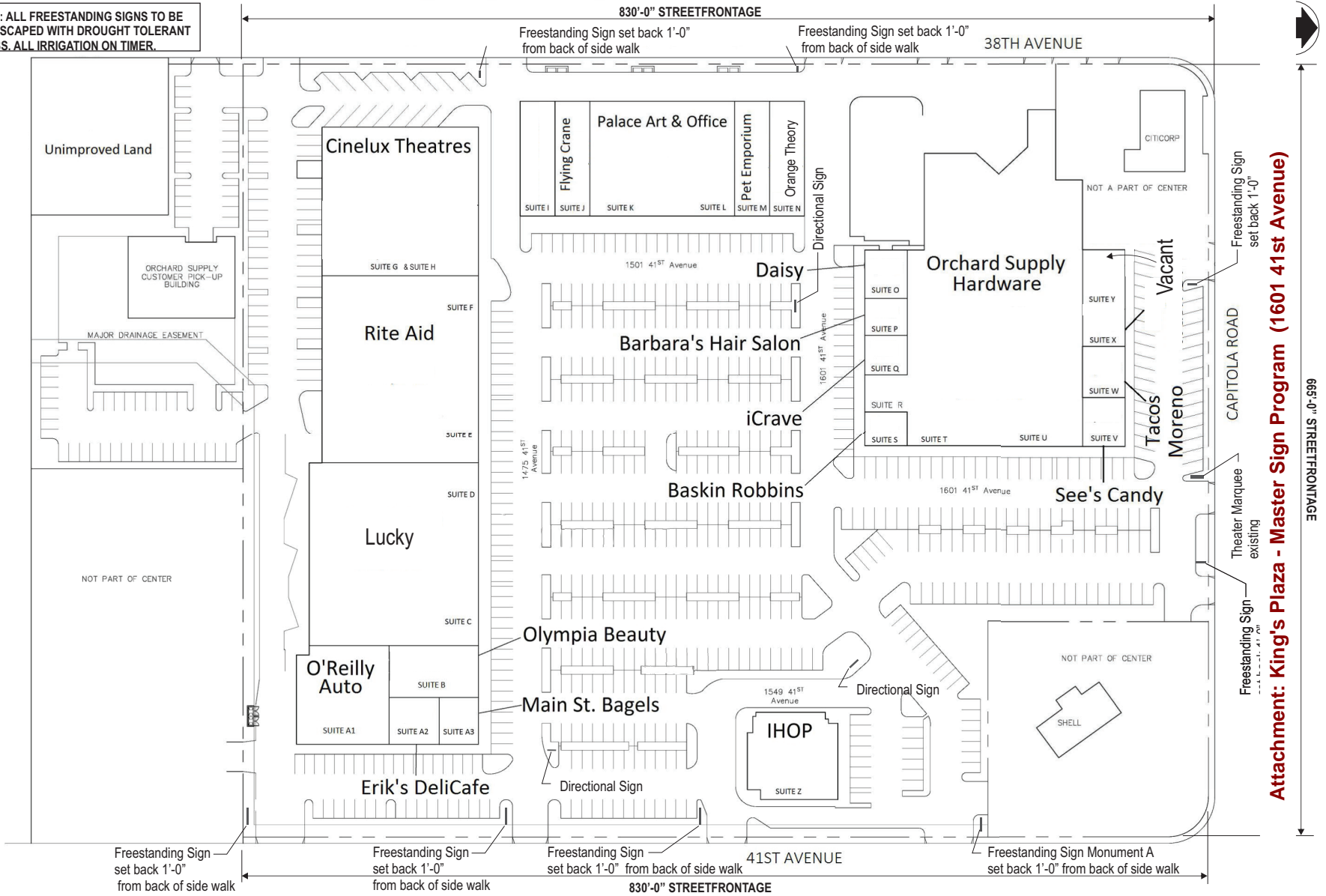
Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)



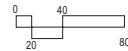
Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)

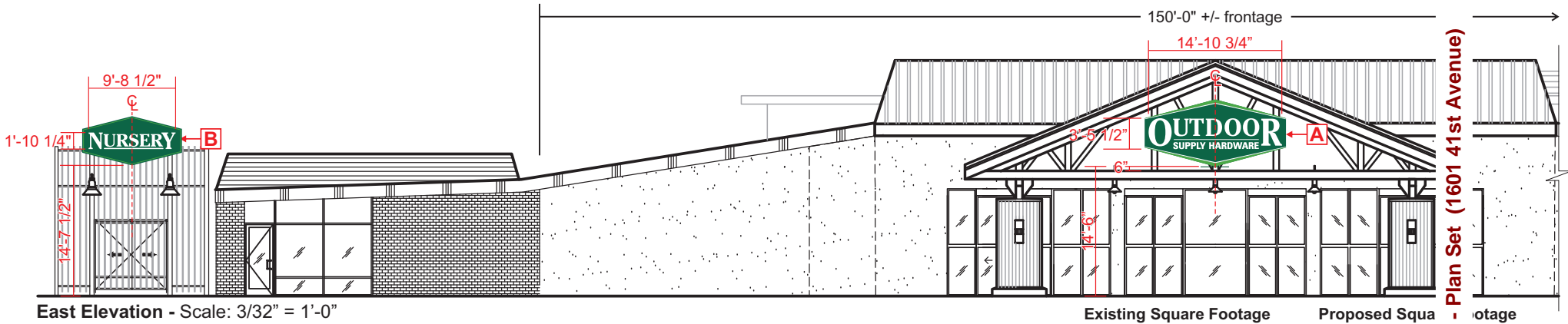


NOTE: ALL FREESTANDING SIGNS TO BE LANDSCAPED WITH DROUGHT TOLERANT GRASS. ALL IRRIGATION ON TIMER.



Attachment: King's Plaza - Master Sign Program (1601 41st Avenue)





East Elevation - Scale: 3/32" = 1'-0"

Existing Square Footage
 Sign A: 74.13 sq. ft.
 Sign B: 18.58 sq. ft.
 Total = 92.71 sq. ft.

Proposed Square Footage
 Sign A: 51.51 sq. ft.
 Sign B: 18.00 sq. ft.
 Total = 69.51 sq. ft.

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

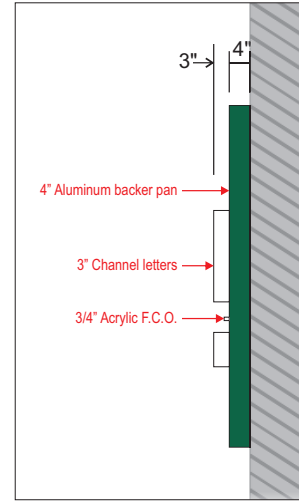
ADART 5090 N. FRUIT AVE./SUITE 101
 FRESNO, CA 93711
 T 559.225.2183
 CA STATE CONTRACTORS LICENSE #826051 www.adart.com

| REVISION | DATE | DESCRIPTION | APPROVALS |
|--|---------|-------------------------------|--|
| 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| 5 | 2/18/20 | Add shop drawings | |
| 6 | 2/26/20 | Change sign C to Outdoor logo | |
| 7 | 2/26/20 | Updated shop drawings | |
| 8 | 3/2/20 | Remove rear sign | |
| 9 | 3/4/20 | Add freestanding signs | |
| PROJECT: _____ CUSTOMER: Outdoor Supply Hardware LOCATION: 1601 41st Street - Capitola, CA DATE: 7/5/2019 SALES: David Easton DESIGNER: James Franks SERVER: S:\Outdoor Supply Hardware\Capitola, CA\pdf | | | |

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SHEET
1 of 11
 SO# A37182



Side View - Scale: NTS

A BUILDING SIGN SPECIFICATIONS Scale: 3/8" = 1'-0"

Manufacture and install one (1) new building sign with channel letters.

| Description | Specification/Material | Finish | Color |
|-------------|------------------------|---------------------------|--|
| background | Face | .125" Aluminum | Painted (satin) Dark Green PMS 3425 C Light Green PMS 369 C White |
| | Returns | .125" Aluminum | Painted (satin) Dark Green PMS 3425 C |
| | Back | .125 Aluminum | Painted (satin) Dark Green PMS 3425 C |
| Spacers | 3/4" Plates | Painted (satin) | Dark Green PMS 3425 C |
| letters | Face | 3/16" White Acrylic | N/A White |
| | Returns | .063 aluminum | Painted (satin) White |
| | Trimcap | 3/4" trimcap | Painted (satin) White |
| | Illumination | LED | White |
| | Underscore | 3/4" White acrylic F.C.O. | Painted (satin) White |

Sign A: 51.51 sq. ft.

- NOTES:**
 *Back of sign to be finished as it will be visible.
 *Multi tap power supplied required.

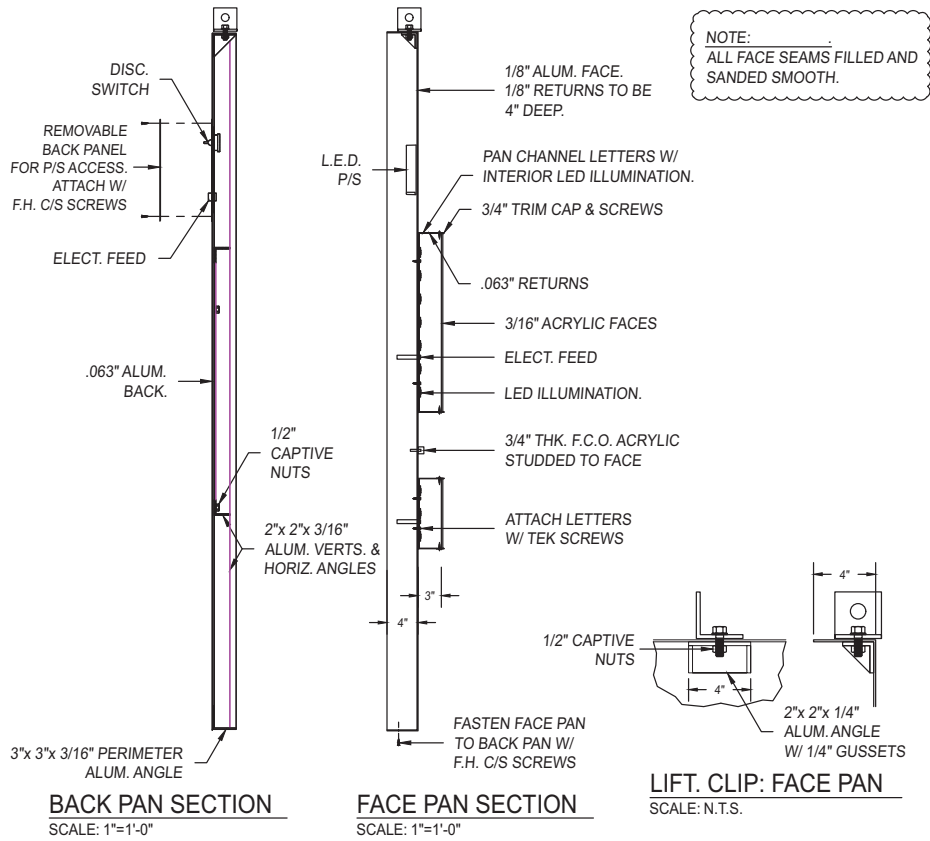


Night View

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|---|----------|---------|-------------------------------|---|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Easton | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola, CA\pdf | 9 | 3/4/20 | Add freestanding signs | |
| | | | | |
| | | | | |
| | | | | |

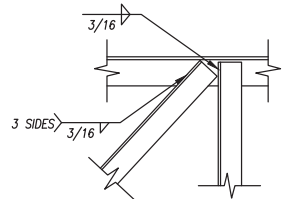
CONCEPTUAL DRAWINGS ONLY:
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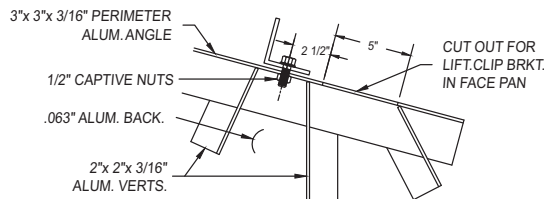
BACK PAN SECTION
SCALE: 1"=1'-0"

FACE PAN SECTION
SCALE: 1"=1'-0"

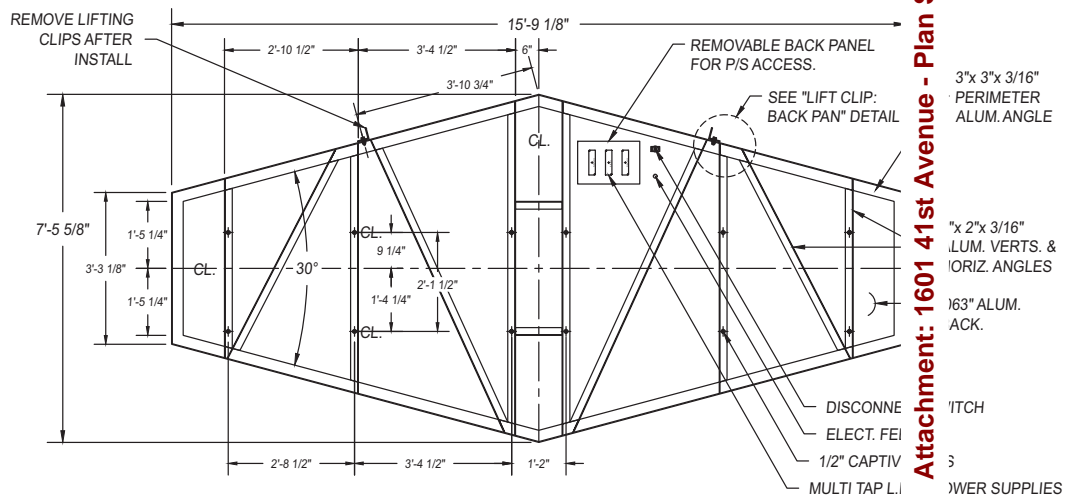
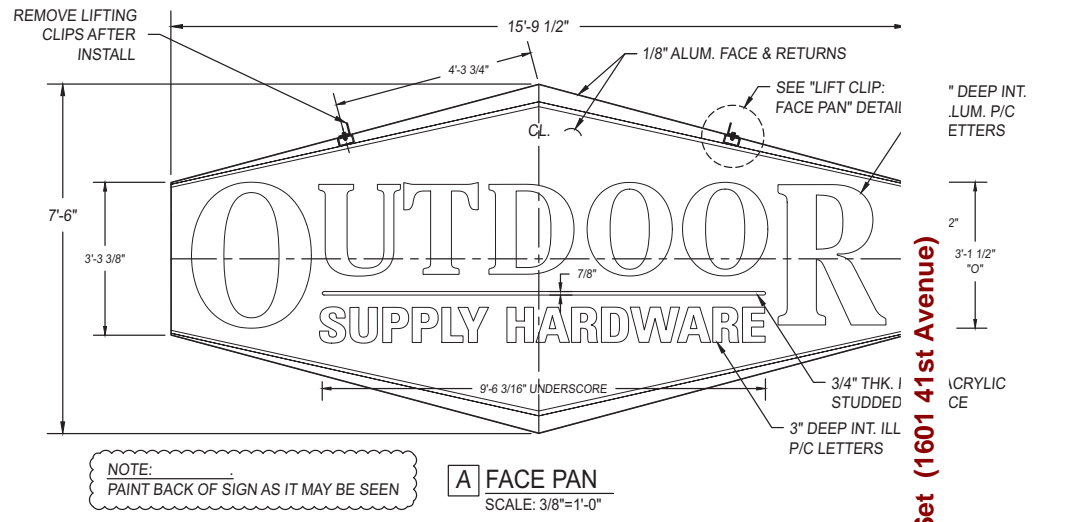
LIFT. CLIP: FACE PAN
SCALE: N.T.S.



TYP. FRAME CONNECTION
SCALE: N.T.S.



LIFT. CLIP: BACK PAN
SCALE: N.T.S.



A BACK PAN
SCALE: 3/8"=1'-0"

NOTE: ALL GR... WITH ALL INT FLEX
(1) 20 AMP 120 V
E CONNECTIONS TO BE SEEN MACHINE SCREW. RING TO BE IN 1/2"
DICATIONED CIRCUIT

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

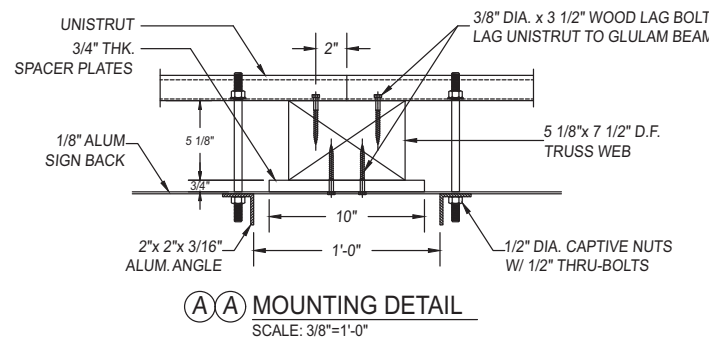
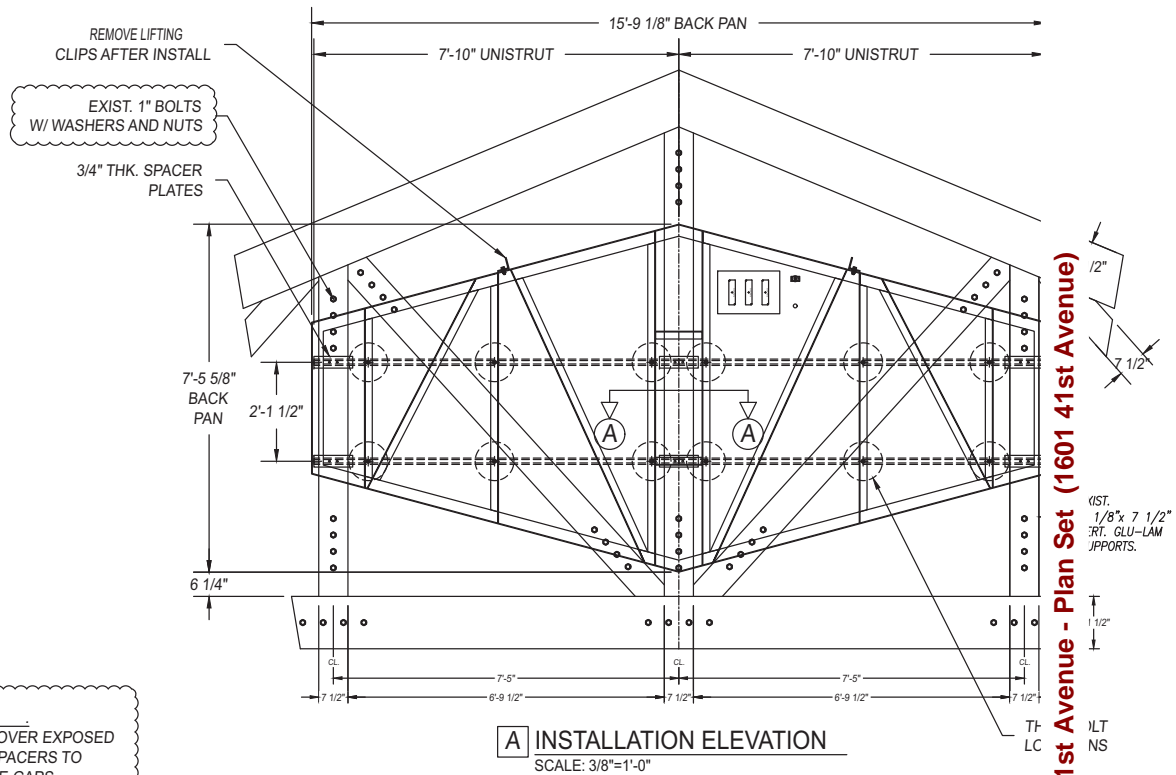
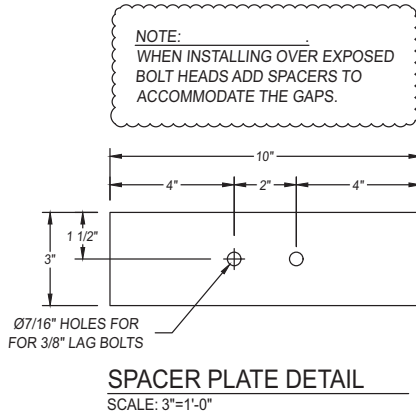
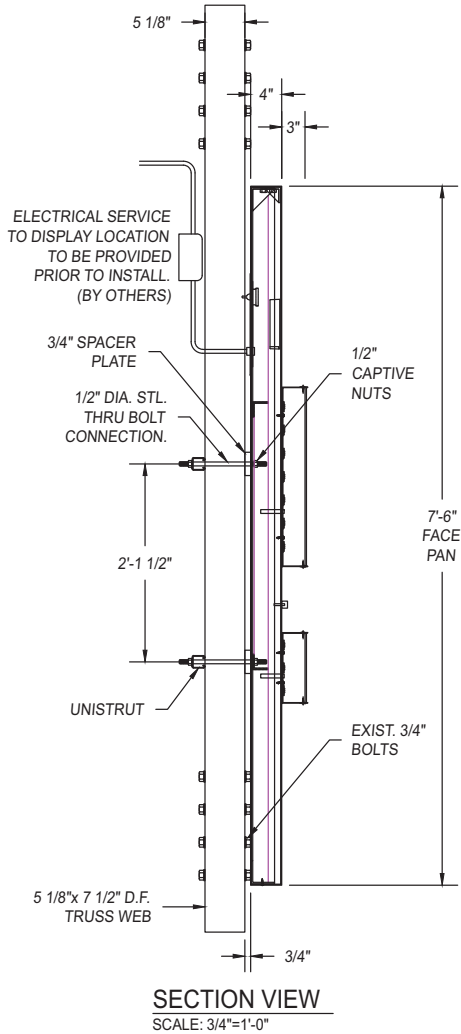
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FRESNO, CA 93711
T 559.225.2183
CA STATE CONTRACTORS LICENSE #826051 www.adart.com

| REVISION | DATE | DESCRIPTION |
|----------|---------|-------------------------------|
| 4 | 2/12/20 | Update artwork |
| 5 | 2/18/20 | Add shop drawings |
| 6 | 2/26/20 | Change sign C to Outdoor logo |
| 7 | 2/26/20 | Updated shop drawings |
| 8 | 3/2/20 | Remove rear sign |
| 9 | 3/4/20 | Add freestanding signs |

| APPROVALS |
|-----------------|
| SALES: _____ |
| CUSTOMER: _____ |
| LANDLORD: _____ |

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SHEET
3 of 11
SO# A37182

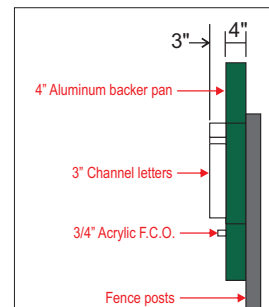
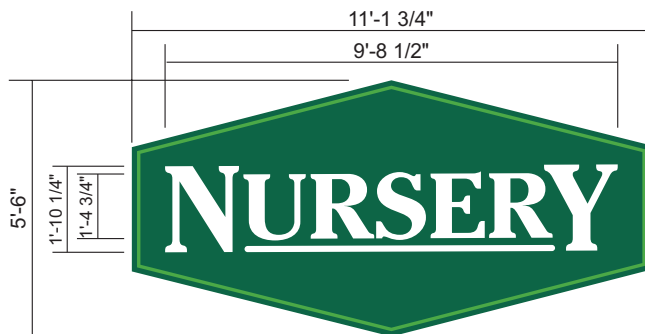


Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|---|----------|---------|-------------------------------|--|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | <p>SALES: _____</p> <p>CUSTOMER: _____</p> <p>LANDLORD: _____</p> |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Estepan | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola, CA.pdf | 9 | 3/4/20 | Add freestanding signs | |

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Side View - Scale: NTS

B NURSERY SIGN SPECIFICATIONS Scale: 3/8" = 1'-0"

Manufacture and install one (1) set of internally illuminated channel letters on non-illuminated pan background.

| Description | Specification/Material | Finish | Color |
|--------------|---------------------------|-----------------|---------------------------------------|
| Face | .125" Aluminum | Painted (satin) | PMS 3425 C with PMS 369 C accent line |
| Cabinet | .125" Aluminum | Painted (satin) | PMS 3425 C |
| Back | .125" Aluminum | Painted (satin) | PMS 3425 C |
| Face | 3/16" White Acrylic | N/A | White |
| Returns | .063 aluminum | Painted (satin) | White |
| Trimcap | 3/4" trimcap | Painted (satin) | White |
| Illumination | LED | | White |
| Underscore | 3/4" White acrylic F.C.O. | Painted (satin) | White |

Sign B: 18.00 sq. ft.

NOTES:

- *Back of sign to be finished as it will be visible.
- *Multi tap power supplied required.



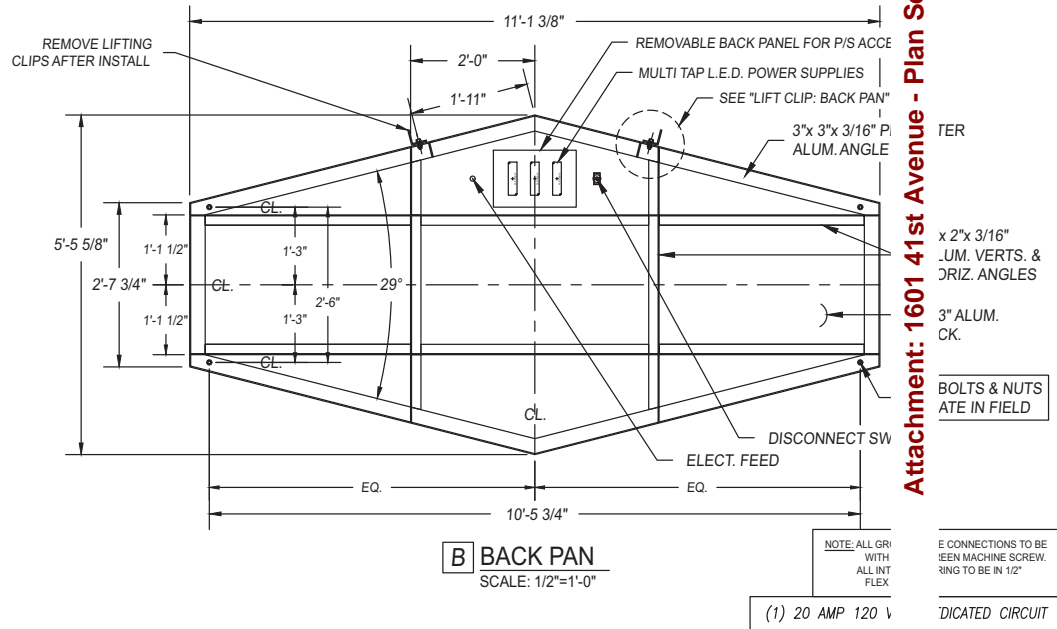
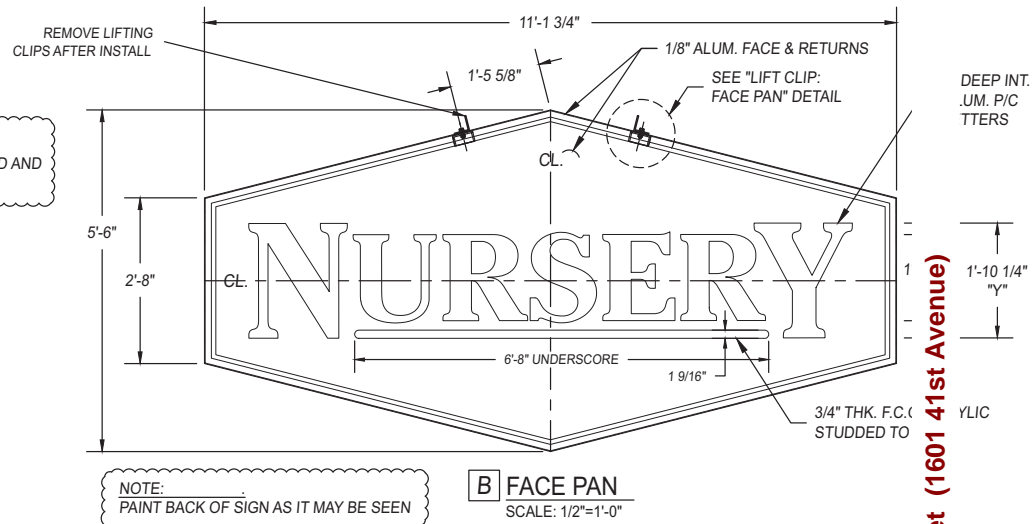
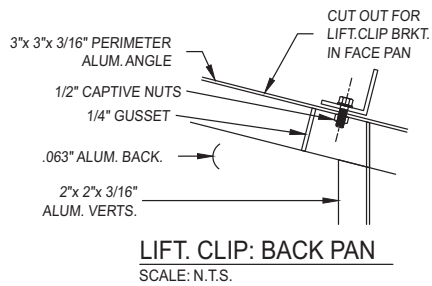
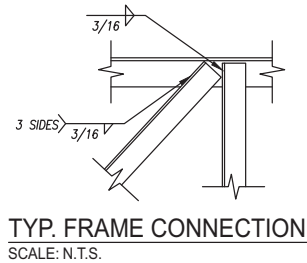
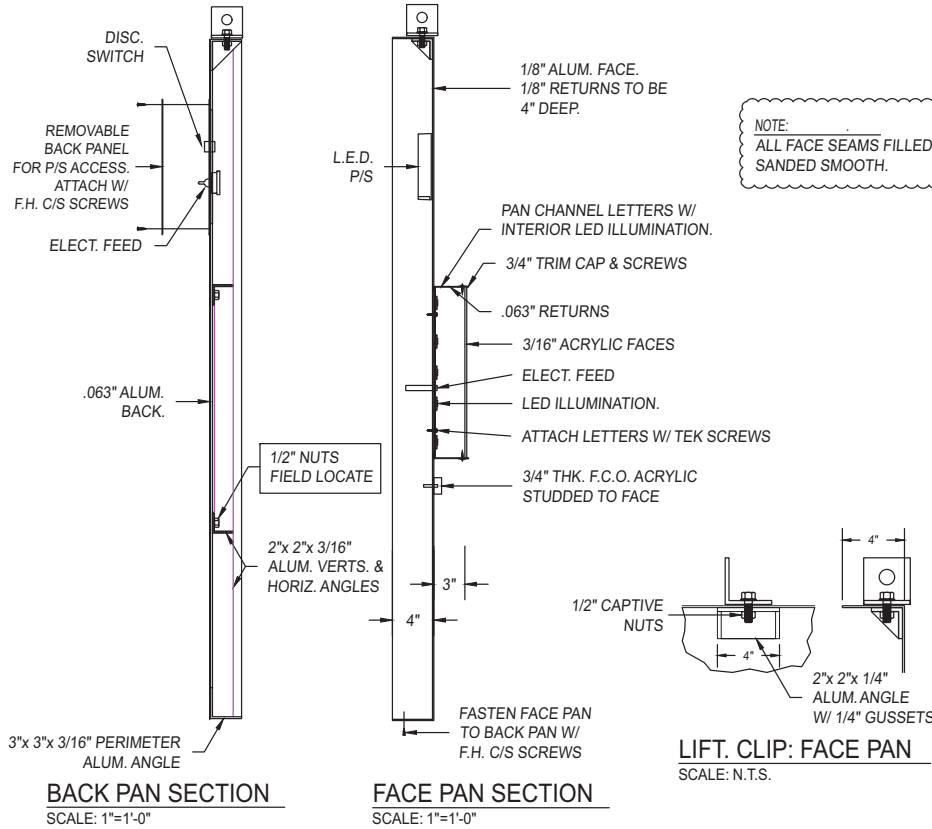
Night View

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|---|----------|---------|-------------------------------|---|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Easton | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola, CA\pdf | 9 | 3/4/20 | Add freestanding signs | |

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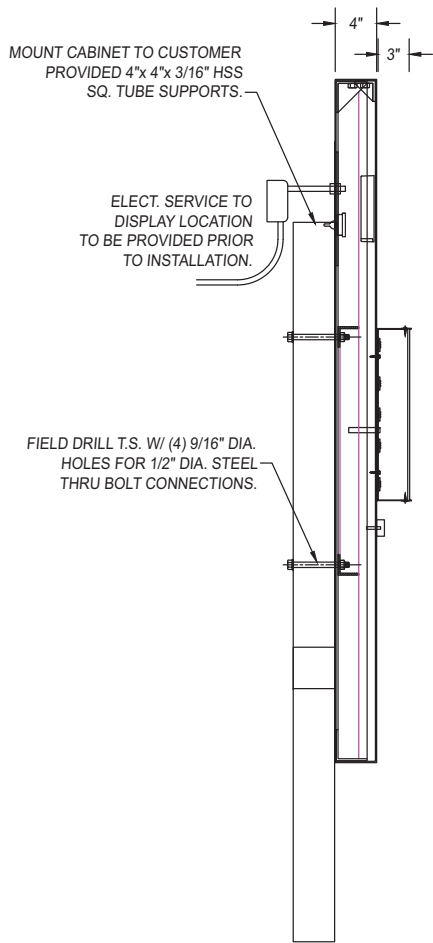


Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|--|----------|---------|-------------------------------|--|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Estep | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVICES: Outdoor Supply Hardware/Capitola, CA/pdf | 9 | 3/4/20 | Add freestanding signs | |

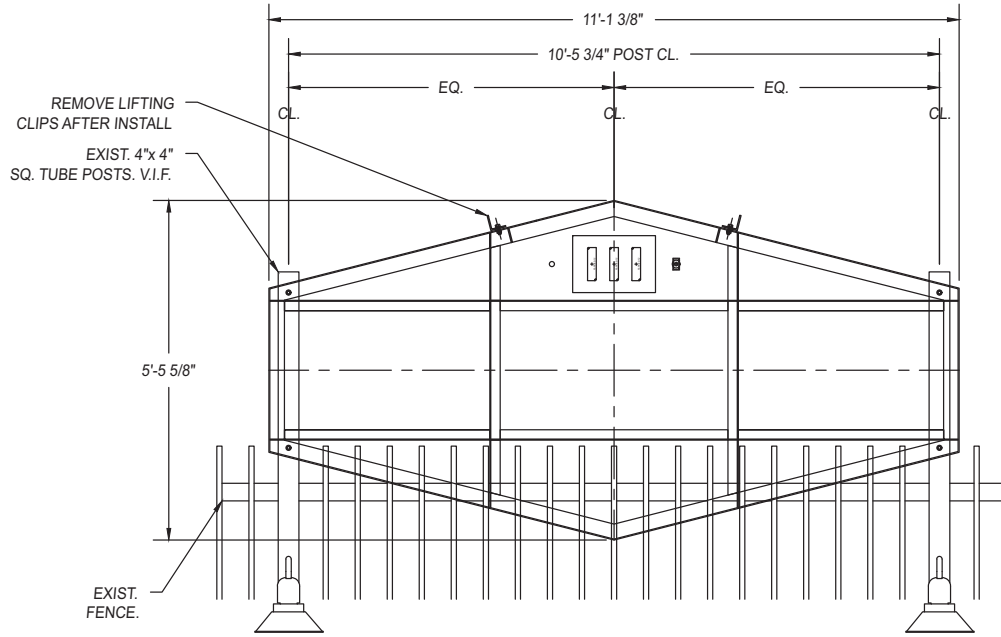
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SECTION VIEW
SCALE: 1"=1'-0"

NOTE:
DRILL MOUNTING HOLES IN CABINET
BACK WHEN INSTALLING TO SUPPORTS.



B FENCE ELEVATION DETAIL
SCALE: 1/2"=1'-0"

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

| PROJECT: | | | APPROVALS | | |
|-----------|---|-------------------------------|-----------|--|--|
| CUSTOMER: | Outdoor Supply Hardware | | SALES: | | |
| LOCATION: | 1601 41st Street - Capitola, CA | | CUSTOMER: | | |
| DATE: | 7/5/2019 | | LANDLORD: | | |
| SALES: | David Estepan | | | | |
| DESIGNER: | James Franks | | | | |
| SERVER: | S:\Outdoor Supply Hardware\Capitola, CA.pdf | | | | |
| REVISION | DATE | DESCRIPTION | | | |
| 4 | 2/12/20 | Update artwork | | | |
| 5 | 2/18/20 | Add shop drawings | | | |
| 6 | 2/26/20 | Change sign C to Outdoor logo | | | |
| 7 | 2/26/20 | Updated shop drawings | | | |
| 8 | 3/2/20 | Remove rear sign | | | |
| 9 | 3/4/20 | Add freestanding signs | | | |

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Monument C (North Elevation) - Scale: NTS



Monument C (South Elevation) - Scale: NTS

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)



C DOUBLE FACE MONUMENT SIGN Scale: 1" = 1'-0"
 Manufacture and install two (2) panels for one (1) existing double face monument sign.

| Description | Specification/Material | Specifications | Color |
|-------------|---------------------------|----------------------------------|-----------------------|
| Panel | 3/16" White polycarbonate | Opaque vinyl applied 1st surface | 3M Dark Green 7725-56 |
| Copy | Show thru | N/A | Show thru white |

*Background is opaque and will not illuminate.

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|---|----------|---------|-------------------------------|--|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Easton | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola, CA\pdf | 9 | 3/4/20 | Add freestanding signs | |

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Monument D (East Elevation) - Scale: NTS



Monument D (West Elevation) - Scale: NTS

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)



D DOUBLE FACE MONUMENT SIGN Scale: 1" = 1'-0"
 Manufacture and install two (2) panels for one (1) existing double face monument sign.

| Description | Specification/Material | Specifications | Color |
|-------------|---------------------------|----------------------------------|-----------------------|
| Panel | 3/16" White polycarbonate | Opaque vinyl applied 1st surface | 3M Dark Green 7725-56 |
| Copy | Show thru | N/A | Show thru white |

*Background is opaque and will not illuminate.

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|---|----------|---------|-------------------------------|---|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: CUSTOMER: LANDLORD: |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Epstein | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola, CA\pdf | 9 | 3/4/20 | Add freestanding signs | |

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Monument E (North Elevation) - Scale: NTS



Monument E (South Elevation) - Scale: NTS

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)



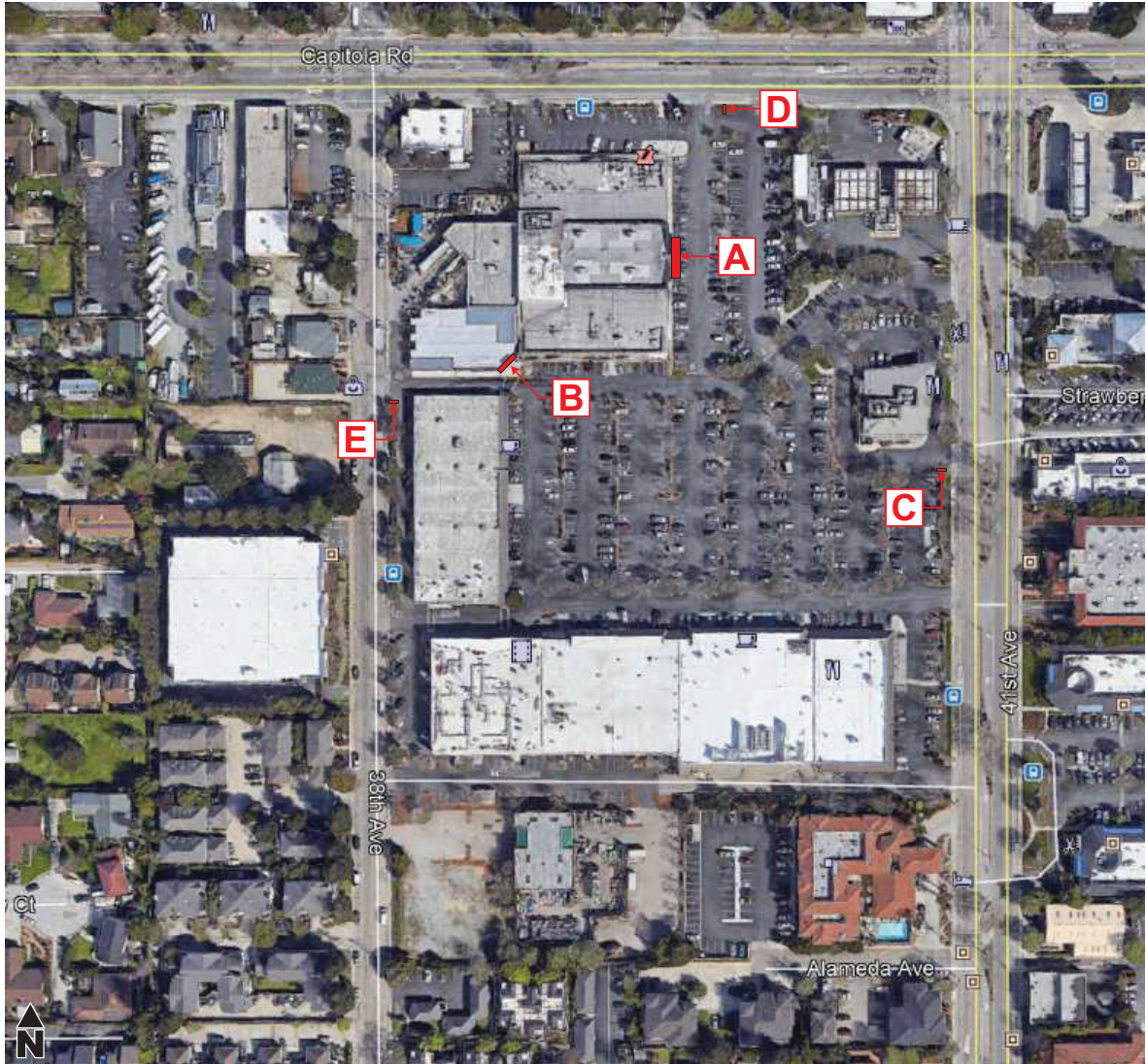
E DOUBLE FACE MONUMENT SIGN Scale: 1" = 1'-0"
 Manufacture and install two (2) panels for one (1) existing double face monument sign.

| Description | Specification/Material | Specifications | Color |
|-------------|---------------------------|----------------------------------|-----------------------|
| Panel | 3/16" White polycarbonate | Opaque vinyl applied 1st surface | 3M Dark Green 7725-56 |
| Copy | Show thru | N/A | Show thru white |

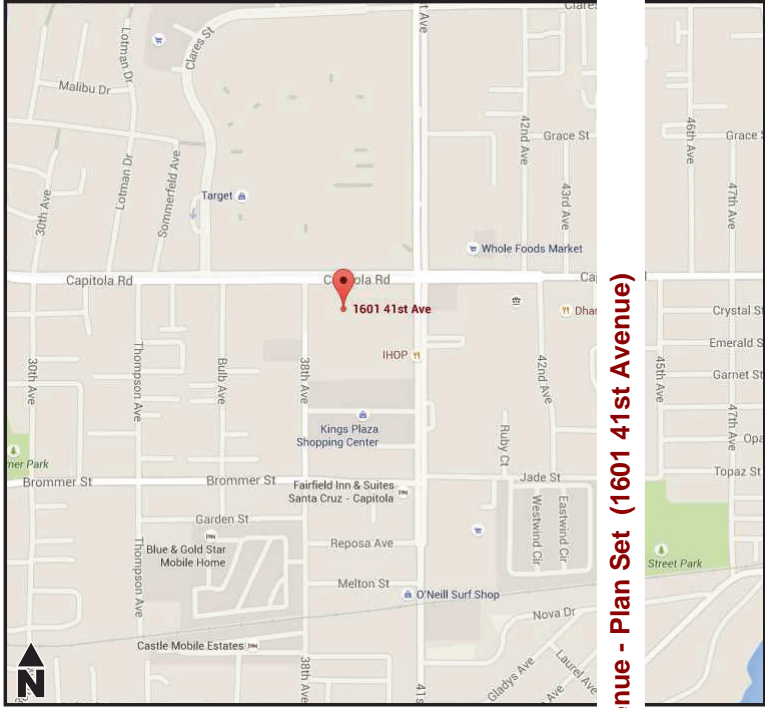
*Background is opaque and will not illuminate.

| PROJECT: | REVISION | DATE | DESCRIPTION | APPROVALS |
|--|----------|---------|-------------------------------|--|
| CUSTOMER: Outdoor Supply Hardware | 4 | 2/12/20 | Update artwork | SALES: _____ CUSTOMER: _____ LANDLORD: _____ |
| LOCATION: 1601 41st Street - Capitola, CA | 5 | 2/18/20 | Add shop drawings | |
| DATE: 7/5/2019 | 6 | 2/26/20 | Change sign C to Outdoor logo | |
| SALES: David Estep | 7 | 2/26/20 | Updated shop drawings | |
| DESIGNER: James Franks | 8 | 3/2/20 | Remove rear sign | |
| SERVER: S:\Outdoor Supply Hardware\Capitola_CA.pdf | 9 | 3/4/20 | Add freestanding signs | |

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Site Plan - Scale: NTS



Vicinity Map - Scale: NTS

Attachment: 1601 41st Avenue - Plan Set (1601 41st Avenue)

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 FRESNO, CA 93711
 T 559.225.2183
 CA STATE CONTRACTORS LICENSE #826051 www.adart.com

| REVISION | DATE | DESCRIPTION |
|----------|---------|-------------------------------|
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| APPROVALS |
|-----------|
| SALES: |
| CUSTOMER: |
| LANDLORD: |

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SHEET
11 of 11
 SO# A37182



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: APRIL 2, 2020
 SUBJECT: **1850 41st Avenue #20-0114 APN: 034-201-44**

Conditional Use Permit Amendment for a retail cannabis business located within the C-C (Community Commercial) zoning district. This project is not in the Coastal Zone.
 Environmental Determination: Categorical Exemption
 Property Owner: C. Richard Deane and Marilyn Ardis Deane Revocable Family Trust
 Representative: Lara DeCaro, Filed: 03.13.2020

APPLICANT PROPOSAL

The applicant is requesting an amendment to a Conditional Use Permit (#19-0408) which permitted a 3,945-square-foot retail cannabis establishment at 1850 41st Avenue located within the C-R (Regional Commercial) zoning district. The original project included a design permit, sign permit, and conditional use permit (CUP) for the change of use, modifications to the exterior of the structure, and a new sign.

BACKGROUND

On May 28, 2019, the City selected Apothecarium as a potential retail cannabis license holder for one of two licenses within the City of Capitola. Due to an appeal of the City's decision in the selection process, the first date on which Apothecarium could obtain a potential license was August 2, 2019.

On October 3, 2019, the Planning Commission approved a Conditional Use Permit for a retail cannabis establishment at 1850 41st Avenue. Condition of Approval #16 required the applicant to obtain the appropriate state license(s) for retail sales of cannabis within six months of selection as a potential retail cannabis license holder. The permit was set to expire on February 2, 2020 if the permits were not obtained.

On November 25, 2019, the applicant submitted an application for a Provisional License to the California Bureau of Cannabis Control (BCC).

On December 17, 2019, the applicant received a confirmation of receipt from the BCC.

On January 30, 2020, the applicant was informed by the BCC that their application could not be approved until the construction taking place under Capitola Building Permit #20200034 is completed. As a result, the applicant missed the February 2, 2020, deadline in Condition #16.

On March 13, 2020, the applicant received final approval for a provisional license from the BCC to avoid conflict with local requirements. Also on this date, the city received an application to amend CUP #19-0408.

DISCUSSION

In order to comply with the BCC, which requires any premises related to a Provisional License application to be “built-out and ready to operate” prior to approval, the applicant is requesting a modification to Condition of Approval #16 of Conditional Use Permit #19-0408, to read as follows:

16. This permit shall expire on ~~February 2, 2020~~ May 2, 2020, if the applicant has not obtained the appropriate state license(s) for retail sales of cannabis ~~within six months of selection as a potential retail cannabis license holder~~. The applicant shall have an approved building permit and construction underway within 24 months of the Conditional Use approval date to prevent permit expiration.

Capitola Municipal Code Chapter 5.36 established the regulations to issue a cannabis license. Section 5.36.030(B)(7) lists the contingencies to permit issuance as follows:

7. Issuance of License. The issuance of a final cannabis retail license shall be contingent upon the following:
- a. Applicant must have been identified as a potential retail cannabis license holder pursuant to subsection (A)(6) of this section;
 - b. Approval of a conditional use permit by planning commission within six months of selection as a potential retail cannabis license holder; and
 - c. Appropriate state license(s) for retail sales of cannabis within six months of selection as a potential retail cannabis license holder.
 - d. Effective Date. The cannabis retail license shall be issued upon receipt of a conditional use license and state license(s).
 - e. Expiration. If the business owner/operator is unable to obtain either of the requirements outlined in subsection (A)(7)(a) and (b) of this section within six months from the selection date, the selection will expire immediately and a retail cannabis license will be made available and publicly noticed. The six months shall commence six months from the date of official selection on the same day of the month.

It is important to note that §5.36.030(B)(7)(e) states that, if business owner/operator is unable to obtain either of the requirements outlined in subsection (A)(7)(a) and (b) of this section within six months from the selection date, the selection will expire immediately and a retail cannabis license will be made available and publicly noticed. The six months shall commence six months from the date of official selection on the same day of the month. The requirement for a state license is within subsection (A)(7)(c); therefore, modifying the condition to approve the extension would not violate the ordinance.

CEQA

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 retail use occupying an existing commercial space previously occupied by a professional office. The project includes no additional floor area and the use has the same parking requirement (1 parking space per 300 square feet of floor area) as the previous tenant. No adverse environmental impacts were discovered during project review by Planning Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission approve application #20-0114, subject to the following conditions, with amended Condition #16, and based upon the following findings:

CONDITIONS OF APPROVAL

1. The project approval consists of a conditional use permit for a new retail cannabis business (The Apothecarium), design permit for modifications to the exterior of the existing building, and a sign permit for a new wall sign. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 3, 2019, except as modified through conditions imposed by the Planning Commission during the hearings on October 3, 2019, and April 2, 2020.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #19-0408 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz Water District, and Central Fire Protection District.

9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director and Chief of Police. Upon evidence of non-compliance with conditions of approval of the Conditional Use permit and/or the retail cannabis license, or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director and Chief of Police. Failure to remedy a non-compliance in a timely manner may result in conditional use permit revocation and retail cannabis license revocation.
16. This permit shall expire on ~~February 2, 2020~~ May 2, 2020, if the applicant has not obtained the appropriate state license(s) for retail sales of cannabis ~~within six months of selection as a potential retail cannabis license holder~~. The applicant shall have an approved building permit and construction underway within 24 months of the Conditional Use approval date to prevent permit expiration.
16. The Cannabis License is subject to the Capitola Municipal Code Section 5.36.030(A)(9) License Transfer to New Owner.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign comply with the development standards of the C-R zoning district. The project secures the purpose of the General Plan and design policies and regulations adopted by the City Council.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign. The project complies with all applicable provisions of the zoning code and municipal code.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

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 retail use occupying an existing commercial space previously occupied by a professional office. The project includes no additional floor area and the use has the same parking requirement (1 parking space per 300 square feet of floor area) as the previous tenant. No adverse environmental impacts were discovered during project review by Planning Staff or the Planning Commission.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application. The proposed design permit for structural modifications complies with all applicable design review criteria in Section 17.120.070.

F. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign is consistent with the general plan and zoning code.

G. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign complies with all applicable standards in Chapter 17.80 (Signs).

H. The proposed sign will not adversely impact the public health, safety, or general welfare.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign will not adversely impact the public health, safety, or general welfare.

I. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The number, size, placement, design, and material of the proposed wall sign are compatible with the architectural design of the buildings on the site.

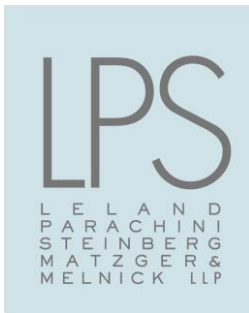
J. The proposed signs are restrained in character and no larger than necessary for adequate identification.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign is restrained in character and no larger than necessary for adequate identification.

ATTACHMENTS:

1. 1850 41st Avenue - License Application - Capitola Caring Project LLC
2. 1850 41st Avenue - Bureau of Cannabis Control - Apothecarium

Prepared By: Matt Orbach
Associate Planner



LARA L. DECARO
LDeCaro@lpslaw.com

March 13, 2020

VIA ELECTRONIC MAIL ONLY

Samantha W. Zutler
City Attorney, City of Capitola
101 Howard Street, Suite 400
San Francisco, CA 94105-6125
Email: szutler@bwsllaw.com

Matt Orbach
Associate Planner, City of Capitola
420 Capitola Avenue
Capitola, CA 95010
Email: morbach@ci.capitola.ca.us

*Re: License Application Capitola Caring Project, LLC
Capitola Application No. 19-0408
State Application No. C10-19-0000293-APP*

Dear Ms. Zutler and Mr. Orbach:

Thank you for your patience in this matter. This letter is in response to your request for a letter seeking a formal extension of time to Condition 16 of the attached Final Local Action Notice and Zoning Permit for Application No. 19-0408, dated October 21, 2019 (the "CUP"). Specifically, it is our understanding that the Planning Commission and/or Community Development Department has requested we seek a 3-month extension to Condition 16 (defined below) to the CUP.

As you are aware, the Zoning Commission placed a condition ("Condition 16") on the CUP requiring the applicant, Capitola Caring Partners, LLC ("CCP"), to receive "the appropriate state license(s) for retail sales of cannabis within six (6) months of selection as a potential cannabis retail holder" (as that phrase is used in Capitola Municipal Code, Chapter 5.36, Sections 5.36.030.B.6 and B.7). Without such timely State license(s) the CUP was set to expire February 2, 2020.

{APOTHSE/0016/LTR/01554613.DOCX}

199 FREMONT STREET, 21ST FLOOR ■ SAN FRANCISCO, CA 94105
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Capitola Caring Partners Application No. 19-0408
 March 13, 2020
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However, Capitola Municipal Code Section 5.36.030(B)(7) states that "issuance of a final cannabis retail license shall be contingent upon... Applicant must have been identified as a potential retail cannabis license holder pursuant to subsection (A)(6) of this section; b. Approval of a conditional use permit by planning commission within six months of selection as a potential retail cannabis license holder; and c. Appropriate state license(s) for retail sales of cannabis within six months of selection as a potential retail cannabis license holder." Capitola Municipal Code Section 5.36.030(B)(7)(e) states that, if the Applicant "is unable to obtain either of the requirements outlined in subsection (A)(7)(a) and (b) of this section within six months from the selection date, the selection will expire immediately and a retail cannabis license will be made available and publicly noticed. The six months shall commence six months from the date of official selection on the same day of the month."

Whether it was a drafting error or intentional, the Code does not call for automatic expiration of the CUP in the instance of a failure to obtain State licensure within six months. By its terms, the automatic expiration relates only to Subsections (a) and (b), but the state license requirement is in (c). Thus, failure to meet the 6 month deadline for state licensing does not result in an automatic expiration of the license. As a result, communications with the City lead all parties to presume the automatic trigger would not go into effect. (See attached email from Jamie Goldstein dated January 28, 2020.)

Since receiving its CUP, CCP diligently pursued the State license. Unfortunately, during that process, the BCC determined that issuing a provisional license was inconsistent with the Bureau of Cannabis Control Regulations, California Code of Regulations, Title 16, Division 42 ("Regulations") governing commercial cannabis retail facilities. (Please see attached email from Lisbeth Cader, dated January 30, 2020.) Pursuant to the BCC's most recent interpretation of the Regulations, a licensee would have certain legal obligations to, *inter alia*, participate in track and trace with product and provide a final premises diagram. As such, the BCC has recently determined that provisional licensure for facilities cannot issue until an applicant is ready to take on inventory and open its doors for business. It is important to note that this interpretation was surprising in that it is inconsistent with BCC's prior licensing activity; though, as with any new law and agency, they are continuing to develop and refine their processes.

Nonetheless, following much discussion with the Bureau, they have agreed to issue an inactive provisional license to avoid conflict with local action. Therefore, we are pleased to state that we have today received final approval for our provisional license from the State! (Please see attached email from the BCC dated today, March 13, 2020.)

Accordingly, and for all of the reasons stated above, CCP hereby respectfully requests that any delay be excused for good reason and for an extension of time not to exceed 90 days from February 2, 2020, giving CCP until Saturday, May 2, 2020 (or close of business on the next business day) to comply with Condition 16.



Capitola Caring Partners Application No. 19-0408
March 13, 2020
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Please feel free to reach out to me with any questions or comments you may have. Your consideration is greatly appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Lara L. DeCaro'.

Lara L. DeCaro
LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

LLD

Encls.: Email from BCC approving provisional license, dated March 13, 2020
Email from Lisbeth Cader, BCC Staff Services Manager I, dated January 30, 2020
Email from Jamie Goldstein, Capitola City Manager, dated January 28, 2020
Timeline of Events

cc: Katie Herlihy, Community Development Director, KHerlihy@ci.capitola.ca.us
Ryan Hudson, CEO, Ryan@apothecarium.com

From: Cader, Lisabeth@DCA <Lisabeth.Cader@dca.ca.gov>
Date: Thu, Jan 30, 2020 at 2:30 PM
Subject: RE: PART 2: Re: Application: C10-19-0000293-APP - Capitola Caring Project, LLC
To: ynez@apothecarium.com <ynez@apothecarium.com>, shawkins@apothecarium.com <shawkins@apothecarium.com>

Good afternoon,

Before I can recommend your application for provisional approval, I need evidence that your premise is built-out and ready to operate. Currently your premise diagram indicates that it is "proposed". Please reference:

§ 5006. Premises Diagram.

(a) An applicant shall submit to the Bureau, with the application, a complete and detailed diagram of the proposed premises. **The diagram shall be used by the Bureau to determine whether the premises meets the requirements under this division and the Act.** The Bureau shall deny an application if the premises does not qualify for licensure pursuant to Business and Professions Code section 26057.

Since the premises is not built then the diagrams submitted do not accurately reflect the premises and therefore cannot be used to meet the requirements for licensure.

Regarding CCR 16 § 5022, if you are non-operational (not legally able to operate) then your business is "closed".

Thank you,



Lisabeth Cader
Staff Services Manager I
916-465-9236
www.bcc.ca.gov
<https://cannabis.ca.gov>



Attachment: 1850 41st Avenue - Bureau of Cannabis Control - Apothecarium (1850 41st Avenue)

From: Scott Hawkins <shawkins@apothecarium.com>
Sent: Thursday, January 30, 2020 1:46 PM
To: Ynez Carrasco <ynez@apothecarium.com>
Cc: Cader, Lisabeth@DCA <Lisabeth.Cader@dca.ca.gov>
Subject: Re: PART 2: Re: Application: C10-19-0000293-APP - Capitola Caring Project, LLC

[EXTERNAL]: shawkins@apothecarium.com

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!
DO NOT: click links or open attachments unless you know the content is safe.
NEVER: provide credentials on websites via a clicked link in an Email.

Hi Lisabeth,

Can you send an email outlining the operational status requirement for issuing a provisional license and include a no-pre demo or build-out mention?

Thanks, Scott

--

Scott A. Hawkins
Outreach | Community Development
mobile: 510.457.1771