



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, April 3, 2014 – 7:00 PM**

Chairperson            Gayle Ortiz  
Commissioners        Ron Graves  
                                 Mick Routh  
                                 Linda Smith  
                                 TJ Welch

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

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

**C. Commission Comments**

**D. Staff Comments**

**3. APPROVAL OF MINUTES**

**A. Approval of March 6, 2014 Planning Commission Draft Minutes**

**4. CONSENT CALENDAR**

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

**A. 207 California Avenue #13-170 APN: 035-181-10**

Design Permit to remodel an existing single-family home in the CV (Central Village) Zoning District.

This project does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Owner: Alfred Silva Jr.

Representative: Alfred Silva Jr., Filed 12.12.2013

**B. 3120 Capitola Rd #14-027 APN: 034-281-27**

Fence Permit application with request for a height exception up to 6 feet within the front yard of a residence located in the R-1(single family) Zoning District.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Owner: Lenny Farrell

Representative: Leland Cadwallader, filed: 02/14/2014

**5. PUBLIC HEARINGS**

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

**A. 1955 41st Avenue #14-029 APN: 034-261-53**

Amendment to the Master Sign Program at 1955 41st Avenue to allow Logo Signs up to 4 square feet in the CC (Community Commercial) Zoning District.

This project is not located within the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: JFG Capitola- Winfield Partners, L.P.

Representative: AKC Services, Kasey Clark, filed 02/18/2014

**B. 1601 41st Avenue #13-023 APN: 034-151-20**

Conditional Use Permit, Design Permit, Variance, and Sign Permit to allow an expansion of the existing Cinelux Theatre located in the Community Commercial (CC) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: George Ow Jr.

Representative: Paul Gunsky, filed 2-26-14

**C. GENERAL PLAN UPDATE**

Planning Commission recommendation on the proposed General Plan Update

Environmental Determination: Environmental Impact Report

Applicant: City of Capitola

**6. DIRECTOR'S REPORT**

**7. COMMISSION COMMUNICATIONS**

**8. ADJOURNMENT**

Adjourn to the next Planning Commission on Wednesday, May 7, 2014 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



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

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

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

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

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

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

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

THIS PAGE INTENTIONALLY LEFT BLANK



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 6, 2014  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

Commissioners: Ron Graves, Mick Routh, Linda Smith and TJ Welch and Chairperson Gayle Ortiz

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

The applicant requested that item 4E be pulled from the Consent Agenda.

Staff noted that in the electronic version of the agenda packet, the attached plans for items 4C and 4D were interchanged. Correctly marked versions were made available for the public at the meeting. Full-size plans distributed to the Planning Commission were correct.

**B. Public Comments - None**

**C. Commission Comments - None**

**D. Staff Comments - None**

**3. APPROVAL OF MINUTES**

**A. February 6, 2014, Draft Planning Commission Minutes**

**A motion to approve the February 6, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None**

**4. CONSENT CALENDAR**

Commissioner Routh owns property in the vicinity of some applications on the Consent Agenda. He recused himself and left the dais for the agenda item vote.

**A. 1550 McGregor Drive #13-174 APN: 036-34-101**

Design Permit, Conditional Use Permit, Tree Removal Permit, and Coastal Development Permit for a public multiuse park with recycling pod in the PF/VS (public facilities/visitor serving) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: City of Capitola  
Representative: Steve Jesberg, filed 01/08/2014

This item was pulled from consent by Commissioner Graves and heard at the start of the Public Hearings.

Senior Planner Katie Cattan presented the staff report. She confirmed that the Hope Services recycling pod will be placed on a concrete pad and does not impact available parking.

Chairperson Ortiz opened the public hearing. Public Work Director Steve Jesberg represented the City. Commissioner Graves asked if the preparation of conceptual and construction plans was put out to bid or fell under the limit. Director Jesberg said costs, which he estimated under \$10,000, did not require going out for bid. Construction work will be put to bid.

Chairperson Ortiz said that although she initially did not feel the pod was complementary to park uses and design, she appreciates that the Hope Services supervision will add a regular presence at the park and is an acceptable trade-off for allowing the pod.

Commissioner Graves checked other recycling sites and saw that sorting can extend into parking areas. He asked that it be monitored.

**A motion to approve project application #13-174 for a Design Permit, Conditional Use Permit, Tree Removal Permit, and Coastal Development Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS:**

1. The project approval consists of a multiuse park in the PF/VS zoning district. There are no structures proposed on site. Improvements consist of flat work, fencing, landscaping, and lighting. The proposed project is approved as indicated on the plans reviewed and approved by the Planning Commission on March 6, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, 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 concept plans.
3. 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.
4. The approved plans are conceptual and exact details of the individual uses will be developed prior to site improvements. The approved concept plan with layout of the park is approved as reviewed by the Planning Commission on March 6, 2014. Modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the conceptual layout of the site shall require Planning Commission approval.
5. A final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.

6. 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.
7. 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).
8. 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.
9. 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 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B

### **FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the multiuse park. The public park project requires a conditional use permit within the PF/VS (Public Facility/Visitor Serving) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the plans for the new multiuse park. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed multiuse park compliments the surrounding New Brighton State Beach. The park will be open to the public. Access to the State Beach is not compromised by the new parks. The park will add to the recreational uses within the immediate area, providing visitors of the park with additional recreation options.

**C. This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15304 of the CEQA Guidelines exempts minor public alterations of land. This project involves modifying a dirt parking lot into a multiuse park. There are no permanent structures proposed within the project. No adverse environmental impacts were discovered during review of the proposed project.

### **COASTAL FINDINGS**

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

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

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

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

- The proposed project is located on public property adjacent to the entrance of New Brighton State Park. The project will add to the recreation opportunities in the area. It will not affect public access and coastal recreation areas negatively as it involves a new public park along the road frontage of McGregor Drive. There will be no impact on public trails or beach access.

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

- The proposed project is located adjacent to McGregor Drive, approximately 2,000 feet from the shoreline. No portion of the project is located along the shoreline or beach.

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

- The publicly owned site has been utilized for parking and for construction staging. The new park will be open to the public for recreation.

***(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on public property adjacent to New Brighton State Park. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

- The proposed project is located on public property adjacent to New Brighton State Park. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The land will be utilized for public recreation.

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

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

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

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

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

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

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

**b. Topographic constraints of the development site;**

**c. Recreational needs of the public;**

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

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

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

- No Management Plan is required; therefore these findings do not apply

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

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

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

**SEC. 30222**

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

- The project is a public mixed use park with visitor-serving recreational facilities designed to enhance public opportunities to recreate.

**SEC. 30223**

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



- The project involves public recreation facilities.

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

- The project involves a visitor-serving public recreation park on a parcel adjacent to the New Brighton state beach. This is a selected point of attraction for visitors.

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

- The project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements. A parking and traffic study was completed to ensure that demand is met.

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

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

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

- The proposed project is located on City property adjacent to the entrance to New Brighton State Park. The project will not result negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

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

- The project has adequate water and sewer services.

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

- The project is an outdoor recreation mixed-use park.

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

- The project establishes a recreation mixed-use park. GHG emissions for the project are projected at less than significant impact.

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

- The public park will not require any impact fees.

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

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

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

- The project complies with natural resource, habitat, and archaeological protection policies.

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

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

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

- Engineering plans have been included to ensure compliance with applicable erosion control measures.

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

- The project is a park. There are no permanent structures proposed.

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

- A certified engineer has reviewed all plans for compliance with geological, flood and fire hazards.

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

- The proposed project is not located along a shoreline.

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

- The public park is consistent with the Public Facilities/Visitor Serving zoning district.

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

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

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

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

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

**B. 306 El Salto Drive #13-181 APN: 036-123-26**

Design Permit and Coastal Development Permit for an addition to an existing single family home in the R-1 (Single Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Chris and Cindy Henry

Representative: Martha Matson, filed 01/23/2014

**A motion to approve project application #13-181 for a Design Permit and Coastal Development Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS**

1. The project approval consists of construction of a 134 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 3,200 square-foot property is 57% (1,824 square feet). The total FAR of the home with new addition is 47% with a total of 1,485 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 March 6, 2014, 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. The existing front yard landscaping shall be retained. If the landscaping is removed, the applicant shall submit a landscape plan to the Community Development Department for approval. The landscape plan will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The new front yard landscaping will be required to be installed prior to final building occupancy.
7. Prior to issuance of building permit, all Planning fees associated with permit #13-181 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, Soquel Creek 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 issuance of building permits, the building plans must show that the garage complies with the firewall standards of the IBC.
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 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

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

### **FINDINGS**

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

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

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single-family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition is under 10,000 square feet and not located in an environmentally sensitive area. This project involves a remodel to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### **COASTAL FINDINGS**

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

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

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

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon***

**existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;**

- The proposed project is located at 306 El Salto Drive. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

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

- The proposed project is located along El Salto Drive. No portion of the project is located along the shoreline or beach.

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

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

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

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

- The proposed project is located on private property on El Salto Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

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

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.
- c. Recreational needs of the public;**
  - The project does not impact recreational needs of the public.
- d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**
- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

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

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

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

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

- The project involves the construction of a single family home. The project complies



with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

- The project site is located within the area of the Capitola parking permit program.

**The motion carried by the following vote: Aye: Commissioners Graves, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

**C. 4605 Emerald Street #14-011 APN: 034-032-15**

Design Permit and Coastal Development Permit application to demolish an existing accessory dwelling unit and construct a new single-family home, located in the R-1(Single Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: North Point Investments LLC

Representative: Wayne Miller, filed 01/27/2014

**A motion to approve project application #14-011 for a Design Permit and Coastal Development Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS**

1. The project approval consists of construction of a 1,824 square-foot single-family home. The maximum Floor Area Ratio for the 3200 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 March 6, 2014, 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, plans must show compliance with curb and gutter requirements and fire sprinkler requirements. Existing overhead utility lines are required to be placed underground to the nearest utility pole.
5. 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.
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, the existing structure located at 4605 Emerald Street must be completely removed from the site.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of the irrigation systems.
9. Prior to issuance of building permit, all Planning fees associated with permit #14-011 shall be paid in full.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.

12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

**FINDINGS**

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

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

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the new single-family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves construction of a new single-family residence subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

**COASTAL FINDINGS**

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

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

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

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out.***

***Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 4605 Emerald Street. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

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

- The proposed project is located along Emerald Street. No portion of the project is located along the shoreline or beach.

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

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

***(F) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Emerald Street. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

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

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.

***c. Recreational needs of the public;***

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

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

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

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

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

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

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

**SEC. 30222**

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

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

**SEC. 30223**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the R-1 Single Family zoning district.

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

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

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

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

**The motion carried by the following vote: Aye: Commissioners Graves, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

**D. 4625 Emerald Street #14-012 APN: 034-032-22**

Design Permit and Coastal Development Permit application to demolish an existing single family residence and construct a new single-family home, located in the R-1(Single Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: North Point Investments LLC

Representative: Wayne Miller, filed 01/27/2014

**A motion to approve project application #14-012 for a Design Permit and Coastal Development Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS**

1. The project approval consists of construction of a 1,824 square-foot single-family home. The maximum Floor Area Ratio for the 3200 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 March 6, 2014, 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, plans must show compliance with curb and gutter requirements and fire sprinkler requirements. Existing overhead utility lines are required to be placed underground to the nearest utility pole.
5. 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.
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, the existing secondary dwelling unit and the encroachment from the neighboring single-family home at 4605 Emerald Street must be removed from the property.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of the irrigation systems.
9. Prior to issuance of building permit, all Planning fees associated with permit #14-012 shall be paid in full.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall

be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

## **FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the new single-family home. The project

conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the new single-family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves construction of a new single-family residence subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

**COASTAL FINDINGS**

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

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

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

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

***recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 4625 Emerald Street. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

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

- The proposed project is located along Emerald Street. No portion of the project is located along the shoreline or beach.

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

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

***(G) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Emerald Street. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

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

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.

***c. Recreational needs of the public;***

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

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

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

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

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

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

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

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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

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



Municipal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project***

***complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

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

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

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

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the R-1 (Single family) zoning district.

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

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

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

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

**The motion carried by the following vote: Aye: Commissioners Graves, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

- E. 507 Plum Street/712 Capitola Avenue #14-020 APN: 036-062-14**  
Design Permit and Coastal Development Permit application for a garage addition to a single family home in the CN (Central Neighborhood) Zoning District.  
This project requires a Coastal Development Permit which is not appealable to the California Coastal Commission.  
Environmental Determination: Categorical Exemption  
Property Owner: Terry Evan David  
Representative: Dennis Norton, filed 02/04/2014

This item was pulled from consent at the request of the applicant and heard following #13-174.

Commissioners said they were familiar with the project and waived presentation of the staff report.

Chairperson Ortiz opened the public hearing. Applicant Terry David asked for an exception to the requirement to put utilities underground. Based on conversations he has had with PG&E, it appears that underground work would compromise the safety of the gas line, but he must apply for a review and formal letter certifying the situation. Commissioners expressed concern about making a

determination without a letter. Community Development Director Rich Grunow noted that staff can include a conditional exception pending receipt of a letter from PG&E.

The public hearing was closed.

Commissioner Routh asked if the applicant could make provisions in the foundation for undergrounding should it be possible.

The commissioners also discussed the possibility that placing the utilities underground may be possible, but at a much higher cost than other property owners have incurred. They agreed that they did not wish to impose a greater financial burden on this applicant and would entertain a variance should that turn out to be the case.

Commissioner Graves noted that he has opposed variations of this project in the past because the front of the home faces Plum and improvements should require the removal of the high fence in what is effectively the front yard.

**A motion to approve project application #14-020 for a Design Permit and Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

#### **CONDITIONS**

1. The project approval consists of construction of a 510 square-foot detached garage. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 6, 2014, 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. The applicant is required to underground the utilities unless there are findings from PG&E documenting that it is infeasible. The applicant also has the option to return to the Planning Commission for review of a variance based on financial hardship caused by specific attributes of infrastructure on the lot.
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. The existing front and side yard landscaping shall be retained. If the landscaping is removed, the applicant shall submit a landscape plan to the Community Development Department for approval. The landscape plan will include the specific number of plants of each type and their

- size, as well as the irrigation system to be utilized. The new yard landscaping will be required to be installed prior to final building occupancy.
8. Prior to issuance of building permit, all Planning fees associated with permit #14-020 shall be paid in full.
  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 issuance of building permits, the garage must comply with the firewall standards of the IBC.
  13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
  14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
  15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
  16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
  17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
  18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
- 21.

**The motion carried by the following vote: Aye: Commissioners Routh, Smith, and Welch and Chairperson Ortiz. No: Graves. Abstain: None.**

- F. 2001 40th Avenue #14-029 APN: 034-512-02**  
 Conditional Use Permit for a Pure Barre Capitola Fitness Studio in the CC  
 (Community Commercial) Zoning District.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Lockwood Epping Properties  
 Representative: Ashley Weaver, filed 02/14/2014

**A motion to approve project application #14-029 for a Conditional Use Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS**

1. The project approval consists of a Conditional Use Permit to operate a fitness studio (specialized school) within an existing commercial space located at 2001 40<sup>th</sup> Avenue. No modifications to the exterior of the structure are proposed within the application. Any significant modifications to the size or exterior appearance of the existing design require approval of a Design Permit by the Planning Commission.
2. Parking for the proposed fitness studio must be accommodated within the onsite parking.
3. The reception area, locker room, office, and bathroom are located against the west internal wall adjacent to the existing salon. The amplified sound will be within the studio which is adjacent to multiuse buildings common area, bathrooms, and storage. This layout must be maintained within future construction documents to mitigate impacts of noise on adjacent businesses.
4. Sound proofing must be installed as proposed within the submittal documents. Specifically, all demising walls will be constructed with 6 inch metal studs extending tight to the overhead structure. Both sides of the demising walls shall have QuiteRock 545 gypsum wall boards (or equivalent) extending to the overhead structure. All demising walls will have 2 Thermafiber Sound Zero insulation (or equivalent) extending to underside of the structure.
5. Prior to installation of a sign, the applicant shall obtain approval for a Sign Permit through the Community Development Department.
6. The applicant shall obtain a business license from the City of Capitola prior to operating the business.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.

8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
9. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.

## **FINDINGS**

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

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

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

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

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

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

**The motion carried by the following vote: Aye: Commissioners Graves, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

## **5. PUBLIC HEARINGS**

### **A. 110 Lawn Way #14-006 APN: 035-124-05**

Design Permit, Variance, and Coastal Development Permit application for an addition to a single-family home in the CV (Central Village) Zoning District. The applicant is requesting a variance for onsite parking.

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

Environmental Determination: Categorical Exemption

Property Owner: Norma Kettman

Representative: Gary Lindeke, filed 1/24/2014

Senior Planner Cattan presented the staff report. She noted that staff identified five findings for unique circumstances that would not create a precedent for other properties in the Historic District. The presentation highlighted changes made to the project to better complement the overall district design. She also outlined reasons to support a variance for onsite parking, which does not increase the non-conformity.

Chairperson Ortiz opened the public hearing. Gary Lindeke spoke on behalf of applicant. He said they worked to complement district massing and scale in the revised proposal. He noted the current structure was required by the City and this application represents a good compromise between the earlier proposal and district guidelines.

The public hearing was closed.

Commissioner Smith said she spoke with historian Carolyn Swift, who expressed pleasure in the change of the roof pitch.

Commissioner Routh suggested repair to any damage to the lawn be added to condition #14.

Chairperson Ortiz said that while she initially had concerns about the project, she feels the applicant has made significant changes. The fact that the home is a non-contributing structure in the district is also in its favor. She also asked Commissioners to consider formally exempting properties in the Lawn Way district from parking requirements as the zoning code is updated, which received general support.

**A motion to approve project application #14-006 and grant a Design Permit, Variance, and Coastal Development Permit with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Graves:**

#### **CONDITIONS**

1. The project approval consists of construction of a 470 square-foot half-story addition. There is no maximum Floor Area Ratio within the CV zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 6, 2014, 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. All exterior materials shall be installed according to the approved set of plans, including: true divided light wood-clad windows, a wood 9 light front door, wood French doors and wood railing on the second story, hardi horizontal lap siding over existing concrete, and hardi shingle accents in gable ends and on chimney. Windows and doors shall have 6" wide trim.

7. Prior to issuance of building permit, all Planning fees associated with permit #14-006 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, Soquel 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, damaged or broken driveway approaches, curb, gutter, or sidewalk, or lawn 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. 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.
16. 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.
17. 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.



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

## **FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project secures the purpose statement of the CV (Central Village) Zoning Districts. A Variance has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single-family home. The existing home was constructed in 1964 of concrete block, aluminum windows, and a flat roof with a concrete block parapet and iron railing. The design and materials of the home are not representative of or in harmony with the Lawn Way/Six Sisters Historic District. The proposed design would enhance the home's architectural appearance and be more compatible with other residences in the district.

The project received a variance to required onsite parking to allow a pitched roof element with increased habitable space. The increased habitable space does not increase the non-conforming parking of the site. The existing home requires 2 uncovered parking spaces. The existing home with the new addition would also require 2 uncovered parking spaces. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence complements the existing homes in the district in use, mass and scale, materials, height, and architecture.

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

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition is under 10,000 square feet and not located in an environmentally sensitive area. This project involves a remodel to an existing home located in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

## **COASTAL FINDINGS**

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

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

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an***

***access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

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

- The proposed project is located at 110 Lawn Way. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

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

- The proposed project is located along Lawn Way. No portion of the project is located along the shoreline or beach.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner***

***to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

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

***(H) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Lawn Way. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

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

**b. Topographic constraints of the development site;**

- The project is located on a flat lot.

**c. Recreational needs of the public;**

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

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

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

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

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

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

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

**SEC. 30222**

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

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

**SEC. 30223**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

The use will remain as a single-family home and will not intensify the use of the site. The project does not result in additional parking demand. The property will continue to participate in the village parking permit program.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith, and Welch and Chairperson Ortiz. No: None. Abstain: None.**

- B. 1740 Wharf Road #14-016 APN: 035-111-14**  
Design Permit, Variance, Coastal Development Permit, and Tree Removal Permit for a new single-family residence in the R-1/AR (Single Family/Automatic Review) Zoning

District. The applicant is requesting a variance to the side-yard setback requirement. This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Owner: Bruce Golino

Representative: Courtney Hughes, William Fisher Architecture, filed 02/03/2014

Commissioners Graves, Ortiz and Smith would be required to recuse themselves because they own property in proximity to the project, which would leave the Commission without a quorum. The Commission invoked the Rule of Necessity. Commissioner Smith selected the short straw, allowing her to participate in the hearing.

Senior Planner Cattan presented the staff report. As previously suggested by the Commission, this application seeks a variance from the sideyard setback requirement to give more distance between the Shadowbrook trolley and the proposed home. Also in response to previous concerns, a window was eliminated and an engineer provided a letter detailing the safety of shoring the property and soils.

Vice Chairperson Smith opened public hearing.

Bill Fisher represented the applicant and thanked the commission for the opportunity shift the home and reapply. Commissioner Routh asked about the proposed green roof, noting others in the City have developed problems. Mr. Fisher noted was selected for visual appeal and will use container trays rather than plant directly in soil on the roof.

Commissioner Routh also checked on the height of the coffeeberry plants proposed between Shadowbrook at planting and maturity.

Resident Bruce Arthur noted the property is for sale and the project may or may not be built. He asked that a condition be added to maintain plants on the green roof. He also noted that Shadowbrook patrons can get a little loud and residents of the home will hear noise.

Commissioner Routh said he planned to propose a condition requiring that the owner disclose the noise potential when the property is sold.

Staff noted receipt of a letter from Ted Burke, business owner of the Shadowbrook, supporting the application and reiterating requests for a construction management plan and landscaping screening.

Vice Chair Smith closed the public hearing.

Commission Routh noted he appreciated the applicant's willingness to move the planned house. He suggested adding conditions about both noise disclosure and required maintenance of the green roof. Community Development Director Rich Grunow noted staff can draft these, but expressed skepticism about their validity. A disclosure does not prevent future complaints and the City may not have any more jurisdiction over roof plantings with a Design Permit than maintaining a lawn or paint.

Commissioner Routh also asked that weekday construction hours end at 6 p.m.

Commissioner Welch noted he supported the project as originally submitted and commended the applicant for making changes to compromise.

Vice Chair Smith asked for a condition requiring that the Public Works director review a project management plan prior to the project's start.

**A motion to approve project application #14-016 for a Design Permit, Variance, Coastal Development Permit, and Tree Removal Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of construction of a 3,717square-foot new single family home. The maximum Floor Area Ratio for the 8,860 square foot property is 48% (4,252 square feet). The total FAR of the project is 44% with a total of 3,717 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 January 16, 2014, 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 shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit ~~#13-169~~ #14-016 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).



12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
14. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
15. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.
16. 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.
17. 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~~ 6 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
18. 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.
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be 24” box and shall be planted as shown on the approved plans.
20. 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.
21. 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.

22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. A management plan is required to maintain street access along Wharf Road during construction. The management plan must be approved by the Public Works Director.
25. All vegetation on the green roof must be maintained in a healthy state.
26. The new home is located adjacent to the Visitor Serving zoning district. There is an existing restaurant with an operating trolley located on the adjacent property. The trolley and restaurant are established uses, both of which generate noise which is audible to residents within the neighborhood. Prior to the sale of the new home or property, the owner of the property must disclose the potentially significant noise impacts of the adjacent use to all prospective buyers.

## **FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District, the AR (Automatic Review) Zoning Districts, and the Soquel Creek Riparian Riparian Corridor. A Variance for the side yard setback has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located adjacent to the Shadowbrook Restaurant with the cable car one foot off the north property line. The Shadowbrook Cable Car is a local landmark. The project received a variance to the required side yard setback to protect the local landmark on the adjacent property. The applicant also acknowledged the noise that exists from the trolley and restaurant which is audible to residents within the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood and allows the continued operation of the adjacent restaurant. The proposed single-family residence complements the existing mix of single-family and commercial in the neighborhood in use, mass and scale, materials, height, and architecture. The home has been designed to not impact the riparian corridor of the Soquel Creek.

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

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

**COASTAL FINDINGS**

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

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

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

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

- The proposed project is located at ~~1730~~ 1740 Wharf Road. The rear property line is located along the Soquel Creek. There is an existing 10 foot wide pedestrian easement at the foot of the hill adjacent to the Soquel creek. More than half of the property is a scenic easement that cannot be built upon. No development is allowed within the scenic easement or the pedestrian easement. The new home will be located directly off Wharf Road. The project will not directly affect public access and coastal recreation areas as it involves a single family home located along the frontage of Wharf Road. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to***

**shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;**

- The proposed project is located along Wharf Road. No portion of the project is located along the shoreline or beach.

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

- The privately owned site has a ten foot wide pedestrian easement along the rear property line located at the bottom of the hill along the Soquel Creek. This easement may be utilized by members of the public to walk along the creek. The development will not impact access to the pedestrian easement.

**(I) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property adjacent to Wharf Road. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline. The ten foot pedestrian easement along the rear property line will not be impacted by the new home.

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

- The proposed project is located on private property that will not impact access and recreation. There is a scenic easement that covers more than half the length of the lot. No development is allowed within the scenic easement. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the

aesthetic, visual or recreational value of public use areas.

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

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

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

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

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

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

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

- Several conditions have been included to protect the riparian habitat along the rear (downhill) portion of the lot. A riparian delineation was completed by a professional to locate the edge of the riparian habitat. The following conditions were added to ensure proper controls are in place during construction.
  1. To conserve the riparian area for habitat purposes, the City of Capitola shall delineate a development envelope on the site to show where structural development and outdoor use area (yard) will be located as part of the Coastal Zone Permit process for site development. The development envelope shall be based on the riparian vegetation delineation and the City's required 35 foot setback from the outer edge of the vegetation.
  2. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
  3. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
  4. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage

plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.

**b. Topographic constraints of the development site;**

- #3 above states: To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.

**c. Recreational needs of the public;**

- Access to the pedestrian easement will not be impacted.

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

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

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

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

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

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

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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

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

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

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

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

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

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

- The project is located within a ½ mile of the Central Fire Protection District station. Water is available at the location

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

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



**The motion carried by the following vote: Aye: Commissioners Routh, Smith, and Welch. No: None. Abstain: None.**

**6. DIRECTOR'S REPORT - None**

**7. COMMISSION COMMUNICATIONS - None**

**8. ADJOURNMENT:**

Chairperson Ortiz adjourned the meeting at 8:05 p.m. to the regular meeting of the Planning Commission to be held on Thursday, April 3, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on April 3, 2014.

---

Linda Fridy, Minute Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 3, 2014

SUBJECT: **207 California Avenue #13-170 APN: 035-181-10**  
 Design Permit to remodel an existing single-family home in the CV (Central Village) Zoning District.  
 This project does not require a Coastal Development Permit due to the addition being less than 10% of the internal floor area of the existing structure.  
 Environmental Determination: Categorical Exemption  
 Owner/Representative: Alfred Silva Jr., Filed 12.12.2013

### APPLICANT PROPOSAL

The applicant submitted a Design Permit application for a 42 square-foot addition to an existing single-family home located at 207 California Avenue. The project is located in the CV (Central Village) zoning district. The property consists of two single-family homes. The addition is on the front façade of the single-family home in the rear of the property. The applicant is proposing to extend the existing 6 foot wide pop-out in the kitchen to a width of 13 feet 8 inches to accommodate a kitchen counter. An addition to the front façade of a home requires approval of a Design Permit by the Planning Commission.

### BACKGROUND

On January 8, 2014, the Architectural and Site Review Committee reviewed the application.

- City Design Representative, Derek Van Alstine, did not request modifications to the plans.
- City Landscape Architect representative, position was vacant. The original submittal did not include planting in the front open space area in front of the cottage. Senior Planner, Katie Cattan, suggested that the applicant landscape the front yard. The applicant modified the plans to include plants in the front yard.
- City Public Works Director, Steve Jesberg, did not request any modifications to the plan.
- City Building Inspector, Brian Von Son, did not request any modifications to the plan.
- City Historian, Carolyn Swift, noted that the property is listed on the on the 1986 Capitola Architectural Survey and the City 2005 Historic Structures List. Ms. Swift requested that an evaluation of the property be completed by a third party to determine the historic significance of the two structures on the site within a DPR523.

The City contracted Mr. Franklin Maggi of Archives and Architecture, LLC to complete a DPR523 for the property. A DPR523 evaluates a property pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) – Preliminary Review of Projects and Conduct of Initial Study, to determine the significance of impacts to potential historical resources according to section 15064.5 of the California Code of Regulations. The evaluation was received by the city on February 25, 2014. (Attachment B)

**Item #: 4.A. 207 California Ave Staff Report.pdf**

The evaluation made findings that the cottage and rear dwelling are not historically significant according to the minimum requirements for listing on the California Register of Historical Resources and the City of Capitola Historic Features Ordinance. The study found that the character-defining features of the front cottage make it reasonable to assume that the cottage was built around 1905 by the Hihn Company. The rear dwelling is believed to have been built shortly prior to 1950. Although the front cottages is an example of a type of building once common in Capitola but now rare, the lack of integrity to its original character prevent it from meeting the state and local criteria. Substantial modifications to the original materials have caused the lack of integrity.

**DISCUSSION**

The property at 207 California Avenue is located in the CV (Central Village) zoning district and within the Cherry Avenue Residential Overlay District. The Cherry Avenue Residential Overlay District was the first subdivision area to sell residential parcels during the 1880s. Originally the area was dominated by beach cottages and single-family homes. Today there are a mix of beach cottages, single-family homes, and multi-family dwellings that may be rented nightly by visitors. The neighborhood was not originally designed with automobile parking in mind. Parking is a challenge throughout the Central Village District.

**Development Standards**

The development standards for the Central Village zoning district are set forth in the Central Village Design Guidelines. Standards for height and parking are included in the district as follows:

<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>	2,701 sq. ft.	
<b>Existing and Proposed Square Footage</b>		
<b>Front Cottage</b>	469 sq. ft.	
<b>House in Rear</b>	945 sq. ft.	
<b>Proposed Addition</b>	42 sq. ft.	
	<b>Total Proposed</b>	1,456 sq. ft.
<b>Building Height</b>		
	<b>CV District</b>	<b>Proposed</b>
<b>Residential</b>	27'-0"	22'6" existing
<b>Lot Coverage</b>		
Within the Cherry Avenue Residential Overly District, lots over 2000 square feet are allowed up to 75% lot coverage.	54%	
<b>Yards</b>		
There are no yard requirements in the C-V zone, except that ten percent of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking.	270 sq. ft. minimum 297 sq. ft. proposed	
<b>Parking</b>		
When a substantial remodel or reconstruction of a building is done for reasons other than fire or natural disaster, parking requirements for the entire structure shall be provided.		
	<b>Required</b>	<b>Proposed</b>
<b>Residential up to 1,500 sf</b>	2 uncovered spaces	3 uncovered spaces

### Parking

There are two existing, uncovered parking spaces associated with the primary and secondary dwelling units. One uncovered parking space is located along the south property line and a second uncovered parking space is located on the adjacent remnant parcel (APN:035-18-09) to the north that is owned by 207 California Avenue. The combined square footage of the primary and secondary unit is 1,456 square feet. The minimum parking requirement for a single-family residential unit with secondary dwelling unit up to 1,500 square feet combined is two uncovered spaces.

### Central Village Design Guidelines

The Central Village Design Guidelines apply to residential development within the Central Village zoning district. The following guidelines apply to the 42 square foot addition at 207 California Avenue:

#### *Architectural Compatibility*

The height, bulk and scale of the projects must be considered. The use of indentations, bay, porticos, porches, courtyards and other wall features is encouraged to introduce depth and secondary scale to the units.

Staff Analysis: The proposed addition provides increase articulation in the front wall plane. The shed roof design of the addition complements the existing simplicity of the structure.

#### *Parking*

Parking must be provided on site and should be architecturally screened. This does not eliminate the use of garages, but they are not required if parking can be incorporated as a feature of the design.

Screening can include fences, trellises, gates, etc. Tandem parking may extend to the front property line if screened, and parking for the particular unit does not use more than 10' of the required front open space.

Staff Analysis: The onsite parking is currently screened from the neighboring properties with established shrubbery that is approximately four feet in height.

#### *Landscaping*

The front yard area is to be landscaped and should create a sense of entry to the unit and/or units. The landscaping should incorporate the use of street trees. Through the use of tiles, brick, paving stones or other appropriate materials, the driveway should enhance the landscaped area.

Staff Analysis: There are two existing planters located along the side property lines which have established hedges. The rest of the property currently lacks vegetation. The applicant is proposing to plant the front yard with 3 hydrangeas, 4 begonia digswellia, and 3 rosemary plants. Two new planters are proposed on the patio area between the cottage and main home. Jasmine and Lavender plants will fill each of the planters.

There are currently no trees on the site. The applicant is proposing two new trees within the landscape plan. Two 15 gallon Crepe Mertyle trees will be planted; one in the front yard and one in the side yard.

### **CEQA REVIEW**

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% of the existing structure or more than 2,500 square feet, whichever is less. This project involves a 42 square foot addition to an existing home

## Item #: 4.A. 207 California Ave Staff Report.pdf

located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #13-170 based on the following Conditions and Findings for Approval.

### **CONDITIONS**

1. The project approval consists of construction of a 42 square-foot addition to an existing single family home. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014 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 shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #13-170 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, Soquel Creek 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. 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.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the CV (Central Village) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The

**Item #: 4.A. 207 California Ave Staff Report.pdf**

project conforms to the development standards of the CV (Central Village) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

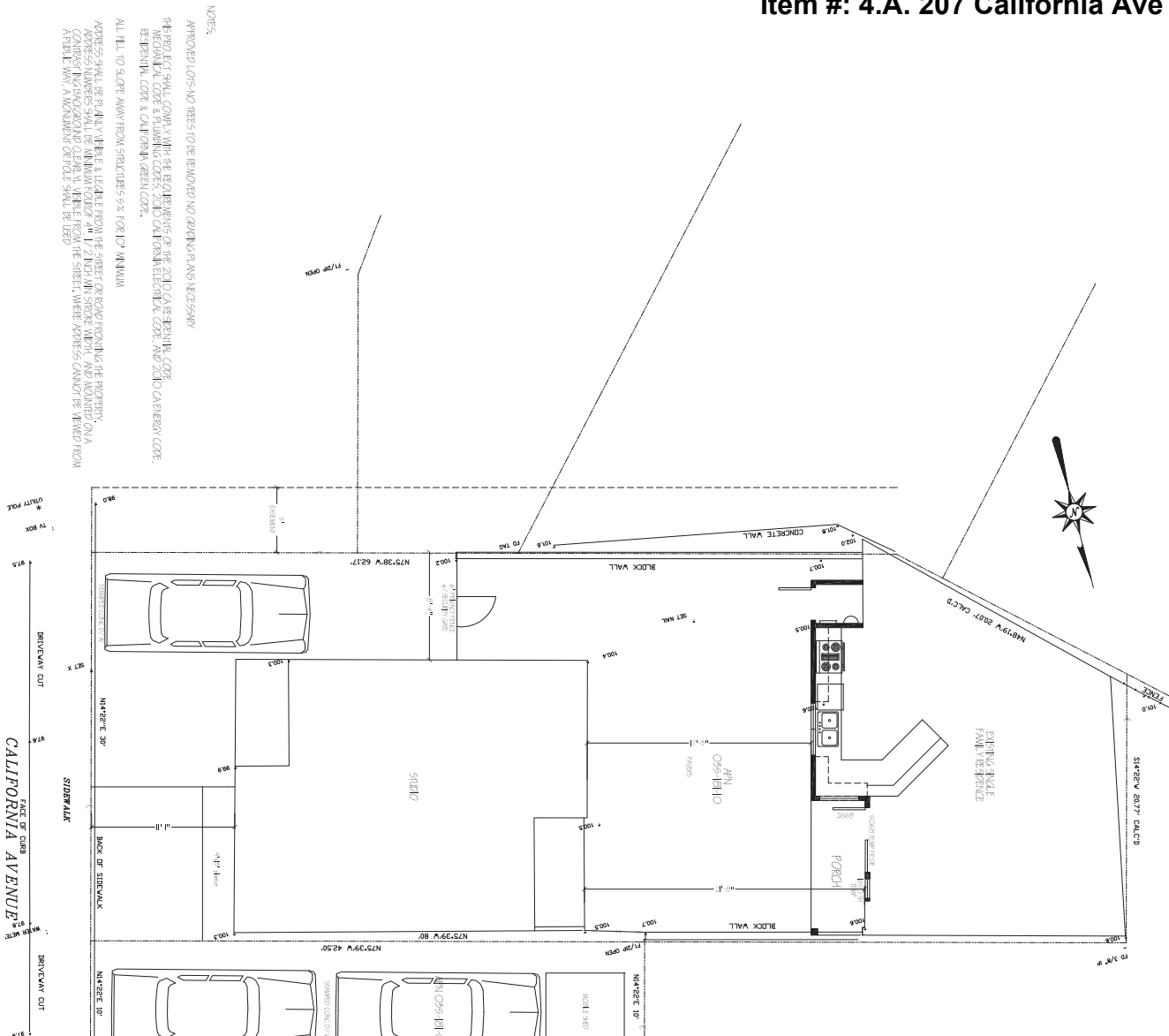
This project involves an addition to an existing single-family residence in the CV (central village) Zoning District. The home is not historically significant. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

**ATTACHMENTS**

- A. Project Plans
- B. DPR523 Historic Evaluation

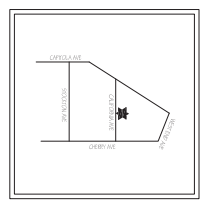
**Report Prepared By:           Katie Cattan  
Senior Planner**





NOTES:  
 APPROVED LOTS-NO TREES TO BE REMOVED, NO GRADING PLANS NECESSARY  
 THE ABOVE SHALL COMPLY WITH THE REGULATIONS OF THE CITY OF SAN JOSE, CODE  
 ORDINANCE 187.00000 AND THE CITY OF SAN JOSE, CODE ORDINANCE 187.00000  
 REFERENCE CODE & CALIFORNIA GREEN CODE.  
 ALL UTIL. TO 3.0 FT AWAY FROM STRUCTURES 5'-4" FOR CIVIL MINIMUM  
 ADDRESS SHALL BE PLANNED & LOCATED FROM THE STREET OR ADJACENT TO THE PROPERTY  
 ADDRESS NUMBERS SHALL BE MINIMUM TO 7' IN 1/2" ZONING STREET WIDTH AND LOCATED ON A  
 CONCRETE OR BRICK PAVEMENT CLEARLY VISIBLE FROM THE STREET, WHERE ADDRESS CANNOT BE VIEWED FROM  
 A PUBLIC WAY, A MONUMENT OR POLE SHALL BE USED

- INDEX
1. SITE PLAN
  2. LANDSCAPE PLAN
  3. EXISTING FLOOR PLAN
  4. PROPOSED FLOOR PLAN
  5. EXISTING FRONT HOUSE FLOOR PLAN
  6. PROPOSED FRONT HOUSE FLOOR PLAN
  7. WINDOW LOCATION/ SHEAR
  8. FOUNDATION PLAN
  9. UPPER FLOOR REPAIRING
  10. EXISTING ROOF PLAN
  11. PROPOSED ROOF PLAN
  12. EXISTING ELEVATIONS
  13. PROPOSED ELEVATIONS
  14. ELECTRICAL
  15. FRONT HOUSE ELECTRICAL
  16. MECHANICAL
  17. TITLE 24'S
  18. CALIF. GREEN
  19. CALIF. GREEN



SITE PLAN

SCOPE OF PROJECT:  
 42 SQ FT ADDITION TO EXISTING TWO STORY STRUCTURE  
 REAR HOUSE  
 NEW ENTRY FLOOR PLAN  
 NEW REAR WALK CLOSET (16 SQ FT)  
 42 SQ FT FRONT ADDITION  
 NO GRADING NECESSARY  
 NO TREES TO BE REMOVED

OWNER:  
 96-31 WVA,  
 15250 SERRA LOMA BLVD  
 HAYWARD, CA 94542  
 650.457.4555  
 shirley@theilva.com

DESIGNER:  
 DEZUNIS TO A \*P\* INC.  
 TAWNY JOHSON  
 P.O. BOX 1025  
 SAN JOSE, CA 95109  
 408.285.8800  
 tawny@dezunistoap.com

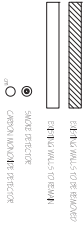
PROJECT:  
 APR. 25-14-09  
 APR. 25-14-10  
 RE: 31 WVA'S  
 207 CALIFORNIA AVE  
 CANTON, CA  
 OCCUPANCY REPORT, RS/11  
 TYPE OF CONSTRUCTION: NB  
 MAIN HOUSE UPPER: 500 SQ FT  
 MAIN HOUSE LOWER: 449 SQ FT  
 TOTAL: 949 SQ FT  
 TOTAL: 957 SQ FT  
 SCHEDULE: 2  
 SECONDARY STRUCTURE: 469 SQ FT  
 PROJECT: 27 SQ FT  
 SCHEDULE: 1  
 TOTAL LINK: 1456 SQ FT  
 APR. 25-14-10 - 2209 SQ FT  
 APR. 25-14-09 - 592 SQ FT  
 LOT COVER: 54%  
 MIN. LANDSCAPING REQ: 270 SQ FT  
 PROPOSED LANDSCAPING: 289 SQ FT

DATE	4/21/09
ISSUED FOR	PERMITS
DESIGNED BY	TAWNY JOHNSON
CHECKED BY	TAWNY JOHNSON
DATE	4/21/09
SCALE	1" = 10'-0"

**the SILVA's**  
 207 CALIFORNIA AVE  
 REAR HOUSE  
 42 SQ FT ADDITION TO EXISTING TWO STORY STRUCTURE

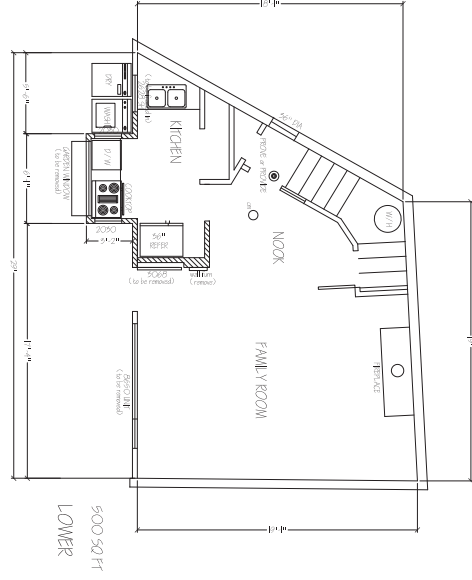
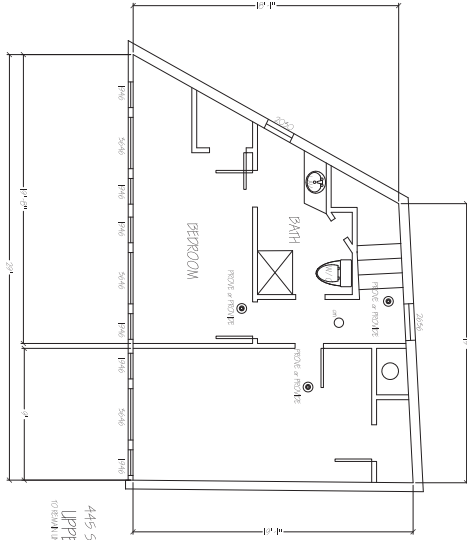
DEZUNIS to a \*P\* INC.  
 TAWNY JOHNSON  
 P.O. BOX 1025  
 SAN JOSE, CA 95109  
 Phone: (408) 455-8800  
 Fax: (408) 455-8200

DATE	4/21/09
ISSUED FOR	PERMITS
DESIGNED BY	TAWNY JOHNSON
CHECKED BY	TAWNY JOHNSON
DATE	4/21/09
SCALE	1" = 10'-0"

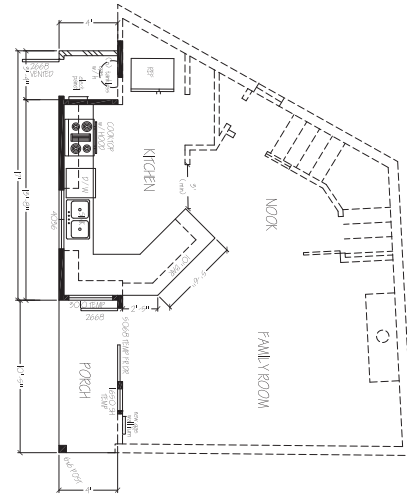


EXISTING FLOOR PLAN

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



FLOOR FINISHES



PROPOSED FLOOR PLAN

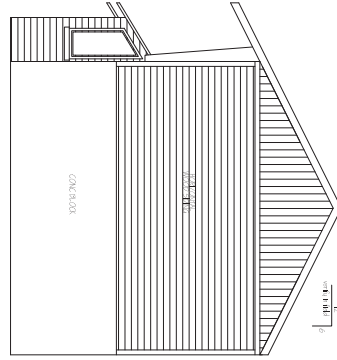
SCALE: 1/8" = 1'-0"

- \* ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- \* ALL WALLS ARE TO BE 1/2" THICK UNLESS OTHERWISE NOTED.
- \* ALL DOORS ARE TO BE 2'0" HIGH BY 3'0" WIDE UNLESS OTHERWISE NOTED.
- \* ALL WINDOWS ARE TO BE 4'0" HIGH BY 6'0" WIDE UNLESS OTHERWISE NOTED.
- \* ALL FLOOR FINISHES ARE TO BE 1/2" THICK UNLESS OTHERWISE NOTED.
- \* ALL CEILING FINISHES ARE TO BE 1/2" THICK UNLESS OTHERWISE NOTED.
- \* ALL ROOF FINISHES ARE TO BE 1/2" THICK UNLESS OTHERWISE NOTED.
- \* ALL MECHANICAL EQUIPMENT IS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL ELECTRICAL WIRING IS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL PLUMBING IS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL HVAC SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL FINISHES ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- \* ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- \* ALL MATERIALS AND WORKMANSHIP ARE TO BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
- \* ALL PERMITS ARE TO BE OBTAINED PRIOR TO THE START OF WORK.
- \* ALL UTILITIES ARE TO BE LOCATED AND MARKED PRIOR TO THE START OF WORK.
- \* ALL NEIGHBORS ARE TO BE NOTIFIED PRIOR TO THE START OF WORK.
- \* ALL TRAFFIC IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
- \* ALL SITE RESTORATION IS TO BE COMPLETED PRIOR TO THE END OF CONSTRUCTION.
- \* ALL EROSION CONTROL MEASURES ARE TO BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- \* ALL WASTE IS TO BE PROPERLY DISPOSED AT ALL TIMES.
- \* ALL SAFETY MEASURES ARE TO BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- \* ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

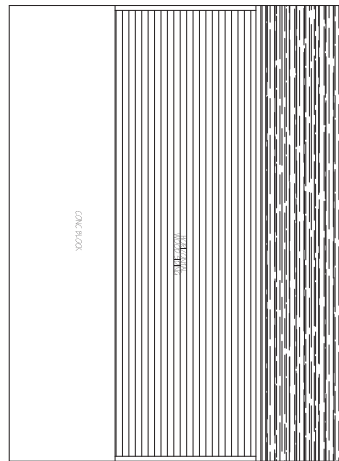
DATE	1/28/21
BY	SA
CHECKED	SA
DATE	1/28/21
SCALE	1/8" = 1'-0"
2	

**the SILVA's**  
 DESIGN TO A HOME, INC.  
 SAMMY JACOBSON  
 PROJECT DESIGNER  
 207 CALIFORNIA AVE, SUITE 200  
 SAN JOSE, CA 95128  
 TEL: 408.435.4375  
 FAX: 408.435.4376

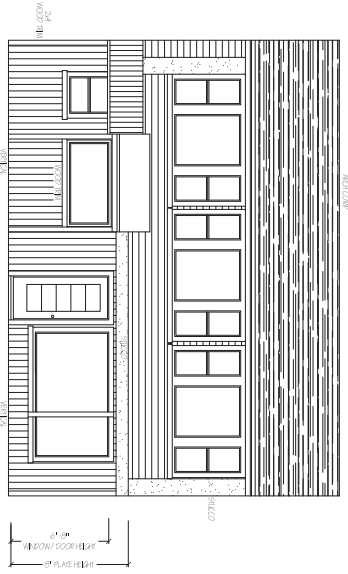
DATE	1/28/21
BY	SA
CHECKED	SA
DATE	1/28/21
SCALE	1/8" = 1'-0"



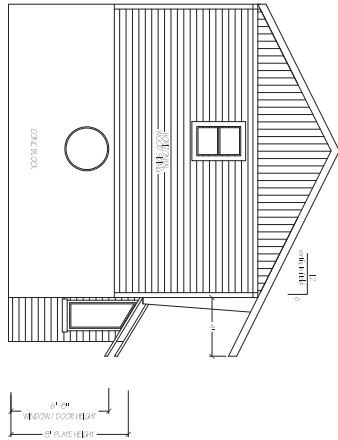
RIGHT / NORTH VIEW



REAR / WEST VIEW



FRONT / EAST VIEW



LEFT / SOUTH VIEW

EXISTING ELEVATIONS

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

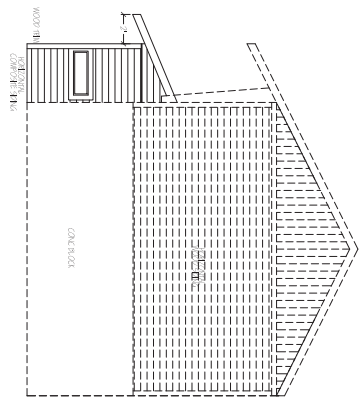
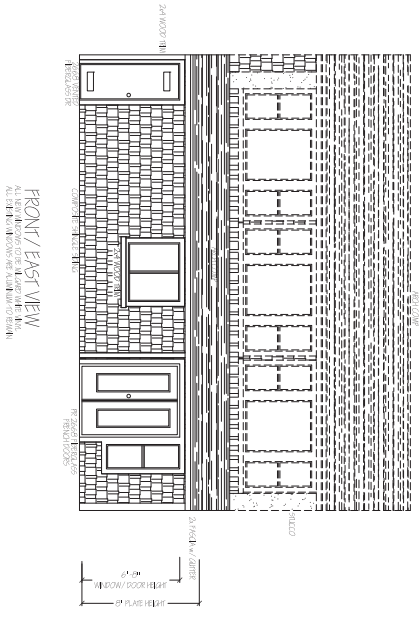
7	DATE
	DRAWN
	CHECKED
	DATE
	CONTRACT NO.
	SCALE

the SILVA's



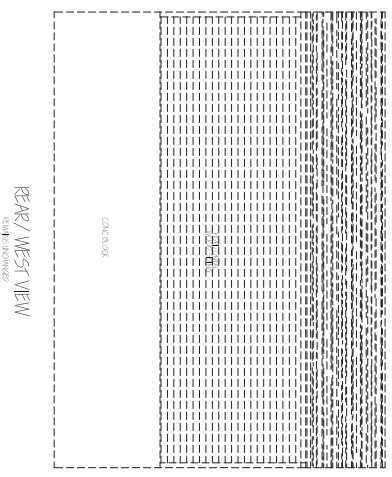
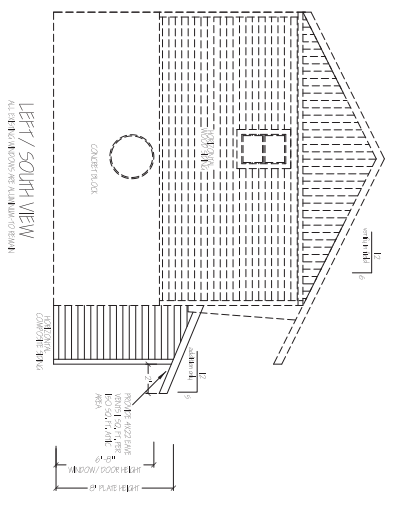
ESTABLISHED	1978
11111	11
11111	11

ESTABLISHED	1978
11111	11
11111	11



EXPLANATIONS

- \* CONCRETE BLOCK
- \* WOOD SHAKES
- \* WOOD TRIM
- \* WOOD DOOR
- \* WOOD WINDOW
- \* WOOD PLASTER



PROPOSED ELEVATIONS

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

DATE	8
SCALE	1/8" = 1'-0"
PROJECT	207 CALIFORNIA AVE
OWNER	THE SILVA'S
DESIGNER	DEZUNIS to a <sup>TM</sup> , INC.
DATE	NOVEMBER 2016
SCALE	1/8" = 1'-0"

# the SILVA's

DEZUNIS to a<sup>TM</sup>, INC.  
 SAMMY JACKSON  
 PROJECT DESIGNER  
 207 CALIFORNIA AVE  
 FORT LAUDERDALE, FL 33404  
 TEL: 954-477-1111  
 FAX: 954-477-1112

DATE	8
SCALE	1/8" = 1'-0"
PROJECT	207 CALIFORNIA AVE
OWNER	THE SILVA'S
DESIGNER	DEZUNIS to a <sup>TM</sup> , INC.
DATE	NOVEMBER 2016
SCALE	1/8" = 1'-0"



THIS PAGE INTENTIONALLY LEFT BLANK

PO Box 1332  
San Jose CA 95109-1332  
408.297.2684 Office  
408.228.0762 FAX  
www.archivesandarchitecture.com

February 25, 20014

City of Capitola  
Community Development Department  
420 Capitola Avenue  
Capitola, CA 95010

RE: 207 California Ave., Capitola  
APNs #035-181-10, -09

Attn: Katie Cattan, Senior Planner

Please find attached completed historic property recordation DPR523 forms prepared for the property located at 207 California Ave., Capitola, California. The forms were prepared for the City's use in conjunction with a request for entitlements for this two-unit residential property.

This letter and the attached forms and sheets constitute an historical and architectural evaluation of the property, based on the significance statement made within the above referenced DPR523, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) – Preliminary Review of Projects and Conduct of Initial Study, to determine the significance of impacts to potential historical resources according to section 15064.5 of the California Code of Regulations.

For the purposes of CEQA, our evaluation considers historical significance if a property meets the criteria for listing on the California Register of Historical Resources. Generally, properties that are at least 50 years old are considered historic and require some level of evaluation by the agency.

The attached DPR523 forms dated February 25, 2014, which we prepared, document the historical and architectural aspects of the property at 207 California Ave. We reviewed both the historical context and property background of this property in the forms. Although historical research for the ca. 1905 time period does not confirm the build date for the cottage on this property, the character-defining features of the building itself make it reasonable to assume that the cottage was built at that time by the Hihn Company. The rear dwelling appears to have been constructed shortly prior to 1950.

The cottage does not have integrity of original form and materials. The rear unit has lost some integrity, but is not distinctive architecturally. The cottage was built during a historic period of Camp Capitola, and is associated with that period in a thematic way. The rear dwelling was built during the post-World War II period, which has not gained recognition yet based on thematic patterns.

The early personages associated with the property are not considered to be historically significant.

The property was previously surveyed as a part of the *1986 City of Capitola Architectural Survey*, and identified at that time as representative of traditional architectural styles within the Capitola Village area. It has not been recorded on any state or national registers.

We are not aware of specific district-wide designation actions that have taken place that pertain to Capitola Village properties. However, the City of Capitola has developed and adopted a historic context statement that is used today as a part of the evaluation of historic properties within the planning program.

We indicated in the DPR523 forms that the property does not appear to qualify for listing on the California Register.

Within the City of Capitola's adopted historic context statement, significant residences are those that are directly related to Capitola's architectural chronology. Generally, properties constructed prior to World War II are considered to be contributors to the architectural character of the community. Those reflecting Capitola's eclectic style or character are considered to merit historical status, given a reasonable level of physical integrity to their original construction.

The cottage at 207 California Ave. although originally a part of residential development in the early twentieth century, has lost the integrity of its original character, which does not seem recoverable at this time.

The City of Capitola's Historic Features Ordinance (adopted in 1982) defines criteria for consideration of properties for the Register of Historic Features. The ordinance provides eleven possible qualities to be considered in making findings for such a determination:

1. The proposed feature is particularly representative of a distinct historic period, type, style, or way of life,
2. The proposed feature is an example of a type of building once common in Capitola but now rare,
3. The proposed feature is of greater age than most other features serving the same function,
4. The proposed feature is connected with a business or use which was once common but is now rare,
5. The architect or builder is historically important,
6. The site is the location of an important historic event,
7. The proposed feature is identified with historic persons or important events in local, state, or national history,
8. The architecture, the materials used in construction, or the difficulty or ingenuity of construction associated with the proposed feature are significantly unusual or remarkable,
9. The proposed historic feature by its location and setting materially contributes to the historic character of the city,
10. The proposed historic feature is a long established feature of the city,
11. The proposed historic feature is a long established feature of the city, or is a prominent and identifying feature of the landscape and is of sufficient aesthetic importance to be preserved.

Among these qualities, although the cottage on the property is an example of a type of building once common in Capitola but now rare, the lack of integrity to its original character prevents it from meeting this criterion. An evaluation performed according to the City of Capitola Historic Features Ordinance indicates that it would not be considered a feature under the ordinance, due to the fact that it no longer materially contributes to the historic character of the city.



Development of this property, to include modifications to the site, or possible demolition or alteration of the extant buildings, would not appear to cause an adverse impact to the environment as defined by CEQA, because the property is not historically significant according to the minimum requirements for listing on the California Register of Historical Resources.

The City of Capitola encourages preservation of historic resources that are not California Register eligible or previously listed as Historic Features within the development review process.

Please let us know if you have any questions or receive comments that require our response.

Sincerely:

A handwritten signature in blue ink, appearing to read 'F. Maggi', with a stylized flourish at the end.

Franklin Maggi, Architectural Historian

Attachments: DPR523 series form

State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 12 \*Resource Name or #: (Assigned by recorder) 207 A and B California Avenue

P1. Other Identifier: 207 California Avenue, 24 California Avenue

\*P2. Location:  Not for Publication  Unrestricted \*a. County Santa Cruz  
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Soquel Date 1954 photorevised 1994 T11S; R1W; Mount Diablo B.M.

c. Address 207 A and B California Ave. City Capitola Zip 95062

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 593247mE/ 4092479mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Numbers: 035-181-10, -09;

west side of California Avenue, between Capitola and Cherry Avenues.

\*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This small Capitola Village property includes two separate residences connected by a patio set with pavers. One house, at the front (east) property line is a heavily altered one-story cottage that includes some encapsulated historic materials. The other is a two-story house that was originally built mid-twentieth century; it has been slightly altered over time.

The building at the front appears to be an early Camp Capitola cottage. Some original historic framework remains encapsulated beneath the current exterior finishes of this small, one-story residence, but the design and structure have been modified to an extent that the building no longer represents its original associations and can no longer be considered a significant historic resource.

(Continued on page 2, DPR523L)

\*P3b. Resource Attributes: (List attributes and codes) HP3. Multiple family property

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



P5b. Description of Photo: (View, date, accession #)

View facing southwest, February 2014.

\*P6. Date Constructed/Age & Sources:

Historic  Prehistoric  Both

Ca. 1903/Ca. 1950, Sanborn Fire Insurance Maps, Hihn Co. advertisement.

\*P7. Owner and Address:

Alfred Jr. & Sally Ann Silva, & Todd & Leigh Silva

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

L. Dill, F. Maggi & S. Winder Archives & Architecture, LLC  
 PO Box 1332  
 San Jose CA 95109-1332

\*P9. Date Recorded: 2/25/2014

\*P10. Survey Type: (Describe)

Intensive

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

None.

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

State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 2 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update

*(Continued from page 1, DPR523a, P3a Description)*

The front cottage has a compact, generally rectangular footprint, with recessed corner porches at the southeast front corner and northwest rear corner. The roof is a full-depth side-gabled form with shallow, boxed front and rear eaves that include applied metal gutters in an ogee pattern. The rake eaves do not have an overhang. The front porch has a diagonal brace that supports the corner of the roof; it was reportedly installed in the 1980s. The house is of single-wall construction, and there are some original redwood boards within the structure, but the house has recent T-11 siding and aluminum slider windows, and all the trim and porch detailing has been removed or replaced. Additionally, the original roof structure was completely removed and replaced after a fire. The new roof has a different height and slightly different pitch than the original roof. The house is set at grade on a mud sill. The front and rear door may be original, as they are historic four-panel doors. They do not have original trim, so cannot be confirmed that they are in their original locations. There are modern aluminum slider windows with new trim on all four sides of the structure.

The rear structure is a two-and-one-half-story vernacular residence with Mid-Century Modern influences. The design has been altered over time with new exterior materials and new first-floor windows, and does not represent a strong representation of any one architectural style. The residence features a two-story front wall filled with windows. This façade faces east, overlooking the patio and the back of the cottage. The back and two side walls have no openings or trim, as they follow the property lines. This main façade is framed by a massively projecting eave and stucco side buttresses that taper outward at the upper level. There are no side buttresses at the first floor. The buttresses rest at the floor level on a wide stucco bullnose belly band. Above the belly band, the wall is clad in wood horizontal v-groove siding that is consistent with the mid-twentieth century. There are three tripartite wood windows in the upper wall, which consist of a large, central picture window flanked by 1/1 double-hung windows. At the lower level, the house is clad in T1-11 plywood siding, and the windows have been replaced with aluminum picture windows, including a projecting greenhouse-style bay window. The front door is consistent with the 1950s; it is a wood French door with five horizontal lites. The roof is hipped, and includes skylights that were reportedly added in the mid-1980s. The house has a trapezoidal footprint and a concrete foundation.

INTEGRITY AND CHARACTER-DEFINING FEATURES:

The front residence on this property no longer maintains adequate integrity to meet the National Register's seven aspects of integrity. Although it maintains its original location in the historic village of Capitola, the house has been irreparably altered by the removal over time of virtually all its visible historic materials, including windows, siding, roof, and trim. The modern replacement materials, including T1-11 plywood siding, aluminum sliders, a new roof structure, and modern trim, create a recent design and feeling. The house now presents a late-twentieth-century residential scale and design, and it no longer illustrates any associations with identified historical patterns of vernacular development in the areas in and surrounding downtown Capitola. It does not appear that the original cottage design can be recovered unless done as a replica.

The rear residence on this property maintains only some integrity as per the National Register's seven aspects of integrity. Although it maintains its original location in the historic village of Capitola, the house has been somewhat altered by the replacement over time of the first-floor materials, including windows, siding, and trim. The house now presents a variety of vernacular elements, and it does not illustrate any associations with identified historical patterns of vernacular development in the areas in and surrounding downtown Capitola.



State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
LOCATION MAP

Primary #  
HRI #  
Trinomial

Page 3 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Map Name: USGS Soquel 7.5 minute quadrangle \*Scale: n.t.s. \*Date of Map: 1994 photorevised





State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #  
 HRI #

Page 4 of 12

\*NRHP Status Code 6z

\*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

B1. Historic Name: 207 California Ave.

B2. Common Name: 207 California Ave.

B3. Original use: Single family residential B4. Present Use: Multiple family residential

\*B5. Architectural Style: vernacular / no style

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

Cottage (207 B California Ave.) was originally constructed ca. 1905. Two-story residence (207 A California Ave.) was constructed sometime in the late 1940s or 1950s. Remodelings to both during the latter part of the twentieth century - dates unknown. Fire at front cottage - date unknown.

\*B7. Moved?  No  Yes  Unknown Date: n/a Original Location: n/a

\*B8. Related Features:

None.

B9a Architect: Unknown

b. Builder: F. A. Hihn (front cottage)

\*B10. Significance: Theme Architecture and Shelter Area Central Village

Period of Significance 1905-1923 Property Type Residential Applicable Criteria None

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

The cottage at 207 California Ave. is associated with Camp Capitola, which operated in the Capitola Village area from 1869 to 1929. It was constructed sometime after January 1902 by the Hihn Company. The cottage on the subject site is first shown on the Sanborn Fire Insurance Map of 1905, and is embedded within the front building on the property. The cottage was likely used as a rental for a variety of changing tenants under the ownership of the Hihn Company and then by Allen Rispin, who purchased Capitola from Hihn's daughter Katherine Henderson in 1919. It is one of approximately 100 cottages that the Hihn Company owned in the early years of the century that provided lodging for vacationers at the resort, of which only a limited number remain. The front cottage building however, has been the subject of a fire, and the roof, ceiling, as well as portions of the side walls have been replaced. In repairing the structure, original windows were removed, and new siding installed that would have included removal of the original trimwork. The building does not seem to be recoverable to its original configuration. The rear building is associated with post-World War II development of Capitola. Within the architectural context of modern-day Capitola, the design of the rear building is not distinctive.

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) None

\*B12. References:

- Polk. R. L. Santa Cruz City Directory, 1902-1972. Los Angeles: R. L. Polk & Co.
- Sanborn Fire Insurance Maps, 1905, 1922, 1927, 1933.
- Santa Cruz County Clerk-Recorder, deeds and maps.
- U.S. Federal Census, 1880-1940.
- Rowe & Associates. Capitola Architectural Survey, 1986.
- Hihn Company. Capitola-By-The-Sea promotional brochure, 1903.

B13. Remarks: Proposed remodeling

\*B14. Evaluator: Franklin Maggi

\*Date of Evaluation: 2/25/2014

(This space reserved for official comments.)



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 5 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update

*(Continued from previous page, DPR523b, B10 Significance)*

Camp Capitola was founded in 1869 by Frederick Hihn on land that was formerly part of *Rancho Soquel*, 1,668 acres granted to Martina Castro Lodge in 1834. Hihn himself had little involvement in Camp Capitola until 1882, when he forced out lessees of the camp. The first subdivision maps were drawn in 1882; and by 1884, the seaside resort included a dance hall, shooting gallery, bowling alley and skating rink. Much of the beach and southern bluff had also been subdivided for home sites. The narrow gauge railroad trestle was built in 1874 over Soquel. In 1883, the narrow gauge railroad had been broad-gauged, facilitating the arrival of tourists and new homeowners, especially from the Santa Clara Valley, to the seaside resort. Portions of the early bridge were replaced in 1886 with a new, 166-foot span that was twelve feet higher than the first one. Along with the wharf, the trestle is Capitola's oldest landmark, one that dates to the year of the resort's founding.

Hihn opened a large three-story Capitola Hotel in 1895, and Capitola was called "one of the most popular seaside resorts in California." In 1904, Fred Swanton's Santa Cruz Capitola and Watsonville Railway brought electric rail service to Capitola, which made the resort even more accessible and popular with tourists. In 1913, F. A. Hihn died, leaving his Capitola property to his daughter Katherine Henderson. In 1919, Katherine sold Hihn's interests to Henry Allen Rispin who immediately made plans to further develop Capitola as a year-round resort. Rispin's plan was to sell lots to wealthy and influential businessmen who would be attracted by exclusive clubs, concrete hotels, and beautifully landscaped golf courses. Rispin's land company, Bay Head Land Company, began selling off some of the company-owned lands in the early 1920s. His plans ended with his bankruptcy in 1929. Fires during these years also changed the landscape of Capitola, the Hotel Capitola burned in 1929, and most of the commercial district burned in 1933. The village was rebuilt, and in 1949 the City of Capitola was incorporated.

At the end of the Rispin era in 1930, Capitola had three miles of streets and only one was surfaced. The village community and its business leaders blamed the condition of the streets for slowing development in the thirties. Santa Cruz County added the streets to the county system in 1937, and household street numbers were assigned in 1940. Polk directories continued to list residents without street addresses into the second part of the twentieth century.

In 1884, F. A. Hihn subdivided a good portion of Camp Capitola into lots that were sold to private parties for beach homes. The subject area was not a part of this subdivision, but was retained by the Hihn Company for its future use. The property currently identified as 207 California Avenue was identified then as Lot 5, Block H (Santa Cruz County Maps 2: 23, recorded May 1, 1884) remained vacant until sometime between 1892, when Sanborn maps show the lot vacant, and 1905, when a small cottage is shown. In 1903, Hihn advertised in a promotional brochure that he had 100 cottages, available for rent. The brochure stated:

*Furnished cottages rent from \$12.50 to \$60.00 per month in the summer, and in the fall and winter at one-half these rates. Great ash and other beautiful trees shade these pleasant abodes and vines climbing up their fronts and sides make them very homelike. These cottages are fitted up for housekeeping and everything needed for that purpose can be had, as stores and shops of all kinds are on the grounds and supply all that is needed at reasonable prices, or if preferred, meals can be taken at the hotel or restaurant.*

In correspondence dated January 1902, Hihn described the available rentals, making no mention of the existence of a large number of cottages. This suggests that the cottage at 207 California Avenue was constructed sometime after January 1902.

*(Continued on next page)*

State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 6 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update

*(Continued from previous page)*

It is not known at what date the Hihn Company sold the subject property, but it is likely that the small cottage at the front of the subject property was built by Hihn, as the design is consistent with known buildings of that era. It is likely that this cottage is one of the large number of simple board-wall residences he built for use as rentals. Most of these continued to be used as rentals after sold by the Hihn Company. Polk directories do not show occupants of buildings in Capitola during the first half of the twentieth century. By mid-century, the property was owned by Thomas and Minnie Alice Vodden. Property research conducted prior to this time did not reveal who the Voddens purchased the property from, although it appears that Minnie Alice or her family may have owned property in Capitola as early as the 1920s.

The current property contains a portion of what was another lot to the north that was created in 1884. In 1946, the larger portion of this lot was sold off, but retaining a small portion to the north of the small cottage. This splitting of the adjacent lot appears to have been done to accommodate the construction of the rear unit and expansion of the occupancy of the subject property to two units. This rear unit was likely constructed by the Voddens in the late 1940s.

Thomas Hubert (sometimes Herbert) Vodden was born in London, Ontario, Canada, in 1885. His family, including his parents Sydney and Henrietta Vodden, immigrated to the United States when he was three years old, and arrived in the San Francisco Bay Area by the turn of the century. In 1910, Thomas Vodden married Minnie Alice Gray in Los Gatos, California. Minnie Alice Gray was born in Iowa in 1887. The newly married couple initially resided in San Francisco, where Thomas worked in the building industry pouring cement, but by World War I, the couple was again living in Los Gatos. The Voddens continued to live in Los Gatos until the 1930s with their three sons, Herbert Sidney, Clinton Ward, and Thomas Kenneth. Thomas worked for PG&E, then later as a mechanic, and then a stationary engineer. By 1940, the couple resided in Santa Clara and Thomas was working as a fireman. During the 1940s, the Voddens were involved in a large number of real estate dealings in Capitola, and Minnie is listed as a real estate agent by the 1950s. In 1948, Minnie Alice Vodden purchased the Capitola Smoke Shop on the Esplanade from Leon Houze. In 1955, the Voddens sold the subject property on California Avenue to Thomas H. and Edith Goin (SCC OR B1050:P365). Thomas H. Vodden passed away in 1964, and Minnie Alice about ten years later.

The Goins owned the property for about 10 years, Thomas Goin selling the property to Beatrice Morgan, a widow, in 1965 (SCC OR B1703:P368). The Goins lived on Escalona Drive, and likely used the property as a rental. Beatrice owned the property for a little more than 10 years, selling to Jack and Wynoma Gould and William Q. and Lorraine L. Hoffman in 1978 (SCC OR B2999:P635). The Goulds acquired the Hoffman interest a few years later, and used the property as a rental. They are also recorded as living at the property for some of the 35 years they were owners. The widow Wynoma Gould sold the property to the current owners in 2013.

**EVALUATION**

The subject property, addressed as 207A and 207B California Ave., was previously surveyed as a part of the City of Capitola Architectural Survey in 1986 by Rowe & Associates for the City of Capitola. This survey stated that this vernacular cottage was constructed ca. 1905. This survey however, was not submitted to the California Office of Historic Preservation (OHP). The property is not formally designated on any local, state, or federal registers of historic resources.

The property at 207 California Ave. is associated with the Hihn Company's development of Camp Capitola, the precursor to most of present day Capitola Village. It is one of approximately 100 cottages that the Hihn Company owned in the early years of the century that provided lodging for vacationers at the resort. F. A. Hihn, and later Allen Rispin, owned the resort for sixty years, beginning in 1869, and ending with Rispin's bankruptcy in 1929. This privately-run operation established Capitola as a well-known destination for vacationers from Central California, particularly from Santa Clara Valley.

*(continued on next page)*

State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 7 of 12

\*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update

*(Continued from previous page)*

Buildings associated with this period of development are potentially significant from an historical viewpoint as they represent an important aspect of the development of the town, but also are representative of broad cultural patterns at the turn-of-the-century relating to the region. It appears that only a limited number of these cottages remain. In the Lawn Way area, there is a small number of cottages that remain from the resort, that contribute to the viability of that historic district. An additional two cottages (320 and 326 Riverview) in the Old Riverview Avenue area also are likely remnants of Camp Capitola. Other cottages may have been relocated outside of the Capitola Village area but lack the necessary relationship to their original sites to provide enough historical significance to qualify for the national or state registers. Potentially qualifying under Criteria 1, buildings of this era would be eligible for the California Register based on their association with "events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California". The period of significance for this particular structure would range from about 1905 to 1923.

The subsequent owners, beginning most likely about 1923 do not bring the same level of historical significance to the property. There are therefore no known associated personages that would enable eligibility to the California Register under Criterion 2.

The two buildings were also evaluated for significance based on architectural value and integrity to its original design and construction. While the buildings meet the threshold of 50 years of the California Register, the integrity of the front cottage from the period of significance is marginal due to modifications and fire damage. The rear building is not distinctive architecturally, and has also been subject to remodelings that have affected its integrity. The property is therefore not eligible for the California Register under Criterion 3.

While potentially qualifying under Criterion 1 of the California Register, the lack of integrity negates the potential significance of this structure, as the character-defining features are now lost and do not seem recoverable. To qualify for the register under this criterion, the building must stand as a distinctive reminder to the community of its period of significance. In its current configuration, the removals of the original fabric preclude the ability to establish tangible value to the community as an important reminder of a valued past. These changes do not appear to be reversible at this site. The process of removal of the additions and renovation of the structure to its original configuration, or the reconstructing of the additions in a way that is in conformance with the Secretary of Interior's Standards for Rehabilitation does not seem realistic, given the nature of the construction technology used in the original building, the constraints of the site, and the continued use of the building as a residence.

However, because the original cottage is one of a limited number remaining from Camp Capitola, the preservation of the original structure and its restoration to its original form is a goal that might be consistent with Capitola's community planning policies. As a part of any project, the City of Capitola could explore a reconstruction option in conformance to the Secretary of Interior Standards.

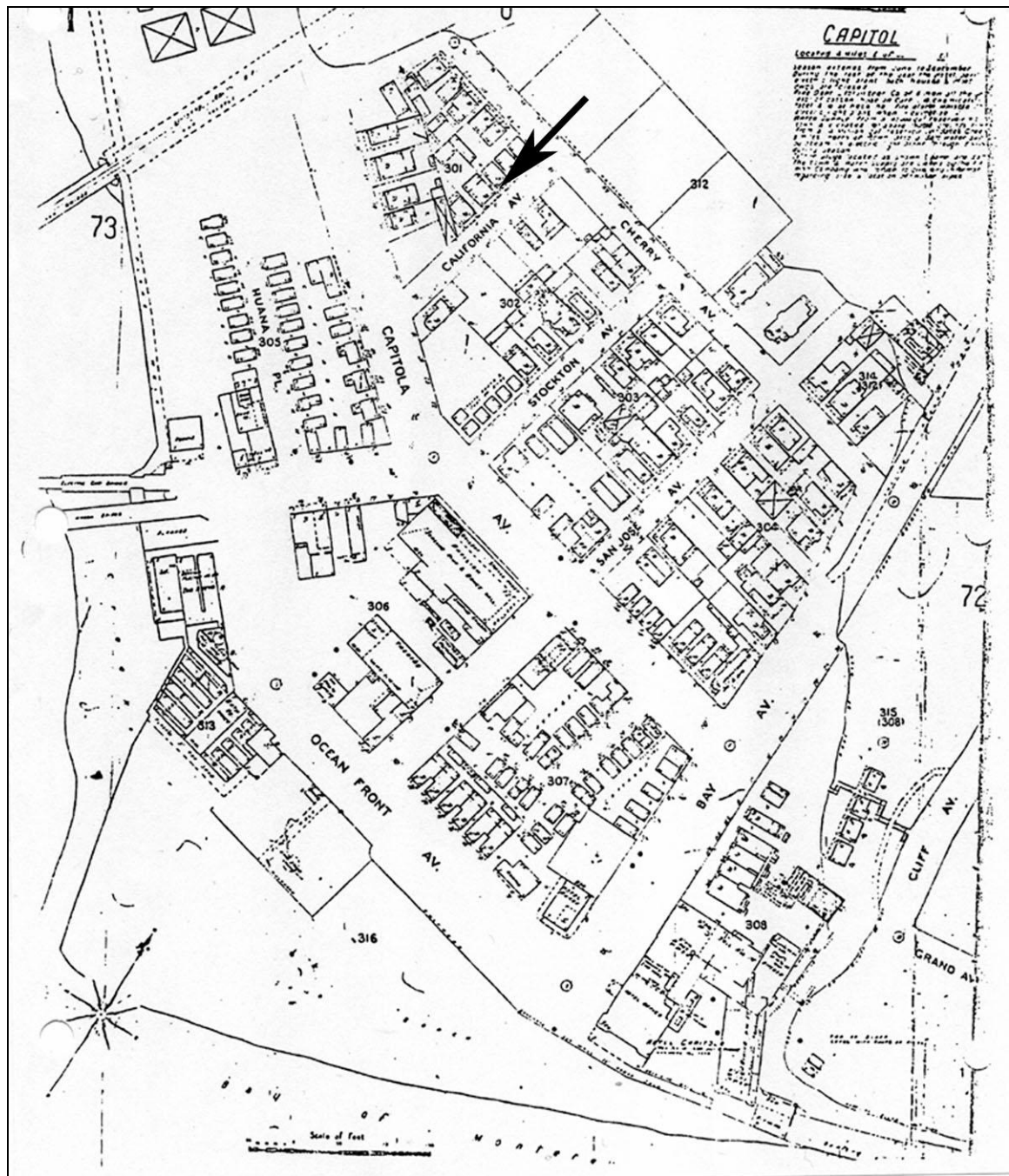


State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 8 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update



1905 Sanborn Fire Insurance map showing subject property.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 9 of 12

\*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update



Overview from California Avenue.



Front elevation of cottage at front of property.



State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 10 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update



Rear and side west side elevation of cottage.



Rear elevation of cottage.



Interior view of cottage.



Interior view of cottage.



State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 12 of 12 \*Resource Name or # (Assigned by recorder) 207 A and B California Avenue

\*Recorded by Leslie Dill, Franklin Maggi and Sarah Winder \*Date 2/25/2014  Continuation  Update



Front elevation of rear residential unit.



Entry to rear residential unit.

THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: April 3, 2014

SUBJECT: **3120 Capitola Rd #14-027 APN: 034-281-27**  
Fence Permit application with request for a height exception up to 6 feet within the front yard of a residence located in the R-1(single family) Zoning District.  
This project is not located in the Coastal Zone.  
Environmental Determination: Categorical Exemption  
Owner: Lenny Farrell  
Representative: Leland Cadwallader, filed: 02/14/2014

### **APPLICANT PROPOSAL**

The applicant is proposing to construct a 6 foot high fence in the front yard of their property located along Capitola Road in the R-1 zoning district. The applicant is requesting an exception to the 42 inch maximum height for front yard fences.

### **BACKGROUND**

The property was previously occupied by 5 separate art studios. In August of 2013, the applicant applied for a building permit to upgrade the materials of the existing art studios on site. The site currently contains a single-family home with one artist studio remaining at the rear of the lot.

The applicant applied for the fence permit exception on February 14<sup>th</sup>, 2014.

### **ARCHITECTURAL AND SITE REVIEW COMMITTEE**

On March 12, 2014, the Architectural and Site Review Committee reviewed the application.

- City Architect, Frank Phanton, had no issues with the proposal.
- City Landscape Architect, Craig Waltz, felt that the asphalt driveway and parking lot in the front of the house was in poor condition and should be either removed or repaired. In addition, he wanted to see a landscape plan submitted for the area in front of the fence.
- City Public Works Director, Steve Jesberg, had no comments.
- City Building Official, Mark Wheeler, had no issues with the proposal.
- City Historian Carolyn Swift was not present.

On March 13, 2014, the applicant submitted a landscape plan for the front of the property (Attachment A). The plan proposes to provide a landscape buffer in front of the fence on the east and west edges of the existing parking lot, as well as the northwest corner.

## **DISCUSSION**

The site is located along Capitola Road, just south of the Capitola Road and Lotman Drive intersection. This section of Capitola Road experiences high volumes of traffic being that it is near the Capitola Mall and that the road serves as a primary thoroughfare connecting Capitola and Santa Cruz. The immediate surrounding uses are residential. The neighbors to the east, west, and south are all zoned R-1 (Single-Family Residential), and across Capitola Road to the north is a mixture of RM-LM (Multi-Family Low-Medium Density) and R-1 zoning. The lots surrounding 3120 Capitola Road are oriented with either the side yard or back yard adjacent to Capitola Road (Attachment B).

The property before you is situated unique within the block, being that the front yard of the parcel opens up to Capitola Rd. The lot is also extremely large (20,160 sq. ft.) and narrow (60' x 336'). Due to the unique orientation of the site, the applicant is requesting an exception to the code to build a 6 foot high fence in the front of the property, facing Capitola Rd. The fence will be set back 38 feet from the property line, with the existing front parking lot being kept as is.

### ***Fence***

Municipal Code 17.54.020:

*Between that portion of any private property in front of the setback line established by the zoning ordinance or other ordinances of the city, and that portion in front of the front line of any residence or other principal building now erected on any private property, to a maximum height of three feet six inches*

The applicant is requesting an exemption from the 3'-6" front yard fence height limit. The proposal is for a 6 foot high, 60 foot long fence. The fence will span the width of the property, setback 38 feet from the front property line. The new fence will be constructed using recycled redwood fence boards from the original fence. The fence posts will use 4"x4" pressure treated fir. The fence will be designed to include a 15 foot wide sliding gate, which will also be 6 feet high and will use steel tubing for gate posts (Attachment A). The fence will match the neighboring fences in height, design and materials. However, the proposed fence will be setback 38 feet from the front property line, while the neighboring fences are setback 4 feet and 6 feet from the property line (Attachment B).

### ***Height Exception***

Municipal Code 17.54.020-B:

*Alternative locations, height, and material for fences shall be approved by the planning commission*

The Planning Staff supports the fence height exception due to the unique orientation of the lots within the block, and the consistency of the proposal's height, material, and design with surrounding properties.

## **CEQA REVIEW**

Section 15303-E of the CEQA Guidelines exempts accessory structures including garages, carports, patios, swimming pools and fences. This project involves construction of a fence subject to R-1 (Single Family Residential) zoning code section 17.15. No adverse environmental impacts were discovered during review of the proposed project

## **RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #14-027 based on the following Conditions and Findings for Approval.



**CONDITIONS**

1. The project approval consists of construction of a 6 foot high, 60 foot long fence. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a fence permit shall be secured for the construction of a fence authorized by this permit. Final fence permit 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. 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 shall require Planning Commission approval.
5. Prior to issuance of fence permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
6. Prior to issuance of fence permit, all Planning fees associated with permit #14-027 shall be paid in full.
7. 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
8. 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.
9. 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 application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District. A height exception for a front yard fence has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located along Capitola Road in the R-1 (Single Family Residential) zoning district, just south of the Capitola Road and Lotman Drive intersection. The project received a height exception to the maximum height standard to maintain the character and integrity of the neighborhood. The proposed fence compliments the existing mix of fences in the neighborhood in materials, height, and design.
- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
This project involves construction of a new fence in the R-1 zoning district. Section 15303 of the CEQA Guidelines exempts the construction of a fence in a residential zone.

**ATTACHMENTS**

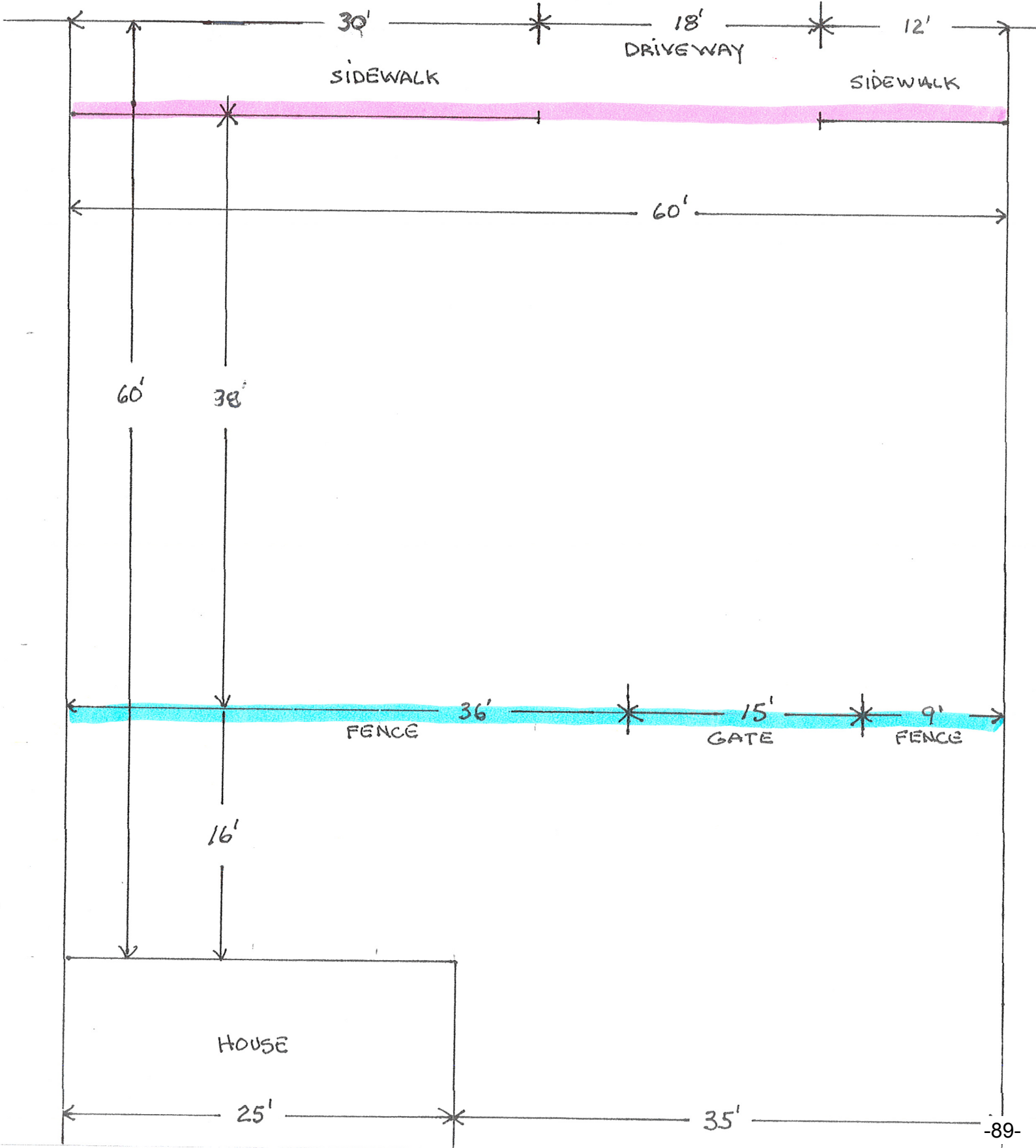
- A. Project Plans
- B. Photos of neighboring residences

**Report Prepared By: Ryan Safty Assistant Planner**

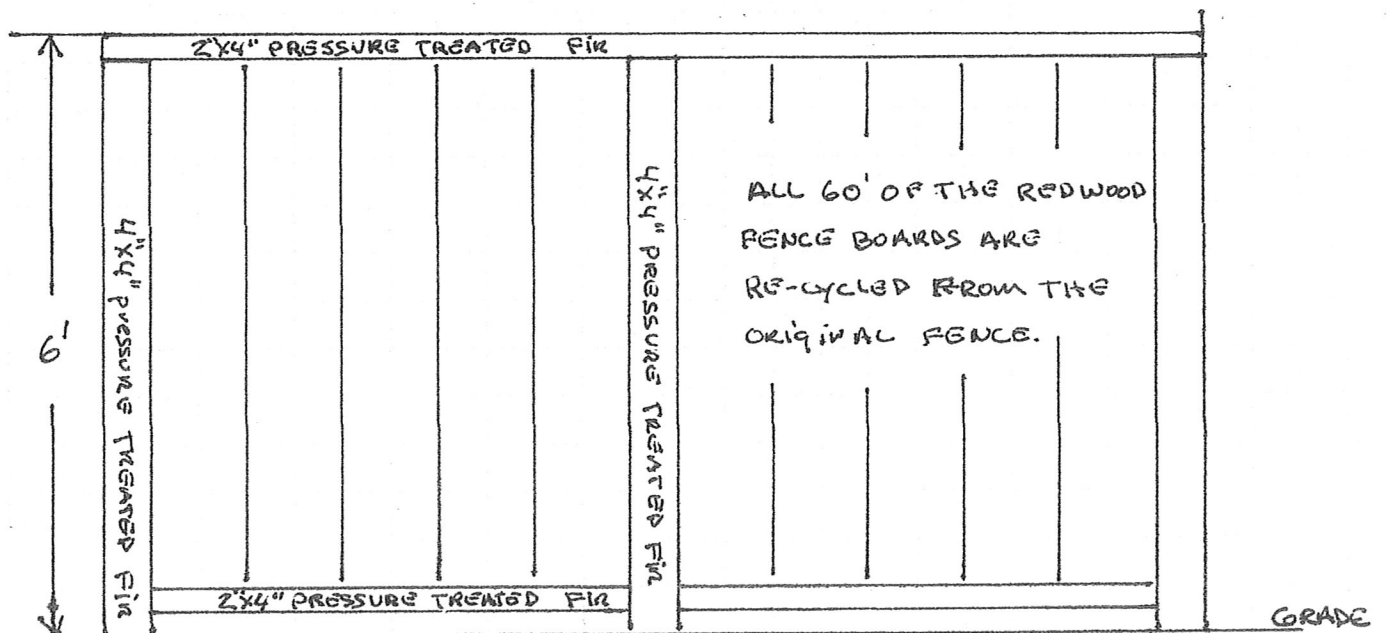
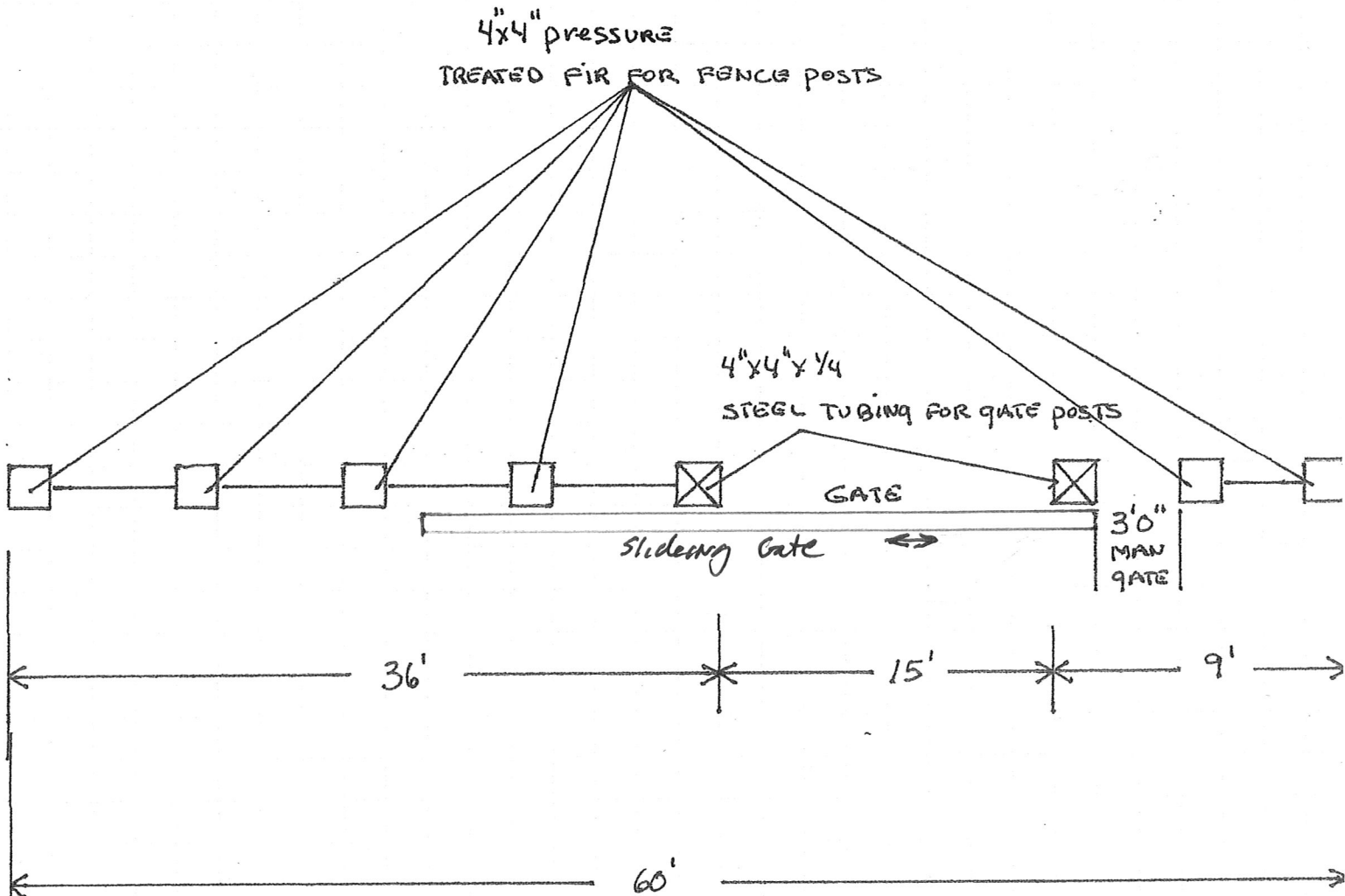
CAPITOLA RD.

LT. TURN

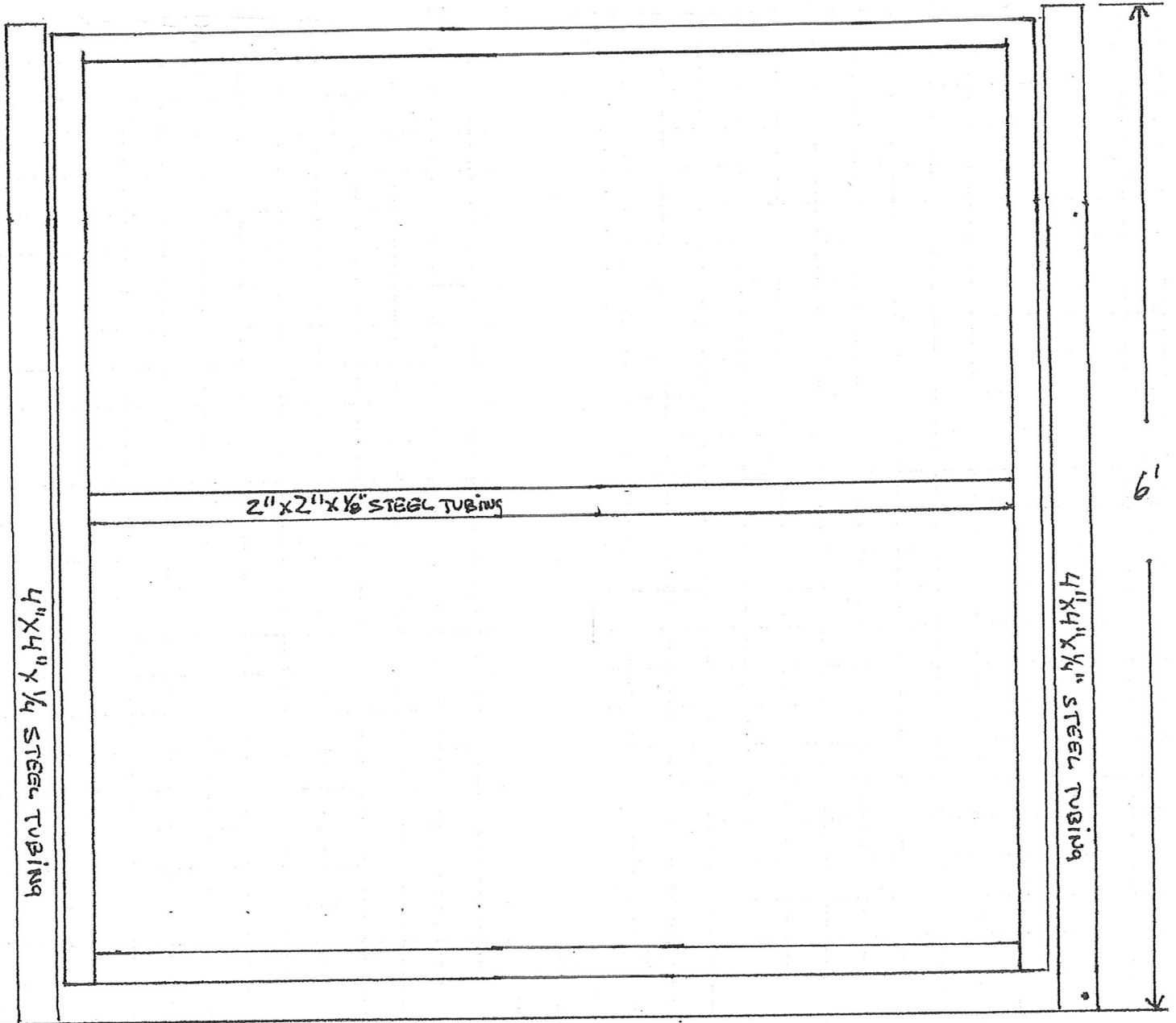
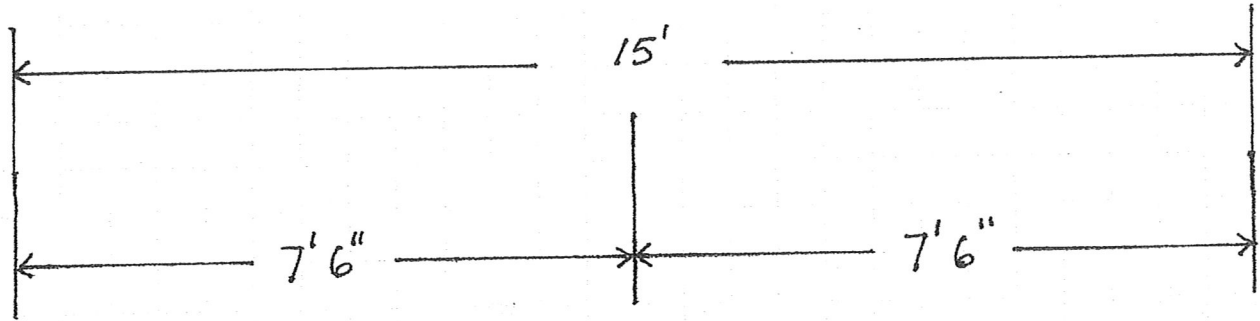
TO 41ST. AVE. →



NOT TO SCALE



NOT TO SCALE

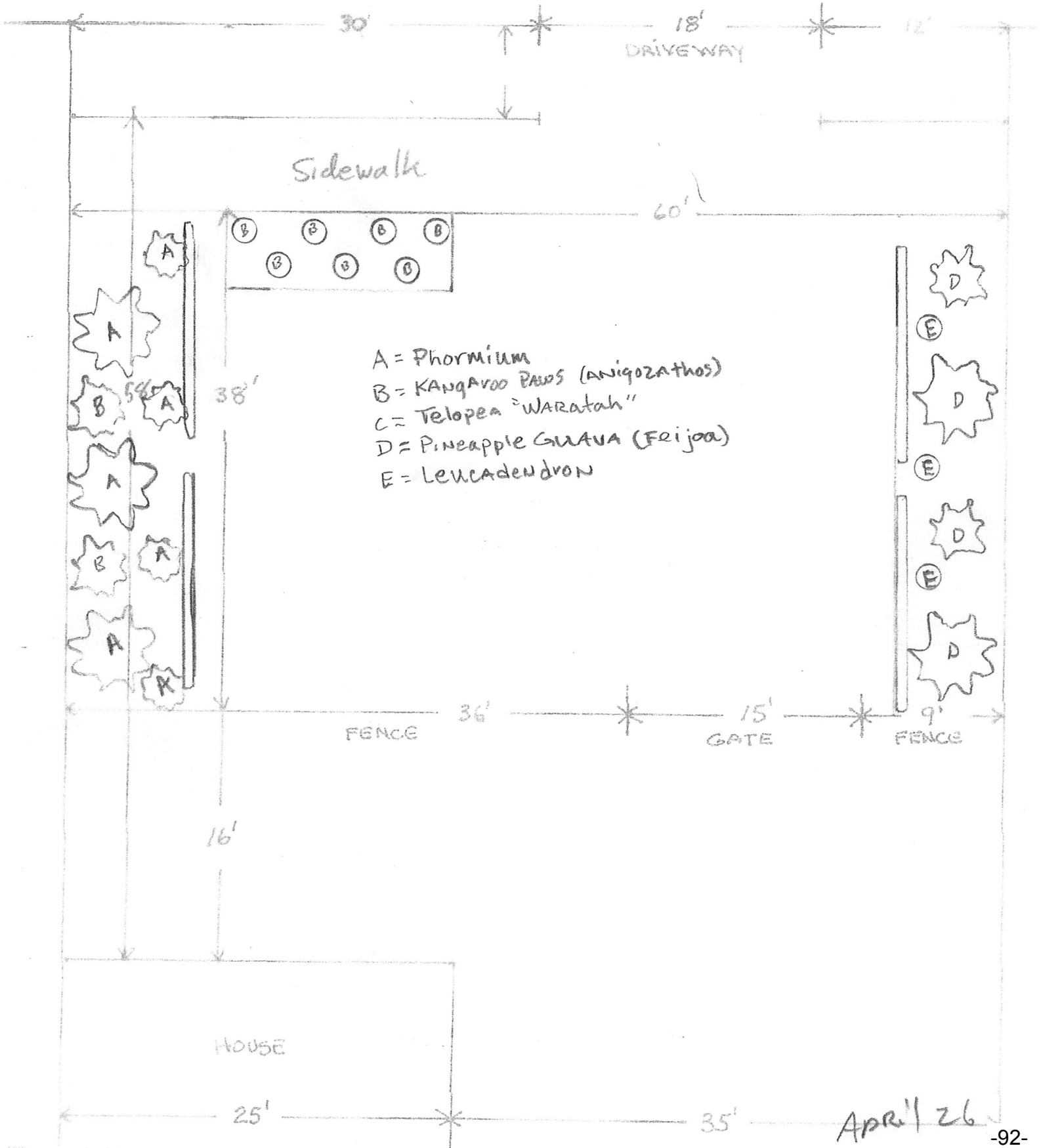


GATE FRAME 2" x 2" x 1/8" STEEL TUBING  
GATE COVERED IN RE-CYCLED REDWOOD FROM ORIGINAL FENCE

CAPITOLA RD.

RETURN

TO 41ST AVE



- A = Phormium
- B = Kangaroo Paw (Anigozathos)
- C = Telopea "Waratah"
- D = Pineapple Guava (Freijoa)
- E = Leucadendron

April 26







THIS PAGE INTENTIONALLY LEFT BLANK



# Capitola Property Info System

www.capitolaproperty.gov



Information associated with this website is not guaranteed 100% accurate. It represents the best information publicly available.

- Parcels where APNNODASH is like '03428127'
- Selected Item:
- Parcel

**Selected Item: 3120 CAPITOLA RD**

APN: 03428127

Current Use: Retail/Commercial, Lot Size: 20249 sq ft

General Plan Desiq: Residential, Low-Medium Density (R-

Zoning: Single Family Residence (R-1)

Data Source: County Assessor's Office

















THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 3, 2014

SUBJECT: **1955 41<sup>st</sup> Avenue #14-029 APN: 034-261-53**  
Amendment to the Master Sign Program at 1955 41<sup>st</sup> Avenue to allow Logo Signs up to 4 square feet in the CC (Community Commercial) Zoning District.  
This project is not located within the Coastal Zone.  
Environmental Determination: Categorical Exemption  
Property Owner: JFG Capitola- Winfield Partners, L.P.  
Representative: AKC Services, Kasey Clark, filed 02/18/2014

### **APPLICANT PROPOSAL**

The applicant submitted an amendment to the Master Sign Program (MSP) at the existing commercial plaza located at 1955 41<sup>st</sup> Avenue in the CC (Community Commercial) zoning district. The proposed amendment is to allow each tenant one cabinet sign for a logo up to 4 square feet. The proposed amendment to the MSP is consistent with the General Plan and Zoning Ordinance.

### **DISCUSSION**

Zoning Ordinance §17.57.080 outlines the process for adopting a MSP for a multi-tenant developments. A MSP establishes the allowed materials, letter style, height, color and illumination of signs for multi-tenant buildings. A MSP is approved by the Planning Commission, with subsequent approvals administered by the Community Development Director or his designee for signs which comply with the program.

In 2002, a MSP was approved for the Capitola Mall and 1955 41<sup>st</sup> Avenue. (Attachment A: Redlined Master Sign Plan) The current MSP requires that each tenant be identified through individually illuminated channeled letters. Currently a box or cabinet style sign is prohibited within section 3(f) of the Master Sign Plan. The applicant is requesting a change to the MSP to allow each tenant to have a logo within a cabinet sign in conjunction with the individually illuminated channeled letters. Cabinet signs will be limited to 4 square feet.

The owner of the multi-tenant commercial building is amending the master sign program to meet the requests of the existing tenant, Pacific Gas and Electric Company (PG&E). PG&E submitted a sign application to the Community Development Department which included a 4 square foot logo sign. (Attachment B) The PG&E sign also includes an internally illuminated white line under the individually illuminated channeled letters which is specific to the PG&E brand. The property owner requested the modification to the 4 square foot logo sign but not the illuminated bar under the company name. Staff does not recommend allowing the illuminated line because it would create inconsistency within the plaza signs. The applicant was notified that the owner must update the requested modifications to the master sign plan to include the line. The owner did not submit an updated request to include the line.

### Legal Non-Complying Signs

There are currently two legal non-conforming signs at Chipotle and Starbucks. Chipotle has a 4 square foot chili logo and an internally lit raceway cabinet with channel letters. Starbucks has an internally lit cabinet sign with its logo on the north-east corner. The two logo signs will come into compliance with the approval of the master sign program amendment. The internally lit raceway cabinet will remain a legal non-conforming sign.

Pursuant to §17.57.120 non conforming signs may remain in use even though they do not conform. The non-conforming signs may be repainted, refaced, or re-lettered when the new copy is the same size and design as the existing or originally approved.

### 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 an amendment to the master sign program for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

### RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #14-029 based on the following Conditions and Findings for Approval.

### CONDITIONS

1. All future signs at 1955 41<sup>st</sup> Avenue shall comply with the Master Sign Program. Individual sign permits may be issued by the Community Development Director or designee.
2. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.
3. Prior to operation of a new business, the applicant shall obtain a business license from the City of Capitola.

### FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed Master Sign Program is allowed in the CC Zoning District. Future sign applications will comply with the requirements of the Master Sign Program. Conditions of approval have been included to ensure that future signs for the commercial suites are consistent with the Master Sign Program, Zoning Ordinance, and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the amended Master Sign Program complements the building form. The MSP establishes requirements for future signs that will maintain the character and integrity of this commercial center within the City of Capitola. Conditions of approval have been included to carry out these objectives.



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

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

**Report Prepared By:** Katie Cattan, Senior Planner

Attachment A – Redlined Master Sign Program

Attachment B – Amendment request from property owner

Attachment C – Sign Application from PG&E

THIS PAGE INTENTIONALLY LEFT BLANK

**1955 41<sup>st</sup> Avenue Master Sign Program**

Amended April 4, 2014

**1. GENERAL**

- (a) It is intended that the signing of the stores in the Shopping Center should be developed in an imaginative and varied manner. The following criteria shall govern design and installation of Tenant's sign.
- (b) Although previous and current signing practices of Tenant will be considered, they will not govern the sign to be installed in the Shopping Center. Tenant shall submit quadruplicate copies of its sign drawings and specifications including samples of materials and colors for the Project Architect's approval prior to fabrication of Tenant's sign. Such a drawing shall show location of the sign on store front elevation drawing and shall clearly indicate color, materials, attachment devices and construction details.

**2. CRITERIA**

Only the store front of the demised premises facing malls and/or great halls and galleries shall be identified by a sign. Such a sign shall be furnished and installed by Tenant only within the sign areas designated by the Project Architect. Tenant's sign shall be subject to the following requirements and limitations:

- (a) The average height of sign letters or components shall not exceed fourteen (14) inches.
- (b) The extreme outer limits of sign letters, components, or insignia shall fall within a rectangle, the two (2) short sides of which shall not fall closer than thirty-six (36) inches to the side lease lines of the demised premises and the top side of which shall not fall closer than nine (9) inches to the soffit of the mall fascia element and nine (9) inches to the bottom of said mall fascia element. No part of the sign letters shall hang free of the background.
- (c) The horizontal dimension of sign shall not exceed two thirds the width of store frontage. The total sign area (rectangle enclosing each group of letters, symbols or logos) shall not exceed ten percent (10%) of the area of the store front and shall be located at least thirty six (36) inches from each lease line.
- (d) Sign mounting fascia shall be thirty-six (36) inches high and shall not project beyond the lease line of the demised premises. The maximum projection of the face of a letter from the mounting fascia shall be six (6) inches. The bottom of the sign mounting fascia shall be 9' 0" above the floor and the top of the fascia shall be 12' 0" above the floor.
- (e) The wording of signs shall be limited to the store name only; referenced merchandise or activity is prohibited except as a part of Tenant's trade name or insignia.
- (f) Sign letters or components shall not have exposed neon or other lamps. All light sources shall be concealed by translucent material. Sign letters or components may be back illuminated with lamps contained wholly within the depth of the letter. Surface brightness of translucent material shall be consistent in all materials and components of the sign. Surface brightness of lamps shall not fall below maximum of seventy-five (75) foot lamberts and shall not exceed a maximum of four hundred (400) foot lamberts. All electrical signs shall bear the UL label and

## Item #: 5.A. Redlined MSP.pdf

then installation must comply with local building and electrical codes. No exposed conduit, tubing or raceways will be permitted.

(g) All signs, bolts, fastenings and clips shall be of hot dipped galvanized iron, stainless steel, aluminum, brass or bronze; and no black iron materials of any type will be permitted.

(h) Logos Signs: Each tenant must be identified through individually illuminated channeled letters. 1 cabinet sign for a tenant logo is allowed in addition to the individually illuminated channeled letters. The logo sign may be no greater than 4 square feet.

### 3. The following types of signs or sign components are prohibited:

(a) Signs employing moving or flashing lights.

(b) Signs employing exposed raceways, ballast boxes or transformers.

(c) Sign manufacturer's names, stamps or decals.

(d) Signs employing painted and/or non-illuminated letters.

(e) Signs employing luminous, vacuum-formed plastic letters.

~~(f) Signs of box or cabinet type, employing transparent, translucent or luminous plastic background panels.~~

(f) Shadow-box type signs.

(g) Signs employing un-edged or uncapped plastic letters with no returns.

(h) Any exposed fastenings whatsoever.

(i) Paper, plastic or cardboard signs, stickers and silver leaf, gold leaf or decals of any kind hung around, on or behind storefront glass or within store front space, however, such tenant will be permitted to place upon each entrance of its demised premises not more than one hundred forty four (144) square inches of gold leaf or decal application letters, not to exceed two (2) inches in height, indicating hours of business, emergency telephone numbers, etc.

(j) No sign maker's labels or other identification will be permitted on the exposed surface of signs, except those required by local ordinance which letter shall be in an inconspicuous location.

### 4. The service door of the demised premises shall be identified with a plastic sign, uniform to all tenants, in accordance with standard project details.

### 5. Suspended soffit signs:

Landlord, at its option, may install a soffit sign, at its own expense, for Tenant. Tenant shall not have the right to approve the design of such sign.



333 W. El Camino Real, Suite 240  
Sunnyvale, CA 94087-1969  
(408) 331-2300 Telephone  
(408) 331-2301 Facsimile  
www.biaginiproperties.com

February 4, 2014

To: The City of Capitola

RE: Shopping Center located at 1955 41st Avenue, Suite B-2  
Amendment to Master Sign Criteria

Please consider this letter an official request to amend the master sign criteria filed with the City of Capitola for the shopping center located at 1955 41st Avenue by:

1. Adding (h) Logo Signs. Each tenant must be identified through individually illuminate channeled letters. 1 cabinet sign for a tenant logo is allowed in addition to the individually illuminated channeled letters. The logo sign may be no greater than 4 square feet.
2. Remove 3F which states "Signs of box or cabinet type, employing transparent, translucent, or luminous plastic background panels."

Please contact me if there are any questions.

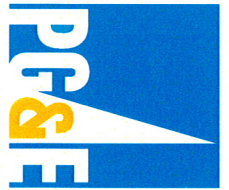
Sincerely,

BIAGINI PROPERTIES, INC.

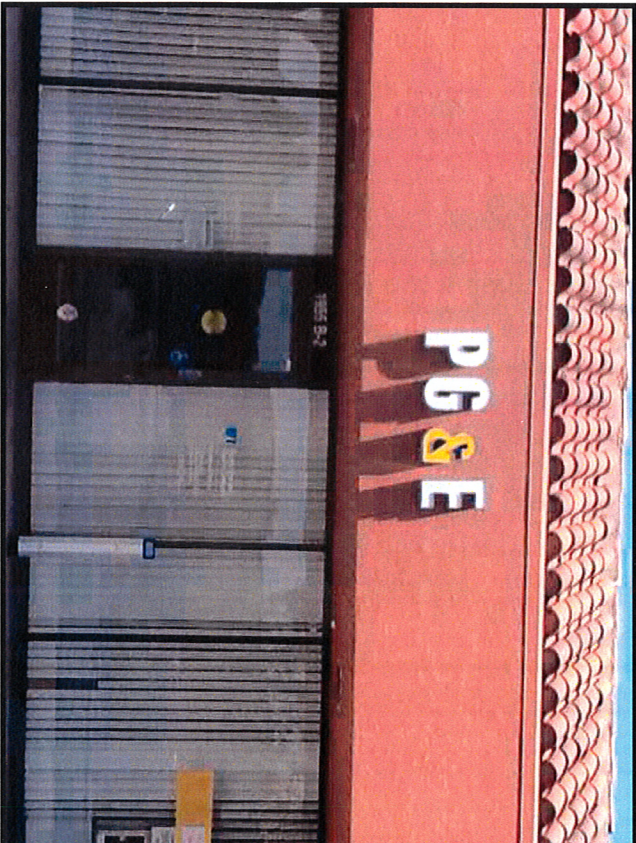
A handwritten signature in black ink, appearing to read "Paul Biagini", written over a horizontal line.

Paul Biagini  
Property Manager and Authorized Agents for Property Owner  
(408) 331-2300 ext. 22  
email: paul@biaginiproperties.com

THIS PAGE INTENTIONALLY LEFT BLANK



***Pacific Gas and  
Electric Company***<sup>®</sup>

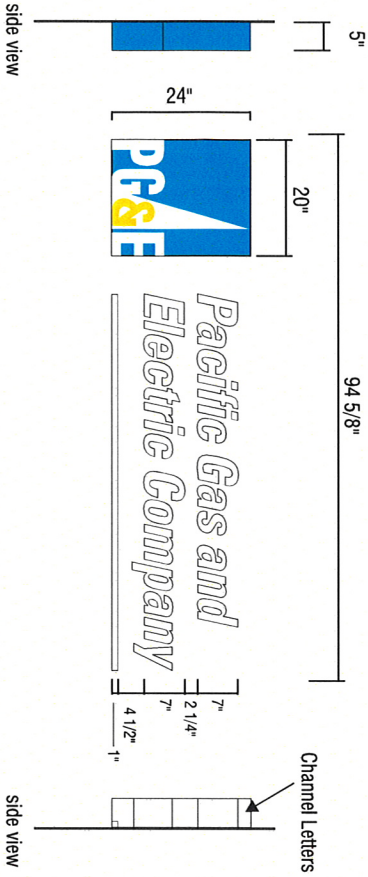


Location #38

1955 41st Ave.  
Capitola, CA  
95010








CUSTOM LED LOGO AND CHANNEL LETTERSET  
 FLUSH MOUNTED  
 SCALE: 3/8" = 1'-0"

NOTE: NEED TO FIELD VERIFY IF SIGN IS  
 CENTERED CORRECTLY

PG&E Blue VINYL TO MATCH PANTONE 639 C/7460 U CMYK RGB	C100 M7 Y5 K0 R0 G13 B196	PG&E Orange VINYL TO MATCH PANTONE 130C /129 U CMYK RGB	CO M30 Y10 O K0 R25 G16 B1 B0
--	------------------------------	---	----------------------------------



**Pacific Gas and Electric Company**

**SIGN 1**

ADDRESS: 1955 41st Ave.  
 CITY/STATE: Capitola, CA  
 ZIP: 95010

PROJECT #: 857  
 SUBMITTALS:  APPROVED  APPROVED AS NOTED  REVISED AND RESUBMIT

CLIENT CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

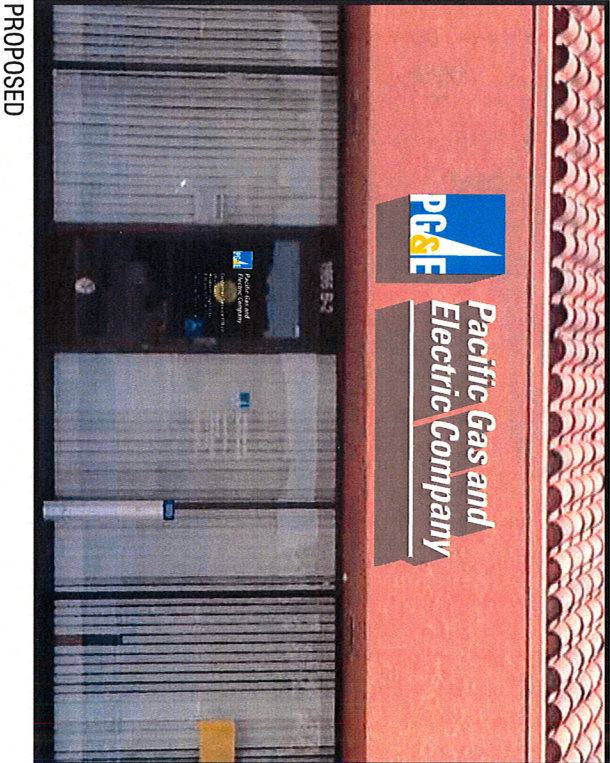
LOCATION #: 38  
 FILE PATH: Active\ACCOUNTS\PP\PG&E\2013\857-38 Capitola Ca.cdr

Drawings are the exclusive property of Icon Identity Solutions Inc. Any unauthorized use or duplication is not permitted.

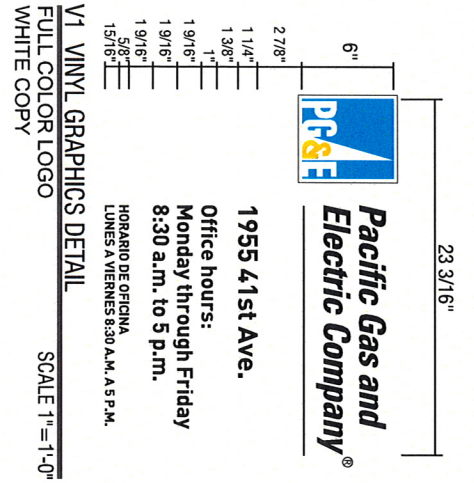
DATE:	09/12/12	SCALE:	N/A
Rev 1:	10/02/12	DRAWN BY:	T/PS
Rev 2:	10/17/12	PAGE #:	2
Rev 3:	04/12/13		
Rev 4:	07/23/13		
Rev 5:	01/14/14		

DRAWINGS PREPARED BY:







NOTE: VERIFY HOURS

PG&E Blue VINYL TO MATCH PANTONE 639 C/7460 U CMYK C100 M7 Y5 K0 RGB R0 G13 B196	PG&E Orange VINYL TO MATCH PANTONE 130C /129 U CMYK C0 M30 Y100 K0 RGB R25 G161 B0
--	--

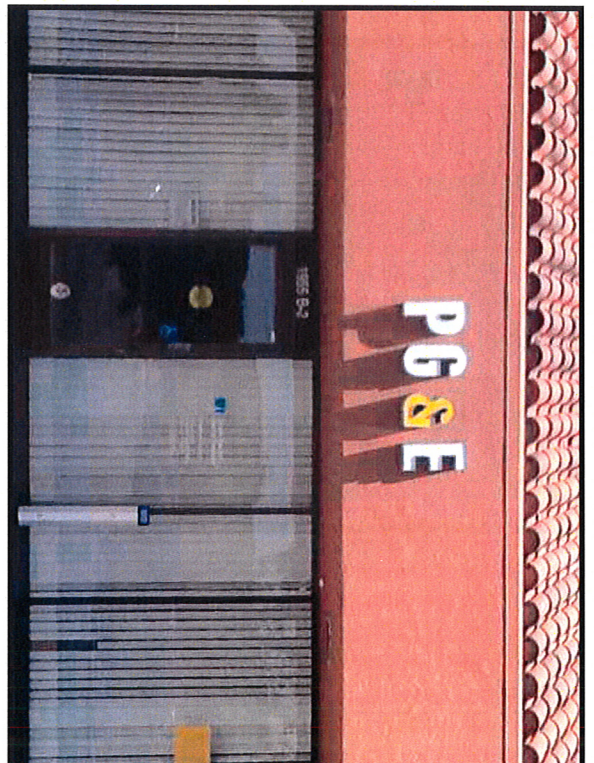
TYP. GLASS DOOR  
 V1 VINYL ELEVATION  
 SCALE 3/8" = 1'-0"

<p><b>Pacific Gas and Electric Company</b></p>		<p><b>SIGN 2</b></p>	
ADDRESS: 1955 41st Ave. CITY/STATE: Capitola, CA ZIP: 95010		PROJECT #: 857 SUBMITTALS: <input type="checkbox"/> APPROVED <input type="checkbox"/> REVISED AND RESUBMIT	
FILE PATH: Active\ACCOUNTS\PI\PG&E\2013\		CLIENT CONTRACTOR: _____ DATE: _____	
LOCATION #: 38		DATE: 09/12/12 Rev 1: 10/02/12 Rev 2: 10/17/12 Rev 3: 04/12/13 Rev 4: 07/23/13 Rev 5: 01/14/14	
DRAWINGS PREPARED BY:		SCALE: N/A DRAWN BY: T/PS PAGE #: 2	
<p>The Icon Companies® Icon Identity Solutions</p>		<p>ims Inspection Maintenance Services</p>	

PROPOSED



EXISTING



THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 3, 2014

SUBJECT: **1601 41<sup>st</sup> Ave** **#14-023** **APN: 034-151-20**  
Conditional Use Permit, Design Permit, Variance, and Sign Permit to allow an expansion of the existing Cinelux Theatre located in the Community Commercial (CC) zoning district.  
This project is not in the Coastal Zone and does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: George Ow Jr.  
Representative: Paul Gunsky, filed 2-26-14

### APPLICANT PROPOSAL

The applicant submitted plans to expand the existing Cinelux Theatre into the adjacent suite G within King's Plaza. The expansion incorporated 5,400 square feet of the former Capitola Book Café into the 11,635 square feet Cinelux Theatre, for a total of 17,035 square feet. This will create 5 new viewing theaters in addition to the 3 existing theaters. The applicant is requesting a conditional use permit to allow the expansion of the use, the sale of alcohol onsite, and outdoor seating. A wine bar and new concessions area featuring tapas are also proposed inside the theater. New signs are proposed on the building as well as an updated sign along Capitola Road. The applicant is seeking a variance for a 50 foot architectural feature which incorporates an illuminated sign 10 feet beyond the 40 foot zone height.

### BACKGROUND

On March 12, 2014, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phantom reviewed the application and expressed support for the proposed renovations.
- City Landscape Architect Craig Waltz reviewed the application and suggested introducing decorative bollards along the frontage for safety and possible relocating the transformer along the 38<sup>th</sup> frontage. The applicant did not add these suggestions to the plans.
- City Public Works Director Steve Jesberg did not request any changes.
- City Building Official Mark Wheeler discussed building code compliances and occupancy standards with the applicant.

### DISCUSSION

King's Plaza is located on the southwest corner of the intersection of 41<sup>st</sup> Avenue and Capitola Rd. The plaza is located in Capitola's regional shopping district, also home to the Capitola Mall, the Auto Mall, and a mix of shopping plazas. King's Plaza is a large (11.4 acre) commercial parcel with over 600 linear feet along Capitola Road and over 800 feet along 41<sup>st</sup> Avenue. The plaza was originally designed in the 1970's and is set back from the road with parking located between the plaza and the



street. King’s Plaza hosts a mix of uses including a movie theater, grocery store, hardware store, restaurants, and other retail uses. The Shell gas station located in front of the plaza is not under the same ownership.

In 2011, the 41<sup>st</sup> Avenue-Capitola Mall Re-Visioning plan was completed and identified the Cinelux Theater as one of the few entertainment uses within the plan area. The re-visioning plan identifies land-use goals focused on branding, sustainable development patterns, increased public and semi-public places to gather, and increased activities. The plan also includes goals for increased pedestrian activity and a more attractive and vibrant public realm. A phasing plan for the area lists “an expanded and enhanced movie theater” at Kings Plaza within Phase 2 (5 – 15 years). The expansion of the theater with a new façade, new signs, and outdoor seating will stimulate the City’s goals to enhance the visitor experience and to establish 41<sup>st</sup> Avenue as a destination with activities for people of all ages occurring throughout the day and night.

**Site and Structural Data**

There is no additional footprint proposed within the remodel. The extensive internal remodel will upgrade the existing theater and expand the theater into a 5,400 square feet space. The upgraded theater will be 17,635 square feet. The renovation will increase capacity from 675 seats within 3 theaters to 892 seats within 8 theaters. Five smaller theaters each with mezzanine seating above will be built in the previous book store area. The smaller theaters hold from 33 to 84 seats each. The variety of theater sizes will allow for a mix of film types and popularity. The theater will include a concession stand, tapas restaurant, and wine bar.

The project conforms with the majority of CC (Community Commercial) zoning district standards except for height, as follows:

<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>	498,336 sq. ft.	
<b>Existing and Proposed Square Footage</b>		
<b>Existing Theater</b>	11,635 sq. ft.	
<b>Expansion Area</b>	5,400 sq. ft.	
	<b>Total Theater Site</b>	17,035 sq. ft.
<b>Set Backs</b>		
	<b>41<sup>st</sup> Avenue Guidelines</b>	<b>Proposed</b>
<b>Front Yard</b>	15'	No change
<b>Building Height</b>		
	<b>CC District</b>	<b>Proposed</b>
<b>Commercial</b>	40'-0" max	50' tower <b>Variance Request</b>
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
	655 spaces	680 spaces

**Design Permit**

The theater will undergo a full exterior remodel to create a defined look for the entertainment facility. The existing mansard roof will be removed and “antique patina” corrugated metal siding will be installed. The sections of the decorative roof will vary in height ranging from 21 feet to 31 feet in height with one vertical architectural element at 50 feet. The exterior mansard block walls will be refaced with stucco siding and a stone veneer wainscot. A new steel canopy will extend 8 feet off the front façade with LED lights around the edge of the canopy adding to the theater theme.

The following 41<sup>st</sup> Avenue Design Guidelines for architecture are applicable to the design review by the Planning Commission:

1. Architectural consistency for all sides of the building must be carried out with colors, materials and details. Facades or fronts unrelated to the rest of the building shall not be used.  
Staff Analysis: The new exterior of the building will define the theater as an individual structure within the shopping center. The new branding of the theater will be carried throughout the exterior of the theater. The incorporation of new materials will break up the long façade of the plaza creating more interest to the back corner of the property.
2. Materials, colors and textures shall be consistent with the building's design theme.  
Staff Analysis: The new exterior of the theater creates a consistent entertainment theme for the theater. Incorporating lighting into the design along with increased fenestration at the entrance and the steel canopy will create a new aesthetic for the theater.
3. Parapet walls shall be treated as an integral part of the building design. Property line setbacks are encouraged as an alternative.  
Staff analysis: The existing parapet walls will be replaced with antique patina corrugated metal siding. This architectural feature will provide variety in the front façade of the building and define the theater from the rest of the plaza.
6. Entries should be protected from wind, rain and sun and provide a distinct entrance to the building.  
Staff analysis: A new steel canopy will extend 8' off the front façade of the theater protecting visitors from the natural elements. The new Cinelux entrance is defined by a completely transparent wall with two large glass double doors with surrounding windows. The new ticket booth is located to the side of the entrance.
7. Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows).  
Staff Analysis: The new roof overhang with LED lights will provide a sense of human scale within an entertainment district. The outdoor seating will help to break up the façade adding interest along the frontage.

The proposed modification to the theater will add to the future vitality of King's Plaza and the 41<sup>st</sup> Avenue corridor. The theater will draw movie goers into the area envisioned as a lively regional shopping area with dining and entertainment.

### **Conditional Use Permit**

The expansion of the theater, outdoor seating, and alcohol sales require a Conditional Use Permit (CUP) within the CC (Community Commercial) zoning district. In considering an application for a CUP, the Planning Commission must give due regard to the nature and condition of all adjacent uses and structures. The municipal code lists additional requirements and review criteria for some uses within the CUP consideration (§17.60.030). 17.60.030D identifies that a CUP that proposes a new activity-use that will occupy in excess of twelve thousand square feet within one or more buildings must be approved, conditionally approved, or denied by the planning commission after considering the following factors:

1. Scale and character of the surrounding area;
2. Traffic generation;
3. Parking impacts;
4. Compatibility to surrounding activity-uses;
5. The size of the proposed activity-use compared to the average size of similar activity-uses located in the surrounding area.

The theater will expand from 11,635 square feet to 17,035 square feet; therefore the above criteria must be considered. There are not additional review criteria for outdoor seating or alcohol sales within the zoning ordinance. In issuing the CUP, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest. Staff is not recommending any additional conditions due to the theater expanding within the existing building footprint and adequate parking being provided onsite.

#### *Outdoor Seating*

The applicant is requesting an area for outdoor seating along the sidewalk in front of the theater. The seating will be similar to the table and chairs layout at the former Capitola Book Café. The area will maintain proper ADA access along the sidewalk. The outdoor seating will allow patrons to sit outside while waiting for a movie. At this time, the applicant does not plan to provide wait staff service from the tapas restaurant. The seating will enhance the public realm in front of the theater.

#### *Signs*

The plaza does not have a master sign program to regulate signs throughout the entire development. Within the current application, three new signs are proposed for the theater.

1. Wall Sign. One wall sign is proposed to be located over the theater entrance. The 88 square foot sign is oval shaped and reads "CINELUX CAFE & LOUNGE". The zoning code allows each wall sign to be no greater than one square foot of sign area for each linear foot of business frontage. The theater frontage is 149 feet.

2. Changeable Copy Sign. There is an existing changeable copy sign located along Capitola Road in which movies that are playing at the theater are listed. The sign is an existing legal non-conforming sign due to the 22 foot height. Per municipal code section 17.57.120, signs which are lawfully in existence and in use prior to and at the time of the legal adoption of the ordinance may remain in use even though they do not conform with the sign code. Repainting, refacing or relettering of existing legal nonconforming signs is permitted when the new copy is to be the same size and design as the existing or originally approve sign. The updated sign utilizes the same post with an updated stone base. The area of the sign is decreased from 100 square feet to 77 square feet and incorporates the new vertical Cinelux branding next to the changeable copy sign. The applicant provided an overlay of the proposed sign within the existing sign. (Attachment B)

3. Architectural Feature with Internally Illuminated Sign. The applicant is seeking a variance for the third sign which is discussed in detail later in this report.

#### *Parking*

The City hired Kimley-Horn and Associates, Inc. to perform a parking evaluation of King's Plaza with the expanded theater. The study was completed on February 25, 2014. (Attachment C)

Based on the Municipal Code the shopping center would be required to provide approximately the following spaces:

USE	Total Area	Required Parking	Spaces Required
Retail	146,388 sf	1 space per 300 sf	488
Restaurant Dining	14,697 sf x 0.60	1 space per 60 sf	147
Restaurant Other	14,697 sf x 0.40	1space per 300 sf	20
			<b>Total: 655</b>

The shopping center has 680 parking spaces for employees and customers which is greater than the estimated code required spaces.

Kimley-Horn and Associates, also calculated parking demand by separate ITE Land Use calculations. This methodology resulted in a peak parking demand of about 500 spaces on average. Calculations were also done for 85<sup>th</sup> percentile demand and calculated that peak parking would be 678 spaces on weekdays and 620 spaces on weekends. The study concluded that parking associated with King’s Plaza can be fully contained on site with little risk of spillover into nearby businesses or residential areas. Demand for the theater will be in the evenings and on weekend creating a balance demand within the mix of uses within King’s Plaza.

*Landscaping*

No new landscaping is proposed.

*Sound*

The existing block wall will have another frame wall added to it that will have thermafiber sound insulation and 2 layers of 5/8" gypsum wall board to protect adjacent commercial uses. This will be equivalent to the work done internally between auditoriums to provide the necessary sound separation between auditoriums.

**Variance**

The applicant is requesting a variance to building height for an internally illuminated architectural feature with an internally illuminated sign. The exterior renovations include a tower element on the north elevation of the building facing the parking lot. The tower element has been designed as an architectural feature of the theater and is 50 feet high, 10 feet beyond the 40 feet zone height. The face of the tower is corrugated metal siding braced by a white steel frame and accented with a red internally lit translucent element and a painted steel vertical element. The tower also includes a blue LED/neon strip that extends the full height of the fifty foot tower element. The tower is anchored into the sidewalk within 2 stone bases. The sign ordinance limits the height of a wall signs in that no part of a wall sign may extend above the top level of the wall upon which it is attached. The vertical lettering of “CINELUX” extends 40 feet high on the tower element. The additional ten feet of tower do not contain any lettering, but do include the red internally lit translucent element and blue led/neon strip along the painted steel vertical element.

There are examples of signs in close proximity to King’s Plaza that have received exceptions to the sign ordinance within section 17.57.090 “*Special signage for commercial sites located in geographically constrained areas*”. Target and Whole Foods were each granted additional signs and due to the geographical challenges of the property and visibility from the public street. In addition, the Whole Foods sign was allowed additional height beyond the sign ordinance maximum of the top level of the wall. Staff finds that the theater is geographically challenged as viewed from 41<sup>st</sup> Avenue, but the ordinance specifically states that a sign may not exceed 16 feet in height.

*17.57.090 Special signage for commercial sites located in geographically constrained areas.*

*A. A parcel or contiguous group of parcels forming a commercial site, which is located in the CC community commercial zoning district and meets the following criteria, may apply for special signage through the planning commission: the commercial site is geographically*

*located such that, except to a very limited degree, the signs are not visible from other properties, nor from any public street (except one that dead ends within the commercial site).*

*B. The application for special signage, and the planning commission decision in response to it, shall, for each variety of permanent and temporary signage, specify the number, size, type, design, color and location of the sign, along with the manner, frequency and duration of the sign display.*

*C. The planning commission may approve additional or variations to any type of signage upon making the following findings:*

*1. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.*

*2. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. This subsection C does not allow approval of: signs over sixteen feet high, sound signs, abandoned signs, balloon signs greater than fifteen inches in diameter, or freestanding signs.*

Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

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

A tower element is an architectural feature often incorporated into a theater design. The tower has been placed to be visible from 41<sup>st</sup> Avenue. Although an appropriate feature for the theater, staff has concerns for the impacts of the internal illumination beyond the zone height on neighboring residential uses. There are existing residential uses within 260 feet of the theater along 38<sup>th</sup> Avenue. The applicant provided simulated images of the sign as seen from 38<sup>th</sup> Avenue during the day and at night. (Attachment D) The sign will be visible from 38<sup>th</sup> Avenue by neighboring residential units. Staff does not recommend approval of the variance for the internally illuminated architectural feature above the zone height. Staff recommends limiting the internal illumination of the architectural feature to 40 feet. Condition #9 states:

*“No illumination is allowed beyond the zone height of 40 feet. 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.”*

During the hearing, the applicant will present additional information regarding the visibility challenges of the site.

### **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 theater use occupying an existing commercial space formerly occupied by a retail business. No adverse environmental impacts were discovered during project review by staff.



**RECOMMENDATION**

Staff recommends the Planning Commission approve application #14-023 less the variance for additional height for the internally illuminated architectural feature, subject to the following conditions and based upon the following findings:

**CONDITIONS**

1. The project approval consists of a Conditional Use Permit to expand a theater, allow outdoor seating, and allow the sale of alcoholic beverages within the renovated and expanded theater space located at 1601 41<sup>st</sup> Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014 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. 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 shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #13-170 shall be paid in full.
6. 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
7. Parking for the proposed theater expansion must be accommodated within the onsite parking.
8. Sound proofing must be installed along the eastern wall to protect the adjacent commercial use from noise impacts of the theater. A second frame wall shall be added to the existing block wall that will have thermafiber sound insulation and 2 layers of 5/8" gypsum wall board.
9. No illumination is allowed beyond the zone height of 40 feet. 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.
10. The applicant shall obtain an updated business license from the City of Capitola prior to operating within the expanded area.
11. Outdoor seating and landscape infrastructure is allowed along the sidewalk as long as there is compliance with ADA access.

12. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
13. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
14. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon the land pursuant to the permit.

## **FINDINGS**

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

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

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

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

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

The proposed project involves the expansion of the existing theater within an existing commercial space formerly occupied by a book store. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

## **ATTACHMENTS**

- A. Project Submittal
- B. Sign on Capitola Road overlay
- C. Parking Study
- D. Perspectives of Architectural Feature
- E. Public Input

**Report Prepared By:                      Katie Cattan  
Senior Planner**







Revisions :  
 A  
 A  
 A  
 A  
 A

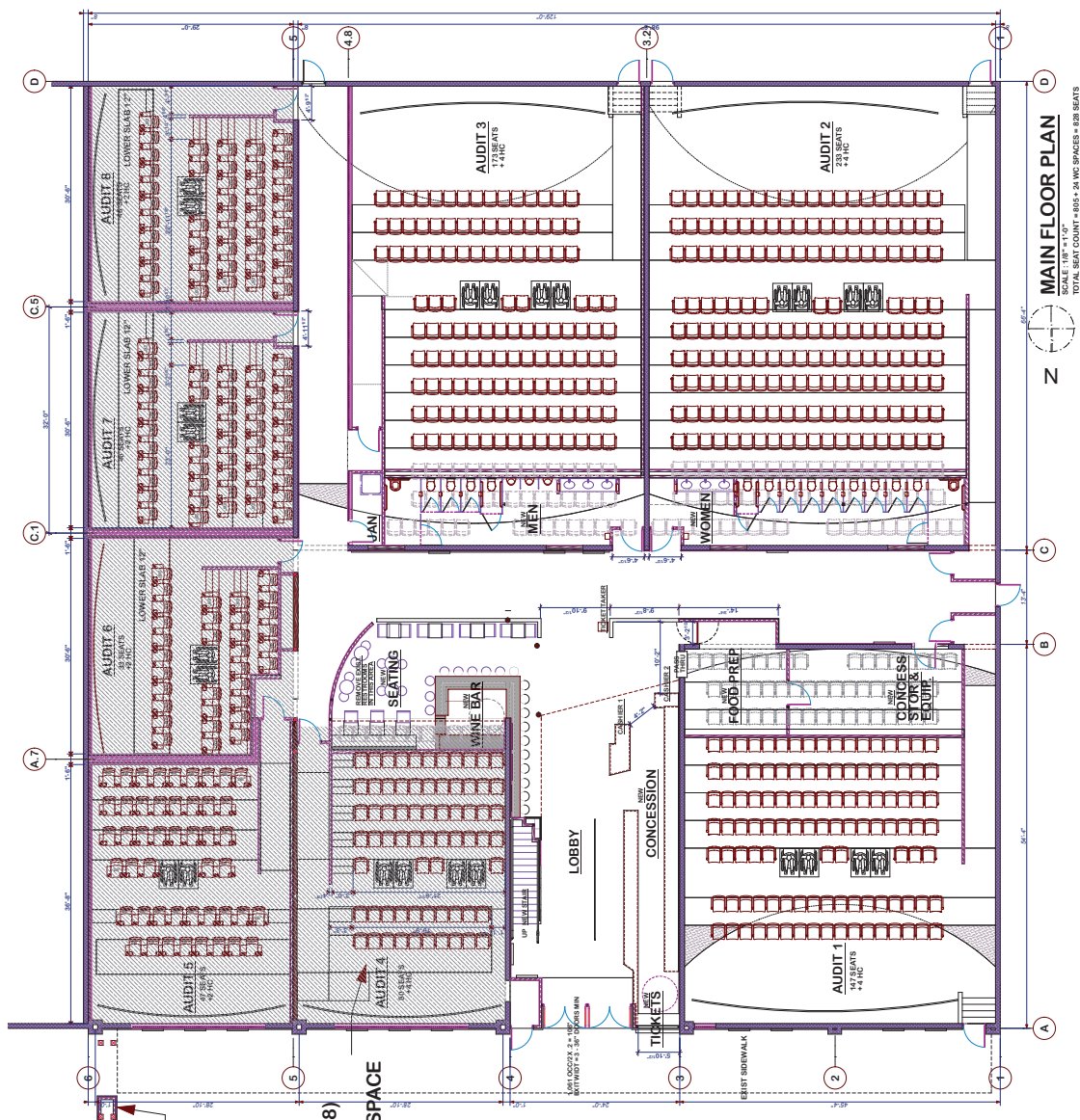
Project No.: 15-11  
 RFL: DJ  
 Checked By: RRH  
 Drawing Scale: 1/8" = 1'-0"  
 Date: 11/15/15

ISSUE DATES  
 Design / Zoning  
 Review  
 Re-Submittal:  
 2/26/16

Building Permit  
 Submittal:  
 \_\_\_\_\_

Plan Check  
 Re-Submittal/  
 Final Pricing:  
 \_\_\_\_\_

Construction:  
 \_\_\_\_\_



MAIN FLOOR PLAN  
 TOTAL SEAT COUNT = 895 + 24 WC SPACES = 919 SEATS

NEW FREE STANDING SIGN

SHADED AREA ( AUDIT 4,5,6,7,8 ) IS THE NEW CINEMA AREA OCCUPYING THE OLD RETAIL SPACE



Revision	Project No.	Project Name
△	115-11	Capitol Cinema
△		182 41st Ave
△		Capitol, CA 95010
△		RRH
△		RRH
△		START: 11.26.11

ISSUE DATES
Design / Zoning Review
Permit Submittal: 2.28.12
Building Permit Submittal:
Plan Check
Re-Submittal/ Final Pricing:
Construction:

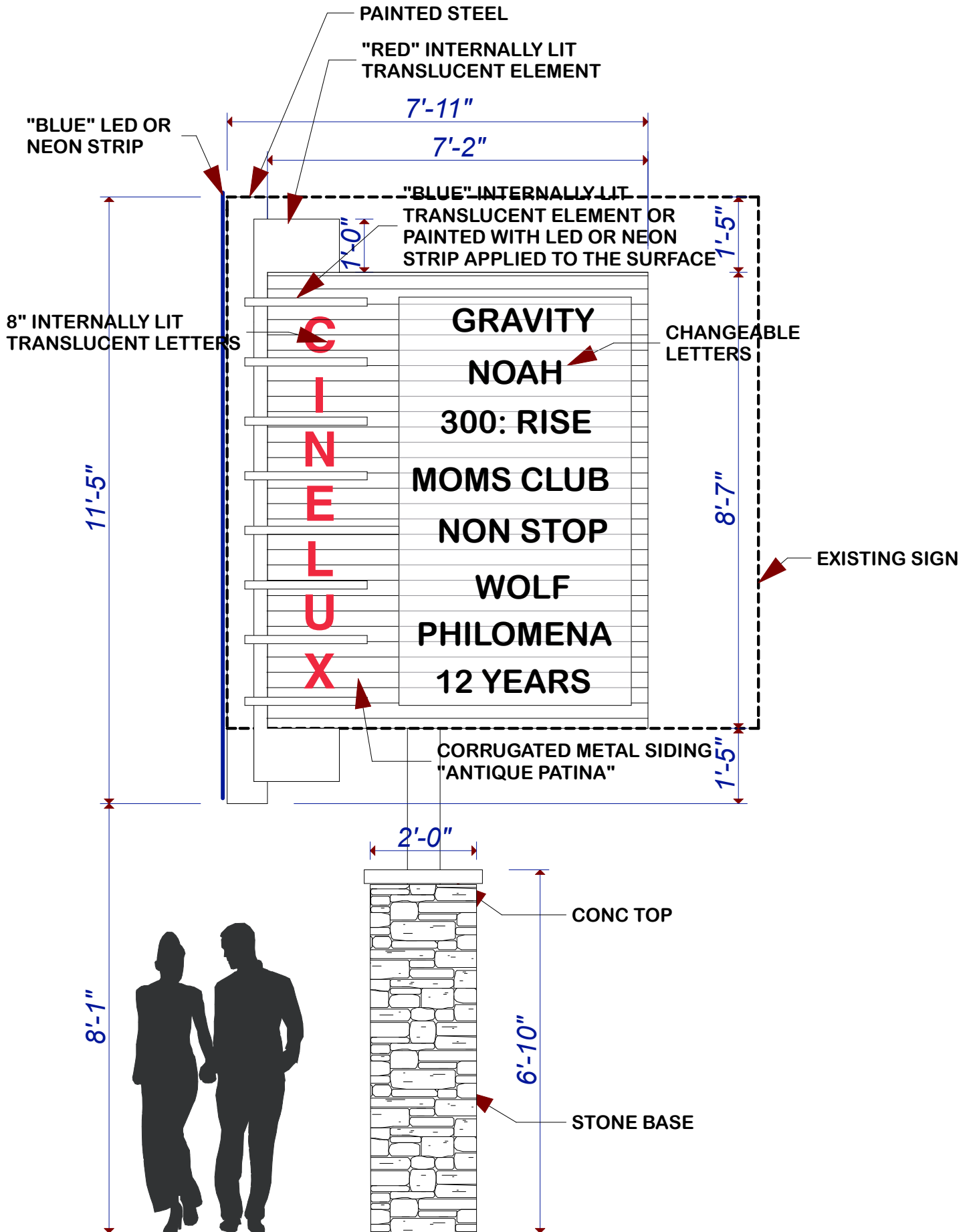
THE HENRY ARCHITECTS  
 3030 Wilshire Blvd, Suite 1000  
 Los Angeles, CA 90010  
 Phone: 310-204-4040  
 Fax: 310-204-4041  
 www.thehenryarchitects.com

CAPITOLA CINELUX THEATRE  
 REMODEL & ADDITION  
 KING PLAZA SHOPPING CENTER  
 182 41ST AVE, SUITE G & H  
 CAPITOLA, CALIFORNIA 95010

MEZZANINE PLAN  
 SHEET NO. A.2.2



**MEZZANINE PLAN**  
 SCALE: 1/8" = 1'-0"  
 TOTAL SEAT COUNT = 888 + 24 WC SPACES = 912 SEATS  
 NOTE: THIS PLAN IS SHOWING THE MAIN FLOOR AUDITORIUM SEATING. THERE IS NO ADDITIONAL AUDITORIUM SEATING ON THIS LEVEL.



THIS PAGE INTENTIONALLY LEFT BLANK





Kimley-Horn  
and Associates, Inc.

## *Memorandum*

To: Katie Cattan, AICP  
Senior Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

From: Frederik Venter

Date: February 25, 2014

Re: King's Plaza Shopping Center Shared Parking Evaluation

Suite 250  
100 W. San Fernando Street,  
San Jose, CA 95113

Office: 669-800-4146

## **BACKGROUND**

King's Plaza Shopping Center is located at the intersection of 41<sup>st</sup> Avenue and Capitola Road. The shopping center includes a mix of uses including a movie theater, grocery store, hardware store, restaurants, and other retail.

In 2008 a shared parking study was prepared to evaluate the effect of increasing restaurant uses at the shopping center.<sup>1</sup> Although King's Plaza contains a variety of tenants, the site was evaluated as a combination of three uses which comprised movie theater, shopping center, and warehouse.<sup>2</sup> The 2008 study concluded that there was sufficient parking available to accommodate the proposed increase in restaurant uses during typical weekday and weekend conditions.

It is now proposed that the 6,400 square foot Capitola Book Café be eliminated to permit expansion of the CineLux Theatre from 675 seats to 892 seats, which may increase parking demand at the shopping center. This memorandum contains an evaluation of the expected parking demand at the shopping center if the movie theater is expanded.

---

<sup>1</sup> Shared Parking Study for King's Plaza 1601 41<sup>st</sup> Avenue, Marquez Transportation Engineering, December 23, 2008.

<sup>2</sup> The warehouse use was for the Orchard Supply Hardware (OSH) drive-through pickup facility which is separate from the main hardware store.



## METHODOLOGY

Kimley-Horn estimated shared parking demand using two methods:

1. Using separate land uses comprising the movie theater (CineLux), grocery store (Save Mart), hardware store (OSH), hardware store warehouse (OSH building materials pick-up yard), pharmacy/drugstore (Rite Aid) high-turnover restaurant (IHOP), and shopping center (for the remaining restaurant and retail uses).
2. Following the same condensed methodology as the 2008 study assuming only three types of land uses which comprised movie theater (CineLux), warehouse (OSH) and shopping center (for all other retail and restaurant uses).

Shared parking analyses were prepared for a typical Weekday and Saturday using data contained in *Parking Generation 4<sup>th</sup> Edition* published by the Institute of Transportation Engineers (ITE) and supplemented by data in *Shared Parking 2<sup>nd</sup> Edition* published by Urban Land Institute (ULI). In some cases data was not available for all land use types, therefore the following assumptions were made regarding the data:

- Parking demand for King's Plaza Shopping Center was calculated based on average demand.
- Shared weekday demand for the movie theater was based on Friday conditions because movie theaters typically have higher parking demand on Fridays during the weekday.
- Trip rates for warehousing (i.e. OSH building materials pick-up yard) are not available for Saturday; therefore, the Saturday demand rates were assumed to be the same as a weekday.
- Time-of-day demand for the OSH building materials pick-up yard was assumed to follow the same time-of-day pattern as Home Improvement Superstore (ITE Land Use 862) instead of traditional warehouse.
- Time-of-day data for pharmacy is incomplete for Saturday; therefore, it was assumed to be the same as weekday.



## ANALYSIS

King's Plaza currently comprises 161,085 square feet of gross floor area (GFA) with approximately 146,388 square feet dedicated to retail uses and 14,697 square feet for restaurant uses.<sup>3</sup>

Required parking<sup>4</sup> is determined based on the parking standards contained in Section 17.51.130 of the Capitola Municipal Code which notes the following:

Retail Uses – 1 space per 300 square feet of gross floor area (GFA)

Restaurant Uses – 1 space per 60 square feet of GFA available for dining, plus 1 space per 300 square feet for all other floor area

Detailed information on the restaurant GFA dedicated to dining was unavailable at the time this memorandum was prepared; therefore, it was estimated to be 60 percent.

Based on the Municipal Code the shopping center would be required to provide approximately the following spaces:

Retail:	146,388 sf x 1 space per 300 sf =	488 spaces
Restaurant Dining:	14,697 sf x 0.60 x 1 space per 60 sf =	147 spaces
Restaurant Other:	14,697 sf x 0.40 x 1 space per 300 sf =	20 spaces
Total Required (estimated)		655 spaces

The shopping center has 680 parking spaces for employees and customers which is greater than the estimated Code required spaces.<sup>5</sup>

Cursory observations by Kimley-Horn staff (including the most recent on Monday, February 17, 2014) indicate there are ample on-site parking spaces to meet the current needs of King's Plaza.<sup>6</sup> Observations also

<sup>3</sup> Email and attachments from Benjamin Ow to Jim West, 2/14/2014.

<sup>4</sup> Parking standards provided in Chapter 17.51 except Section 17.51.130(J), (L), (M), and (O) which are replaced per email from Katie Cattan to Frederik Venter, February 13, 2014.

<sup>5</sup> Email from Benjamin Ow to Jim West, 2/14/2014.

<sup>6</sup> February 17, 2014 observation made between 8-9 PM which showed a parking demand of 166 vehicles.



suggest that the shopping center's demand is similar to the average rates reported in ITE *Parking Generation*.

The following calculations were prepared to estimate the demand for parking spaces when the Book Café is converted to additional movie theater space.

### **Separate Land Use Methodology**

Shared parking was calculated by segregating land uses into the following categories:

- Movie Theater
- Hardware Store
- Warehouse
- Grocery Store
- Pharmacy/Drugstore
- High-Turnover Sit Down Restaurant
- Shopping Center

The CineLux Theatre most closely matches Movie Theater with Matinee (ITE Land Use 444) which is defined by ITE as a traditional movie theater consisting of audience seating, less than ten screens, a lobby and a refreshment stand. These show movies on weekday afternoons and evenings as well as on weekends.

The OSH store most closely matches Home Improvement Superstore (ITE Land Use 862) which is defined by ITE as facilities that that specialize in the sale of home improvement merchandise and typically maintain long store hours 7 days a week. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment and plant and garden accessories.

The separate OSH building materials pick-up yard most closely matches Warehousing (ITE Land Use 150) which is defined as being primarily devoted to the storage of materials, but they may also include office and maintenance areas.



The Save Mart grocery store can be classified as a Supermarket (ITE Land Use 850) or Discount Supermarket (ITE Land Use 854). Because there is more published data on Supermarket land uses, it was used for the shared parking evaluation. Supermarket is defined by ITE as a retail store selling a complete assortment of food, food preparation and wrapping materials and household cleaning items. Supermarkets may also contain the following products and services: ATMs, automobile supplies, bakeries, books and magazines, dry cleaning, floral arrangements, greeting cards, limited-service banks, photo centers, pharmacies and video rental areas.

The Rite Aid store most closely matches Pharmacy/Drugstore without Drive-Through Window which is defined by ITE as a retail facility that primarily sells prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products and general merchandise.

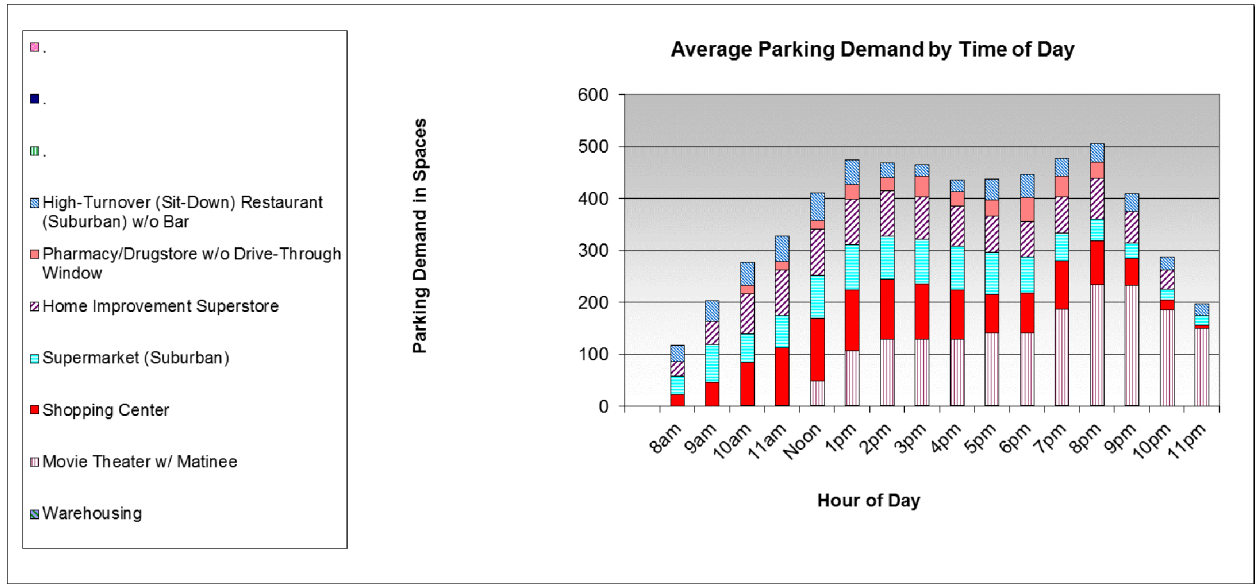
The IHOP restaurant most closely matches High-Turnover Sit Down Restaurant (ITE Land Use 932) which is defined as a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner and may also be open for breakfast and are sometimes open 24 hours per day.

The remaining retail and restaurant uses, most closely match Shopping Center (ITE Land Use 820) which is defined as an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. Aside from retail stores shopping centers may also contain offices, restaurants, post offices, banks, health clubs, movie theaters, and other uses.

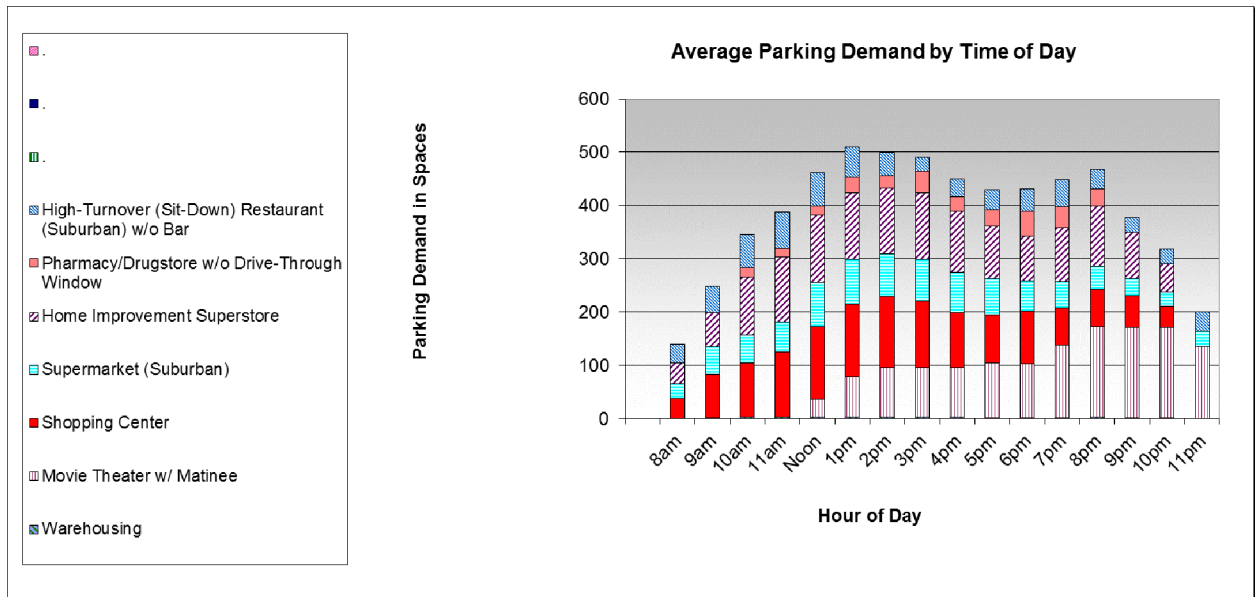
**Figure 1** and **Figure 2** respectively summarize the shared weekday and weekend average parking demand for King's Plaza. It is noted that the parking demand for the OSH warehouse is very small in comparison to the other uses and therefore is difficult to see in the figure. Calculations using this methodology are attached to this memorandum.



**Figure 1 – Average Weekday Parking Demand – Separate Land Use Methodology**



**Figure 2 – Average Weekend Parking Demand – Separate Land Use Methodology**







As noted in the figures, the parking demand is not expected to exceed more than about 500 occupied parking spaces on a weekday or weekend. In fact, in comparison with the observed demand, the calculated demand appears to be conservative with actual demand being lower.

### **Condensed Land Use Methodology (from 2008 Study)**

Consistent with the 2008 parking study, shared parking demand at King's Plaza was also calculated by condensing the various land uses into the following three categories:

1. Movie Theater
2. Warehouse
3. Shopping Center

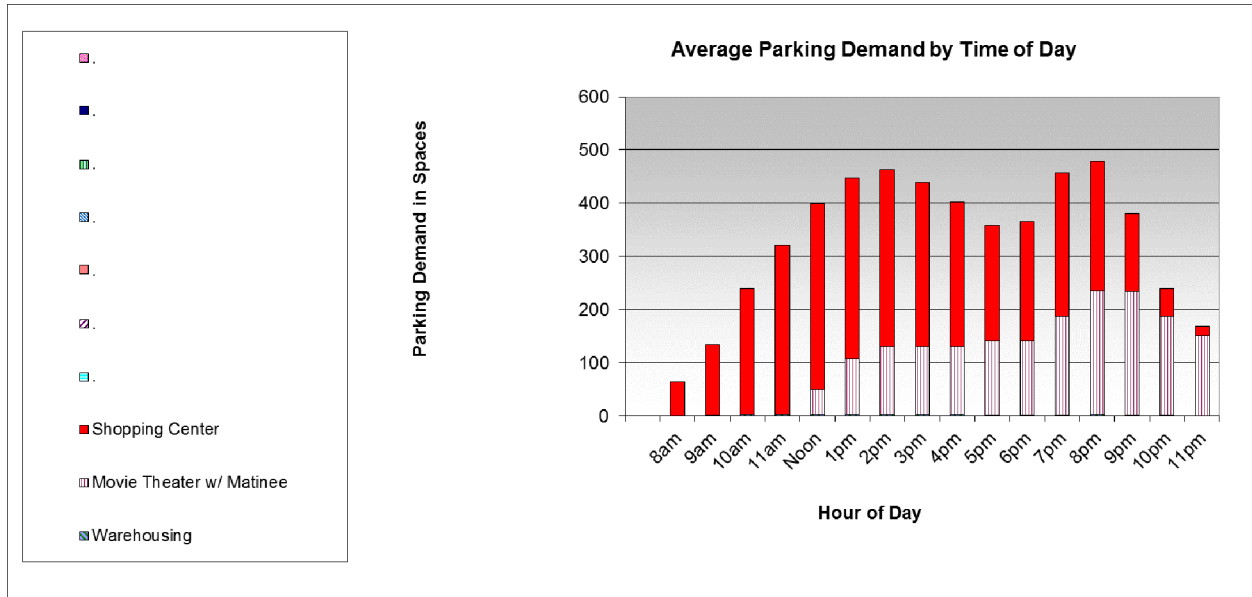
As noted previously, the CineLux Theater most closely matches Movie Theater with Matinee (ITE Land Use 444) and the separate OSH building materials pick-up yard most closely matches Warehousing (ITE Land Use 150).

The remaining retail and restaurant uses, if grouped together, most closely match Shopping Center (ITE Land Use 820). Although the CineLux Theater could be included in the Shopping Center land use, movie theater parking demand was calculated separately from the rest of the shopping center to be consistent with the 2008 parking study.

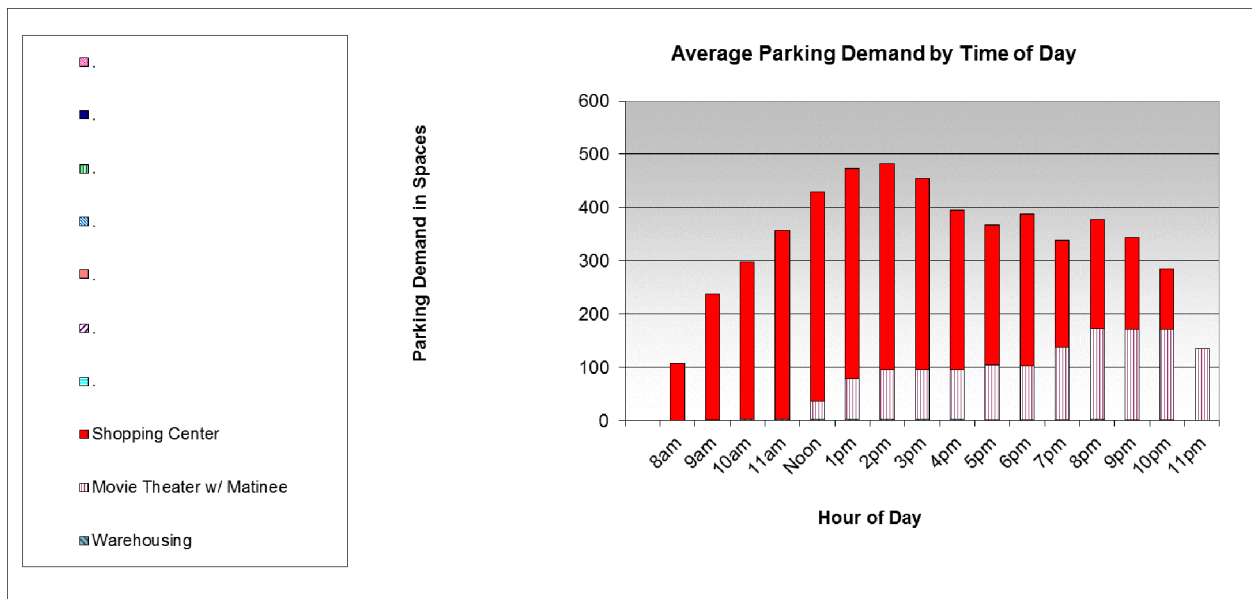
**Figure 3** and **Figure 4** respectively summarize the shared weekday and weekend average parking demand for King's Plaza using the condensed land use methodology. Calculations are attached to this memorandum.



**Figure 3 – Average Weekday Parking Demand – Condensed (2008)  
Methodology**



**Figure 4 – Average Weekend Parking Demand – Condensed (2008)  
Methodology**





Although slightly less than calculated using the Separate Land Use methodology, the Condensed Land Use methodology also indicates that peak parking demand is about 500 on the weekday and the weekend. In comparison with the observed demand, the calculated demand appears to be conservative with actual demand being lower.

### **85<sup>th</sup> Percentile Demand**

As noted previously, the above calculations are made based on observed average rates reported at other shopping centers.

Shopping center parking demand often fluctuates over the lifespan of the facility. As tenants change and improvements are made, an average performing center may function at a higher level of parking demand. As a check, parking demand was recalculated based on 85<sup>th</sup> percentile demand rates for weekday and weekend.<sup>7</sup>

When calculated using 85<sup>th</sup> percentile rates the peak parking demand for the weekday is 678 and the peak demand for the weekend is 620. In both instances the existing parking spaces (i.e. 680 spaces) are sufficient to meet an increased 85<sup>th</sup> percentile demand. Eighty-fifth percentile calculations are attached to this memorandum.

## **CONCLUSIONS**

It is proposed that existing retail space at King's Plaza be eliminated to allow for the existing CineLux Theatre to be expanded from 675 seats to 892 seats.

An evaluation based on data published by the Institute of Transportation Engineers (and supplemented by data from the Urban Land Institute) confirmed that King's Plaza will have sufficient on-site parking spaces under current (i.e. average) conditions and also if demand increases in the

---

<sup>7</sup> ITE defines the 85th percentile as the point at which 85 percent of the values fall at or below and 15 percent of the values are above. The 85th percentile demand rate therefore corresponds to a high performing land use.



Kimley-Horn  
and Associates, Inc.

future (i.e. at 85<sup>th</sup> percentile conditions). Therefore, it is Kimley-Horn's professional opinion that parking associated with King's Plaza can be fully contained on site with little risk of spillover into nearby businesses or residential areas.

# Parking Generation Planner (ITE Parking Generation, 4th Edition)

Weekday/Weekend Parking Generation  
Demand Based on Average Rates

Project Name King's Plaza Shopping Center  
Project Number

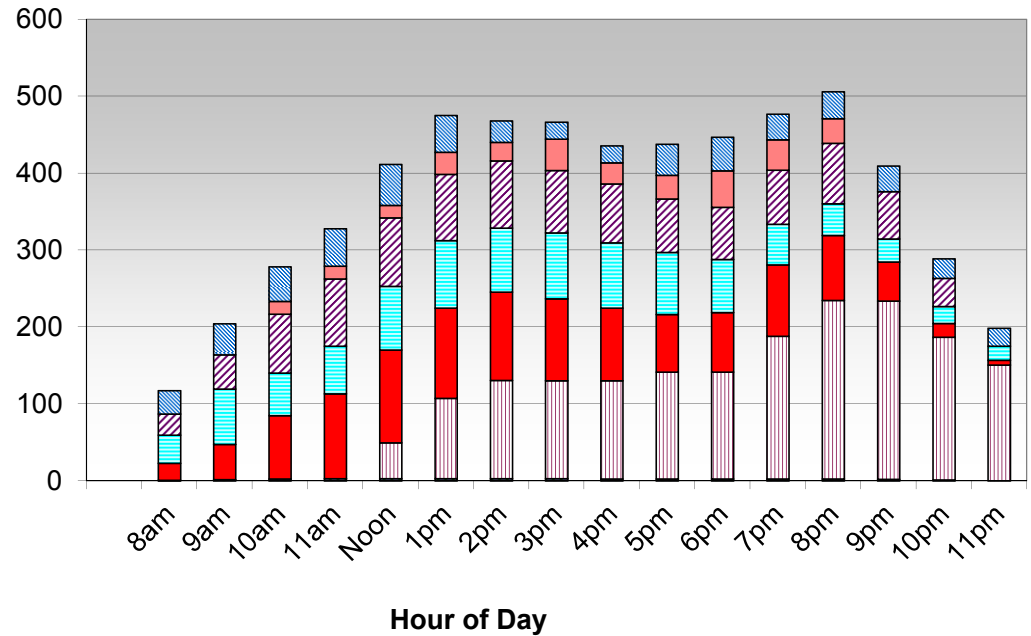


Kimley-Horn  
and Associates, Inc.

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Peak Demand			Average Parking Demand by Time of Day															
						Avg	33%	85%	Avg	33%	85%	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
150	Warehousing	1,000 Sq Ft	6.012	Mon-Thu	Avg	0.5	0.3	0.8	3	2	5	1	2	3	3	3	3	3	2	2	2	3	2	1			
444	Movie Theater w/ Matinee	Seat(s)	892	Friday	Avg	0.3	0.2	0.4	232	187	321																
820	Shopping Center	1,000 Sq Ft (GLA)	47.441	Mon-Thu	Avg	2.6	2.2	3.2	121	104	150	22	46	82	110	121	117	115	106	94	75	77	93	85	51	18	6
850a	Supermarket (Suburban)	1,000 Sq Ft	23.2	Mon-Thu	Avg	3.8	3.0	5.1	87.696	69.136	117.16	37	72	55	62	82	88	83	86	85	81	69	53	41	30	22	18
862	Home Improvement Superstore	1,000 Sq Ft	39.957	Mon-Thu	Avg	2.2	1.9	2.8	89.104	73.92	112.68	28	45	77	87	89	86	87	81	77	70	68	70	78	61	37	
880	Pharmacy/Drugstore w/o Drive-Through Window	1,000 Sq Ft	21.44	Mon-Thu	Avg	2.2	1.9	2.7	47.168	40.736	58.317	17	17	17	29	24	41	27	31	47	40	32					
932a1	High-Turnover (Sit-Down) Restaurant (Suburban) w/o Bar	1,000 Sq Ft	5	Mon-Thu	Avg	10.6	7.4	16.3	53	37	81.5	30	40	45	49	53	48	28	22	22	40	44	33	35	33	25	23
<b>Totals</b>									633	514	846	117	204	278	328	411	475	468	467	436	438	447	477	506	410	289	199

Parking Demand in Spaces

Average Parking Demand by Time of Day



Item #: 5.B. Parking Study.pdf

## Parking Generation Planner (ITE Parking Generation, 4th Edition)

Weekday/Weekend Parking Generation  
Demand Based on Average Rates

Project Name King's Plaza Shopping Center  
Project Number

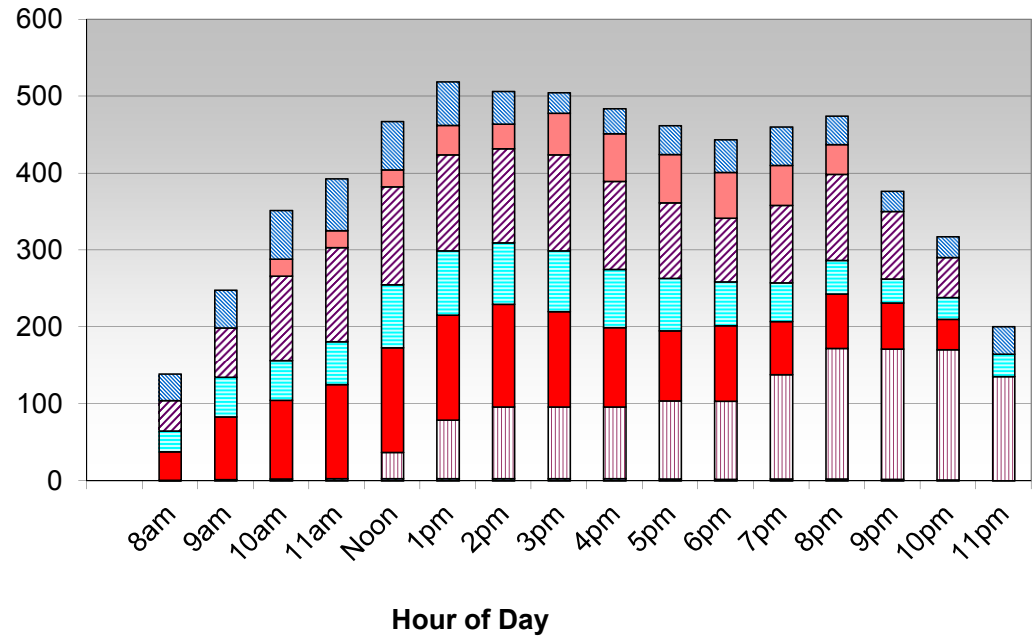


Kimley-Horn  
and Associates, Inc

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Peak Demand			Average Parking Demand by Time of Day															
						Avg	33%	85%	Avg	33%	85%	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
150	Warehousing	1,000 Sq Ft	6.012	Saturday	Avg	0.51	0.29	0.81	3	2	5	1	2	3	3	3	3	3	2	2	2	3	2	1			
444	Movie Theater w/ Matinee	Seat(s)	892	Saturday	Avg	0.19	0.2	0.23	169	178	205				34	76	93	93	93	102	102	136	169	169	136		
820	Shopping Center	1,000 Sq Ft (GLA)	47.441	Saturday	Avg	2.87	2.46	3.4	136	117	161	37	82	102	123	136	136	133	124	103	91	98	69	71	60	39	
850a	Supermarket (Suburban)	1,000 Sq Ft	23.2	Saturday	Avg	3.92	3.25	4.94	90.944	75.4	114.61	27	52	52	55	82	84	80	79	75	68	57	50	44	31	28	29
862	Home Improvement Superstore	1,000 Sq Ft	39.957	Saturday	Avg	3.19	2.79	4.34	127.46	111.48	173.41	40	64	110	122	127	125	122	125	115	98	83	101	112	88	52	
880	Pharmacy/Drugstore w/o Drive-Through Window	1,000 Sq Ft	21.44	Saturday	Avg	2.94	2.53	3.74	63.034	54.243	80.186			22	22	38	32	54	62	63	59	52	38				
932a1	High-Turnover (Sit-Down) Restaurant (Suburban) w/o Bar	1,000 Sq Ft	5	Saturday	Avg	13.5	7.8	20.6	67.5	39	103	34	49	63	68	63	57	43	26	32	37	43	50	37	26	27	36
<b>Totals</b>									658	577	843	139	248	352	393	467	519	507	505	484	462	444	460	474	377	318	200

Parking Demand in Spaces

Average Parking Demand by Time of Day





# Parking Generation Planner (ITE Parking Generation, 4th Edition)

Weekday/Weekend Parking Generation  
Demand Based on Average Rates

Project Name King's Plaza Shopping Center  
Project Number

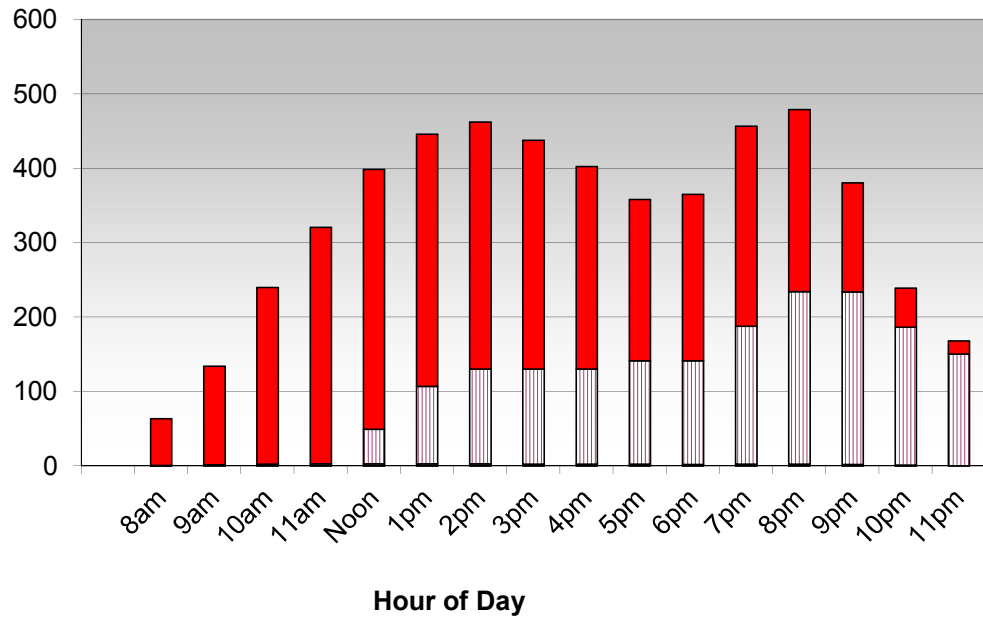


Kimley-Horn  
and Associates, Inc.

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Peak Demand			Average Parking Demand by Time of Day															
						Avg	33%	85%	Avg	33%	85%	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
150	Warehousing	1,000 Sq Ft	6,012	Mon-Thu	Avg	0.51	0.29	0.81	3	2	5	1	2	3	3	3	3	3	3	2	2	2	3	2	1		
444	Movie Theater w/ Matinee	Seat(s)	892	Friday	Avg	0.26	0.21	0.36	232	187	321				46	104	128	128	139	139	186	232	232	186	151		
820	Shopping Center	1,000 Sq Ft (GLA)	137.04	Mon-Thu	Avg	2.55	2.2	3.16	349	301	433	63	133	238	318	349	339	332	308	273	217	224	269	245	147	52	17
<b>Totals</b>									<b>584</b>	<b>491</b>	<b>759</b>	<b>64</b>	<b>134</b>	<b>240</b>	<b>321</b>	<b>399</b>	<b>446</b>	<b>463</b>	<b>438</b>	<b>403</b>	<b>358</b>	<b>365</b>	<b>457</b>	<b>479</b>	<b>381</b>	<b>239</b>	<b>168</b>

Parking Demand in Spaces

Average Parking Demand by Time of Day



## Parking Generation Planner (ITE Parking Generation, 4th Edition)

Weekday/Weekend Parking Generation  
Demand Based on Average Rates

Project Name King's Plaza Shopping Center  
Project Number

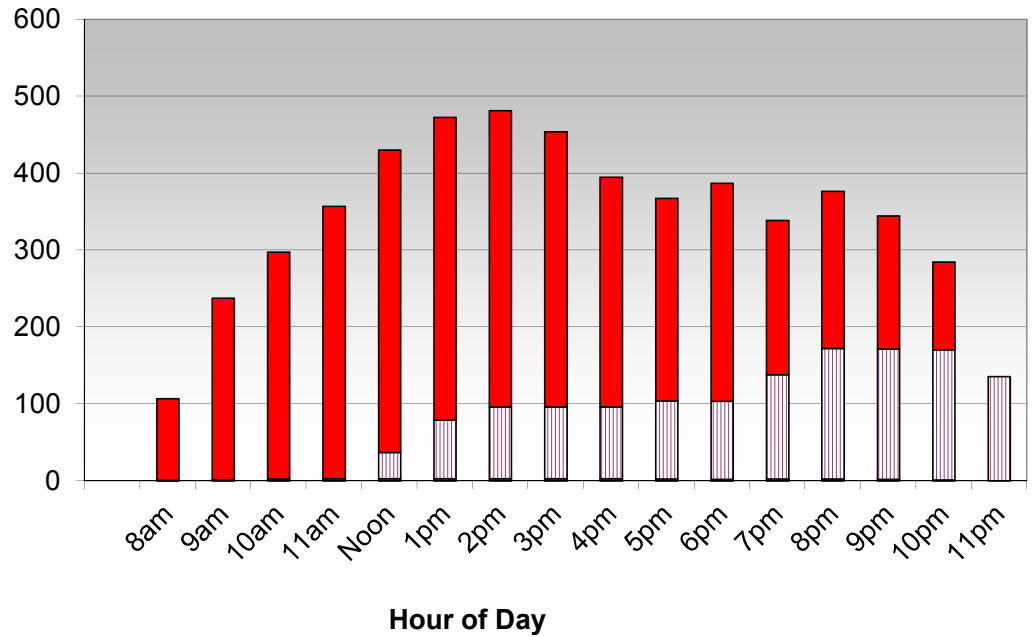


Kimley-Horn  
and Associates, Inc

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Peak Demand			Average Parking Demand by Time of Day															
						Avg	33%	85%	Avg	33%	85%	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
150	Warehousing	1,000 Sq Ft	6.012	Saturday	Avg	0.51	0.29	0.81	3	2	5	1	2	3	3	3	3	3	3	2	2	2	3	2	1		
444	Movie Theater w/ Matinee	Seat(s)	892	Saturday	Avg	0.19	0.2	0.23	169	178	205				34	76	93	93	93	102	102	136	169	169	136		
820	Shopping Center	1,000 Sq Ft (GLA)	137.04	Saturday	Avg	2.87	2.46	3.4	393	337	466	106	236	295	354	393	393	385	358	299	264	283	201	205	173	114	
<b>Totals</b>									566	517	676	107	238	298	357	430	473	482	454	395	368	387	339	377	345	285	136

Parking Demand in Spaces

Average Parking Demand by Time of Day

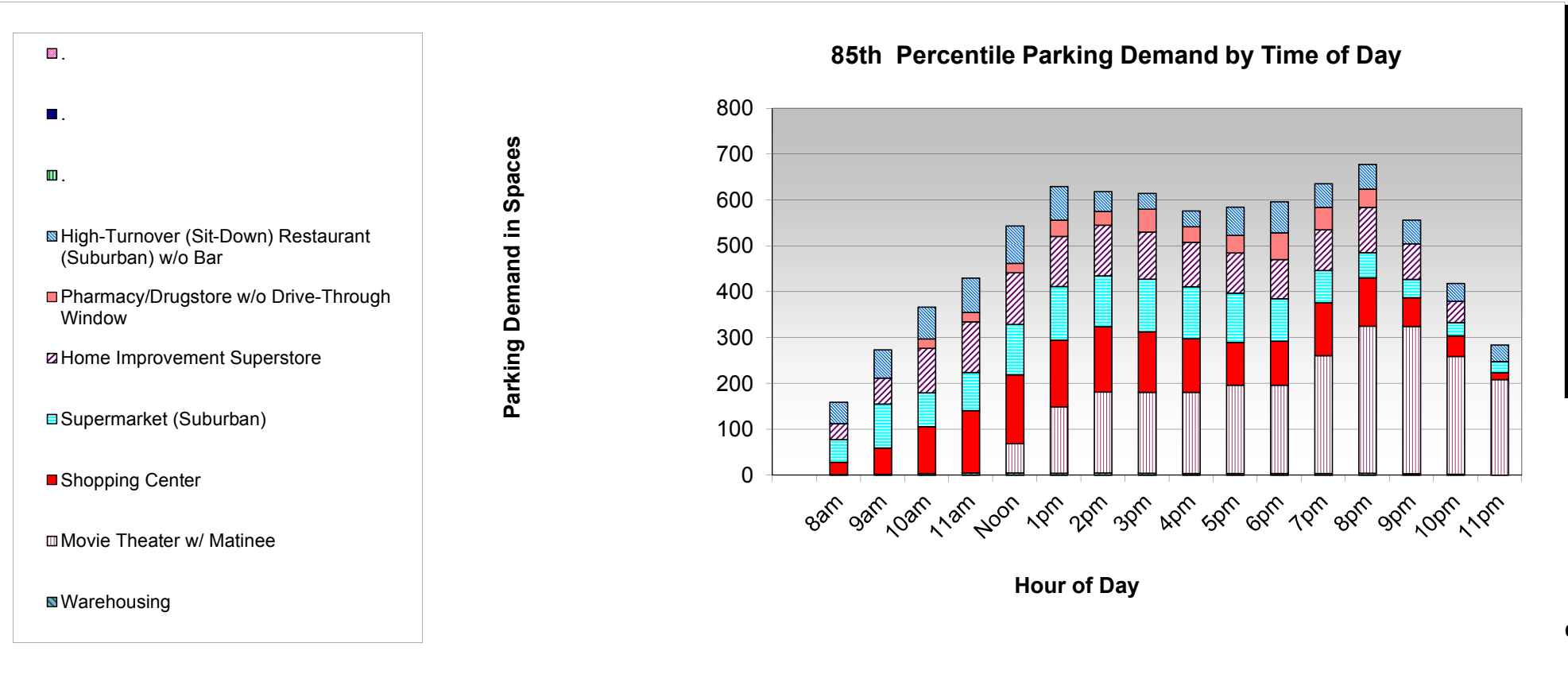


# Parking Generation Planner (ITE Parking Generation, 4th Edition)



Weekday/Weekend Parking Generation Demand Based on 85th Percentile Rates Project Name  
Project Number

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Peak Demand			85th Percentile Parking Demand by Time of Day															
						Avg	33%	85%	Avg	33%	85%	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
150	Warehousing	1,000 Sq Ft	6.012	Mon-Thu	Avg	0.51	0.29	0.81	3	2	5	2	2	4	5	5	5	4	4	4	4	4	4	4	3	2	
444	Movie Theater w/ Matinee	Seat(s)	892	Friday	Avg	0.26	0.21	0.36	232	187	321																
820	Shopping Center	1,000 Sq Ft (GLA)	47.441	Mon-Thu	Avg	2.55	2.20	3.16	121	104	150	27	57	102	136	150	145	142	132	117	93	96	115	105	63	45	15
850a	Supermarket (Suburban)	1,000 Sq Ft	23.2	Mon-Thu	Avg	3.78	2.98	5.05	88	69	117	49	96	74	83	110	117	111	115	114	108	93	70	55	40	29	25
862	Home Improvement Superstore	1,000 Sq Ft	39.957	Mon-Thu	Avg	2.23	1.85	2.82	89	74	113	35	56	97	110	113	109	110	103	97	88	86	89	99	78	46	
880	Pharmacy/Drugstore w/o Drive-Through Window	1,000 Sq Ft	21.44	Mon-Thu	Avg	2.20	1.90	2.72	47	41	58				20	20	36	30	50	34	38	58	49	40			
932a1	High-Turnover (Sit-Down) Restaurant (Suburban) w/o Bar	1,000 Sq Ft	5	Mon-Thu	Avg	10.6	7.4	16.3	53	37	81.5	46	62	69	75	82	73	43	34	34	62	68	51	54	51	39	36
<b>Totals</b>									633	514	846	159	274	367	430	544	630	618	615	576	585	596	636	678	556	418	284



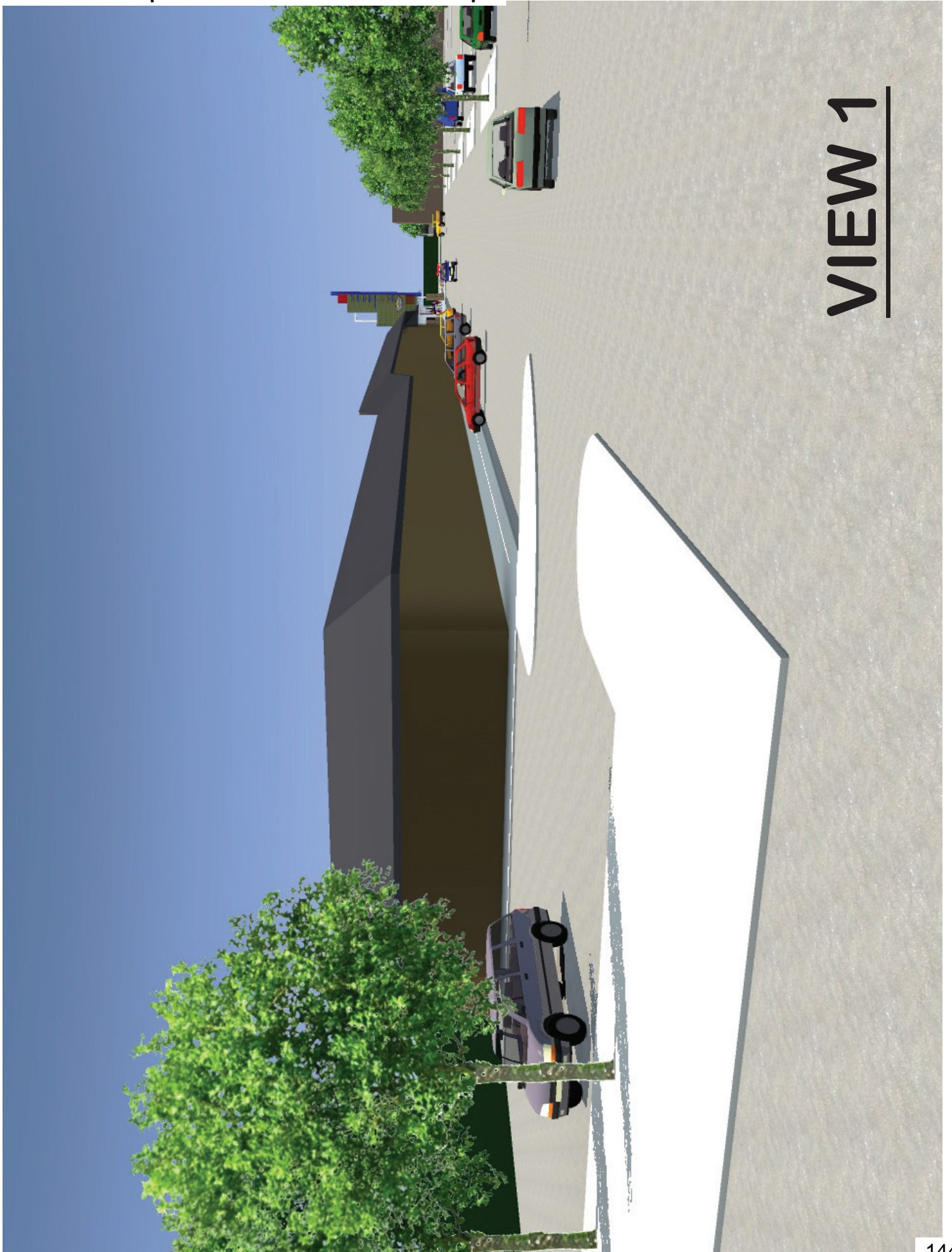






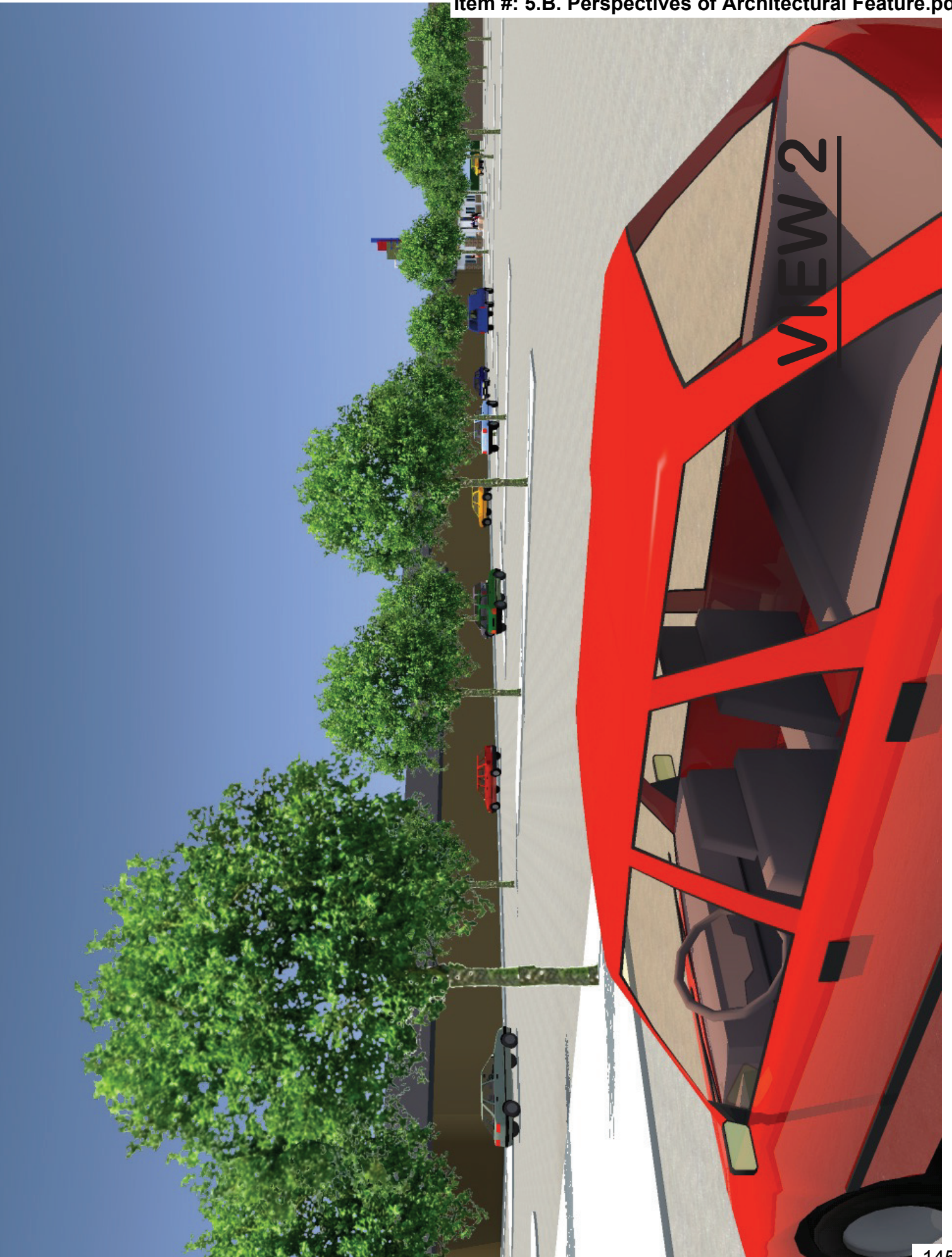
**VIEW 1 - EXISTING**





VIEW 1









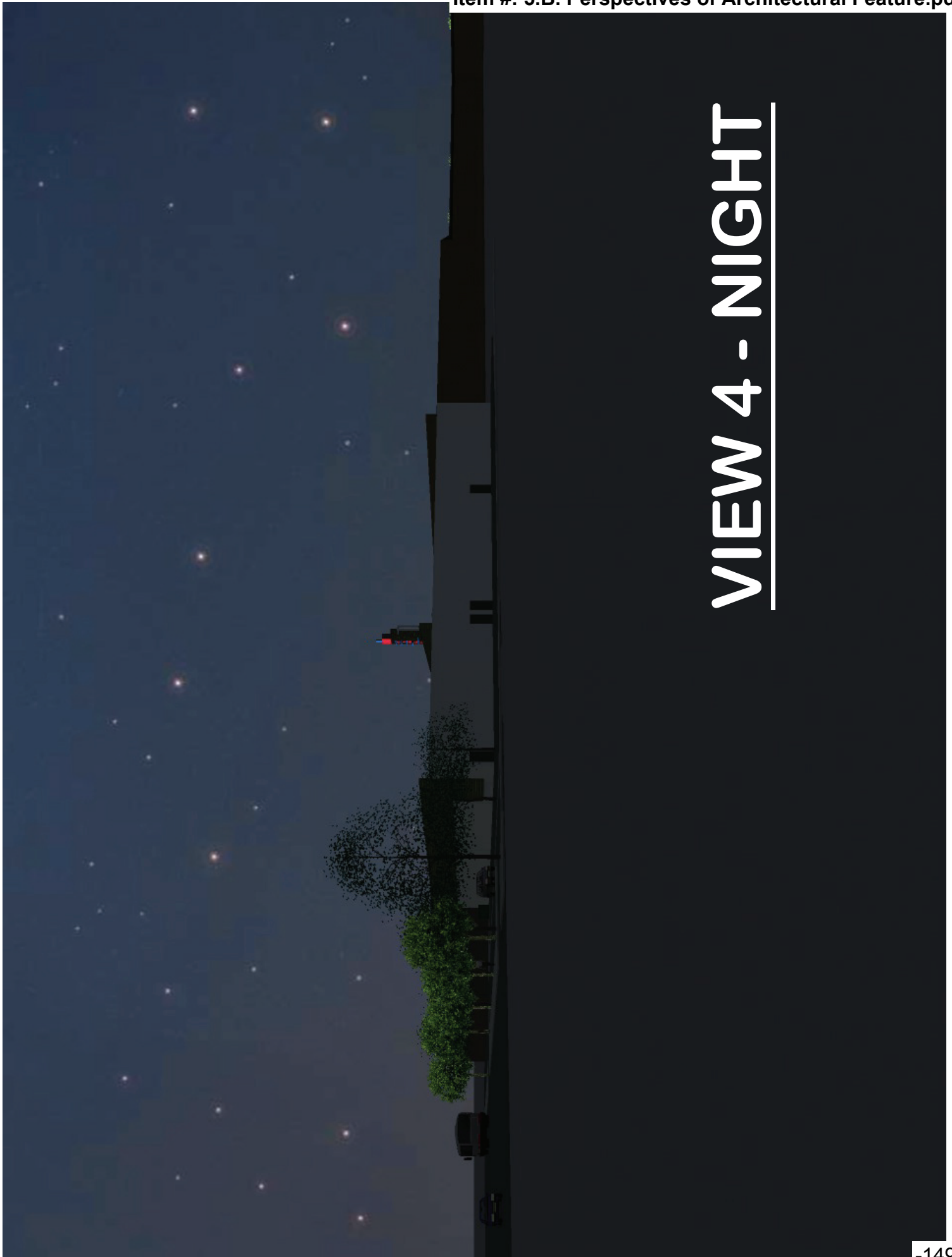


# VIEW 3 - NIGHT

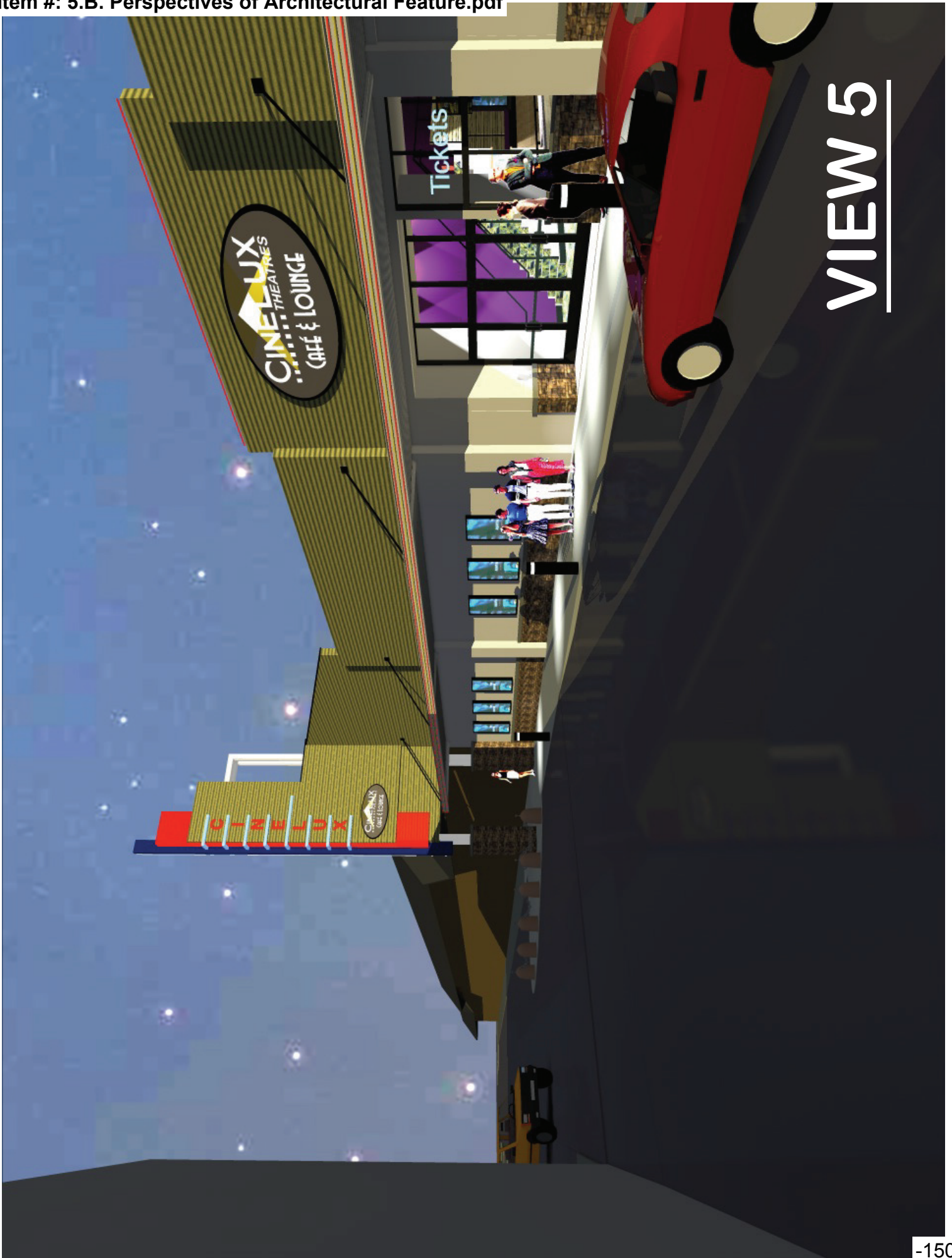


# VIEW 4 - DAY





# VIEW 4 - NIGHT



# VIEW 5





# EXISTING CAPITOLA STREET SIGN

© 2011 Google

THIS PAGE INTENTIONALLY LEFT BLANK

Capitola City Council/ planning Commission:

Dear Sir or Madam:

I am in favor of the remodel and expansion of the CineLux Theaters in the King's Plaza Shopping Center. This development is on the agenda for the April 3, 2014 commission meeting at the Capitola City Hall.

I am the Regional Director of the IHOP franchise in King's Plaza Shopping Center in Capitola. I am in full support of the increase from three to eight screens, remodel and expansion of the CineLux Theaters.

Being in the casual dining restaurant segment, we would fully support the increase in traffic to the King's Plaza Shopping Center at night. I have been there on regular weekly visits on all day parts and see no issues with parking. There is plenty of parking for all of us.

More frequency of regular guest and new guest to King's Plaza Shopping Center shall benefit everyone.

Franchisee IHOP Restaurants  
Doug Koehly  
Regional Director  
702-415-6638  
doug@pancakestoday.com

## Item #: 5.B. Public Input.pdf

**From:** [eric.kouba](mailto:eric.kouba)  
**To:** [PLANNING.COMMISSION](mailto:PLANNING.COMMISSION)  
**Cc:** [karenow1@hotmail.com](mailto:karenow1@hotmail.com)  
**Subject:** Capitola Kings Plaza Shopping Center RE: CineLux Theatre Expansion  
**Date:** Wednesday, March 26, 2014 12:15:56 PM

---

Dear Capitola City Planning Commission:

My name is Eric Kouba and I am one of the Owners of the IHOP in the Capitola/Kings Plaza Shopping Center. I originally located this site for our Restaurant Group back in late 2008. I believe that this area is the center of business and commerce for the City of Capitola. Since then, I have seen Whole Foods come in and do great business.

I have also seen a remodel of the Target Shopping Center on the NW corner of 41st and Capitola Rd. I have also seen numerous other business help this immediate area including the Fairfield Inn and Suites on 41st Ave.

We believe at our core, that our business relies on the Community involvement and support. We've had a great time building our business and getting to know our Community and Customer's both local and out of town visitors.

**Our Group believes that the CineLux Theatre Expansion will be a great addition not only to the immediate Shopping Center, but to the Community and surrounding areas.**

If you ever visit this Shopping Center you are more than aware of the ample parking that is available. Therefore, parking is never an issue. Also, Visibility and Access is also not an issue as there are numerous entrances and exits to the shopping center from either 41st Ave, Capitola Rd and 38th Ave.

We are more than excited to see the progression of this Community Hub and the CineLux Theatre. There is no reason I can think of to not approve this plan.

If you would like to contact me and discuss in further detail, please do not hesitate.

Sincerely,

Eric Kouba  
1445 5th St.  
Santa Monica, CA  
90401  
(310)795-0041  
[ericjkouba@gmail.com](mailto:ericjkouba@gmail.com)

**From:** [Tony Bendana](#)  
**To:** [PLANNING COMMISSION](#)  
**Cc:** [Karen Ow](#); [Dan Witting](#)  
**Subject:** Support  
**Date:** Friday, March 28, 2014 9:23:32 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

To Whom it may concern:

As the COO for Erik's DeliCafe, I am formally informing the Planning Commission our 100% support for the renovation of the CineLux Theater located at the Kings Plaza Shopping Center. Erik's DeliCafe fully supports the renovation as this will enhance the plaza, provide additional new customers and increase visibility and sales for all of the tenants of the plaza. The renovation for the CineLux that occurred at the Aptos Del Mar Shopping Center has greatly enhanced the theater. In fact, our sales have increased at our DeliCafe by 10% since the renovation has occurred.

Please feel free in contacting me at any time to discuss our support.

Sincerely,

*\*We've moved, please see updated address*

Tony B. Bendana  
Chief Operating Officer  
Erik's DeliCafé, Inc.  
Corporate Office  
1550 The Alameda, Suite #330, San Jose, CA 95126\*  
831-458-1818 ext. 124  
Fax- 831-458-9797  
Tony@EriksDeliCafe.com  
[EriksDeliCafe.com](#)



## Item #: 5.B. Public Input.pdf

**From:** [JKouba@aol.com](mailto:JKouba@aol.com)  
**To:** [PLANNING COMMISSION](#)  
**Subject:** King's Plaza Shopping Center; CineLux Theater (APRIL 3, 2014 meeting)  
**Date:** Wednesday, March 26, 2014 11:18:43 AM

---

To: Capitola Planning Commission

I am one of the owners of the IHOP restaurant located in the King's Plaza Shopping Center in Capitola. We opened this IHOP on June 15, 2009. It is a family oriented business. We do not sell alcohol.

Working with the Ow family, the owners of King's Plaza, we put together an adaptive re-use of the old, closed Tiny's building which was built in 1964. The Ow's and our team worked carefully to maintain the character of the property, and bring it up to modern standards.

**We are firm supporters of the King's Plaza plan. It will bring a little life to this center at night, which will be a very positive amenity for the center and the community.**

This center has more than sufficient parking to support this use. Parking will not be a problem. And, access is easy from the north-south and east-west streets. It will be a very positive amenity for the people who frequent this center, and for the residents in the area. Also, it will be a wonderful addition to those who come to Capitola for their vacations.

**I cannot think of any reason why this use should not be approved.**

There are some executives in our company who visit the Capitola IHOP almost every week. They have been asked to write you to let you know their opinions. We encourage them to state their true feelings as people who are very familiar with the location, the center and the community. I expect you will receive some letters from them too.

We want what is best for Capitola, our guests, and our community. If there is any further information I can provide please let me know.

Tony Kouba  
Caphop LLC  
1445 Fifth Street  
Santa Monica, CA 90401  
310-508-7904  
310-576-6645 (FAX)





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 3, 2014

SUBJECT: **GENERAL PLAN UPDATE**  
 Planning Commission recommendation on the proposed General Plan Update  
 Environmental Determination: Environmental Impact Report  
 Applicant: City of Capitola

### **BACKGROUND**

State planning law requires all cities and counties in California to adopt a General Plan which includes a comprehensive, long-term plan for the physical development of the jurisdiction. The General Plan is often referred to as a jurisdiction's land use constitution, and includes policies, graphics, and text which establish objectives, principles, and standards to guide future growth and development. General Plans must consist of seven mandatory elements (land use, circulation, housing, conservation, open space, noise, and safety) and may include additional, optional elements. The General Plan provides a basis for local government decision making and informs citizens, decision-makers, and other agencies of the ground rules which guide development within the city.

Capitola's first General Plan was adopted in 1964, and was later updated in 1974 and 1989. The planning horizon for a General Plan is generally 20 years. The City's current General Plan is now over 24 years old.

A comprehensive update to Capitola's General Plan was initiated in July, 2010. To help define the community's visions, values, and long-term goals, the City Council appointed an 11 member General Plan Advisory Committee (GPAC) to represent the City's various neighborhoods and interests. Over the past three-plus years, the GPAC and staff engaged in an intensive public participation process which included 19 GPAC meetings and four public workshops. The GPAC process culminated on November 12, 2013 with an unanimous endorsement of the draft General Plan Update.

A joint Planning Commission/City Council hearing was subsequently held on November 21, 2013 to consider the draft General Plan Update and to provide guidance on key policy issues. Although full consensus was not reached on all issues, both the Planning Commission and City Council voted unanimously to initiate public review of the draft General Plan Update and associated Environmental Impact Report (EIR).

The General Plan Update and EIR were circulated for a 60-day public review period from December 19, 2013 to February 19, 2014. A total of 13 comment letters were received, including five from public agencies and eight from individuals. The vast majority of comments were editorial in nature and no significant issues were raised regarding the adequacy of the General Plan Update or EIR. A summary of comments and staff responses are included as Attachment C.

Following adoption hearings, a final General Plan will be prepared to incorporate revisions identified in Attachment C and those directed by the Planning Commission and City Council. A new historic background section prepared by Carolyn Swift (Attachment F) will also be added to the final plan.

## **DISCUSSION**

The purpose of tonight's meeting is for the Planning Commission to consider the proposed General Plan Update and EIR and provide a recommendation to the City Council. Staff also requests the Planning Commission to provide recommendations on issues related to Floor Area Ratio limits and a citizen request to change the land use designation at 412-414 Bay Avenue.

The City of Capitola has experienced growth and change since its current General Plan was adopted in 1989. Additionally, numerous new laws and regulations relating specifically to General Plans or more generally to development, conservation, and sustainability have also been enacted. The proposed General Plan Update will modernize and reorganize the City's General Plan to allow these issues to be comprehensively and consistently addressed. The General Plan Update provides updates to six of the seven mandated elements (land use, conservation, mobility, noise, safety, and open space) and includes an optional economic development element. The seventh mandatory element, the housing element, is required by state law to be updated every eight years and is therefore on a separate track from the General Plan Update. The Housing Element for the 2007-2014 planning period was approved by the State Department of Housing and Community Development (HCD) on April 6, 2010 and is scheduled to be updated again by December 31, 2015.

The principle objective of the proposed General Plan Update is to establish goals, policies, and actions which embody Capitola's fundamental visions and values while enabling efficient land use administration. The General Plan Update is founded on Guiding Principles which were developed through community outreach and the GPAC process. The Guiding Principles are statements of community values to guide growth, conservation, and enhancement which serve as the basis for underlying goals, policies, and actions.

The General Plan Update goals and policies aim to preserve and enhance Capitola's unique coastal charm while allowing for moderated growth in targeted areas of the City. As a mostly built-out city, Capitola has limited capacity for new development and there is general consensus that increased densities and intensities should not be introduced to established residential neighborhoods or developed areas of the Village. Accordingly, the General Plan emphasizes enhancements in these areas, such as improved accessibility, sustainability, historic preservation, economic viability, and ensuring new development is harmonious with existing community character. The proposed General Plan Update would retain existing residential density limits and would provide limited opportunities for increased commercial intensity.

Key changes proposed within the General Plan Update include:

- Greater attention to protecting existing residential neighborhoods;
- Increased emphasis on sustainable development practices;
- Promotion of transportation alternatives and improvements which reduce greenhouse gas emissions;
- Additional energy and water conservation initiatives which conserve finite resources and respond to climate change;
- Increased focus on historic and cultural resource preservation;
- Additional goals and policies to maintain, enhance, and expand Capitola's parks and open space for the enjoyment of citizens and visitors from all walks of life;
- New goals and policies to preserve and enhance environmental resources;
- Reorganization to create a more user-friendly document, including consolidating closely related General Plan Elements and land use designations;
- The addition of an Economic Development Element to promote economic vitality and to expand the "green economy";
- Establishment of reasonable commercial and mixed-use Floor Area Ratio limits.

**ISSUES FOR PLANNING COMMISSION CONSIDERATION**

The primary remaining issue following the joint Planning Commission/City Council meeting was establishing appropriate Floor Area Ratios (FAR) for commercial and mixed-use designated properties. During public review of the General Plan and EIR, one additional policy issue was raised related to the land use designation for an existing multi-family residential property located at 412-414 Bay Avenue. These issues are described in more detail below.

**Floor Area Ratio**

A key challenge of the General Plan Update is to establish appropriate FAR limits for commercial and mixed-use designations which are reflective of the existing built environment while also providing adequate capacity to accommodate anticipated growth over the next 20+ years. State law requires general plans to establish maximum development allowances, which are typically defined by density in residential designations and FAR for commercial, industrial, and mixed-use designations. FAR describes the ratio of a building's total floor area compared to its total lot area. An illustration demonstrating theoretical FARs is included in Attachment D.

The existing General Plan establishes a citywide, 0.5 maximum FAR for commercial, industrial, and mixed-use designations, with the exception of the Village, which has no maximum FAR limit. It should be noted that FAR limits in the General Plan is only one method to control intensity. Development intensity is also regulated by the zoning ordinance through standards such as height, setbacks, and parking. Due to zoning standards and individual site constraints (topography, environmental resources, etc.) it is often not possible to develop to the maximum General Plan FAR limit. More importantly, FAR limits in the General Plan are not entitlements; rather, FAR represents a maximum level of intensity that may be achieved if all other development standards are satisfied and authorized by the Planning Commission or City Council through the discretionary review process.

As a first step to develop proposed FARs, staff examined a number of commercial sites throughout the City to establish a range of baseline FARs. As shown in the following table, most commercially developed properties in the City have FARs above the current 0.5 limit.

<b>PROPERTY</b>	<b>LOCATION</b>	<b>APPROXIMATE FAR</b>
Capitola Mall	41 <sup>st</sup> Ave	0.4
County Veteran's Center	41 <sup>st</sup> Ave	0.8
Capitola Beach Villas	41 <sup>st</sup> Ave	1.2
Best Western Inn	41 <sup>st</sup> Ave	2.0
Fairfield Inn	41 <sup>st</sup> Ave	2.0
Mercantile	Village	0.8
Esplanade Condos	Village	1.7
Lighthouse Bldg	Village	2.0
Superintendent's Bldg	Village	2.5

There is general consensus that the current 0.5 FAR limit is inconsistent with on-the-ground conditions. Additionally, and in recognition of the General Plan's 20+ year planning horizon, the General Plan Update contains a limited provision for an "Increased FAR Allowance" on 41<sup>st</sup> Avenue and the Village to provide flexibility for future City Councils and Planning Commissions to approve well-designed projects which offer significant community and economic benefits. A comparison of existing and proposed FARs is shown on the following table:

DESIGNATION	EXISTING FAR	PROPOSED FAR	“INCREASED FAR ALLOWANCE”
Village Mixed-Use	N/A	2.0	3.0
Neighborhood Mixed Use	0.5	1.0	N/A
Regional Commercial	0.5	2.0	3.0
Community Commercial	0.5	1.5	2.5
Visitor Accommodations	0.5	0.5	N/A
Industrial	0.5	0.5	N/A

Based on feedback from the GPAC and members of the public, the following restrictions were added to further limit the eligibility for “Increased FAR Allowance”:

- Hotel uses only in the Village Mixed-Use designation;
- Only properties along the west side of 41<sup>st</sup> Avenue or which front the 41<sup>st</sup> Avenue/Capitola Road Intersection
- Requests for “Increased FAR Allowance” would require City Council approval based on findings that:
  - Increased FAR would result in a superior project with substantial community benefit;
  - The project would significantly enhance economic vitality; and,
  - The project is designed to minimize adverse impacts to neighboring properties.

The “Increased FAR Allowance” is addressed in Action LU-7.3 for hotels in the Village, and in Action LU-9.3 for the 41<sup>st</sup> Avenue corridor. These issues are discussed in more detail below.

***Village FAR Limits***

There are very limited opportunities for increased FAR in the Village. The former theater site, if developed with a hotel, may require a FAR limit of 2.5 or more. The only other site which could potentially accommodate a higher intensity is the mercantile, which has a relatively low FAR and is one of the few Village properties which has surface parking.

The proposed General Plan Update would restrict the “Increased FAR Allowance” in the Village to hotels. Staff believes this is a reasonable approach, unless the Planning Commission wishes to allow consideration of a future commercial or mixed-use project on the mercantile site.

***41<sup>st</sup> Avenue FAR Limits***

There was considerable discussion at the final GPAC meeting and the subsequent joint Planning Commission/City Council meeting regarding FAR limits and proposed provisions for an “Increased FAR Allowance”. A variety of opinions were expressed regarding appropriate locations along the 41<sup>st</sup> Avenue corridor which could accommodate increased FAR without creating significant impacts to nearby residential neighborhoods. To examine this issue in more detail, staff evaluated the commercial-residential interface along each side of 41<sup>st</sup> Avenue. An exhibit showing the proximity between commercial and residential zoned properties along 41<sup>st</sup> Avenue is included as Attachment E.

Based on staff’s analysis, both sides of the 41<sup>st</sup> Avenue corridor have commercially zoned properties which could accommodate new street-facing development with a minimum 100-foot setback between commercial and adjacent residential neighborhoods. Accordingly, staff believes adequate space exists on either side of 41<sup>st</sup> Avenue to allow increased FAR limits for commercial and mixed-use projects which could enhance the pedestrian experience along the street frontage without compromising the integrity of existing residential neighborhood character.

The Planning Commission may accept or modify the approach provided in the proposed General Plan Update. Staff recommends an approach which provides future City decision-makers with flexibility to

approve well designed and economically beneficial projects without the need for applicants to process General Plan Amendments. Staff also recommends that development standards and specific findings to control FAR and building intensity be incorporated into the new zoning ordinance rather than the General Plan Update. Therefore, staff suggests Action LU-9.3 be modified to provide the “Increased FAR Allowance” for projects within the 41<sup>st</sup> Avenue corridor which provide a minimum 100-foot setback from residentially zoned areas subject to City Council approval and findings as described in the proposed General Plan Update.

**Land Use Designation for 412-414 Bay Avenue**

A comment letter was received during public review from Barbara and Jim Reding regarding the land use designation at 412-414 Bay Avenue. The proposed General Plan Update would retain the existing Multi-Family Residential designation on the property. Mr. and Mrs. Reding have requested a change to a Neighborhood Mixed-Use designation. A letter of support for their request was also received from neighboring business owner and Planning Commissioner Gayle Ortiz.

The property at 412-414 Bay Avenue is zoned Multi-Family Residential (R-M) and is currently occupied by three single-family residences and five cottages. Under current and proposed regulations, the property could be developed with limited commercial uses with a conditional use permit. Conditionally permitted uses in the R-M include private schools, churches, lodging facilities, bed and breakfasts, convalescent homes, day care facilities, and gathering halls. The proposed General Plan Update would not change current zoning allowances for conditionally permitted uses.

Mr. and Mrs. Reding cite their proximity to Gayle’s bakery, its high level of commercial activity, and resultant noise impacts as the basis for their request to allow future development of low-density offices or visitor accommodation uses at 412-414 Bay Avenue.

Staff has evaluated the request and is concerned about the appropriateness of a Neighborhood Mixed-Use designation on this property. A Neighborhood Mixed-Use General Plan designation and corresponding Neighborhood Commercial zone classification would allow a wide variety of commercial uses by-right, including grocery stores, liquor stores, repair shops, and drug stores. Additionally, restaurants, bars, banks, and recycling collection facilities would also be conditionally permitted uses under the requested change. A list of principally permitted and conditionally permitted uses are shown in the following table:

	<b>GP Designation</b>	<b>Zoning District</b>	<b>Principally Permitted Uses</b>	<b>Conditionally Permitted Uses</b>
<b>Current</b>	Residential-Medium	Multi-Family Residential	Single-family residences, multi-family residential, small family day care, small community care residential facilities	Private schools, churches, convalescent homes, lodging facilities, large family day care, nursery schools, social halls, mobile home parks, bed and breakfasts, transient uses, large community care
<b>Proposed</b>	Multi-Family Residential	Multi-Family Residential	Same as above <sup>1</sup>	Same as above <sup>1</sup>
<b>Request</b>	Neighborhood Mixed-Use	Neighborhood Commercial	Offices, personal services (barbershops, beauty parlors, laundromats, dry cleaners), repair services (jewelry, appliances, etc), retail (groceries, bakeries, liquor stores, hardware stores), lodges, single-family residential, mixed-use	Banks, bed and breakfasts, bars, large and small community care facilities, lodging facilities, medical/dental offices, motels and hotels, restaurants, recycling collection facilities, multi-family residential.

<sup>1</sup> Principally permitted and conditionally permitted uses will be reviewed and updated during the Zoning Ordinance update process

Staff believes many of the uses permitted under a neighborhood commercial designation would be incompatible with established residential uses located to the immediate north and east. Although staff recognizes the existing compatibility issues between Mr. and Mrs. Reding's property and adjacent commercial uses, the requested change has the potential to extend noise and nuisance impacts to other neighboring residents.

However, staff agrees that other low-impact commercial uses, such as offices, may be conditionally appropriate for the property. Accordingly, staff has communicated with Mr. Reding and has indicated a willingness to consider adding conditionally permitted uses in the R-M zone during the Zoning Ordinance update process. Mr. Reding indicated agreement with this approach.

### **CEQA REVIEW**

An Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA). The EIR must be considered by the Planning Commission prior to making a recommendation to the City Council. A draft resolution for the City Council to certify the Final EIR and adopt a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program is attached to this staff report.

### **RECOMMENDATION**

Staff recommends the Planning Commission offer the following recommendations to the City Council:

1. Adopt a resolution certifying the Final Environmental Impact Report and adopting the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations;
2. Adopt a resolution to adopt the City's General Plan Update.

**Report Prepared By:           Richard Grunow**  
**Community Development Director**

### **ATTACHMENTS**

- A. Draft Resolution to Certify the General Plan Update EIR and Adopt the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations
- B. Draft Resolution to Adopt the General Plan Update
- C. Public Comments and Staff Responses
- D. Floor Area Ratio Information
- E. 41<sup>st</sup> Avenue Commercial and Residential Property Exhibit
- F. Historic Background Narrative Prepared by Carolyn Swift

**NOTE:** Copies of the General Plan Update and Environmental Impact Report have been separately distributed to the Planning Commissioners. Digital copies may be viewed and obtained at [www.plancapitola.com](http://www.plancapitola.com)



**ATTACHMENT A**

**DRAFT RESOLUTION TO CERTIFY THE GENERAL PLAN UPDATE EIR AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS, AND ASSOCIATED EIR FINDINGS**

**RESOLUTION NO. [REDACTED]**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY'S GENERAL PLAN UPDATE, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ASSOCIATED EIR FINDINGS**

**WHEREAS**, A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the General Plan Update was issued by the City of Capitola Community Development Department on July 2, 2013; and

**WHEREAS**, A Public Scoping Meeting was held on July 23, 2013 to receive comments regarding the scope of issues to be addressed in the EIR; and

**WHEREAS**, a Draft EIR was prepared and issued for agency and public review and comment on December 19, 2013, for a 60-day review period that ended on February 19, 2014; and

**WHEREAS**, thirteen comment letters were received on the Draft EIR from private individuals and public entities; and

**WHEREAS**, a Final EIR incorporating all comments received on the Draft EIR and responses to comments was issued on March 28, 2014; and

**WHEREAS**, the completed Final EIR consists of the December 19, 2013 Draft EIR, comments received on the document, and responses to comments contained in the March 28, 2014 Final EIR, modifications made to the text of the Draft EIR that are also included in the Final EIR, appendices to the Draft and Final EIRs, items included in attachments to this resolution, and all documents and resources referenced and incorporated by reference in the EIR; and

**WHEREAS**, the Final EIR has been completed in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the Guidelines for implementation of the California Environmental Quality Act (14 Cal. Code REGs. Section 15000 et seq.) (the "State CEQA Guidelines") and local procedures adopted pursuant thereto; and

**WHEREAS**, the Planning Commission held a public hearing on the project and Final EIR on [REDACTED] and issued recommendations to the City Council; and

**WHEREAS**, the City Council considered the Final EIR at a publicly noticed meeting on [REDACTED], 2014;

**WHEREAS**, on [REDACTED], 2014, the City Council in Resolution No. [REDACTED] certified the Final EIR for the General Plan Update; and

**WHEREAS**, the Final EIR identified certain significant and potentially significant adverse environmental impacts that would be caused by the adoption and implementation of the General Plan Update; and

**WHEREAS**, the Final EIR outlined various mitigation measures that would substantially lessen or avoid the project's significant effects on the environment, as well as alternatives to the project as proposed which would provide some environmental advantages; and

**WHEREAS**, the City of Capitola is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of a proposed project; and

**RESOLUTION NO.**

**WHEREAS**, Public Resource Code section 21081, subdivision (a), requires a public agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed the EIR, have been adopted or rejected as infeasible; and

**WHEREAS**, Exhibit A of this Resolution includes a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code section 21081; and

**WHEREAS**, as the Statement of Overriding Considerations explain, the City Council, reflecting the advice of City staff, the Planning Commission, and extensive input from the community, has expressed its intention to approve the proposed project; and

**WHEREAS**, in taking this course, the City Council has acted consistent with the CEQA mandate to consider project mitigations and/or alternatives as a means of substantially reducing or avoiding the environmental effects of projects as proposed; and

**WHEREAS**, some of the significant and potentially significant environmental effects associated with this project, as approved, can either be substantially reduced or avoided through the inclusion of mitigation measures proposed in the Final EIR; and

**WHEREAS**, some of the significant environmental effects of the project can be fully avoided (i.e., rendered less than significant by the adoption of feasible mitigation measures); and

**WHEREAS**, the City Council in approving the project as proposed intends to adopt all mitigation measures set forth in the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, those significant effects that cannot be avoided or substantially reduced by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable; and

**WHEREAS**, the City Council has determined, for reasons set forth in the Statement of Overriding Considerations, that none of the alternatives addressed in the Final EIR would substantially reduce unavoidable environmental effects while also fulfilling the project objectives; and

**WHEREAS**, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant unavoidable environmental effect associated with the project, there exist certain overriding economic, social and other considerations for approving the project that the City Council, in its legislative capacity, believes justify the occurrence of those impacts and render them acceptable, and

**WHEREAS**, Exhibit A attached hereto includes a Statement of Overriding Considerations specifying the economic, social, and other benefits that render acceptable the significant unavoidable environmental effects associated with the mitigated project, and

**WHEREAS**, the City Council recognizes the City's obligation, pursuant to Public Resources Code section 21081.6, subdivision (a), to ensure the monitoring of all adopted mitigation measures necessary to substantially lessen or avoid the significant effects of the project; and

**WHEREAS**, Exhibit B to this Resolution contains the Mitigation Monitoring and Reporting Program prepared in order to comply with § 21081.6, subdivision (a)

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola that:

- The City Council certifies that the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and local procedures adopted pursuant thereto.
- The City Council hereby finds the Final EIR reflects the independent judgment and analysis of the City Council, as required by Public Resources Code Section 21082.1.

**RESOLUTION NO.**

- The City Council has independently reviewed and analyzed the Final EIR and considered the information contained therein and all comments, written and oral, received prior to approving this resolution.
- The City Council therefore hereby certifies the Final Environmental Impact Report for the General Plan Update.
- In approving this Resolution, the City Council adopts Exhibit A attached hereto in order to satisfy its obligations under Public Resources Code sections 21002 and 21081;
- In approving this Resolution, the City of Capitola adopts Exhibit A attached hereto in order to satisfy its obligations under Public Resources Codes sections 21081, subdivision (b) and CEQA Guidelines section 15093;
- In approving this Resolution, the City Council adopts Exhibit B attached hereto in order to satisfy its obligations under Public Resources Code section 21081.6 subdivision (a); and
- The City Council hereby approves the Project and directs City staff to file with the County Clerk and the Office of Planning and Research in Sacramento a Notice of Determination commencing a 30-day statute of limitations for any legal challenge to the Projects based on alleged non-compliance with CEQA.

**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the [redacted] day of [redacted], 2014, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

\_\_\_\_\_  
Sam Storey, Mayor

ATTEST: \_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK

## EXHIBIT A – GENERAL PLAN UPDATE EIR FINDINGS

**THE CITY OF CAPITOLA’S FINDINGS  
FOR THE CAPITOLA GENERAL PLAN UPDATE  
ENVIRONMENTAL IMPACT REPORT REQUIRED UNDER  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 et seq.)**

### **I. INTRODUCTION**

The City of Capitola (“City”) prepared a Draft and a Final Environmental Impact Report (collectively, “EIR”) for the Capitola General Plan Update (proposed Plan), which proposes a revised organization structure, consolidated land use designations, along with adding an optional economic development element, in addition to the State mandated topics of land use, circulation, housing, open space, conservation, safety, and noise to guide future development and redevelopment in Capitola.

The EIR addresses the potential environmental effects associated with the proposed Plan. The Findings, recommendations, and a statement of overriding considerations set forth below (“Findings”) are adopted by the City of Capitola City Council (“City Council”) as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the proposed Plan. The Findings provide the written analysis and conclusions of this City Council regarding the Plan’s environmental impacts, mitigation measures, alternatives to the Plan, and the overriding considerations, which, in this City Council’s view, justify approval of the Plan, despite its environmental effects.

### **II. GENERAL FINDINGS**

#### **A. Procedural Background**

Pursuant to CEQA and the CEQA Guidelines, the City determined that an EIR would be required for the proposed Plan. On July 2, 2013, the City issued a Notice of Preparation for the EIR which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of this Notice is included in Appendix A of the General Plan Update Draft EIR (“Draft EIR”).

The Draft EIR was published for public review and comment on December 19, 2013 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2013072002. The Draft EIR was made available for review and comment by interested persons and public agencies through February 19, 2014.

The City prepared written responses to the comments received during the comment period and included these responses in the Final Environmental Impact Report (“Final EIR”), which was made available for public review on March 28, 2014.

#### **B. Record of Proceedings and Custodian of Record**

The record, upon which all findings and determinations related to the approval of the Plan are based, includes the following:

1. The EIR and all documents referenced in or relied upon by the EIR.
2. All information (including written evidence and testimony) provided by City staff to the City Council relating to the EIR, the approvals, and the Plan.

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findings.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

3. All information (including written evidence and testimony) presented to the City Council by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the City Council.
4. All information (including written evidence and testimony) presented to the City from other public agencies related to the Plan or the EIR.
5. All applications, letters, testimony, and presentations relating to the Project.
6. All information (including written evidence and testimony) presented at any City hearing or City workshop related to the Plan and the EIR.
7. All City-adopted or City-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to planned growth within the area.
8. The Mitigation Monitoring and Reporting Program for the Plan.
9. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Richard Grunow, Community Development Director, or his designee. Such documents and other material are located at 420 Capitola Avenue, Capitola, CA 95010.

### **C. Consideration and Certification of the EIR**

In accordance with CEQA, the City Council certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Plan. By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the City Council. The City Council recognizes the EIR may contain clerical errors. The City Council reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The City Council certifies that the EIR is adequate to support the approval of the action that is the subject of the staff report to which these CEQA findings are attached. The City Council certifies that the EIR is adequate to support approval of the Plan described in the EIR, each component of the Plan described in the EIR, any variant of the Plan described in the EIR, any minor modifications to the Plan or variants of the Plan described in the EIR and the components of the Plan.

### **D. Absence of Significant New Information**

The City Council recognizes the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. The City Council has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Plan. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required. The City Council finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or the CEQA Guidelines Section 15088.5.



**E. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the General Plan Update, shall continue in full force and effect unless amended or modified by the City.

**III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

As authorized by Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Final EIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. Based upon the Final EIR, public comments, and the entire record before the City, the City finds that the proposed Plan would cause the following significant and unavoidable impacts after the implementation of mitigation measures with respect to the impacts identified below. As explained in the Statement of Overriding Considerations, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and/or other benefits of the proposed Plan.

**A. Air Quality**

*Potential Impact AIR-2. As discussed on pages 4.2-17 through 4.2-22 of the Draft EIR, buildout of the proposed Plan could result in increases to regional air pollutants exceeding air quality standards established by the MBUAPCD. The thresholds of significance that have been recommended by the MBUAPCD were established for individual projects and do not apply to cumulative development or multiple projects, air quality impacts would be regional and not confined to the Capitola city limits; therefore, given the Draft EIR was programmatic and did not consider project-specific impacts, the thresholds did not apply at a programmatic level. Thus, future site-specific development proposals would be evaluated for potential air emissions once development details have been determined and are available. However, it was determined that development projects allowed under the proposed Plan would increase regional pollutants over current conditions, specifically PM<sub>10</sub> and PM<sub>2.5</sub>. Although the proposed Plan includes several goals, policies, and actions intended to minimize air quality risks, impacts for the City of Capitola would be significant.*

Mitigation Measure. As discussed on page 4.2-31 of the Draft EIR, there is no mitigation measure available to reduce this impact to a less-than-significant level.

**FINDING. Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact AIR-2 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to compliance with MBUAPCD's air quality standards.**

*Potential Impact AIR-6. As discussed on pages 4.2-27 through 4.2-29 of the Draft EIR, buildout of the proposed Plan could result in increases to regional air pollutants exceeding air quality standards established by the MBUAPCD. Given that the thresholds of significance that have been recommended by the MBUAPCD were established for individual projects and do not apply to cumulative development or multiple projects, air quality impacts would be regional and not confined to the Capitola city limits. Thus, future site-specific development proposals would be evaluated for potential air emissions once development details have been determined and are available. However, it was determined that development projects allowed under the proposed Plan would increase regional pollutants over current conditions, specifically PM<sub>10</sub> and PM<sub>2.5</sub>. Although the proposed Plan includes several goals, policies, and actions intended to minimize air quality risks, impacts for the City of Capitola would be significant.*

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findngs.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

Mitigation Measure. As discussed on page 4.2-31 of the Draft EIR, there is no mitigation measure available to reduce this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact AIR-6 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse cumulative impacts of the Plan related to compliance with the MBUAPCD's air quality standards.

All other air quality impacts were less than significant without mitigation (see Draft EIR pages 4.2-1 to 4.2-31).

### B. Hydrology and Water Quality

*Potential Impact HYDRO-2.* As discussed on pages 4.7.19 through 4.4-20, future development within the Plan Area could result in an impact to groundwater supplies as a result of increased water demand associated with implementation of the proposed Plan. Further, the SqCWD anticipates that demand will exceed sustainable groundwater supply in 2020 and beyond. Although the proposed Plan would require implementation of LID guidelines for development that would include the use of permeable paving materials and on-site infiltration to increase the potential for groundwater, supplies would still be exceeded. Thus, the impact to groundwater water supply would remain significant.

Mitigation Measure. As discussed on page 4.7-32 of the Draft EIR, there is no mitigation measure available to mitigate this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact HYDRO-2 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to substantially depleting groundwater supplies or interfering substantially with groundwater recharge.

*Potential Impact HYDRO-9.* As discussed on pages 4.7-29 through 4.7-31 of the Draft EIR, construction activities associated with buildout of the proposed Plan would cause a significant cumulative impact to hydrology and water quality.

Mitigation Measure. As discussed on page 4.7-32 of the Draft EIR, there is no mitigation measure available to mitigate this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact HYDRO-9 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to cumulative impacts to hydrology and water quality.

All other hydrology and water quality-related impacts were less than significant without mitigation (see Draft EIR pages 4.7-1 to 4.7-32).

### C. Transportation and Traffic

*Potential Impact TRANS-1.* As discussed on pages 4.13-20 through 4.13-28 of the Draft EIR, some intersections (intersections Wharf Rd and Cliff Dr./Stockton Ave; Porter St./Highway 1 NB ramps; Monterey Ave/Capitola Ave; Capitola Ave/Stockton Ave; and Park Ave/Kennedy Dr.) would operate at an unacceptable LOS standard under the proposed Plan

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

*buildout conditions in 2035. Although some improvements identified in the proposed Plan would improve the LOS standards to acceptable levels, the intersection of Porter Street and Highway 1 NB Ramps is under Caltrans jurisdiction; therefore, implementation of improvements at this intersection is outside of the jurisdiction of the City of Capitola. Given that implementation of the identified improvement necessary to mitigate to a less than significant level cannot be guaranteed, and may be considered infeasible by Caltrans, the impact is considered significant.*

Mitigation Measure. The following mitigation measure, discussed in the Draft EIR on page 4.13-35, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure TRANS-1: To mitigate this impact, an additional westbound right turn lane would be required to be constructed on the Highway 1 northbound off-ramp at Porter Street. With implementation of this improvement, the intersection would operate at an acceptable LOS C during the AM and PM peak hour under proposed Plan in conditions in 2035. The improvements necessary to mitigate this impact to a less than significant level would require the approval of Caltrans, and implementation of the improvement may not be feasible. As there are no certain and feasible mitigation measures available to reduce this impact, a significant and unavoidable impact would remain.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact TRANS-1 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to intersection operations degrading to an unacceptable LOS E at the Porter Street and Highway 1 northbound ramps intersection during the AM peak hour in 2035.

*Potential Impact TRANS-6. As discussed on pages 4.13-34 through 4.13-35 of the Draft EIR, implementation of the proposed Plan would result in additional cumulatively considerable impacts. Implementation of the proposed Plan would result in significant impacts at five of the study intersections and although improvements have been identified to improve the LOS to acceptable levels, the Porter Street and Highway 1 NB Tamps is under Caltrans jurisdiction and therefore cannot be guaranteed to be improved since it is out of the City of Capitola jurisdiction.*

Mitigation Measure. As discussed on page 4.13-35 of the Draft EIR, the mitigation measure is to implement Mitigation Measure TRANS-1.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that TRANS-1 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to intersection operations degrading to an unacceptable LOS E at the Porter Street and Highway 1 northbound ramps intersection during the AM peak hour in 2035.

All other transportation and traffic-related impacts were less than significant without mitigation (see Draft EIR pages 4.13-1 to 4.13-35).

**D. Utilities and Service Systems**

*Potential Impact UTIL-1. As discussed on pages 4.14-16 through 4.14-21 of the Draft EIR, buildout of the proposed Plan may result in insufficient water supplies from existing entitlements and resources in 2035. The SqCWD anticipates water demand exceeding sustainable groundwater supply in 2020 and beyond, thus, this impact would remain significant in the City of Capitola.*

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findngs.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

Mitigation Measure. As discussed on page 4.14-23 of the Draft EIR, there is no mitigation measure available to reduce this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact UTIL-1 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to insufficient water supplies from existing entitlements and resources in 2035.

*Potential Impact UTIL-2.* As discussed on pages 4.14-21 through 4.14-22 of the Draft EIR, the proposed Plan would require the construction of a new desalination facility in order to meet water demand associated with the proposed Plan. Given the availability of future water supplies from the desalination plant is uncertain and demand would exceed available supplies without the plant, the impact would remain significant in the City of Capitola.

Mitigation Measure. As discussed on page 4.14-23 of the Draft EIR, there is no mitigation measure available to reduce this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact UTIL-2 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to the construction of new water facilities or expansion of expansion of existing facilities.

*Potential Impact UTIL-3.* As discussed on pages 4.14-22 through 4.14-23 of the Draft EIR, the proposed Plan, in combination with past, present, and reasonably foreseeable development, may result in significant cumulative impacts with respect to water supply. Given the proposed Plan would contribute to an increased cumulative demand for water supply, and because this increased demand would exceed long-term supply under normal circumstances, the impact would remain significant.

Mitigation Measure. As discussed on page 4.14-23 of the Draft EIR, there is no mitigation measure available to reduce this impact to a less-than-significant level.

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact UTIL-3 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to cumulative impacts to water supply.

All other utilities impacts were less than significant without mitigation (see Draft EIR pages 4.14-1 to 4.14-50).

### E. Greenhouse Gas Emissions

*Potential Impact GHG-1.* As discussed on pages 4.15-14 through 4.15-15 of the Draft EIR, implementation of the proposed Plan would generate GHG emissions that would significantly contribute to global climate change impacts in California. Given that Capitola would experience an increase of 3,869 MTCO<sub>2e</sub> of GHG emissions in 2035 in the absence of GHG reduction measures, which would exceed the 2,000 MTCO<sub>2e</sub> threshold proposed by the MBUAPCD, impacts would remain significant.

Mitigation Measure. The following mitigation measure, discussed on pages 4.15-24 to 4.15-26 of the Draft EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure GHG-1: The City of Capitola shall prepare a Climate Action Plan within 18 months of adopting the proposed Capitola General Plan update. The Climate Action Plan shall include a community inventory of GHG emission sources, and a quantifiable GHG emissions reduction target for 2020 that is consistent with the statewide GHG reduction target under Assembly Bill 32 (2006) and an interim target for the General Plan horizon year 2035 that is consistent with the statewide GHG reduction goal under Executive Order S-03-05, as outlined in CARB's 2013 Scoping Plan Update. The City shall monitor progress toward the GHG emissions reduction goal and prepare reports every 5 years detailing that progress. Measures listed below shall be considered for all new development between the time of adoption of the proposed Capitola General Plan update and adoption of the Climate Action Plan. Local measures considered in the Climate Action Plan may include:

- Require all municipal fleet purchases to be fuel-efficient vehicles for their intended use based on the fuel type, design, size, and cost efficiency.
- Work with AMBAG to create a Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS) that will reduce GHG emissions generated from transportation in the region.
- Revise the Recycling Ordinance to require at least 50 percent diversion of non-hazardous construction waste from disposal, as required by the California Green Building Code.
- Amend the Green Building Ordinance to encourage building designs that minimize waste and consumption in construction projects.
- Require new development and major renovations to use energy-efficient appliances that meet ENERGY STAR standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.
- Amend the Zoning Code to require new development and major renovations to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sunscreens.
- Implement incentives for the use of drought-tolerant landscaping and recycled water for landscape irrigation.
- Require all new landscaping irrigation systems installed in the city to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors.
- Conduct periodic energy efficiency audits of existing municipal buildings by checking, repairing, and readjusting heating, ventilation, and air conditioning systems; lighting; water heating equipment; insulation; and weatherization.
- Continue to implement intelligent transportation systems, roundabouts, signal timing and synchronization, and other efficiency methods that decrease idling time and congestion.
- Investigate partnership with programs such as Zipcar to support use of energy efficient or electric vehicles for city residents.
- Continue to work with county and regional transportation leaders to explore options for additional funding sources on the regional level to support multi-modal transportation infrastructure.
- Develop a Transportation Demand Management Plan (TDM) for City and local employees. A TDM Program would offer incentives to encourage the use of alternative modes of transportation by City and local employees (e.g., in the Village, Bay Avenue, and 41st Avenue areas). Free bus

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findings.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

passes, reimbursement for not using a parking space, emergency cab services, etc. will help reduce parking demand and reduce GHG emissions through reduced commuter traffic.

- Continue to work with school districts and solicit input from elementary, middle, and high school parents to identify opportunities to decrease emissions from school commutes.
- Require bicycle parking facilities and on-site showers in major non-residential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.
- Provide incentives, such as giving priority in plan review, processing, and field inspection services, for new and existing commercial and residential projects that provide parking spaces reserved for electric vehicles and have a charging connection.
- Encourage grey water use and rainwater catchment systems where their use could accomplish water conservation objectives through the following measures:
  - Integrate new California grey water building/plumbing codes into the Green Building Ordinance.
  - Adopt a residential rainwater collection policy and update the Zoning Code as needed to support permitting and regulation of residential rainwater systems.
  - Investigate emerging technologies that reuse water within residential and commercial buildings and make that information available to the public via the City's website and/or brochures.
  - Pursue funding sources to provide rebates and reduce permit fees for cisterns.
  - Provide outreach support for water-efficient landscaping programs, classes, and businesses.
- In partnership with PG&E and local alternative energy companies, develop an Alternative Energy Development Plan that includes citywide measurable goals and identifies the allowable and appropriate alternative energy facility types within the city, such as solar photovoltaics (PV) on urban residential and commercial roofs and wind power facilities. As part of this plan:
  - Propose phasing and timing of alternative energy facility and infrastructure development.
  - Conduct a review of City policies and ordinances and establish a development review process for new alternative energy projects that ensures noise, aesthetic, and other potential land use compatibility conflicts are avoided (e.g., installing tracking solar PV or angling fixed solar PV in a manner that reduces glare to surrounding land uses).
  - Develop a renewable energy expansion plan for the City.
  - Consider reducing permitting fees or other incentives for alternative energy development.
  - Participate in regional efforts to implement Community Choice Aggregation (CCA).

**FINDING.** Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact GHG-1 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to GHG emissions associated with the proposed Plan that would exceed MBAUAPCD's proposed GHG significance threshold of 2,000 MTCO<sub>2e</sub> per year.



CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

*Potential Impact GHG-3. As discussed on pages 4.15-23 through 4.15-24 of the Draft EIR, implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in a significant impact with respect to GHG emissions.*

Mitigation Measure. As discussed on page 4.15-27 of the draft EIR, implementation of Mitigation Measure GHG-1 also serves as Mitigation Measure GHG-3.

**FINDING. Based on the EIR and the entire record before the City, for the reasons stated in the EIR, the City finds that Impact GHG-3 would remain significant and unavoidable. However, as more fully stated in the Statement of Overriding Considerations, the City has found that the environmental, economic, social and other benefits of the Plan override any remaining significant adverse impacts of the Plan related to cumulative GHG impacts.**

All other GHG-related impacts were less than significant without mitigation (see Draft EIR pages 4.15-1 to 4.13-28).

**IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

Based on the information in the administrative record of proceedings, including the Final EIR, the following environmental effects are found to be potentially significant but would be mitigated to a less-than-significant level. (CEQA Guidelines §15091)

**A. Air Quality**

*Potential Impact AIR-1: Citywide construction activities under the proposed Plan would result in a considerable increase of criteria pollutants, and thus, could violate air quality standards, as discussed on pages 4.2-15 to 4.2-17 of the Draft EIR.*

Mitigation Measure. The following mitigation measure, discussed in the Draft EIR on pages 4.2-29 to 4.2-30, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure AIR-1a: Prior to issuance of any Grading Permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with MBUAPCD CEQA Air Quality Guidelines, the City shall limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading) during all phases of construction activities. If future development projects within the proposed Plan require that grading and excavation exceed those acreages, the City shall implement the following fugitive dust control measures per MBUAPCD CEQA Air Quality Guidelines:

- Water all active construction areas at least twice daily;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findngs.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install appropriate best management practices or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers or track-out devices for all exiting trucks and equipment leaving the site;
- Limit the are subject to excavation, grading and other construction activity at any one time;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints (the person shall respond to complaints and take corrective action within 48 hours);
- Ensure that the phone number of MBUAPCD is visible to the public for compliance with Rule 402 (Nuisance); and
- Comply with MBUAPCD Rule 403 (Particulate Matter) regarding concentration, process weight and individual particles requirements. Discharge from any source of particulate matter shall not exceed of 0.15 grain per standard dry cubic foot of exhaust gas. Discharge in any one hour from any source of particulate matter shall not exceed the amount shown in Rule 403 – Particulate Matter Table 1. Additionally, emissions from any heat transfer, incinerator, or metal salvage operation of particles in sufficient number to cause damage to property, which particles are of sufficient size and nature to be visible individually as particles on property other than that under the control of the person responsible for the emission, shall not be permitted.

Mitigation Measure AIR-1b: Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that all off-road construction vehicles/equipment greater than 100 horsepower that will be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NOx emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles and equipment:

- Use alternative fuels (such as biodiesel blends);
- Require diesel particulate matter filters on equipment;
- Require diesel oxidation catalyst on equipment;
- Require General and Industry-Specific Visible Emission limitations for abrasive blasting, drinking water systems, gas turbines, pile drivers and federally regulated industries for compliance with Rule 400 (Visible Emissions);
- Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors);
- Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously as long as they were on-site and staged away from residential areas;
- Properly tune and maintain equipment; and
- Stage large diesel-powered equipment at least 100 feet from any active land uses (e.g., residences).

**FINDING:** For the reasons stated in the Final EIR, the City finds that implementation of the mitigation measure above, together with applicable federal, State, and local regulations and proposed Plan policies and actions listed in the Draft EIR on pages 4.2-17, would result in a less-than-significant impact to air quality standards in the Plan Area.

**B. Cultural Resources**

*Potential Impact CULT-2: As discussed on pages 4.4-13 to 4.4-14, buildout of the proposed Plan could result in significant impacts to known or unknown archaeological resources in the Plan Area as a result of construction activities associated with implementation of the proposed Plan.*

Mitigation Measure. The following mitigation measure, discussed in the Draft EIR on pages 4.4-17 to 4.4-18, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure CULT-2: If cultural resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist and/or paleontologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the cultural resource is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5, carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.

**FINDING:** For the reasons stated in the Final EIR, the City finds that implementation of the mitigation measures listed above, together with applicable federal, State, and local regulations and proposed Plan policies and actions listed in the Draft EIR on pages 4.4-14, would result in a less-than-significant impact to archaeological resources.

*Potential Impact CULT-3: As discussed on page 4.4-15, buildout of the proposed Plan could result in significant impacts to unique paleontological resources or site or unique geologic features in the Plan Area as a result of construction activities associated with implementation of the proposed Plan.*

Mitigation Measure. As discussed on page 4.4-18 of the Draft EIR, Mitigation Measure CULT-2 would also serve as Mitigation Measure CULT-3.

**FINDING:** For the reasons stated in the Final EIR, the City finds that implementation of the mitigation measures listed above, together with applicable federal, State, and local regulations and proposed Plan policies and actions listed in the Draft EIR on pages 4.4-15, would result in a less-than-significant impact to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature from construction activities associated with implementation of the proposed Plan.

*Potential Impact CULT-4: The proposed Plan would result in significant impacts related the potential disturbance to human remains, including those interred outside of formal cemeteries, as discussed on pages 4.4-15 to 4.4-16 of the Draft EIR.*

Mitigation Measure: As discussed on page 4.4-18 of the Draft EIR, Mitigation Measure CULT-2 would also serve as Mitigation Measure CULT-4.

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findngs.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

**FINDING:** For the reasons stated in the Final EIR, the City finds that implementation of the mitigation measures listed above, together with applicable federal, State, and local regulations and proposed Plan policies and actions listed in the Draft EIR on pages 4.4-16, would result in a less-than-significant impact with respect to the potential disturbance of human remains, including those interred outside of formal cemeteries.

### C. Noise

*Potential Impact NOISE-2: As discussed on pages 4.9-16 to 4.9-17 of the Draft EIR, the proposed Plan would generate or expose persons or structures to excessive ground-borne vibration from construction-related activities resulting from implementation of the proposed Plan, and thus would result in a significant impact before mitigation.*

Mitigation Measure. The following mitigation measure, discussed in the Draft EIR on pages 4.9-27 to 4.9-28, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

NOISE-2a: Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the City would be located as far away from vibration and noise sensitive sites as possible. For projects that involve the displacement of more than 100 cubic yards of soil and is located within 25 feet of an occupied structure, the Community Development Director or the Public Works Director may require at their discretion that a project specific vibration impact analysis be conducted to determine the specific vibration control mechanisms that would be incorporated into the project's construction bid documents, if necessary. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

NOISE-2b: The City shall require future developments to implement the following measures to reduce the potential for human annoyance and architectural/structural damage resulting from elevated groundborne noise and vibration levels.

- Pile driving within a 50-foot radius of historic structures (as determined by the City) shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers).
- The pre-existing condition of all designated historic buildings (as determined by the City) within a 50-foot radius of proposed construction activities shall be evaluated during a preconstruction survey, if deemed necessary at the discretion of the Community Development Director or the Public Works Director. The preconstruction survey shall document conditions (photographically and in writing) that exist before construction begins for use in evaluating damage caused by construction activities. All damage shall be repaired back to its preexisting condition.
- Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of historic structures (as determined by the City). Every attempt shall be made to limit construction-generated vibration levels during pile driving and impact activities in the vicinity of the historic structures.

**FINDING:** For the reasons stated in the Final EIR, the City finds that implementation of the mitigation measures listed above, together with applicable federal, State, and local regulations and proposed Plan policies and actions listed in the Draft EIR on pages 4.9-17, would result in a less-than-significant impact with respect to groundborne or vibration related to construction activities as a result of implementation of the proposed Plan.

**V. IMPACTS WHICH ARE LESS THAN SIGNIFICANT**

Specific impacts within the following categories of environmental effects were found to be less than significant or have no impact as set forth in more detail in the Draft EIR. Pursuant to CEQA Guidelines Section 15128, agricultural and forestry resources, and mineral resources were determined to have no likelihood of significant impacts and, therefore, were “scoped out,” as discussed on pages 7-1 to 7-2 of the Draft EIR.

Significant impacts are described in Sections III and IV, above. All other potential impacts identified in the Final EIR would be less than significant without mitigation. Therefore, further findings are not required for those impacts. The following impacts were found to be less than significant or have no impact before mitigation:

- Aesthetics:
  - AES-1
  - AES-2
  - AES-3
  - AES-4
  - AES-5
- Air Quality
  - AIR-3
  - AIR-4
  - AIR-5
- Biological Resources
  - BIO-1
  - BIO-2
  - BIO-3
  - BIO-4
  - BIO-5
  - BIO-6
- Cultural Resources
  - CULT-1
  - CULT-5
- Geology, Soils, and Seismicity
  - GEO-1
  - GEO-2
  - GEO-3
  - GEO-4
  - GEO-5
  - GEO-6
- Hazards and Hazardous Materials
  - HAZ-1
  - HAZ-2
  - HAZ-3
  - HAZ-4
  - HAZ-7
  - HAZ-8
  - HAZ-9
- Hydrology and Water Quality
  - HYDRO-1

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findngs.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

- HYDRO-3
  - HYDRO-4
  - HYDRO-5
  - HYDRO-6
  - HYDRO-7
  - HYDRO-8
- Land Use and Planning
  - LAND-1
  - LAND-2
  - LAND-3
  - LAND-4
- Noise
  - NOISE-1
  - NOISE-3
  - NOISE-4
- Population and Housing
  - POP-1
  - POP-2
  - POP-3
  - POP-4
- Public Services
  - SVCS-1
  - SVCS-2
  - SVCS-3
  - SVCS-4
  - SVCS-5
  - SVCS-6
  - SVCS-7
  - SVCS-8
- Parks and Recreation
  - PS-1
  - PS-2
  - PS-3
  - PS-4
- Transportation and Traffic
  - TRANS-2
  - TRANS-3
  - TRANS-4
  - TRANS-5
- Utilities and Service Systems
  - UTIL-4
  - UTIL-5
  - UTIL-6
  - UTIL-7
  - UTIL-8
  - UTIL-9
  - UTIL-10
  - UTIL-11
  - UTIL-12



- Greenhouse Gas Emissions
  - GHG-2

## **VI. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IRREVERSIBLE CHANGES**

Section 21100(b)(2)(B) of CEQA requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. Section 15126.2(c) of the CEQA Guidelines identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The significant and irreversible changes of the proposed Plan are discussed on pages 7-2 through 7-7 of the Draft EIR. The Draft EIR explains that while development under the proposed Plan would generally maintain the land use pattern of the current General Plan, development under the proposed Plan would involve development and redevelopment of previously disturbed sited in urbanized areas. Further changes would result in the consolidation of residential and commercial land use designations, as well as the addition of two new mixed-use designations. The multiple community facilities designations have been consolidated into a single Public/Quasi-Public designation, while remaining designation would be maintained. Although increased development would be allowed under the proposed Plan, development would be relatively consistent with the growth anticipated for the Plan Area by AMBAG's regional growth forecasts, which the exception of housing units, which would be slightly greater. The Plan estimates development of housing opportunity sites consistent with the 2007-2014 Housing Element, which would result in greater housing growth than AMBAG's projections by approximately 60 more units. Based on the available sites and Capitola's development history, this projection is considered reasonable and appropriate.

The Draft EIR also explains that implementation of the Plan would result in the commitment of limited, renewable resources such as lumber and water, and the irretrievable commitment of nonrenewable resources, such as sand, gravel, steel, lead, copper, and other metals, for the construction of buildings, infrastructure, and roadway improvements. Additionally, the Draft EIR explains buildout of the proposed Plan also represents a long-term commitment to the consumption of fossil fuels, natural gas, and gasoline for lighting, heating, and cooling of residences, and transportation of people within, to, and from Capitola. Although the construction and operation of future development under the Plan would involve the use of nonrenewable resources, compliance with applicable standards and regulations and implementation of Plan policies would minimize the use of nonrenewable resources to the maximum extent practicable, and as such, the Plan would not represent a large commitment of nonrenewable resources in comparison to a business as usual situation.

## **VII. FINDINGS AND RECOMMENDATIONS REGARDING GROWTH-INDUCING IMPACTS**

Section 15126.2(d) of the CEQA Guidelines states that an EIR should discuss "...the ways in which the Proposed [Plan] could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

The growth inducing impacts of the Plan are discussed on pages 7-7 through 7-8 of the Draft EIR. As discussed, the City of Capitola is located in a predominantly urbanized portion of Santa Cruz County, well served by existing roadway and utility infrastructure. Buildout of the proposed Plan is projected to result in approximately 10,198 residents, 5,614 housing units, and 7,370 jobs in Capitola by 2035. Future growth under the proposed Plan would be concentrated primarily occur through infill development and redevelopment of

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findings.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

currently developed sites, as described in Chapter 3 of the Draft EIR. Significant expansion of existing infrastructure is not anticipated. As such, the Plan would not be considered to have substantial adverse growth-inducing impacts.

As described in the Draft EIR, growth under the proposed Plan would have beneficial effects as well. Growth under the Plan would provide greater opportunities for employment growth, potentially providing jobs for people residing in the city. Future development and redevelopment activities would be pedestrian-friendly, use land efficiently, and promote transportation alternatives. Additionally, numerous policies and actions in the proposed Plan, as described above, would serve to minimize the increase in VMT and energy consumption that would result from buildout of the Plan, consistent with regional planning initiatives to address air quality and greenhouse gas emissions concerns.

Overall, while implementation of the Plan would induce growth, this growth would occur incrementally over a period of 20 years and there is a policy framework in place at the local and regional level to ensure that adequate planning occurs to accommodate it.

### VIII. ALTERNATIVES

Chapter 6 of the Draft EIR evaluated a reasonable range of potential alternatives to the proposed Plan. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis included an analysis of a No Project Alternative and discussed the environmentally superior alternative. The analysis examined the feasibility, environmental impacts, and ability of alternatives to meet the project objectives identified in Chapter 3, Section 3.3 of the Draft EIR. Table 6-2 in the Draft EIR compares the environmental impacts of the proposed Plan and each of the alternatives.

The City certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record. Based on this review, the City finds that, while the Reduced Commercial Floor Area Ratio (FAR) Alternative would be similar to the proposed Plan and generally meet the project objectives, it would not provide as many opportunities to growth the local economy.

#### A. Identification of Plan Objectives:

The CEQA Guidelines state that the “range of potential alternatives to the proposed [Plan] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Plan. CEQA Guidelines § 15126(d)(2). Thus, an evaluation of the Plan objectives is key to determining which alternatives should be assessed in the EIR.

The primary purpose of the proposed Plan is to update the policy framework and land use designations that will guide future development in Capitola to incorporate recent planning efforts undertaken by the City and satisfy new State and regional regulations that have come into force since the General Plan was last updated.

As stated in Section 3, Project Description, of the Draft EIR, the following Guiding Principles are included in the proposed Plan and outline the objectives of the proposed Plan:

- **Community Identity.** Preserve and enhance Capitola’s intimate small-town feel and coastal village charm. Ensure that all areas of Capitola, not just the Village, possess a unique, memorable, and high-quality identity. Promote Capitola’s reputation as a community that is sustainable, welcoming, historic, and family-friendly.
- **Community Connections.** Provide year-round opportunities for residents of all ages to meet and gather in public places. Enhance the ability for residents to engage in civic life. Ensure that all

neighborhoods enjoy access to high-quality community events, services, and amenities that foster community connections.

- **Neighborhoods and Housing.** Protect and enhance the quality of life within residential neighborhoods. Strive for neighborhoods that are stable, inclusive, and friendly. Minimize impacts to neighborhoods—such as noise, cut-through traffic, and overflow parking—caused by new development.
- **Environmental Resources.** Embrace environmental sustainability as a foundation for Capitola’s way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola’s unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.
- **Economy.** Support a local economy that is vibrant, diverse, and dynamic. Create a brand identity for Capitola that is grounded in the city’s unique identity. Support local businesses, “green” businesses, and employers that provide jobs for Capitola residents.
- **Fiscal Responsibility.** Practice fiscally responsible municipal decision making to avoid shifting today’s costs to future generations.
- **Mobility.** Provide a balanced transportation system that accommodates the needs of automobiles, pedestrians, and bicycles. Reduce dependence on the automobile with a complete network of sidewalks, trails, and pathways, and support development patterns that encourage the use of public transportation. Promote transportation options that are safe and convenient for all residents, including youth, seniors, and persons with disabilities.
- **Health and Safety.** Promote a safe and healthy community for people of all ages. Ensure that residents, businesses, and visitors are protected from natural and man-made disasters. Continue to provide excellent public services that support the public well-being while enhancing a sense of community.

**B. Alternatives Analyzed in the EIR**

The EIR evaluated two alternatives to the proposed Plan in detail: The No Project Alternative and the Reduced Commercial FAR Alternative.

1. No Project Alternative

Under this alternative, discussed on pages 6-2 through 6-9 of the Draft EIR, the Capitola General Plan would not be adopted and future development in Capitola would be subject to existing policies and land use designations in the existing 1989 General Plan. Under this scenario, because allowable residential densities would be the same as under the proposed Plan, residential growth would be the same as under the proposed Plan. As such, the No Project Alternative could result in up to 5,614 housing units in Capitola by 2035. The maximum allowable commercial FAR would not increase in the 41st Avenue Corridor and Capitola Village. In the 41st Avenue Corridor, the FAR would remain at 0.5 and in Capitola Village the allowable building density and intensity would continue to be set forth in the Central Village Design Guidelines. Therefore, non-residential buildout would be lower under the No Project Alternative than under the proposed Plan, with a non-residential square footage of 1,901,748 and up to 6,580 jobs by 2035. In comparison to the proposed Plan, this alternative would result in an equal number of housing units, and 226,777 less non-residential square footage, resulting in 790 fewer jobs. When compared to the proposed Plan, this alternative would result in the same amount of population growth with a projected increase of 280 residents by 2035.

The No Project Alternative would result in similar biological resource, cultural resources, hydrology, population and housing, parks and recreation, and transportation and traffic impacts as the proposed Plan. The No Project Alternative would represent a deterioration compared to the proposed Plan in terms of aesthetics, air quality,

## Item #: 5.C. Attachment A - EIR Resolution Exhibit A - Findings.pdf

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

land use, public service, utilities, and GHG emissions impacts. The No Project Alternative would represent an improvement in terms of geology, hazards, and noise impacts. The No Project Alternative would not satisfy all of the Plan Objectives to the same extent as the proposed Plan. Specifically, the No Project Alternative would not increase the allowable commercial FAR in the 41<sup>st</sup> Avenue Corridor and Capitola Village and would therefore not support the local economy to the same extent as the proposed Plan. Because this alternative would not meet the Plan objectives and not avoid the impacts of the proposed Plan, and in some instances would represent an environmental deterioration in comparison to the proposed Plan, this alternative was found to be infeasible and was rejected.

### 2. Reduced Commercial FAR Alternative

Under the Reduced Commercial FAR Alternative, the maximum allowable commercial FAR would increase in the 41<sup>st</sup> Avenue Corridor and Capitola Village to 1.0 to allow more commercial development than what is permitted under the 1989 General Plan and Central Village Design Guidelines. As under the proposed Plan, the Regional Commercial and Community Commercial land use designations would apply in the 41<sup>st</sup> Avenue Corridor and the Village Mixed Use designation would apply in Capitola Village. Under this Alternative the non-residential square footage would be 2,002,176, which is 126,349 square feet less than the proposed Plan, and result in 6,930 jobs, totaling 440 fewer jobs than that of the proposed Plan. Additionally, there would be a total of 5,614 housing units at buildout, which would be similar to the proposed Plan. The consolidation of land use designations proposed in the Plan, including residential land use categories, would also apply under this alternative and the goals, policies, and actions contained in proposed Plan would also be adopted under this alternative.

The Reduced Commercial FAR Alternative would result in similar impacts as the proposed Plan for all environmental topics, with the exception of GHG emissions, for which this alternative would represent an insubstantial improvement in comparison to the proposed Plan. This alternative would not satisfy all of the Plan objectives to the same extent as the proposed Plan. Specifically, the Reduced Commercial FAR Alternative would permit less commercial development in the 41<sup>st</sup> Avenue Corridor and Capitola Village and would therefore not support the local economy to the same extent as the proposed Plan. Therefore, this alternative was found to be infeasible and was rejected.

## IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this City adopts and makes the following Statement of Overriding Considerations regarding the remaining significant and unavoidable impacts of the Plan, as discussed above, and the anticipated economic, social, and other benefits of the Plan.

### A. Findings and Statement

The City finds and determines that the majority of the significant impacts of the Plan will be reduced to less-than-significant levels by the mitigation measures recommended in these Findings. However, as set forth above, the City's approval of the Plan as proposed will result in certain significant adverse environmental effects that cannot be avoided, even with the incorporation of all feasible mitigation measures into the Plan. Further, as set forth above, and there are no feasible Plan alternatives which would mitigate or avoid those significant environmental effects.

In light of the environmental, social, economic, and other considerations set forth below, the City chooses to approve the Plan because, in its view, the economic, social, technological, and other benefits resulting from the Plan will render the significant effects acceptable.

CAPITOLA GENERAL PLAN UPDATE EIR  
CEQA FINDINGS  
MARCH 2014

The following statement identifies the reasons why, in the City's judgment, the benefits of the Plan outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the Plan can be found in the preceding findings, which are herein incorporated by reference, in the Plan itself, and in the record of proceedings as defined in Section II(B). Each of the overriding considerations set forth below constitutes a separate and independent ground for findings that the benefits of the Plan outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the Plan, as approved, would have the following economic and social benefits:

1. The Plan will provide for the long-term social and economic vitality of Capitola by fostering the development of up to 5,614 housing units in Capitola.
2. The Plan will provide for economic growth in Capitola, both through short-term jobs related to construction of individual projects under the Plan and through jobs added with the expansion of employment activities in the city through 2035.
3. Future growth under the proposed Plan would primarily occur through infill development and redevelopment of currently developed sites, as Capitola is primarily developed and urbanized. The Plan will guide redevelopment and conservation in Capitola in line with basic community values, ideals, and aspirations through 2035.
4. The Plan will support and enhance Capitola's small-town feel and village charm.
5. The Plan promotes environmental sustainability and the reduction of GHG emissions.
6. The Plan will support the local economy, including "green jobs."

THIS PAGE INTENTIONALLY LEFT BLANK



**EXHIBIT B: MITIGATION MONITORING AND REPORTING PROGRAM**

This document is a Mitigation Monitoring and Reporting Program (MMRP) for the proposed City of Capitola General Plan Update (proposed Plan). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The Draft MMRP includes the following information:

- ◆ A list of mitigation measures.
- ◆ The party responsible for implementing the mitigation measures.
- ◆ The timing and procedure for implementation of the mitigation measure.
- ◆ The agency responsible for monitoring the implementation.

The City of Capitola must adopt this MMRP, or an equally effective program, if it approves the proposed Plan with the mitigation measures included in the EIR. Public Resources Code sec. 21081.6(a) requires an agency to adopt a program for reporting or monitoring mitigation measures that were adopted or made Conditions of Project Approval.

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
AIR-1a	<p>Prior to issuance of any Grading Permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with MBUAPCD CEQA Air Quality Guidelines, the City shall limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading) during all phases of construction activities. If future development projects within the proposed Plan require that grading and excavation exceed those acreages, the City shall implement the following fugitive dust control measures per MBUAPCD CEQA Air Quality Guidelines:</p> <ul style="list-style-type: none"> <li>◆ Water all active construction areas at least twice daily;</li> <li>◆ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>◆ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;</li> <li>◆ Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;</li> <li>◆ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>◆ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);</li> <li>◆ Enclose, cover, water twice daily or apply</li> </ul>	City of Capitola	Prior to issuance of grading permit	City of Capitola Community Development and Building Departments	Plan review/ Site inspection	Review grading and building plans once; Conduct site inspections during regularly scheduled site inspections	Initials: _____ Date: _____

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>(non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);</p> <ul style="list-style-type: none"> <li>◆ Limit traffic speeds on unpaved roads to 15 mph;</li> <li>◆ Install appropriate best management practices or other erosion control measures to prevent silt runoff to public roadways;</li> <li>◆ Replant vegetation in disturbed areas as quickly as possible;</li> <li>◆ Install wheel washers or track-out devices for all exiting trucks and equipment leaving the site;</li> <li>◆ Limit the area subject to excavation, grading and other construction activity at any one time;</li> <li>◆ Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints (the person shall respond to complaints and take corrective action within 48 hours);</li> <li>◆ Ensure that the phone number of MBUAPCD is visible to the public for compliance with Rule 402 (Nuisance); and</li> <li>◆ Comply with MBUAPCD Rule 403 (Particulate Matter) regarding concentration, process weight and individual particles requirements. Discharge from any source of particulate matter shall not exceed of 0.15 grain per standard dry cubic foot of exhaust gas. Discharge in any one hour from any source of particulate matter shall not exceed the amount shown in Rule 403 – Particulate Matter Table 1. Additionally, emissions from any heat transfer, incinerator, or metal salvage operation of particles in sufficient number to cause damage to property, which particles are</li> </ul>						

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	of sufficient size and nature to be visible individually as particles on property other than that under the control of the person responsible for the emission, shall not be permitted.						
AIR-1b	<p>Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that all off-road construction vehicles/equipment shall comply with the California Air Resources Board's In-Use Offroad Diesel Vehicle Regulation. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles and equipment:</p> <ul style="list-style-type: none"> <li>◆ Use alternative fuels (such as biodiesel blends);</li> <li>◆ Require diesel particulate matter filters on equipment;</li> <li>◆ Require diesel oxidation catalyst on equipment;</li> <li>◆ Require General and Industry-Specific Visible Emission limitations for abrasive blasting, drinking water systems, gas turbines, pile drivers and federally regulated industries for compliance with Rule 400 (Visible Emissions);</li> <li>◆ Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors);</li> <li>◆ Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks may</li> </ul>	City of Capitola	Prior to issuance of grading permit	City of Capitola Public Works and Building Departments	Plan Review	As determined by City based on the scope and type of project applications	Initials: _____ Date: _____

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>keep their engines running continuously as long as they were onsite and staged away from residential areas;</p> <ul style="list-style-type: none"> <li>◆ Properly tune and maintain equipment; and</li> <li>◆ Stage large diesel-powered equipment at least 100 feet from any active land uses (e.g., residences).</li> <li>◆ Equipment greater than 100 horsepower that will be used on site for more than one week shall meet the United States Environmental Protection Agency (EPA)-Certified Tier 3 or newer emissions standards (model year 2006 or newer) model year 2006 or newer).</li> </ul>						
CULT-2	<p>If cultural resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist and/or paleontologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the cultural resource is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5, carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.</p>	<p>City of Capitola; Project Applicant; Construction Manager</p>	<p>During construction</p>	<p>City of Capitola Building Department</p>	<p>Consult with a qualified professional archaeologist and/or paleontologist if cultural resources or human remains are accidentally discovered</p>	<p>As determined by qualified archaeologist/paleontologist</p>	<p>Initials: _____ Date: _____</p>
CULT-3	<p>Refer to Mitigation Measure CULT-2.</p>						<p>Initials: _____ Date: _____</p>

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
CULT-4	Refer to Mitigation Measure CULT-2.						Initials: _____ Date: _____
NOISE-2a	Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the City would be located as far away from vibration and noise sensitive sites as possible. For projects that involve the displacement of more than 100 cubic yards of soil and is located within 25 feet of an occupied structure, the Community Development Director or the Public Works Director may require at their discretion that a project specific vibration impact analysis be conducted to determine the specific vibration control mechanisms that would be incorporated into the project's construction bid documents, if necessary. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.	City of Capitola; Project Applicant	Prior to issuance of grading permit	City of Capitola Community Development and Public Works Departments	Review construction documents and specifications/As determined by the Community Development Director or the Public Works Director, require and review vibration impact analysis	Once	Initials: _____ Date: _____
NOISE-2b	The City shall require future developments to implement the following measures to reduce the potential for human annoyance and architectural/structural damage resulting from elevated groundborne noise and vibration levels. <ul style="list-style-type: none"> <li>◆ Pile driving within a 50-foot radius of historic structures (as determined by the City) shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers).</li> <li>◆ The pre-existing condition of all designated historic buildings (as determined by the City) within a 50-foot radius of proposed construction activities shall be evaluated during a preconstruction survey, if deemed necessary at the discretion of the Community Development Director or the Public Works Direc-</li> </ul>	City of Capitola	Project review, prior to approval	City of Capitola Community Development Department	Review preconstruction surveys/Conduct site inspections during construction activities	During regularly scheduled site inspections	Initials: _____ Date: _____



TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>tor. The preconstruction survey shall document conditions (photographically and in writing) that exist before construction begins for use in evaluating damage caused by construction activities. All damage shall be repaired back to its preexisting condition.</p> <p>◆ Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of historic structures (as determined by the City). Every attempt shall be made to limit construction-generated vibration levels during pile driving and impact activities in the vicinity of the historic structures.</p>						
TRANS-1	The improvements necessary to mitigate this impact to a less than significant level would require the approval of Caltrans, and implementation of the improvement may not be feasible.						
TRANS-6	Implement Mitigation Measure TRANS-1.						
GHG-1	The City of Capitola shall prepare a Climate Action Plan within 18 months of adopting the proposed Capitola General Plan update. The Climate Action Plan shall include a community inventory of GHG emission sources, and a quantifiable GHG emissions reduction target for 2020 that is consistent with the statewide GHG reduction target under Assembly Bill 32 (2006) and an interim target for the General Plan horizon year 2035 that is consistent with the statewide GHG reduction goal under Executive Order S-03-05, as outlined in CARB's 2013 Scoping Plan Update. The City shall monitor progress toward the GHG emissions reduction goal and prepare reports every 5 years detailing that progress. Measures listed below shall be considered for all new development between the time of adoption of the	City of Capitola	Within 18 months of adopting the General Plan Update	City of Capitola Community Development Department	Prepare a Climate Action	Once	Initials: _____ Date: _____

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>proposed Capitola General Plan update and adoption of the Climate Action Plan. Local measures considered in the Climate Action Plan may include:</p> <ul style="list-style-type: none"> <li>◆ Require all municipal fleet purchases to be fuel-efficient vehicles for their intended use based on the fuel type, design, size, and cost efficiency.</li> <li>◆ Work with AMBAG to create a Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS) that will reduce GHG emissions generated from transportation in the region.</li> <li>◆ Revise the Recycling Ordinance to require at least 50 percent diversion of non-hazardous construction waste from disposal, as required by the California Green Building Code.</li> <li>◆ Amend the Green Building Ordinance to encourage building designs that minimize waste and consumption in construction projects.</li> <li>◆ Require new development and major renovations to use energy-efficient appliances that meet ENERGY STAR standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.</li> <li>◆ Amend the Zoning Code to require new development and major renovations to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sunscreens.</li> <li>◆ Implement incentives for the use of drought-tolerant landscaping and recycled water for landscape irrigation.</li> <li>◆ Require all new landscaping irrigation sys-</li> </ul>						

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>tems installed in the city to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors.</p> <ul style="list-style-type: none"> <li>◆ Conduct periodic energy efficiency audits of existing municipal buildings by checking, repairing, and readjusting heating, ventilation, and air conditioning systems; lighting; water heating equipment; insulation; and weatherization.</li> <li>◆ Continue to implement intelligent transportation systems, roundabouts, signal timing and synchronization, and other efficiency methods that decrease idling time and congestion.</li> <li>◆ Investigate partnership with programs such as Zipcar to support use of energy efficient or electric vehicles for city residents.</li> <li>◆ Continue to work with county and regional transportation leaders to explore options for additional funding sources on the regional level to support multi-modal transportation infrastructure.</li> <li>◆ Develop a Transportation Demand Management Plan (TDM) for City and local employees. A TDM Program would offer incentives to encourage the use of alternative modes of transportation by City and local employees (e.g., in the Village, Bay Avenue, and 41<sup>st</sup> Avenue areas). Free bus passes, reimbursement for not using a parking space, emergency cab services, etc. will help reduce parking demand and reduce GHG emissions through reduced commuter traffic.</li> <li>◆ Continue to work with school districts and solicit input from elementary, middle, and</li> </ul>						

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
	<p>high school parents to identify opportunities to decrease emissions from school commutes.</p> <ul style="list-style-type: none"> <li>◆ Require bicycle parking facilities and on-site showers in major non-residential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.</li> <li>◆ Provide incentives, such as giving priority in plan review, processing, and field inspection services, for new and existing commercial and residential projects that provide parking spaces reserved for electric vehicles and have a charging connection.</li> <li>◆ Encourage grey water use and rainwater catchment systems where their use could accomplish water conservation objectives through the following measures:</li> <li>◆ Integrate new California grey water building/plumbing codes into the Green Building Ordinance.</li> <li>◆ Adopt a residential rainwater collection policy and update the Zoning Code as needed to support permitting and regulation of residential rainwater systems.</li> <li>◆ Investigate emerging technologies that reuse water within residential and commercial buildings and make that information available to the public via the City's website and/or brochures.</li> <li>◆ Pursue funding sources to provide rebates and reduce permit fees for cisterns.</li> </ul>						

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

No.	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<ul style="list-style-type: none"> <li>◆ Provide outreach support for water-efficient landscaping programs, classes, and businesses.</li> <li>◆ In partnership with PG&amp;E and local alternative energy companies, develop an Alternative Energy Development Plan that includes citywide measurable goals and identifies the allowable and appropriate alternative energy facility types within the city, such as solar photovoltaics (PV) on urban residential and commercial roofs and wind power facilities. As part of this plan:</li> <li>◆ Propose phasing and timing of alternative energy facility and infrastructure development.</li> <li>◆ Conduct a review of City policies and ordinances and establish a development review process for new alternative energy projects that ensures noise, aesthetic, and other potential land use compatibility conflicts are avoided (e.g., installing tracking solar PV or angling fixed solar PV in a manner that reduces glare to surrounding land uses).</li> <li>◆ Develop a renewable energy expansion plan for the City.</li> <li>◆ Consider reducing permitting fees or other incentives for alternative energy development.</li> <li>◆ Participate in regional efforts to implement Community Choice Aggregation (CCA).</li> </ul>							
GHG-3	Implement Mitigation Measure GHG-1.						Initials: _____ Date: _____

THIS PAGE INTENTIONALLY LEFT BLANK

**ATTACHMENT B – DRAFT GENERAL PLAN UPDATE RESOLUTION**

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
ADOPTING THE CITY'S GENERAL PLAN UPDATE**

**WHEREAS**, The City of Capitola recognizes the need for a General Plan to guide future growth and development within the City; and

**WHEREAS**, Section 65300 et. Seq. of the Government Code of the State of California requires a comprehensive General Plan for the physical development of the City; and

**WHEREAS**, the City Council has provided direction for updating the General Plan for the City of Capitola and assigned City staff and a General Plan Advisory Committee (GPAC) with the task of coordinating the planning process and integrating various comments from stakeholder and interested members of the public; and

**WHEREAS**, the process to update the City's General Plan was initiated in 2010, and involved extensive community involvement; and

**WHEREAS**, the GPAC endorsed the General Plan Update on November 12, 2013; and

**WHEREAS**, the Planning Commission recommended adoption of the General Plan Update on [REDACTED], 2014; and

**WHEREAS**, the City Council provided the required notification and conducted public hearing on [REDACTED], 2014, considered all testimony and proposed modifications received in the process and made necessary revisions to the final draft General Plan Update; and

**WHEREAS**, the City Council finds:

1. The City Council reviewed and considered the information in the Final Environmental Impact Report prior to acting on the General Plan Update, and has certified the Final Environmental Impact Report.
2. The General Plan Update has been prepared consistent with the requirements of State law:
  - The General Plan Update is a comprehensive long-term plan for the physical development of the City, containing the mandatory elements of land use, circulation (mobility), conservation, open space, noise, and safety as they are contained in the chapters of the General Plan Update. The City's Housing Element is prepared as a separate volume to the General Plan as it requires updates every eight years in accordance with State law. The City's current Housing Element was updated and adopted on February 11, 2010 (and adopted by HCD on April 6, 2010) and covers the years 2007 to 2014.
  - The General Plan Update also includes an optional Economic Development Element as allowed by State law.
  - The General Plan Update is internally consistent in that all elements have been concurrently updated.
  - The General Plan balances various interests in arriving at its particular content and form.
  - The public hearing process has been conducted as required by State law.



RESOLUTION NO.

2

- Proposed studies and actions recommended within the General Plan Update are desirable and will be pursued in accordance with priorities established by the City Council during its annual budgetary process. However, budget limitations may limit the City's ability to fulfill all of the proposed actions and studies included in the General Plan Update. Failure to carry out any specific study or action as suggested will not invalidate the General Plan Update as its adequacy is achieved through policies and land use designations which are not dependent on future studies or actions.
- The annual review of the General Plan as required by Section 65400(b) of the Government Code will serve as the principal mechanism to monitor mitigation effects of General Plan policies and actions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola that the General Plan Update is hereby adopted.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Capitola hereby rescinds the superseded General Plan, adopted by Resolution No. 3087. The 2007-2014 Housing Element of the General Plan is not rescinded and remains in effect as part of the General Plan Update.

**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:  
NOES:  
ABSENT/ABSTAIN:

\_\_\_\_\_  
Sam Storey, Mayor

ATTEST: \_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
1.	Elisabeth Russell	LU-4 or LU-5	Add a goal/policy/action item addressing the noise level as it relates to additions/new second units next to single family homes	Add new Policy SN-7.6: <b>“Residential Additions.</b> Ensure that residential additions, garage conversions, and new seconds units minimize noise impacts on adjacent properties.”
2.	Elisabeth Russell	Background Information on General Environmental Sustainability and Stewardship	Include information regarding the City’s Tree Ordinance	Staff will add this information.
3.	Elisabeth Russell	Policy OSC-5.2	Include “windows and energy management systems” as recommendation for new development	Staff will make this revision.
4.	Barbara and Jim Redding	Figure LU-4: Land Use Map	Change land use designation of 412-414 and 504 Bay Avenue to “Community Mixed Use”	The referenced property is proposed to be designated as Multi-Family Residential (R-MF), which is consistent with the present land use designation and existing multi-family use on the property. A change to a Neighborhood Mixed-Use designation, which is proposed for the adjacent property (Gayle’s), would allow a broad range of commercial uses (including restaurants, bars, recycling collection facilities, grocery stores, etc.) which if developed could create compatibility issues with residential uses to the north and east. Limited commercial uses, such as bed and breakfasts and lodging facilities, would continue to be conditionally

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
				permitted uses on the property. Staff recommends retaining the R-MF designation; however, this request will be presented to the Planning Commission and City Council during adoption hearings. In addition, staff will add a sentence to the description of each residential designation, including the R-MF designation, that limited commercial uses may be conditionally permitted as allowed in the Zoning Ordinance. Finally, small office uses may be considered as an additional conditional use during the Zoning Ordinance Update process.
5.	Gayle Ortiz	Figure LU-4: Land Use Map	In support of changing the land use designation of 412-414 and 504 Bay Avenue to “Community Mixed Use”	Please see response #4 above.
6.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page GP-2	Put “historic” before “welcoming.”	Staff will add this language.
7.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-10	<ul style="list-style-type: none"> <li>Change the order of the first two paragraphs to put more emphasis on the historic resources (the first paragraph should start with “Historic and potentially...”)</li> <li>No “s” at the end when referencing “Stockton Bridge”</li> <li>Add “Historic Capitola Wharf” after</li> </ul>	Staff will make these changes.

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
			<p>“Stockton Bridge” in the same paragraph</p> <ul style="list-style-type: none"> <li>In the paragraph referring to “Old Riverview Historic District” should say that the district includes houses on both sides of Riverview Avenue from Stockton Avenue to Bluegum Avenue.</li> <li>Photograph should say “circa 1931”</li> </ul>	
8.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-11	<ul style="list-style-type: none"> <li>Add the Hihn Superintendent’s Building on the corner of Monterey Avenue and Capitola Avenue</li> <li>Photo of Rispin Mansion – circa 1936</li> <li>Photo of Capitola Hotel and Six Sisters – circa 1904</li> </ul>	Staff will make these changes.
9.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-18/ Policy LU-1.1	The language should change to “Ensure that historic and cultural resources are maintained and that all new development enhances Capitola’s neighborly feel, coastal village charm and welcoming character.”	Staff will add this language.
10.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-19/ Policy LU-2.1	The language should read “Encourage the preservation, restoration, rehabilitation, maintenance, and adaptive reuse...” to make historic preservation more meaningful.	Staff will add this language.
11.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-20/ Policy LU-2.3	A potential preservation incentive is the federal/State Certified Local Government Program.	Staff will add this language.
12.	Gayle Ortiz, Linda	Page LU-20/	Consider change the language to indicate	Staff will make this change.

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

CAPITOLA GENERAL PLAN UPDATE  
PUBLIC COMMENTS & RESPONSES

PAGE 4 OF 15

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
	Smith, Kathryn Gualtieri, and Carolyn Swift	LU-2.1	regular updates to the Historic Structures List.	
13.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-20/ LU-2.2	Reword to “Continue to work with schools, public agencies, and community organizations through contacts with the Capitola Historical Museum Curator and the museum’s archives.”	Staff will make this change.
14.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-20/ Action LU-2.3	Remove one bullet point (a duplicative item)	Staff will make this change.
15.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-20	The photo is not historic; suggest to use one on Cliff Avenue	Staff will replace this photograph.
16.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-21/ Action LU-2.4	Replace the word “consider” with “an historic district on Depot Hill”	Staff will make this change.
17.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-22	The photo is no longer historic; suggest to use one of the good historic homes on Depot Hill.	Staff will replace this photograph.
18.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-25/ Policy LU-6.7	Add wording specific to the “Historic Begonia Festival,” only historic festival for Capitola.	Staff will make this change.

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

CAPITOLA GENERAL PLAN UPDATE  
PUBLIC COMMENTS & RESPONSES

PAGE 5 OF 15

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
19.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-25/ Policy LU-6.9	Add the word “historic” when referring to “Capitola Wharf” (Global Change)	Staff will make this change.
20.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page LU-44/ Policy LU-14.5	Add the word “historic” when referring to the “Begonia Festival”	Staff will make this change.
21.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page ED-8/ Policy ED-1.7	Add the word “historic” to “Capitola”	Staff will make this change.
22.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page GL-4	Include the Capitola Register of Historic Features (mentioned on LU-11)	Staff will make this change.
23.	Gayle Ortiz, Linda Smith, Kathryn Gualtieri, and Carolyn Swift	Page GL-8	Include the National Register of Historic Places (mentioned on LU-10)	Staff will make this change.
24.	Gayle Ortiz	Page LU-37	Change “Capitola Road” to “Capitola Avenue”	Staff will make this change.
25.	Gayle Ortiz	Page LU-35/ Goal LU-10	Still not comfortable with the designation of “day-to-day needs of Capitola residents and visitors.” The heading should reflect the regional wording in another area.	Amend Goal LU-10 as follows: “Maintain and enhance the Bay Avenue commercial district as a thriving destination with businesses that <del>meet the day to day needs of</del> <u>serve</u> Capitola residents and visitors.”
26.	Gayle Ortiz and	Page LU-39/	Do more to recognize Capitola Beach, possibly	Add new policy LU-12.7: “ <b>Capitola Beach.</b> ”

Item #: 5.C. Attachment C - Public Comments and Responses.pdf

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
	Mick Routh	Goal LU-12	in this Goal.	Maintain and enhance Capitola Beach as a safe and enjoyable destination for Capitola residents and visitors. Protect recreational activities on the beach such as volleyball, surfing, and junior guard activities.”
27.	Gayle Ortiz	OSC section	Do more to emphasize the benefit of trees and our commitment to preserving them.	Add a new Policy OSC-6.9: <b>“Urban Forest.</b> Continue to enforce the City’s Community Tree and Forest Management Ordinance to protect trees on private and public property as important environmental and scenic resources. “
28.	Susan Westman	Page SN-5	<ul style="list-style-type: none"> <li>• Remove “Capitola Avenue” in the lagoon.</li> <li>• Change the blue on the map to lighter color to make the writing legible.</li> </ul>	Staff will make these changes.
29.	Susan Westman	Page 4.4-9	<p>Review the status of the National Register of Historic Places and/or the California Register of Historic Places for the following locations:</p> <ul style="list-style-type: none"> <li>• 1400 Warf Road (Capitola Wharf)</li> <li>• Cherry Avenue Retaining Wall</li> <li>• Depot Hill Staircase</li> <li>• Lagoon Pool 1 231 Esplanade</li> <li>• Monterey Avenue Palm Tree</li> <li>• Stockton Avenue Bridge</li> <li>• 507 Riverview (listed as National Register – located within the historic Riverview District)</li> </ul>	This comment pertains only to the Draft EIR. A response is provided in the Final EIR.



## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
30.	Mick Routh	General Comment (regarding the beach)	Add a goal/policy/action to recognize the beach as the primary tourist draw and emphasize the need to maintain beach cleanliness and protect and encourage recreational opportunities such as surfing, beach volleyball, and junior guards need to be added.	See response to comment 26.
31.	Bill Delaney	Page I-1	<ul style="list-style-type: none"> <li>Begin with the definition of General Plan from Glossary</li> <li>Use “task” rather than “action” (Global)</li> </ul>	Staff will make minor revisions to the introduction so that all ideas from the Glossary definition of the General Plan are reflected in the Introduction. Staff believes the term “action” is appropriate for use in the General Plan.
32.	Bill Delaney	Page I-2	Unfortunate “safety” is used instead of “Environmental Safety.”	“Safety Element” is a term-of-art in General Plans and State law. The Safety Element includes safety related goals, policies, and actions which are broader than environmental safety issues. ;
33.	Bill Delaney	Page I-3	Policies and actions are not equal: Delete Figure 1-1. The Mobility element is particularly troublesome as 53 policies and 30 actions are itemized.	The referenced text and figure indicate that policies and actions are tied to overarching goals and have equal importance. It is not intended to mean that there are an equal number of policies and action items for each goal.
34.	Bill Delaney	Page I-8	Identify GPAC members and all persons who participated in the process. Provide minutes/summaries of all meetings.	Staff will add a new acknowledgements section at beginning of document that lists GPAC members and other groups and individuals who contributed to preparation of the General Plan.

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
				All GPAC materials are available on the City’s website.
35.	Bill Delaney	Page I-9	The introduction needs a complete explanation of the EIR and the basis for its forecast	Staff will add an additional short paragraph explaining the EIR and CEQA process. However, the General Plan will not contain detailed or technical information about the impact analysis of the General Plan contained in the Draft EIR. The General Plan will direct readers to the Draft EIR for this information
36.	Bill Delaney	Page LU-35 Policy LU-10.2 and Action LU-10.1	Median structures on Bay Avenue and other heavily used driveways (i.e. north of Hill Street) in Figure LU-7 are inappropriate as any would interfere with turns by residents.	Action LU-10.1 calls for the City to explore the possibility of additional medians on Bay Ave. only where left turn movements for vehicles would not be restricted. The General Plan does not promote medians in driveways. The consideration of medians in appropriate locations along Bay Avenue was supported by the General Plan Advisory Committee and participants of public workshops.
37.	Bill Delaney	Policy LU-10.3	<ul style="list-style-type: none"> <li>• The east side of Bay Ave between Oak Drive and Center Street already tree-lined</li> <li>• The west side has a little land for additional vegetation and trees</li> </ul>	Policy LU-10.3 encourages a tree-lined boulevard streetscape along Bay Ave. north of the Capitola Produce property. Segments of Bay Ave. which are currently tree-lined would comply with this policy. While the policy encourages additional trees and landscaping along Bay Ave., it would not require installation of trees where infeasible.
38.	Bill Delaney	Action LU-10.2	Add “The study should examine the impact of	Staff will add a sentence to Action LU-10.2: “The

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
			increased speeds through this intersection and on Bay Avenue between Capitola Avenue and Hill Street on access to businesses and residences. Safety and air quality should be analyzed in depth with use of models more detailed than presented in the DEIR. Public benefits should be demonstrated to exceed public costs.” See OSC Policy 2.4.	study shall consider impacts on traffic speeds, delays, and air quality.”
39.	Bill Delaney	Action LU-10.3	This seems an inappropriate use of scarce public resources and better left to the private sector.	Staff recognizes that Action Items contained in the General Plan will require the expenditure of public resources. The Planning Commission and City Council will consider all Action Items contained in the General Plan and following General Plan adoption will establish priorities and funding mechanisms. Staff believes development of a Streetscape Master Plan would be best completed by the City because it would apply to public rights-of-way and because it is unlikely that the dozens of property owners who share Bay Avenue frontage would all agree to finance a Streetscape Master Plan.
40.	Bill Delaney	Policy LU-12.5	Add “Increase opportunities for residents to access the wharf, especially in off-peak periods, by reducing the maximum parking time at the 8	The parking in front of the Wharf is already restricted to 4-hour parking. In Capitola Village, immediately adjacent to the Wharf the time

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
			metered spaces and prohibiting the use of parking passes for stays beyond that limit.”	limit is 2-hours. Staff considers the existing parking time limits acceptable, but will add a new Action 12.4: “Wharf Parking. Consider adjusting parking regulations in the Wharf area to increase opportunities for residents to access the wharf, particularly in off-peak periods.
41.	Bill Delaney	Action LU-14.2	Add “Use signage and outreach to promote the use of the bicycle bridge across Soquel Creek by Scenic Trail visitors.”	Staff will add the following sentence to Action MO-8.3: “Ensure that bicyclists can safely cross Soquel Creek when traveling through the Village.”
42.	Bill Delaney	Page MO-1	<ul style="list-style-type: none"> <li>• There is no quantification of visitor impacts on mobility (Seasonality, AM/PM peaks, School-based trips, etc.).</li> <li>• No data for bicycle/pedestrian characteristics and volumes</li> <li>• Expand the background discussion or add a third section documenting assumed future conditions and the build out and growth assumptions used by consultants for DEIR analyses. Clearly identify the specific LU action that is the basis for each assumption.</li> </ul>	See response #35. Also, visitor impacts on mobility are a key part of the Mobility element. Policies and Actions under Goal MO-6 in particular focus on addressing mobility issues caused by visitors to the Village. Policy MO-2.6 and Action MO-2.4 address school-related circulation issues. There is no existing data of bicycle or pedestrian volumes to report. Growth assumptions in the DEIR are used to project worst case scenario environmental impacts which are unlikely to be realized; therefore, staff does not believe this information is appropriate in the General Plan.
43.	Bill Delaney	Page MO-1	There is no data on bicycle and pedestrian volumes	This type of data is appropriate for the City’s Bicycle Master Plan. The City will consider collecting this data when the Bicycle Master Plan is updated.

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

CAPITOLA GENERAL PLAN UPDATE  
PUBLIC COMMENTS & RESPONSES

PAGE 11 OF 15

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
44.	Bill Delaney	Page MO-1	Add section on assumed future conditions and growth assumptions	See response #42. Information on General Plan buildout conditions are in Section 3.4.4 of the Draft EIR.
45.	Bill Delaney	Page MO-1	Use of term “safe”	See response to comment 32.
46.	Bill Delaney	Page MO-2	Delete “the total” and insert “estimated”. Define ADT in the Glossary. It is a technical term with a complicated statistical basis. Add language to explain the source of numbers in that figure as noted below.	Staff will make these changes. Language explaining the source of numbers will be very brief.
47.	Bill Delaney	Figure MO-2	Correct the Street name typos in the insert.	Staff will make these changes.
48.	Bill Delaney	Figure MO-2	Ambiguity on the “existing” year should be fixed by changing the figure title to “Historic/Recent Traffic Levels.”	Staff will make this change.
49.	Bill Delaney	Figure MO-2	Need to address future in quantitative terms	See response #35. Future traffic impacts from General Plan buildout is addressed in the Draft EIR.
50.	Bill Delaney	General Comment	Figure MO-2 says existing traffic counts are from 2011; base case analysis is not reliable	New traffic counts were collected in 2013. Staff will update the text and Figure MO-2 to reflect this new data. See also response #35.
51.	Bill Delaney	General Comment	Need a bibliography that includes complete references to all source materials	Staff will add a bibliography.
52.	Bill Delaney	Page MO-6	Replace “determine” with “grossly determine” or “roughly estimate”	Staff will make this revision.
53.	Bill Delaney	Table MO-2	Add an explanation/definition of “second/vehicle” – when does time count begin? Is total signal time added to the time if a	See response #35.

Item #: 5.C. Attachment C - Public Comments and Responses.pdf

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
			vehicle is stopped by a red light?	
54.	Bill Delaney	Page MO-7	Reference on the Village shuttle bus service: Present analysis and data on increases in traffic counts resulting from eliminating service from near Hill Street	Specific traffic impacts should be considered as part of future discussions to change shuttle service. This level of detail is not appropriate for the General Plan.
55.	Bill Delaney	Page MO-8	<ul style="list-style-type: none"> <li>Delete the reference on trucks delivering materials to stores at Kings Plaza. If reference retained, replace “south” with “east” and insert “north” after “then”</li> <li>Reference on East Cliff Drive in and out of the Village: Delete “East”</li> <li>Reference on three bus lines: delete “53” unless it’s a seasonal route; Add “with light service”</li> </ul>	Staff will make these revisions, retaining the reference to Kings Plaza.
56.	Bill Delaney	Page MO-10	<ul style="list-style-type: none"> <li>Add a discussion of the RTC Coastal Trail (October 2013), especially on the treatment of a Soquel Creek Crossing.</li> <li>Add a discussion of the proposal the City has prepared and its search for funding from RTC.</li> <li>Pedestrian safety and street capacity issues related to Coast Plan bicycle traffic should be addressed with some priority.</li> </ul>	Staff will add background information about the Soquel Creek crossing issue. See response to Comment #41. Enhanced bicycle and pedestrian facilities between the Pacific Cove parking lot and the Village are addressed under Goal LU-11 in the Land Use Element. City applications for funding should not be addressed in the General Plan.
57.	Bill Delaney	Page MO-12	<ul style="list-style-type: none"> <li>Introduce the Complete Street Act and its significant impact</li> </ul>	Complete Streets Act is addressed on page MO-6.
58.	Bill Delaney	Page MO-12	<ul style="list-style-type: none"> <li>Address issue related to pedestrian control in the village, particularly at the Capitola-</li> </ul>	The City Council recently approved funding to improve the pedestrian crosswalk at the

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
			Stockton junction.	Capitola-Stockton intersection. No changes to the General Plan are necessary.
59.	Bill Delaney	Page Mo-15 Goal MO-1	Add “safe” to read “safe and sustainable manner”	Staff will make this change.
60.	Bill Delaney	Policy MO-1.3	Delete “to infrastructure”	Staff will make this change.
61.	Bill Delaney	Page MO-16 Action Mo-1.2	Insert “of Capitola” after “requirements”	This action item is intended to work with regional partners to address cross-jurisdictional transportation issues, not just those which affect Capitola.
62.	Bill Delaney	Goal MO-2	Insert “safely” after “that”	Complete streets are, by definition, safe for all modes of transportation. No change is necessary.
63.	Bill Delaney	Policy MO-2.2	Delete “users” and insert “residents”	Users include all persons, including residents No change is necessary.
64.	Bill Delaney	Page MO-17 Policy MO-2.5	Delete “Support” and insert “Present for public review”	The General Plan Advisory Committee and participants of public workshops expressed a desire to support opportunities for re-purposing rights-of-way for improved pedestrian and bicycle connections. No change proposed.
65.	Bill Delaney	Page MO-18 Goal MO-3	Delete “,as determined by the Public Works Director”	The Public Works Director is the most qualified and appropriate individual to make this determination. No changes are necessary.
66.	Bill Delaney	Page MO-20 Action MO-4.1	<ul style="list-style-type: none"> <li>Delete “the public” and insert “residents”. Insert “operational and financial” before “feasibility”. Insert “and safety” after “feasibility”.</li> </ul>	A feasibility study would include considerations of geometrics, operational efficiency, and economics. The word “public” includes residents as well as business-owners and other stakeholders who may not reside in Capitola.



## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

CAPITOLA GENERAL PLAN UPDATE  
PUBLIC COMMENTS & RESPONSES

PAGE 14 OF 15

Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
				No changes are proposed.
67.	Bill Delaney	Page MO-20 Action MO-4.1	<ul style="list-style-type: none"> <li>Add these sentences: “Estimate the impact on traffic speeds on all streets and compare with latest data from police radar machines. Estimate delays in existing businesses and residences on all streets including Bay Avenue between Oak Drive and Center Street and associated impacts on air quality.”</li> </ul>	Construction of a roundabout would require an environmental analysis under the California Environmental Quality Act, which in-turn requires an evaluation of traffic and air quality. As indicated in response #66, operational efficiency would also be considered in a feasibility study.
68.	Bill Delaney	Page MO-22 Policy MO-6.3	Add at the end “and Coastal Trail visitors to the Soquel Creek pedestrian-bike bridge.”	See response to comment #41 and #56.
69.	Bill Delaney	Page MO-24 Policy MO-7.6	Delete “establishment” and insert “feasibility”	Staff will revise to say “...explore the feasibility of establishing...”
70.	Bill Delaney	Page MO-25 Policy MO-8.2	Add at the end “and the Coastal Trail.”	See response to comment #41 and #56.
71.	Bill Delaney	Page MO-26 Policy MO-9.3	Delete “Prioritize”. Insert “Among”. Insert after “improvements” “, prioritize those”	The General Plan Advisory Committee and members of the public expressed a strong design to prioritize pedestrian facilities.
72.	Alyson Tom, Santa Cruz Flood Control and Water Conservation District Zone 5	Page SN-5	Update the language to clearly show that the Santa Cruz County Flood Control and Water Conservation District Zone 5 provide maintenance and improvements for limited areas within the City where the Zone holds easement.	The City of Capitola respectfully disagrees. No changes are proposed.
73.	Alyson Tom, Santa Cruz Flood Control and Water	General Comments (DEIR)	Reference on Stormwater Management Plan (SWMP) should include the reference to the SWRCB Phase II Small MS4 General Permit	Staff will make these revisions

## ATTACHMENT C – GENERAL PLAN UPDATE RESPONSES TO COMMENTS

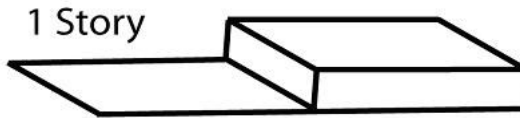
Comment #	Commenter	Page, Policy, Figure	Comment	Staff Response
	Conservation		and/or the CCRWQCB Post Construction Stormwater Management Requirements for Development Projects in the Central Coast as the City is subject to both.	
74.	Heather Adamson, Association of Monterey Bay Area Governments	General Comment	The most recent forecast data (February 2014) should be used in the General Plan and DEIR (Appendix A of the Draft 2035 Metropolitan Transpiration Plan (MTP)/Sustainable Communities Strategy (SCS))	Growth projections are addressed only in the DEIR, not in the General Plan. The Final EIR responds to this comment.

THIS PAGE INTENTIONALLY LEFT BLANK

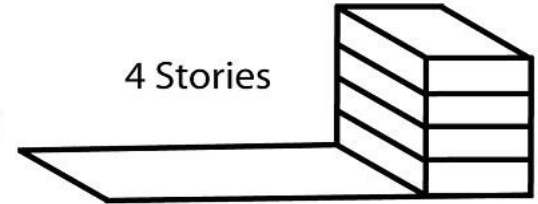
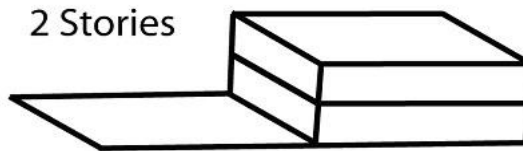
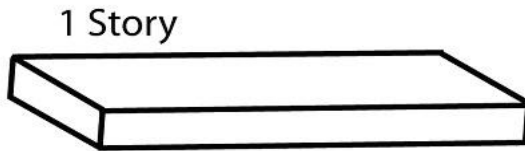
# ATTACHMENT D – FAR INFORMATION

## Floor Area Ratio

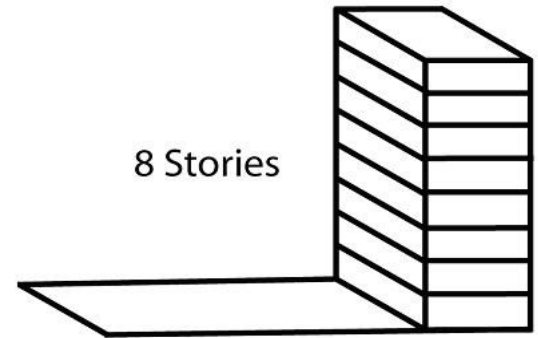
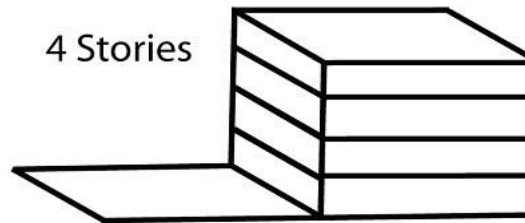
0.5 FAR



1.0 FAR



2.0 FAR



Entire Lot Area

Half Lot Area

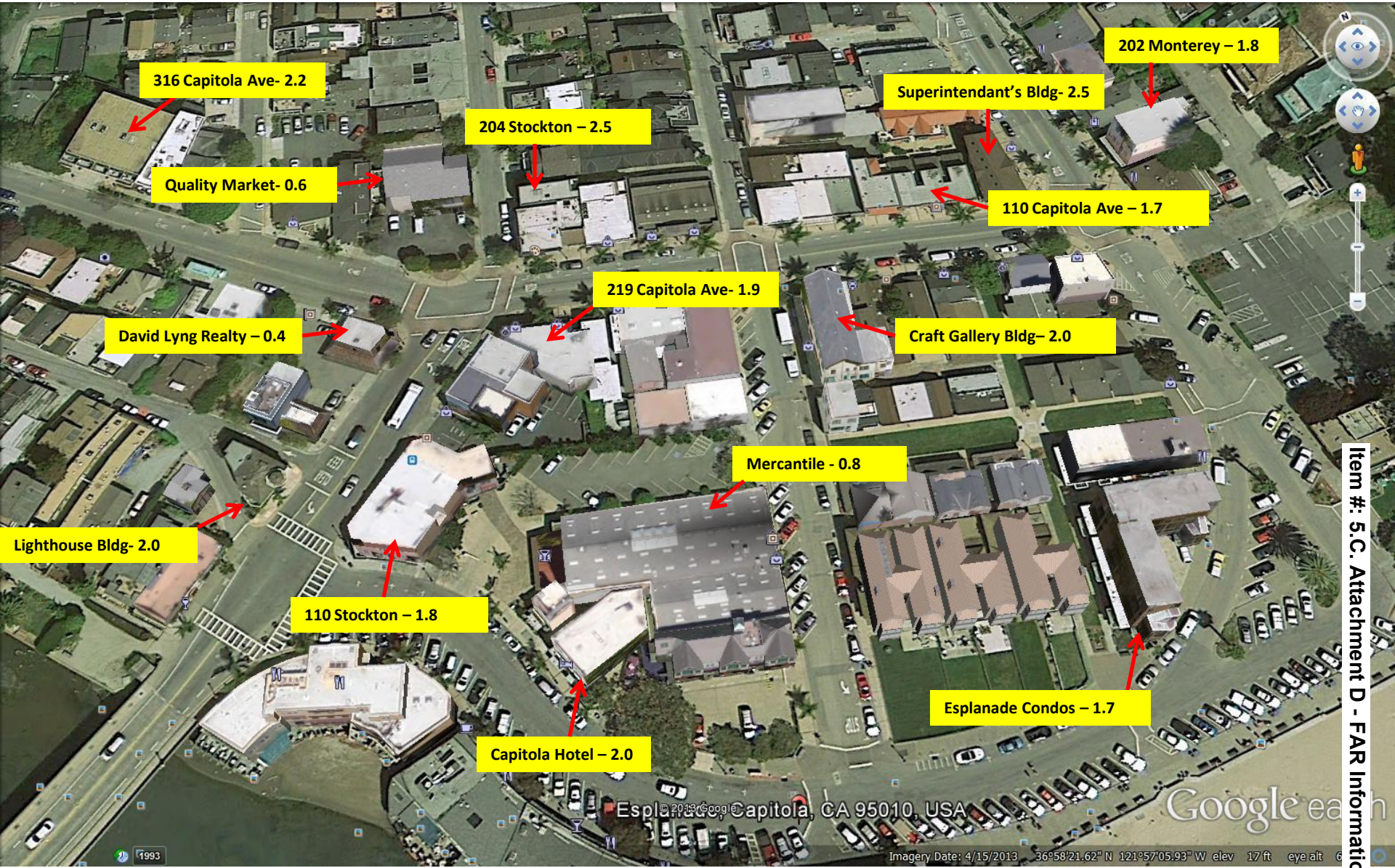
Quarter Lot Area

- **17.03.246 Floor Area Definition:**

“Floor area” means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage, except as permitted for one and one-half story single family residences pursuant to Section 17.15.100(B). It also includes covered or uncovered upper-floor decks; and porches and covered exterior open space in excess of one hundred fifty square feet, including eaves greater than eighteen inches in length. For commercial uses the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as opposed to the general public. “Floor area ratio” means the gross floor area of all of the buildings on the lot divided by the net lot area.

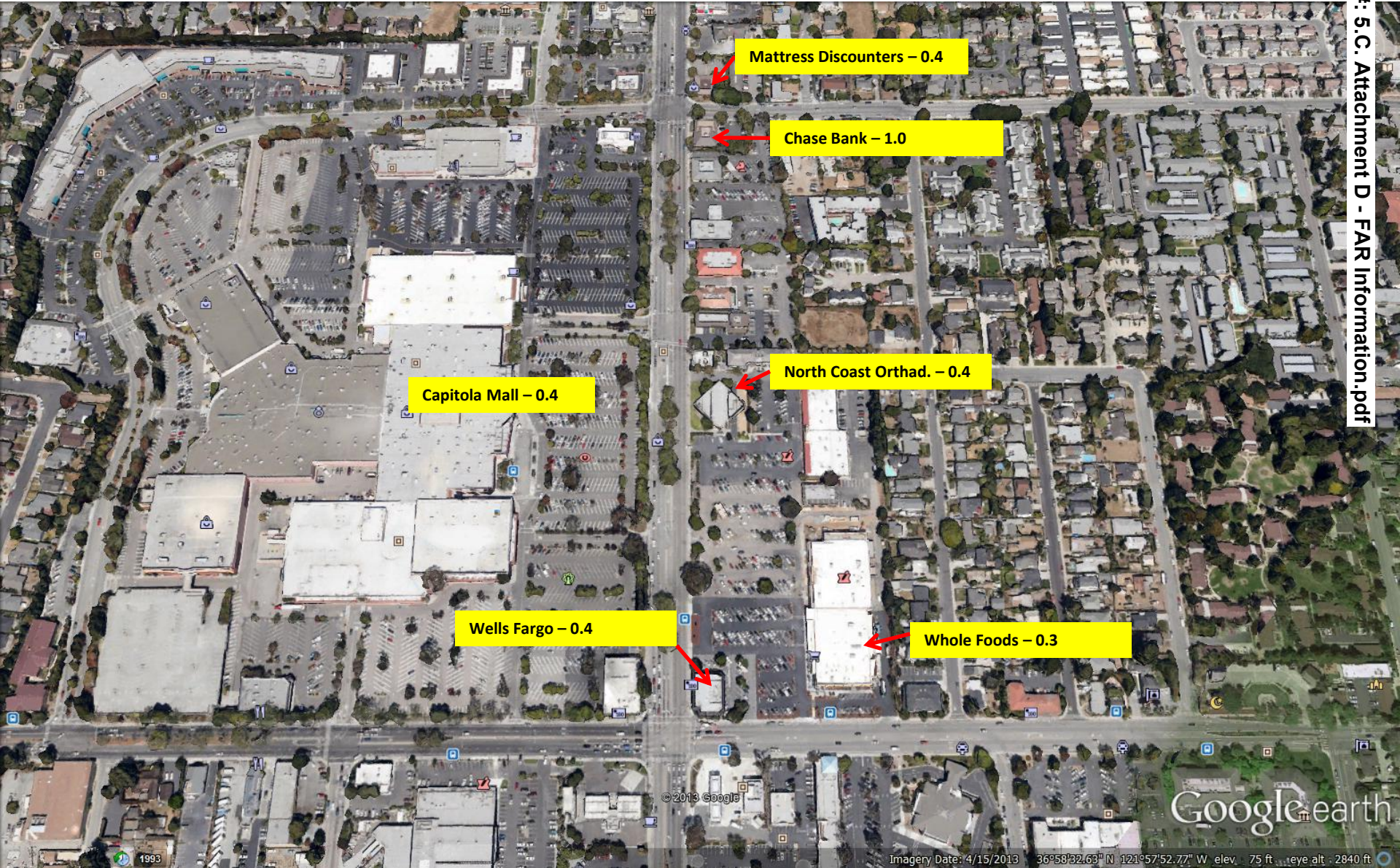


# Village - Existing Floor Area Ratios (approximate)





# North 41<sup>st</sup> Avenue – Existing Floor Area Ratios (approximate)





# South 41<sup>st</sup> Avenue – Existing Floor Area Ratios (approximate)



THIS PAGE INTENTIONALLY LEFT BLANK



# ATTACHMENT E – 41<sup>ST</sup> AVE COMMERCIAL & RESIDENTIAL PROPERTY EXHIBIT

## 41<sup>st</sup> Avenue & Clares Street



Item # - 5.C. Attachment E - 41st Ave Com and Res Properties.pdf



# 41<sup>st</sup> Avenue & Capitola Road





# 41<sup>st</sup> Avenue & Jade Street



Item #: 5.C. Attachment E - 41st Ave Com and Res Properties.pdf

THIS PAGE INTENTIONALLY LEFT BLANK

**ATTACHMENT F**

**CAPITOLA HISTORIC NARRATIVE - PREPARED BY CAROLYN SWIFT  
FOR THE  
GENERAL PLAN UPDATE**

Capitola's earliest history evolved around the wetland at the mouth of Soquel Creek. A tribal unit of about 200 native inhabitants, the Uypi, lived here for thousands of years. The name Soquel derives from these Ohlone people and identifies the range of their settlement along the coast, the creek, and its tributaries. When the Santa Cruz Mission was established in 1791, the Uypi were taken to the mission compound. Their culture persisted, but their traditional home sites were lost.

The territory that defines present-day Capitola was awarded in two Mexican land grants. The 1,473 acre Rancho Arroyo del Rodeo took in the west side of Soquel Creek, including Forty-First Avenue, and was given to Francisco de Sales Rodriguez in 1834. Rancho Soquel, spreading over 1,668 acres, was received in 1833 by Maria Martina Castro Lodge and her husband, Michael.

Intelligent and ambitious, Frederick Augustus Hihn (1829-1913) arrived in California from Germany as the Gold Rush began. Settled in Santa Cruz by 1851, he soon owned sizable portions of the Soquel and Arroyo del Rodeo Ranchos. Among his 1856 acquisitions was a two-mile stretch between Borregas Creek and Soquel Creek and another parcel nearby that was part of Rancho Arroyo del Rodeo. This land was to become Capitola.

Construction of the 1857 wharf and the 1876 Santa Cruz-Watsonville Railroad was prompted by Hihn's investments in industry. Freighters made frequent landings at the wharf until the rail line was purchased and improved by Southern Pacific Railroad in 1881. Today, the wharf and trestle border and identify Capitola Village.

As soon as the wagon route to Capitola was linked to a turnpike over the summit in 1858, inland valley residents came to the beach to escape the summer heat. Samuel Alonzo Hall, lessee of the beach flat, recognized an opportunity coming with passenger rail service. Lumber for the trestle was delivered in May 1874, and several weeks later—with Hihn's approval—Hall opened Camp Capitola. The vacation retreat was named for a heroine in fictional novels by author E.D.E.N. Southworth.

As Capitola profited, Hihn took direct charge of the camp's development. Lots between Capitola and Cherry Avenues were subdivided in 1882. The first privately owned cottages were typically small, without foundations or plumbing.

Few of these early cottages survive. City and fire officials ordered a majority of them torn down in the early 1960s. The Hihn Superintendent's Building at the corner of Monterey and Capitola Avenue was spared. Given a foundation and renovated in 1973, it is now listed on the National Register of Historic Places.

Today's Depot Hill was defined in Hihn's 1884 subdivision map. German-American families associated with the Turn Verein, a social and athletic club, built a cluster of houses on and near Cliff Avenue. A



## ATTACHMENT F

private family retreat known as the English Cottages was built in 1897 on the eastern end of the tract, between Railroad and Grand Avenues. The resort was renamed El Salto in 1911.

During the 1880s, Hihn invested \$5,000 in village improvements. Vacationers could rent lodgings or stay in the free campground. As Capitola expanded, the tents and older cabins were moved upstream. The tract gradually filled in with private homes and is now listed as the Old Riverview Historic District on the National Register of Historic Places.

Above the wharf to the west, Hihn owned property halfway up the ridge, where he had located the railroad and trestle. Hilltop owner Dennis Feeley opened Camp Fairview in 1888. Hihn soon acquired it but added no amenities. The surrounding neighborhood was named the Jewel Box in the 1970s, its title inspired by Opal Cliffs.

Between 1894 and 1904, the 160-room Queen Anne/Colonial Revival-style Hotel Capitola, the Six Sisters duplexes, and similarly styled concessions along the ocean front were built. An electric streetcar line was then completed between Capitola and Santa Cruz, and a modern railroad depot was set at the top of the hill along Park Avenue. The resort reached a high point when Hihn promoted "Capitola by-the-Sea" as a setting for annual conferences. Lawn Way was his last Capitola project in 1911, and is listed in the Six Sisters/Lawn Way National Register Historic District.

After Hihn's death in 1913, Capitola was left to a daughter, Katherine Cope Henderson. She sold the resort in 1919 to (Henry) Allen Rispin (1872-1947). Backed by the Capitola Company syndicate of investors, Rispin intended to profit by subdividing and marketing lots on undeveloped tracts. Inside the village, he tore down many older structures and offered others for sale. Hotel Capitola was sold.

The ocean front was modernized with concrete and stucco. In 1920, the Esplanade was paved and curved out onto the beach. The Spanish Colonial Revival-style Venetian Court was developed in 1924 on the former site of a long-established fishing village at the base of the wharf. Venetian Court is now a National Register Historic District.

As Capitola prospered in the mid-Twenties, land use patterns changed in the surrounding countryside. Upstream on the creek's west side, Rispin had anticipated that his 1921 Spanish Colonial Revival/Mediterranean mansion would inspire construction of similar architectural styles nearby. The borders of the resort bloomed instead with flowers.

West of Capitola along Forty-First Avenue, James Brown became a worldwide producer of the tuberous begonia. The bulb and flower industry spread to neighboring tracts along Forty-First and between Capitola Road and Clares Street. Capitola Mall and Brown Ranch Marketplace now occupy the ranch and farm site.

The 250<sup>th</sup> Coast Artillery's Camp McQuaide was established in 1926-27 to the east of the resort and along Park Avenue. Adjoining it was an "airdrome" to become the Santa Cruz-Capitola Municipal Airport in 1934.

## ATTACHMENT F

Overextended financially, Rispin sold the Hihn water system and began to ignore basic public services. The subdivisions of Riverview Terrace and Fanmar Terrace took shape in 1928. Rispin left abruptly in 1929, and another Capitola Company investor, Robert Hays Smith, assumed ownership of his properties. Smith himself was bankrupt within a few years. The Rispin Mansion was sold in 1940. From 1941 to 1959, it was a convent for the Order of Poor Clares. Purchased by the City in 1985, the mansion was scheduled for renovation when it burned in 2009. The building has been sealed and its exterior preserved. It remains listed on the National Register of Historic Places.

Sewer and street repairs, beach and creek pollution, adequate fire and police protection were all critical issues during the Great Depression. Hotel Capitola burned in 1929. An entire block was destroyed between Stockton and San Jose Avenues in 1933. Civic leaders began to discuss the need for municipal services.

After World War II, the Capitola Improvement Club was organized and campaigned for an incorporation election. Capitola became a city in January 1949, by a margin of 54 votes. Just completed, Highway 1 put a physical boundary between the two traditionally close communities of Capitola and Soquel.

Postwar growth hastened new construction. Closed in 1954, Capitola Airport property was the City's first annexation in 1959, preparing for the Cliffwood Heights subdivision. The 1962 opening of the nearby Cabrillo College campus added pressure for housing. Capitola shifted from a community of retirees and vacation homeowners to students and young families.

In the early Sixties, a clover-leaf was built on Highway 1 and Forty-First Avenue, and the roadway was upgraded. King's Market at the corner of Capitola Road and Forty-First Avenue, built in 1963 by George Ow, Sr., set in motion the expansion of retail business along the improved corridor.

Debating the future of the beach flat and adjoining bluffs, the City Council evaluated benefits of multi-story high rises. Cliff Apartments were built in 1964 on a former City-owned park site at the end of Grand Avenue. That year, Capitola adopted its first general plan.

Panic set in as the City resort then faced the greatest challenge of its history. Santa Cruz Harbor construction created a breakwater that blocked the sand that normally drifted down the coast to replenish the beach. Waves undercut ocean front building foundations, the storm sewer was exposed, and cliff erosion accelerated. Capitola's vacation economy shrank accordingly. A rock jetty built near the eastern bluff finally helped restore the shoreline beach after 1969. It cost more than \$1 million to get the beach back.

During the crisis, Council members investigated ways to keep the tourist resort attractive. A 1965 citizen group submitted ideas supporting a "small, intimate family-scale style of buildings" and a "rustic and individual character" rather than a "slick, modernistic style." One quickly adopted suggestion was to rename the business flat "Capitola Village."

**ATTACHMENT F**

Before the beach returned, artisans and “long-hairs” settled into empty storefronts and opened businesses with counterculture charisma. By the early Seventies, the young entrepreneurs joined the Chamber of Commerce and took a role in planning and politics.

Capitola’s fortunes improved dramatically as the 1975 General Plan was drafted. In a controversial move, the city annexed 38 acres of the Forty-First Avenue Brown Bulb Ranch property. Sutter Hill Development Company then built a shopping center to be known as the Capitola Mall. Annexation was approved in March 1975, and the mall opened in 1977. Proposition 13 passed in 1976. Capitola benefited as revenue for cities shifted from property taxes to sales taxes.

The Council was able to lower taxes, increase staff, and build a new city hall. Projects over the next fifteen years included a school gym, central parking lot and metering system, a park-and-ride shuttle, Rispin Mansion and wharf purchases, plans for a new library, construction of the Jade Street Park complex, and the start of creek habitat protection.

The Capitola General Plan of 1989 followed two disasters. The 1982 flood and 1983 high tide drew attention to coastal hazards and planning development in the flood plain. Focus was given to historic preservation as builders increasingly applied to remodel or replace the Village’s older structures. An architectural survey was completed in 1987 and three National Register Historic Districts were created.

A \$35 million mall expansion doubled the retail shopping area in 1988. Forty-First Avenue was widened in the shopping district to a six-lane boulevard, attracting new businesses and a number of smaller shopping centers. The opening of the Capitola Auto Center further increased tax revenue base, allowing the city to move with confidence toward the new millennium in 2001.

Today Forty-First Avenue is the most traveled street in Santa Cruz County.

**ATTACHMENT F**

THIS PAGE INTENTIONALLY LEFT BLANK