



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 7, 2013  
7 P.M. – CITY HALL COUNCIL CHAMBERS**

Chairperson Routh 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, Gayle Ortiz, Linda Smith, TJ Welch and  
Chairperson Mick Routh

**2. ORAL COMMUNICATIONS**

**A.** Additions and Deletions to Agenda

To accommodate Commissioners Graves and Ortiz, who must recuse themselves from agenda item 5.B, the commission agreed to hear item 5.C after 5.A.

**B.** Public Comments -- None

**C.** Commission Comments -- None

**D.** Staff Comments

General Plan Coordinator Susan Westman noted that commissioners had been given copies of elevation plans for two new homes on Sacramento Avenue that had previously been approved by the commission. The drawings reflect changes approved by Community Development staff, which determined they were cosmetic changes that made improvements to the original design.

She also informed the commissioners that at the March 14, 2013, meeting of the City Council, members will discuss the draft Land Use Plan. The plan will come first to the Planning Commission when it is ready for approval, but this meeting will include discussion of most of the significant policies in the draft.

**3. APPROVAL OF MINUTES**

**A.** February 7, 2013, Regular Planning Commission Meeting

**A motion to approve the February 7, 2013, meeting minutes was made by Commissioner Smith and seconded by Commissioner Graves.**

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

**4. CONSENT CALENDAR**

**A. NOBLE GULCH SEWER IMPROVEMENT PROJECT # 13-013**

Coastal Permit to abandon a sewer line currently located in Noble Gulch Creek, and to replace the line with approximately 6,600 linear feet of 12” sewer pipeline realigned through portions of Brookvale Terrace Mobile Home Park and city public streets, including Kennedy Drive, Rosedale Avenue, Carl Lane, Bay Avenue, and Monterey Avenue.

Environmental Determination: Mitigated Negative Declaration

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

Applicant: Santa Cruz County Sanitation District, filed 1/25/13

Commissioner Graves noted that as the County began its current work on Park Avenue, it only noticed residents in the immediate proximity of the work and not on streets such as Kennedy and Monterey that were impacted by the detour. He sits on the Sanitation Board and has encouraged the County to do more extensive outreach to all affected streets as this next phase of work begins.

**A motion to approve project application #13-013 with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith.**

### **CONDITIONS**

1. The project approval consists of a Coastal Permit to abandon a sewer line currently located in Noble Gulch Creek, and to replace the line with approximately 6,600 linear feet of 12” sewer pipeline realigned through portions of Brookvale Terrace Mobile Home Park and city public streets, including Kennedy Drive, Rosedale Avenue, Carl Lane, Bay Avenue, and Monterey Avenue.
2. A time schedule and phasing plan shall be submitted to and approved by the City of Capitola prior to commencement of the project. The phasing plan shall include the work schedule, including what months of the year the construction will take place, construction hours, and traffic plan.
3. Required easements shall be documented and recorded prior to commencement of the project.
4. The applicant shall be responsible for obtaining the necessary approvals for Riparian Exception from the County of Santa Cruz, Encroachment Permit from the California Department of Transportation, a Coastal Development Permit from the City of Capitola, and a Lake and Streambed Alteration permit from the California Department of Fish and Wildlife.

### **Coastal Permit Findings**

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

#### Zoning Ordinance and General Plan

The project secures the purposes of the Zoning Ordinance and General Plan by replacing a vital utility line that is in need of repair in order to provide service to the city’s existing uses.

#### Local Coastal Plan

*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;*

- Public access and recreation will not impacted.

*(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;*

- No portion of the project is located along the shoreline or beach. The purpose of the project is to abandon sewer lines and relocate them within city streets.

*(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 proposed project will be primarily within the city owned right-of-ways.

*(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;*

- While temporary delays will occur on certain city streets, the project will not impede the ability of the public to access 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.*

- While temporary delays will occur on certain city streets, the project will not impede the ability of the public to access the shoreline.

*(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;*

*Policy 17, Pg. 15 of the 1989 City General Plan, states that, "Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated visitor-serving/residential parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means."*

- The project complies with visitor-serving and recreational use policies in that it replaces and upgrades an existing public facility that provides utility service to existing visitor serving and/or recreational uses.

*(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 will not permanently affect public or private parking, pedestrian access, or alternate mean of transportation as the construction will be temporary with nearly all of the resulting infrastructure being located underground.

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

- The project was reviewed by the City Public Works Director, as the majority of the work will be taking place within the City of Capitola right of way. The work in the right of way will meet the applied street design guidelines and standards.

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

- No public landmarks are affected by the project. Impacts on views are temporary, limited to the presence of construction equipment and disturbance during work, as the improvements are largely underground. Therefore, 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 replacement of an existing sewer service, therefore this finding does not apply.

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

- The project is replacement of an existing sewer service, therefore this finding does not apply.

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

- The project is replacement of an existing sewer service, therefore this finding does not apply.

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

- The project is replacement of an existing sewer service, therefore this finding does not apply.

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

- The project is replacement of an existing sewer service, therefore this finding does not apply.

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

- A Mitigated Negative Declaration has been prepared and adopted by the applicant. The proposed mitigation measures ensure that the project complies with the 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;*

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

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

- The project is not located within a geologically unstable area or on a coastal bluff.

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

- The project is not located within a geologically unstable area and due to be located underground, will not be a cause for a fire hazard.

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

- The proposed development is not located on the shoreline and therefore does not require compliance with shoreline structure policies.

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

- The project is replacement of an existing sewer service, therefore this finding does not apply.

*(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 is replacement of an existing sewer service, therefore this finding does not apply.

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

The proposed project will be primarily within the city owned right-of-ways. The project involves replacement of an existing sewer service that will be placed underground, therefore the character and integrity of the neighborhood will be maintained.

**C. A Mitigated Negative Declaration has been prepared and adopted for this project based upon the completion of an Initial Study.**

An Initial Study was prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration with mitigation measures addressing potential impacts adopted based on the determination that the project will not have a significant effect on the environment.

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

- B. 1330 47<sup>th</sup> AVENUE # 13-014 APN: 034-066-13**  
Coastal Permit and Design Permit to construct a new two-story single-family house in the R-1 (Single-Family Residence) Zoning District.  
Environmental Determination: Categorical Exemption  
This project requires a Coastal Permit which is not appealable to the California Coastal Commission.  
Owner: Gary Lindeke, filed: 1/25/13  
Applicant: Michael Wittwer

Commissioner Graves noted that the Council received a six-page anonymous correspondence regarding this project, and said that he does not feel it is appropriate to make comments anonymously. He did agree with the writer regarding addressing the home on 47<sup>th</sup> Avenue, but that decision is not made by city staff.

**A motion to approve project application #13-014 with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith.**

**CONDITIONS**

1. The project approval consists of the construction of a new 1,628 square foot two-story single-family structure with a 208 square foot attached garage at 1330 47<sup>th</sup> Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. Curb, gutter and sidewalk shall be installed to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant unexpected, archaeological resources are discovered. For the purpose of this permit, significant archaeological resources shall include the remains of previous Native American living areas or human burials. In the instance of Native American living areas, these objects shall be recorded and mapped by an archaeologist approved by the Community Development Director prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA) and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists as a result of such unanticipated discovery shall be subject to the approval of the Community Development Director.



9. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
10. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
11. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
12. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

## **FINDINGS**

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

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

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

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

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

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

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

## **5. PUBLIC HEARINGS**

- A. 4200 AUTO PLAZA DRIVE #13-020 APN: 034-141-30, 31**  
Design Permit, Conditional Use Permit, and a Sign Program as part of a project to demolish an existing car dealership building and construct a new car dealership building, including a service building, carwash, and parking lot improvements in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption  
Property Owner: Charles Canfield, filed 2/6/13  
Representative: Toyota of Santa Cruz

General Plan Coordinator Westman presented the staff report. She noted that staff, Toyota of Santa Cruz representatives, and Commissioner Welch met with adjacent Loma Vista homeowners to help address previous issues between the dealership and neighbors. Those efforts resulted in several conditions for this project.

Architect Richard Sambucetti represented the applicant and reiterated the efforts to cooperate and solve issues. He also noted the impetus for the project is that Toyota is requiring its franchises to make such upgrades. The dealership originally considered simply doing a renovation, but determined it would be best to rebuild and mitigate historic problems.

Commissioner Welch asked if the Toyota dealership would leave the city if the new building were not approved, and Mr. Sanbucetti said it was most likely.

Chairperson Routh opened the public hearing.

Public comment:

Pat Trimble spoke on behalf of the Loma Vista homeowners. He said they are happy with the new plan, and felt their concerns were heard and many addressed. Residents are optimistic that better design, new technology and a fully enclosed building will address concerns of horns, loud public address announcements, and noise from the car wash and service areas. He noted the residents would be willing to support immediate extension of operating hours if the dealership can reduce the noise even before the remodel is completed.

Commission comment:

Commissioner Ortiz expressed her pleasure that this process proved a model of civic cooperation.

Commissioner Graves asked staff to clarify that the conditions generated by the residents are included as requirements. Staff confirmed. He also said he has noticed a pattern that after a redesign is established at a car dealership, customer parking decreases, and he encouraged Toyota to maintain the number of customer parking spaces. Coordinator Westman noted that such a customer parking requirement is included in the conditions.

**A motion to approve project application #13-020 with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Graves:**

**CONDITIONS**

1. The project approval consists of a Design Permit, Conditional Use Permit, and a Sign Program as part of a project to demolish an existing car dealership building and construct a new car dealership building, including a service building, carwash, and parking lot improvements at 4200 Auto Plaza Drive.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.

4. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the city permitted decibel levels.
5. Lighting shall be shielded to prevent light from shining on to neighboring properties. The applicant agrees to make the necessary adjustment required by the Community Development Director regarding shielding.
6. Sandwich board and other movable freestanding signs are prohibited.
7. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
8. Curb, gutter and sidewalk shall be replaced to meet ADA standards to the satisfaction of the Public Works Director.
9. An encroachment permit shall be acquired for any work performed in the right-of-way.
10. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director. The grade along the eastern property line shall be designed to prevent potential drainage issues with the neighboring residential properties.
11. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The approved landscaping and operational irrigation system shall be installed prior to final occupancy.
12. The applicant shall enter into a landscape maintenance agreement and a cash deposit of \$2,000.00 shall be retained by the City to cover costs of replacing or maintaining landscaping for a period of three (3) years after project completion. The agreement and deposit shall be completed prior to final occupancy.
13. All landscaping must be maintained and non-maintenance will be a basis for review by the Planning Commission.
14. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director including the removal of the existing building on site.
15. The Community Development Director shall approve the relocation and/or screening of the carwash/detail facility prior to issuing a building permit.
16. Parking located in the front of the building designed for customers will not be used for display of automobiles.
17. No public address system will be used at this dealership.
18. The project shall be designed to eliminate any horn honking when going around building corners. Applicant shall install mirrors or other devices as necessary to eliminate the need to honk a horn to safely go around a corner.
19. All employees will receive necessary training to eliminate accidentally setting off car alarms.

20. Surveillance cameras shall be positioned so that they do not record the activities in individual mobile home units in the Loma Vista Mobile Home Park.
21. No deliveries shall be made within 200 feet of the Loma Vista Mobile Home Park during the hours of 10:00 p.m. to 6:00 a.m.
22. No car repairs shall be made during the hours of 10:00 p.m. to 6:00 a.m.
23. No employees shall play music that can be heard off the dealership property.
24. No tree trimming shall take place without first giving a five-day advance notice to the Loma Vista Mobile Home Park Association.
25. The location of the trash enclosure shall be approved by the Community Development Director and shall not be located next to the Loma Vista Mobile Home Park.

### **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 conforms to the development standards of the CC (Community Commercial) Zoning District and the 41<sup>st</sup> Avenue Design Guidelines. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the CC (Community Commercial) Zoning District and the 41<sup>st</sup> Avenue Design Guidelines. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

- C. **This project is categorically exempt under Section 15302(b) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15302(b) of the CEQA Guidelines exempts replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. This project involves demolition of a car dealership and the construction of a dealership that is substantially the same size, as well as serves the same purpose and capacity. No adverse environmental impacts were discovered during review of the proposed project

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

- B. 426 CAPITOLA AVENUE #13-019 APN: 035-141-33**  
 Certification of a Negative Declaration, Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for approval of a temporary parking lot in the MHE (Mobile Home Exclusive) Zoning District.  
 This project requires a Coastal Permit which is not appealable to the California Coastal Commission.  
 Environmental Determination: Negative Declaration  
 Property Owner: City of Capitola, filed: 1/30/13

This item was heard following 5.C.

Commissioners Graves and Ortiz recused themselves due to the proximity of their homes to the project.

General Plan Coordinator Westman presented the staff report. She noted that while this is a city project on city property, the state's Coastal Act now requires a coastal permit because of its cost. The city received two comment letters, one from Santa Cruz County Zone Five and one from the Army Corps of Engineers. She also noted this is the first project subject to more stringent storm water management requirements and incorporates porous pavement in the parking space areas.

Public Works Director Steve Jesberg elaborated on the plan. He explained it features turnarounds at both the Capitola Avenue and Bay Avenue ends, including room for improved fire access. In addition, the city will remodel the existing restrooms.

Chairperson Routh asked what the traffic impact will be to the Bay/Monterey Avenue intersection. Director Jesberg responded that a study showed the service level would remain at a C, and Coordinator Westman added that the Bay Avenue exit will be right turn only with signage to lead drivers to Highway 1 by way of Park Avenue.

Commissioner Smith asked if the city has considered using the turnaround area for shuttles rather than traversing the parking lot. Director Jesberg said the department can look into that possibility. She also noted that the County's project on East Cliff has replaced the decomposed granite with a product called GraniteCrete to reduce dust, and asked if that had been considered for the pathway. Director Jesberg said the primary goal is to optimize drainage, but he will research the option.

Chairperson Routh opened the public hearing.

Public comment:

Nels Westman praised the process to create and discuss this project, and encouraged approval of the certification and permits. He said he is hopeful both the Planning Commission and City Council will support the project allowing the temporary lot to be in service this summer.

Commission comment:

Commissioner Smith said she finds many great elements in the plan and is pleased with the number of parking spaces. She expressed belief that once a temporary lot is in use, it will show the community what life is like with enough parking and will make support for a permanent structure more attainable. She emphasized the importance of signage, particularly the universal blue parking signs, to direct visitors to the lot.

Chairperson Routh noted he was active in the city decades ago when Pacific Cove was originally purchased with the intention of using it for parking and said this project is a great step forward.

**A motion to certify the negative declaration and approve a Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for project application #13-019 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch.**

**CONDITIONS**

1. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions
2. All lighting shall be shielded and directed away from adjacent residential properties.
3. Measures must be in place to protect existing trees to be retained; especially the larger cypress and oak trees, in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist.
4. If archaeological 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. 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 archaeological resources 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.
5. Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately re-vegetate disturbed areas.
6. Construction activity shall be limited to 8:00 a.m. to 5:00 p.m. Monday thru Friday. There will be no weekend work.
7. Final design details for retaining walls, landscaping, lights, drainage design and pavement materials shall be approved by the Community Development Director and Public Works Director.
8. Require implementation of “Best Management” construction practices to control dust and PM10 emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
  - Water all active construction areas at least twice daily;
  - Prohibit all grading activities during periods of high winds (over 15 mph);
  - Cover all trucks hauling dirt, sand or loose materials
  - Cover or water stockpiles of debris, soil and other materials which can be windblown;
  - Sweep streets if visible soil material is carried out from the construction site;
  - Plant vegetation grown cover in disturbed areas as soon as possible.

**Local Coastal Plan 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.*

- Public access will be improved by this proposed project. The proposed project is located inland of the beach area and within the existing city hall complex and is within walking distance to the beach. The project will increase the amount of available parking for beach visitor by 233 spaces. It will allow for a more desirable shuttle bus operation and reduce headway times. No easements for coastal access, or other public access ways, are required or necessary.

*(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;*

- This project will make it possible for more people to have access to the beach and its various recreational opportunities.

*(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 development is not located near the shoreline and is already a developed area; therefore the proposed project will not affect the shoreline process.

*(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, bluff top, 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 site is owned by the City of Capitola and is part of the existing City Hall Complex. The new parking lot will open this area to the public for its use.

*(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 site is already developed and is located inland of the first public road; therefore the proposed development will not impede or block public access to local tidelands, public recreation areas, or other public coastal resources, or to see 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 development is located in an existing built-out area. The proposed project site is surrounded by the development of single-family homes or City Hall. The proposed project will not adversely impact access and/or recreational opportunities.

*(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:*

- 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;*
- Topographic constraints of the development site;*
- Recreational needs of the public;*
- 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;*
- The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;*
- 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;*

*Policy 17, Pg. 15 of the 1989 City General Plan, states that, “Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated visitor-serving/residential parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means”.*

- The project will enhance visitor servicing uses.

(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 will enhance public access to the beach. It will improve the operation of the shuttle bus system and should overall improve traffic congestion issues in the Village area.

*(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's design, site plan, landscaping, will be receiving an Architectural and Site Review permit from the Planning Commission.

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

- No public landmarks are affected by the project. Public views of Capitola's shoreline are not blocked by the project as there are no designated public viewing areas at the project site. Therefore, 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;*

- Both water and sewer service are currently available and provided for the site. The site is currently served by sewer services and can accommodate the additional development.

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

- A fire hydrant is located nearby. Central Fire Department has an existing Station approximately 600-feet away from the site on Capitola Avenue. There will be no habitable or occupied structures as part of this development. The only structure on site is a rest room building.

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

- All lighting and plumbing fixed will meet the City's current green building standards.

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

- None are required.

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

- Not applicable.

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

- The project is outside of the City's identified Sensitive Habitat Zone and no natural or cultural resources are present.

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

- The project is outside of any identified sensitive habitat areas.

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

- The project will comply with all applicable erosion control measures. The new development will include a new drainage system which will comply with Storm Water Regulations.

*(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 not located within a geologically unstable area or on a coastal bluff.

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

- The project is located within a tsunami and flood zone but will contain no occupied structure other than rest room facilities.

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

- The proposed development is not located on or near the shoreline and therefore does not require compliance with shoreline structure policies

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

- Public Facilities are permitted in the MHP zoning district with a conditional use permit.

*(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, and project development review and development procedures.

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

- (h) The proposed development shall improve the availability of public parking.

## **A. Conditional Use Permit Findings**

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the MHP (Mobile Home Park) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

## **B. This project is being approved based on a Negative Declaration.**

An initial study and negative declaration have been prepared, circulated and certified for the project.

**C. 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 conforms to the development standards of the MHE (Mobile Home Exclusive) Zoning District and is permissible with the issuance of a Conditional Use Permit, carrying out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The site has been used Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

An initial study and negative declaration have been prepared, circulated, public notice and certified for this project. No adverse environmental impacts were discovered during review of the proposed project

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

**C. AMENDMENT TO CAPITOLA MUNICIPAL CODE CHAPTER 17.39 PERTAINING TO PLANNED DEVELOPMENT DISTRICT REGULATIONS**

The Planning Commission will consider a Coastal Plan and Ordinance Amendment to the Capitola Municipal Code Chapter 17.39 amending Sections 17.39.020, 17.39.030, 17.39.040, 17.39.050, 17.39.060 and 17.39.080 of the Capitola Municipal Code and adding Section 17.39.110 to the Capitola Municipal Code pertaining to Planned Development District Regulations.

This project requires an amendment to the City's Local Coastal Plan.

Environmental Determination: Categorical Exemption

Applicant: City of Capitola

Representative: Susan Westman

This item was heard following item 5.A.

General Plan Coordinator Westman presented the staff report. Following the recent denial by the Planning Commission of a Planned Development District project on 38<sup>th</sup> Avenue, it came to the City's attention that Planned Development is the only major item in the zoning ordinance in which a Planning Commission denial is the final decision. This proposed zoning ordinance amendment addresses that appeal situation. She noted it does not add conditions nor eliminate the requirement for four acres or findings for smaller parcels.

Commissioner Graves expressed support for the required conditions and findings as currently outlined in the ordinance, saying they uphold the guiding principles of planned development. He said such requirements foster a discussion of the merits of a plan for the City and neighborhood.

Commissioner Welch asked if the commission should also consider other changes at this time, specifically the four-acre size requirement, given that few parcels in the city meet it.

Chairman Routh and Commissioner Graves expressed support for retaining the existing planned development size requirement and only addressing the appeal changes at this time.

Staff and commissioners noted that additional changes can be included in the upcoming General Plan revision.

Commissioner Smith supported the proposed changes as fair, but asked if when an item is appealed, the City Council sees modified plans rather than those denied. General Plan Coordinator Westman confirmed that the Council receives the full record of Planning Commission review, but noted that applicants have the right to make changes, often incorporating comments from the Planning Commission. City Council review is *de novo*, in essence a new hearing. She also clarified that the Planned Development request for 38<sup>th</sup> Avenue that resulted in the proposed amendment would have to come back to the Planning Commission as a new application under the amended ordinance should City Council make that change.

There was no public comment.

Chairperson Routh closed the public hearing.

**A motion to recommend approval to the City Council of a Zoning Ordinance amendment to Capitola Municipal Code Chapter 17.39 pertaining to Planned Development District regulations as proposed by the City Attorney was made by Commissioner Graves and seconded by Commissioner Smith.**

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

## 5. DIRECTOR'S REPORT

General Plan Coordinator Westman noted that this meeting would be her last in that position. She said the City was making an offer to a candidate for Community Development Director and the hope is that the new staff member will be in place mid-April. Chairperson Routh and the commissioners thanked General Plan Coordinator Westman for her service to the City.

## 6. COMMISSION COMMUNICATIONS

None

## 7. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:55 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, April 4, 2013 at 7 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on April 4, 2013.

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Linda Fridy, Minute Clerk

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 4, 2013

SUBJECT: **105 STOCKTON AVENUE #13-034 APN: 035-171-21**  
Conditional Use Permit and Sign Permit to allow a deli/sandwich shop in an existing building in the CV (Central Village) Zoning District.  
Environmental Determination: Categorical Exemption  
Owner: Ashley Hubback  
Applicant: Bill Bennett, filed: 3/14/13

### **APPLICANT'S PROPOSAL**

The applicant, *Village Deli*, is requesting a Conditional Use Permit to allow a deli/sandwich shop in an existing commercial building at 105 Stockton Avenue in the CV (Central Village) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

### **BACKGROUND AND DISCUSSION**

The current 550 square foot commercial space was previously occupied by a bakery/coffee shop without the benefit of a conditional use permit. The building has been vacant for several months. The proposed take out sandwich shop will offer fresh made to order sandwiches, bakery goods, coffee and non-alcoholic drinks, in addition to beach sundries. There is no seating proposed. All food preparation will be contained within the building and there will be no baking or cooking on-site. The proposed business hours are 9:00 a.m. to 9:00 p.m., seven days a week.

The proposed sign will be located in the existing approved sign area in the metal awing along the Stockton Avenue frontage. The sign area is 1'8.5"x7'-4.5" with the business name and logo utilizing a smaller area. There will also be a simple window sign with the business name at pedestrian level.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve application #13-034, subject to the following conditions and based upon the following findings:

### **CONDITIONS**

1. The project approval is for a Conditional Use Permit and Sign Permit to allow the a 550 square foot deli/sandwich shop at 105 Stockton Avenue.

## Item #: 4.A. 105 Stockton Avenue staff report.pdf

PLANNING COMMISSION AGENDA REPORT: April 4, 2013 105 Stockton Avenue

2. There shall be no cooking or baking on site. The business is a take-out use only.
3. The business hours are 9:00 a.m. to 9:00 p.m., seven days a week.
4. Sandwich board type signage shall be prohibited.
5. Any significant change to the use or the site, must be approved by the Planning Commission.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

### **FINDINGS**

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed use is permitted in the CV (Central Village) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development staff and the Planning Commission have reviewed the project and determined that the proposed take-out deli/sandwich shop and sign will not have a negative impact on the character and integrity of the commercial area. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

- 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 use permit and sign permit to allow a take-out deli/restaurant use in an existing building. No adverse environmental impacts were discovered during project review by either the Community Development staff or the Planning Commission.

### **ATTACHMENTS**

- A. Letter from applicant
- B. Plans

**Report Prepared By: Danielle Uharriet  
Interim Senior Planner**



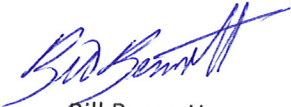
March 14, 2013

Dear Sirs/Madams,

I write this letter in regards to 105 Stockton Avenue. At this location I propose opening a small sandwich shop with sundries for the beach. At this location we will not be cooking any food items nor will we be selling any alcohol or tobacco. We will bring in high quality cooked deli meats and cheeses as well as fresh local vegetables. We will be getting our bread baked daily from Sumano's Bakery. In the 550 square feet we will not offer any seating to customers. We will be offering fresh local coffee with muffins, bagels , etc.

In the merchandised areas we will be offering cold sodas, fountain drinks, cold water, etc. In addition we will be selling beach needs such as towels, sunglasses, beach toys, suntan lotion, etc. Our proposed hours are seven days a week, 9:00am to 9pm.

Regards,



Bill Bennett

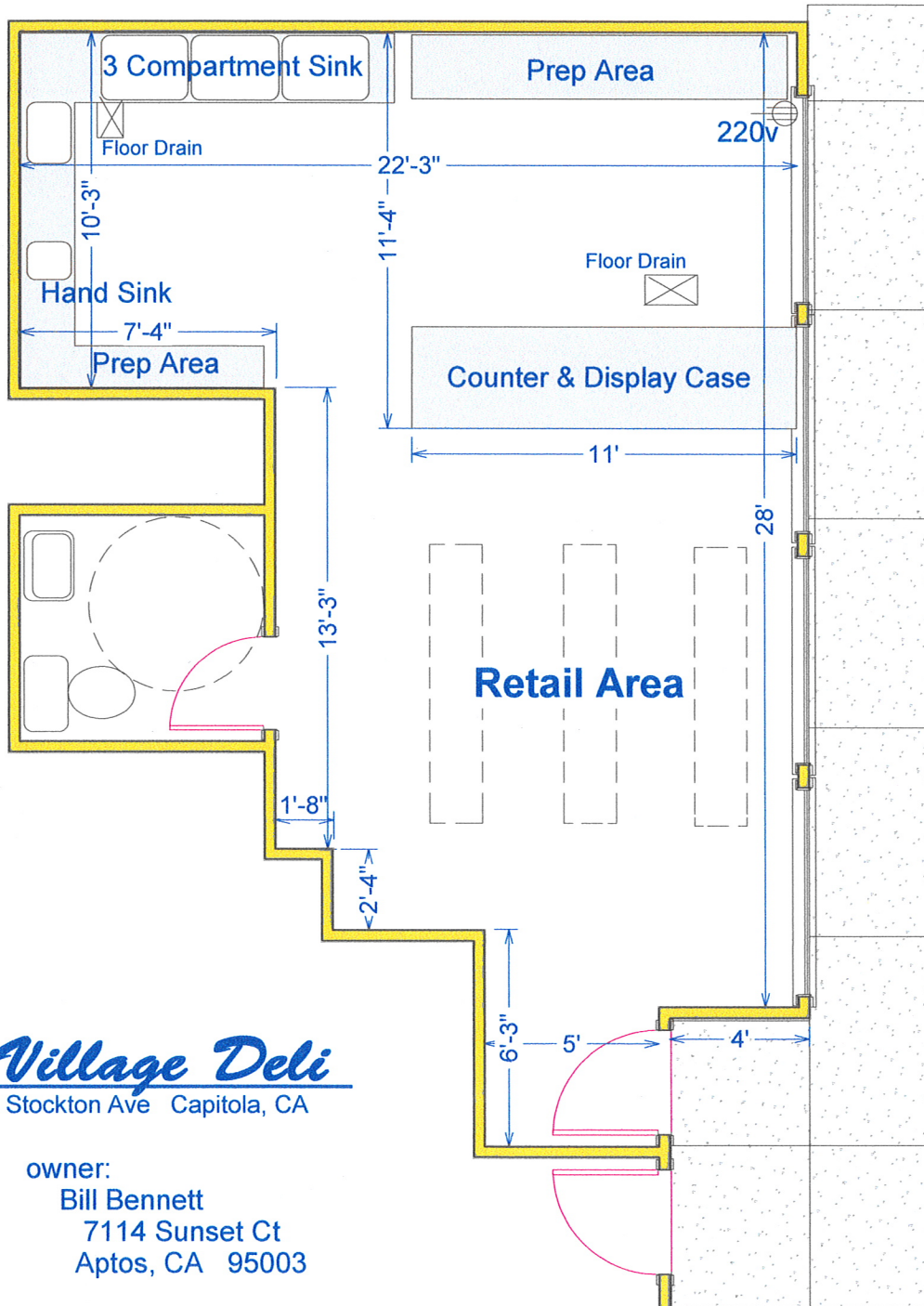
7114 Somerset Ct.

Aptos, CA 95003

408.832.7038

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105 STOCKTON AVE



**Village Deli**  
105 Stockton Ave Capitola, CA

owner:  
Bill Bennett  
7114 Sunset Ct  
Aptos, CA 95003  
408-832-7038





**STAFF REPORT**

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT DEPARTMENT  
 DATE: APRIL 4, 2013

SUBJECT: **116 GRAND AVENUE # 13-015 APN: 036-112-11**  
 Coastal Permit, Design Permit and Revocable Encroachment Permit to remodel an existing single-story single-family house and construct a new detached garage with a setback variance, and Tree Removal Permit in the R-1 (Single-Family Residence) Zoning District.  
 Environmental Determination: Categorical Exemption  
 This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.  
 Owner: John & Berna Bruzzone, filed: 1/28/13  
 Applicant: Dennis Norton

**APPLICANT'S PROPOSAL**

The applicant is proposing a remodel to a one-story single-family house and to construct a new detached two-car garage to the rear of the house at 116 Grand Avenue in the R-1 (Single Family Residence) Zoning District. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<b><u>STRUCTURAL DATA</u></b>				
<b><u>SETBACKS</u></b>		<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Yard</b>	1 <sup>st</sup> Story	15'	11'-7"	11'-7"
<b>Rear Yard</b>	1 <sup>st</sup> Story	20'	51'	51'
<b>Side Yard</b>	1 <sup>st</sup> Story	5'-5"	2'-1" (l) & 4'-4" (r)	2'-1" (l) & 4'-4" (r)
<b><u>MAX HEIGHT</u></b>		25'	14'-5"	14'-5"

<b>FLOOR AREA RATIO</b>	<b>Lot Size</b>	<b>MAX (49%)</b>	<b>Existing (26%)</b>	<b>Proposed (35%)</b>
	5,437 sq. ft	2,664 sq. ft.	1,415 sq. ft	1,919sq. ft.
	<b>Habitable Space</b>	<b>Second Floor Deck</b>	<b>Garage</b>	<b>Total</b>
Existing First Story	1,218 sq. ft.	n/a	197 sq. ft.	1,415 sq. ft.
New Additions	84 sq. ft.		420 sq. ft.	504 sq. ft.
Proposed TOTAL	1,302 sq. ft.	0 sq. ft.	617 sq. ft.	1,919 sq. ft.
<b>PARKING</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	
	2 spaces, one of which must be covered	1 covered 2 uncovered	2 covered 1 uncovered	
Total	2 spaces	3 spaces	3 spaces	

**BACKGROUND**

On February 13, 2013, the Architectural and Site Review Committee reviewed the application.

- Senior Planner Ryan Bane required documentation be provided showing that structural alterations to nonconforming structures are limited to 80% of the present fair market value of the structure.
- Public Works Director Steve Jesberg required the existing bollards on Grand Avenue and Central Avenue remain and the existing gravel driveway along the Grand Avenue frontage remain as a turn-around area. He discussed the proposed drainage for the parcel, requesting a drainage plan/analysis be provided as part of the building permit plan check. The applicant shall apply for a Revocable Encroachment Permit for all improvements in the public right of way.
- Building Official Mark Wheeler required a fire rated wall for the new garage.
- City Architect Derek Van Alstine required the new garage siding and all new siding match the existing wood siding. All windows and trim shall match the existing home.
- City Landscape Architect Susan Suddjian approved of the overall proposed landscape plan recommending drought tolerant and native plants be incorporated into the final plan.

**DISCUSSION**

The subject property is a flat 5,437 square foot lot in the Depot Hill single-family neighborhood. The existing single story three bedroom residence is approximately 1,218 square feet with an attached one car garage with access from Grand Avenue. The applicant is proposing to remodel the residence by converting the existing attached 197 square foot one car garage into a bedroom, adding approximately 84 square feet at the rear of the home for a bathroom and utility room, and constructing a new 420 square foot two car detached garage.

The proposed exterior materials will match the existing wood siding, wood trim windows and composition shingle roofing.

**Variance**

A variance to the 18'-0" driveway depth is requested. A new 420 square foot, two car garage is proposed in the rear yard area with a new stamped concrete driveway access from Central Avenue. The standard approach in a curb, gutter, sidewalk exempt area is 18'-0". The proposed driveway depth is ~14' on the north side and ~21' on the south side.

PLANNING COMMISSION AGENDA REPORT: April 4, 2013 116 Grand Avenue

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

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

Staff can support the requested variance to the driveway depth, specifying the constraints of the existing oddly configured lot, and the fact that the granting of the variance would not constitute the granting of a special privilege as other standard lots in the vicinity can accommodate off street parking perpendicular to the street

#### Nonconforming

The main house is legal nonconforming due to not meeting front and side setback requirements. Per 17.72.070, structural alterations to nonconforming structures are limited to 80% of the present fair market value of the structure. The applicant has provided a construction cost breakdown (Attachment B) that demonstrates how the proposed project will not exceed 80% of the present fair market value of the structure. The Building Official has reviewed the calculations and determined them to be accurate. It should be noted that all new additions to the structure meet the current R-1 district development standards.

The proposed remodel conforms to the R-1 single-family development standards, including height, setbacks, parking, and floor area ratio (FAR).

#### Revocable Encroachment Permit

The proposed landscaping plan incorporates the lot frontage of Grand Avenue and a portion of lot frontage along Central Avenue. The area is designated as a curb, gutter, and sidewalk exempt neighborhood. The existing front property line is approximately 21 feet behind the established curb line along Grand Avenue and approximately 12 feet behind the established curb line along Central Avenue. The property owner is requesting to build a fence, flagstone paving, gas fire pit and extensive landscaping in the public right of way, beyond the property line.

There are several properties in the surrounding neighborhood that have fences, walls and landscaping extending beyond the property line to the public pathway along Grand Avenue.

The proposed fence, flagstone paving, gas fire pit and extensive landscaping are consistent with neighboring properties. The revocable encroachment permit will reserve the right of the City to install any public improvements in the future.

#### Tree Removal Permit

A large pine tree north of the site, in the right of way, is proposed to be removed. The tree has grown around an existing power pole is in poor health. Per the recommendation of the city's tree staff, there are two large trees at the rear of the site that provide adequate canopy coverage. The revised landscape plan will incorporate two replacement trees.

PLANNING COMMISSION AGENDA REPORT: April 4, 2013 116 Grand Avenue

**CEQA REVIEW**

Section 15303(a)(e) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves remodel of an existing single-family residence and the construction of a new two-car garage in the R-1 (Single Family Residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project

**RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #13-015 based on the following Conditions and Findings for Approval.

**CONDITIONS**

1. The project approval consists of a Coastal Permit, and Design Permit to remodel an existing single-story single-family house with an 84 square foot addition, and construct a new 420 square foot detached garage with a variance to the parking setback, and Revocable Encroachment Permit for improvements at 116 Grand Avenue.
2. Any significant modifications to the size or exterior appearance of the structures must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. An encroachment permit shall be acquired for any work performed in the right-of-way.
5. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
6. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant unexpected, archaeological resources are discovered. For the purpose of this permit, significant archaeological resources shall include the remains of previous Native American living areas or human burials. In the instance of Native American living areas, these objects shall be recorded and mapped by an archaeologist approved by the Community Development Director prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA) and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists as a result of such unanticipated discovery shall be subject to the approval of the Community Development Director.
7. Prior to building permit issuance, the applicant shall contact the Public Works Department to complete the revocable encroachment permit process. A revocable encroachment permit shall be required to be recorded.
8. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized, and two 15-gallon replacement trees. Landscaping shall be installed prior to final building occupancy.
9. A tree permit application shall be submitted for any tree proposed for removal.



PLANNING COMMISSION AGENDA REPORT: April 4, 2013 116 Grand Avenue

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

### **FINDINGS**

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

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

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

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

- C. This project is categorically exempt under Section 15303(a)(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 remodel of an existing single-family residence and the construction of a new two-car garage in the R-1 (Single Family Residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

### **ATTACHMENTS**

- A. Project Plans
- B. Construction Cost Breakdown

**Report Prepared By: Danielle Uharriet  
Interim Senior Planner**

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BRUZZONE RESIDENCE  
116 GRAND AVE.  
CAPITOLA, CA 95010

DENNIS NORTON  
PROJECT PLANNER  
718 S. GERRARD ST., SUITE 200, SAN JOSE, CA 95128  
408.939.8888

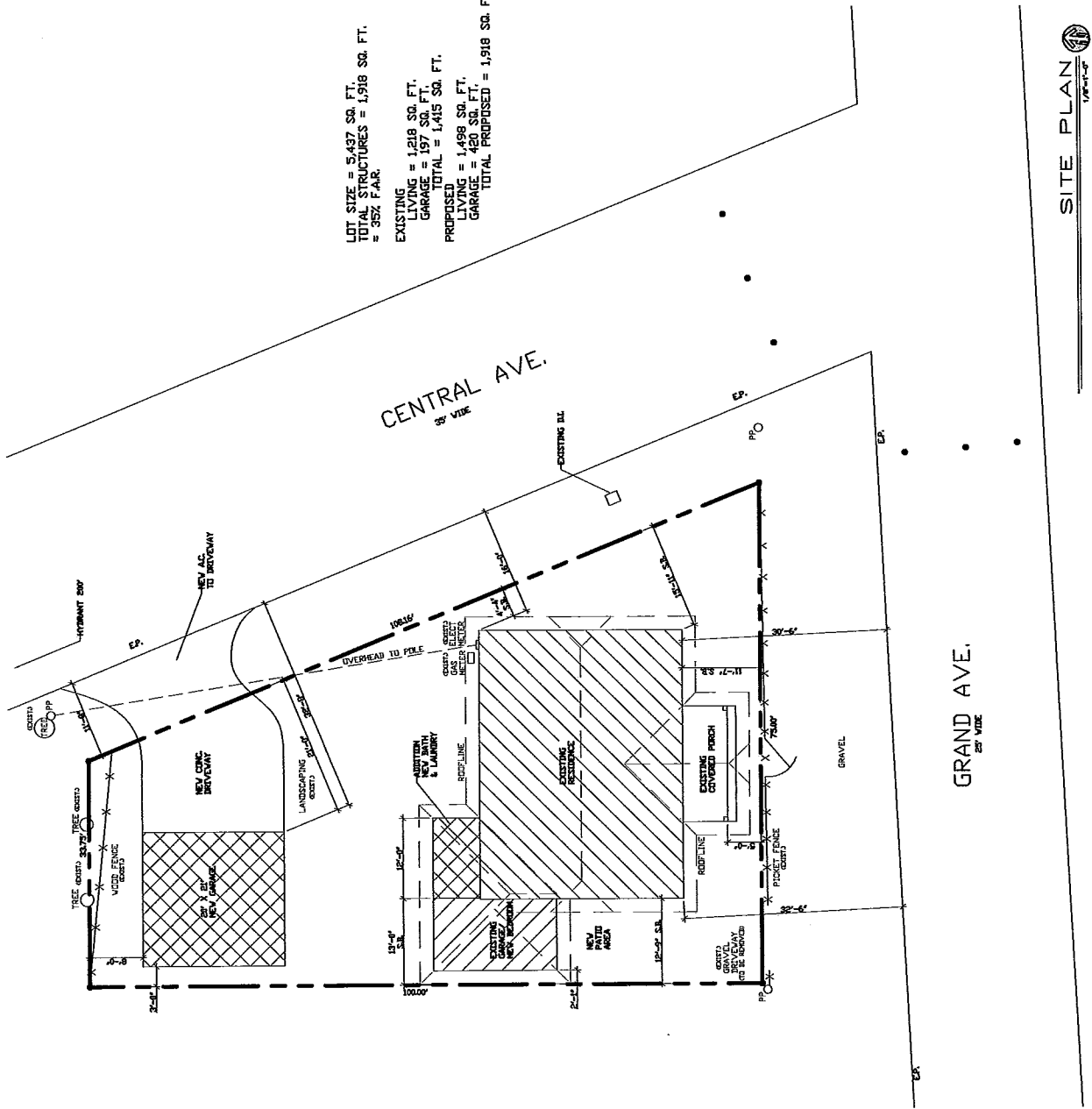
SITE PLAN

01/24/13  
GRAND  
1/8"=1'-0"  
2

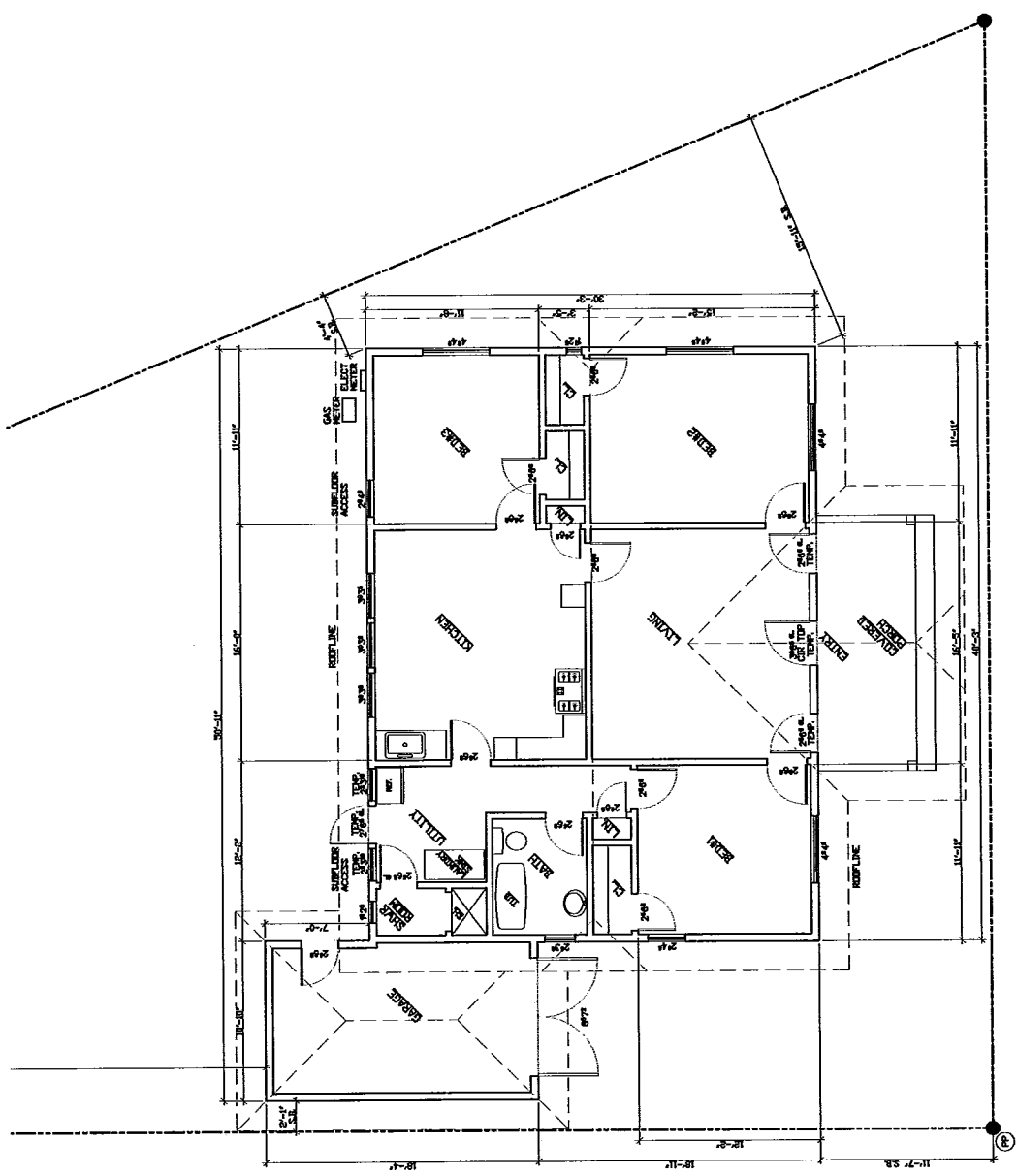
LOT SIZE = 5,437 SQ. FT.  
TOTAL STRUCTURES = 1,918 SQ. FT.  
= 35% F.A.R.

EXISTING  
LIVING = 1,218 SQ. FT.  
GARAGE = 197 SQ. FT.  
TOTAL = 1,415 SQ. FT.

PROPOSED  
LIVING = 1,498 SQ. FT.  
GARAGE = 420 SQ. FT.  
TOTAL PROPOSED = 1,918 SQ. FT.



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



FLOOR PLAN

BRUZZONE RESIDENCE  
116 GRAND AVE.  
CAPITOLA, CA 95010

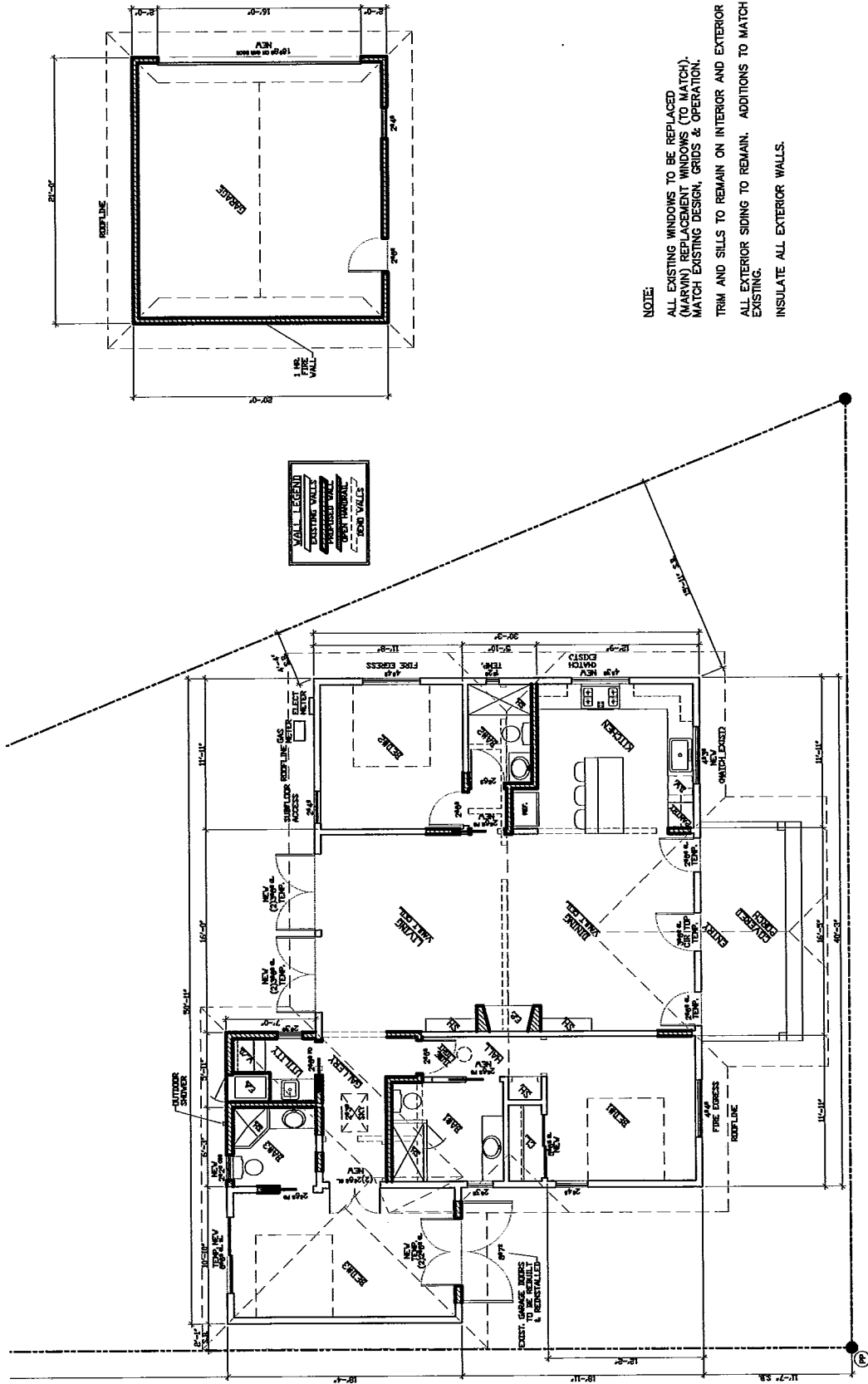
DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING

718 S GERRARD AV. - GERRARD, ON M5C 1S6  
416-491-8888

PROPOSED  
FLOORPLAN

CS  
1/4"=1'-0"  
GRAND  
02/21/13

4



**NOTE:**  
ALL EXISTING WINDOWS TO BE REPLACED  
(MARVIN) REPLACEMENT WINDOWS (TO MATCH).  
MATCH EXISTING DESIGN, GRIDS & OPERATION.  
TRIM AND SILLS TO REMAIN ON INTERIOR AND EXTERIOR  
ALL EXTERIOR SIDING TO REMAIN. ADDITIONS TO MATCH  
EXISTING.  
INSULATE ALL EXTERIOR WALLS.

FLOOR PLAN

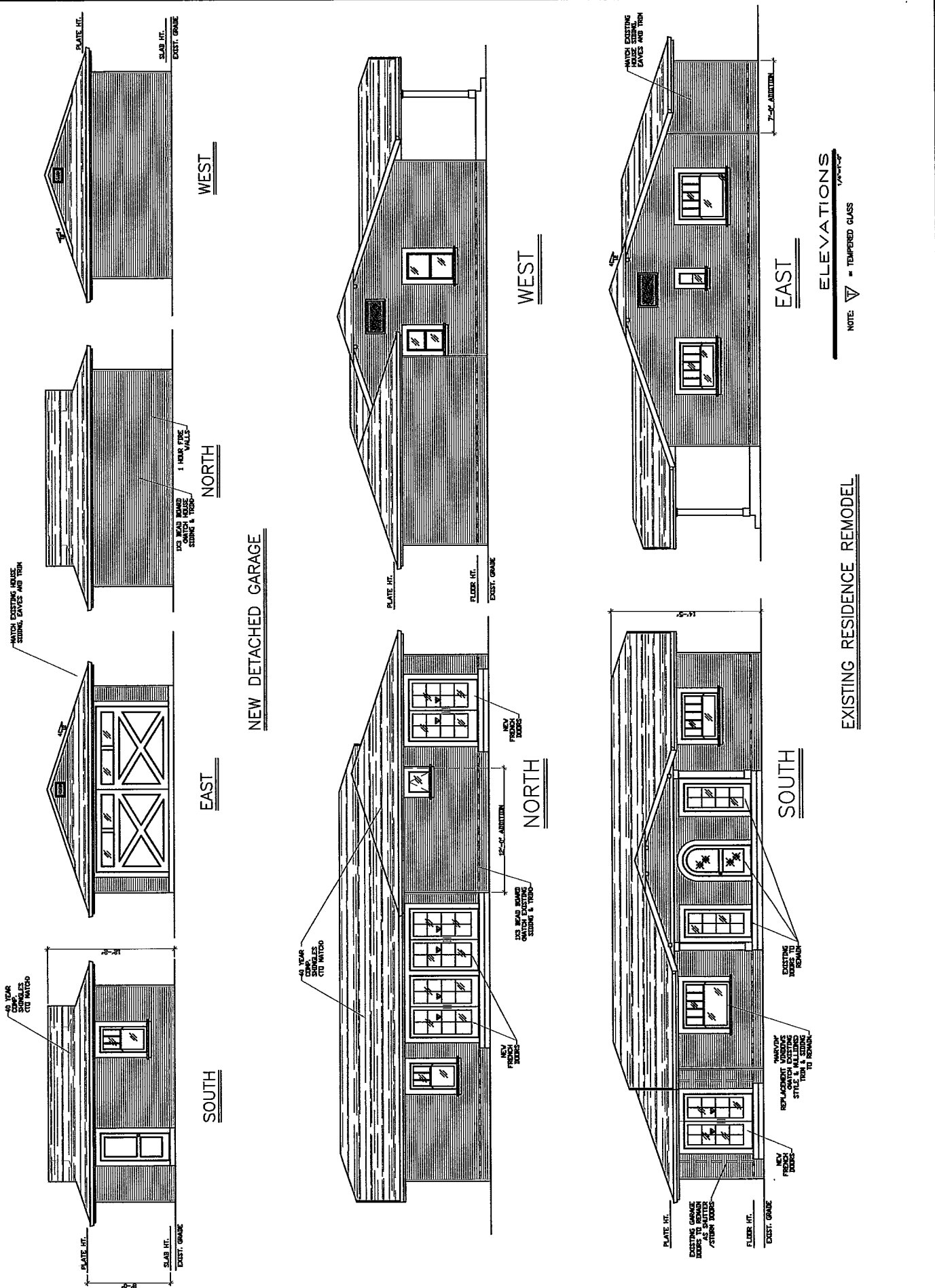
ELEVATIONS

BRUZZONE RESIDENCE  
116 GRAND AVE.  
CAPITOLA, CA 95010  
APN 036-112-11

DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING  
718 S. GERRARD ST. ORANGE, CA 92668 - 951-209-2000

LEVIN & BERRY BUILDING  
CORPORATION  
2500 S. GERRARD ST. ORANGE, CA 92668  
714-938-0343

1/4" = 1'-0"  
GRA  
08/17/19  
5



NEW DETACHED GARAGE

EXISTING RESIDENCE REMODEL

ELEVATIONS  
NOTE: ▽ = TEMPERED GLASS

BRUZZONE RESIDENCE  
 116 GRAND AVE.  
 CAPITOLA, CA 95010  
 APN 036-112-11

DENNIS NORTON  
 PROJECT PLANNING  
 CIVIL ENGINEER  
 1710 G STREET, N. OAKLAND, CA 94612

LANDSCAPE PLAN

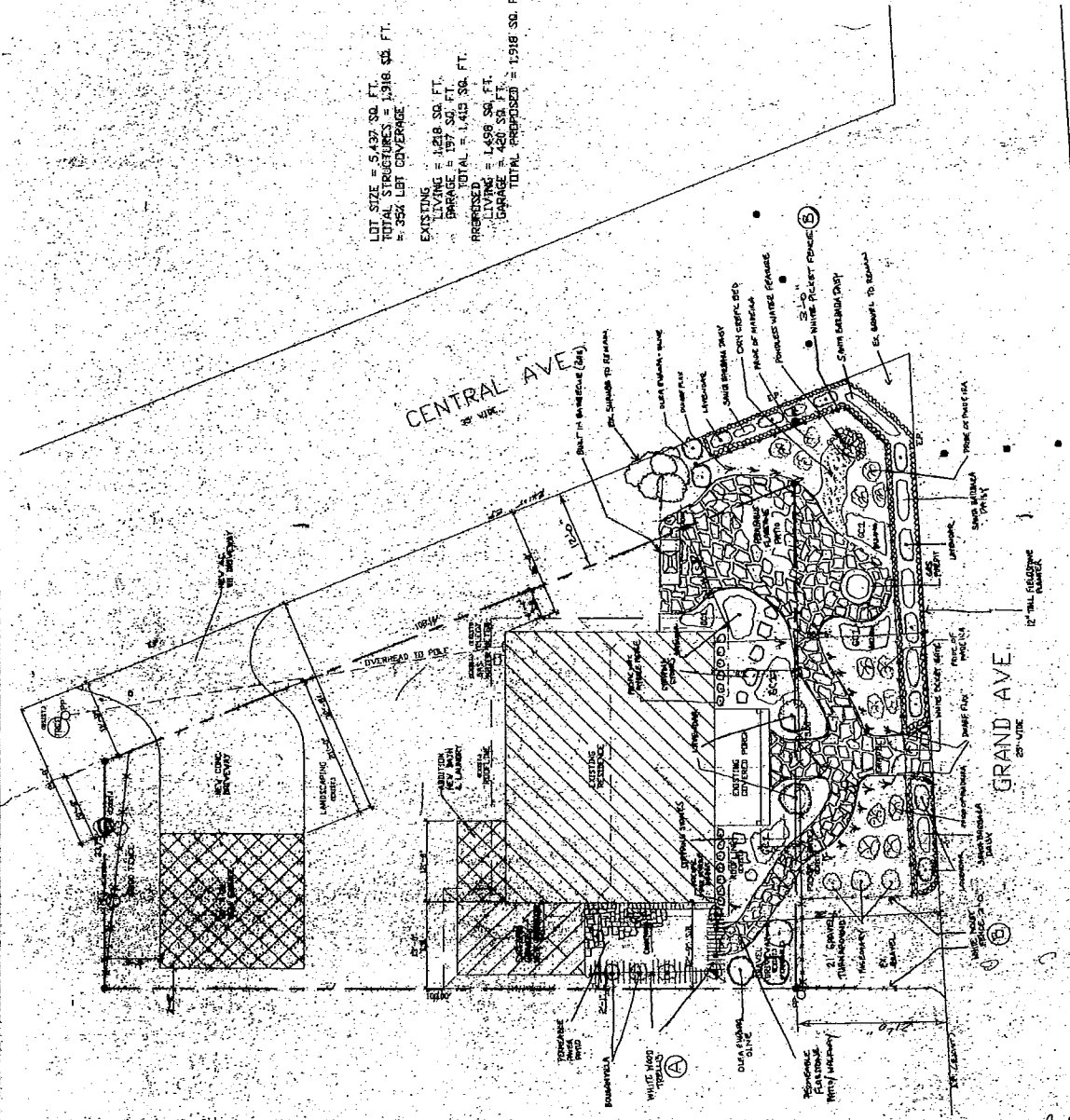
DATE: 07/15/13  
 SHEET: GRAND  
 SCALE: 1/8" = 1'-0"



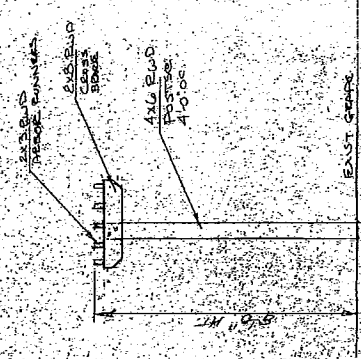
LOT SIZE = 5,431 SQ. FT.  
 TOTAL STRUCTURES = 1,918 SQ. FT.  
 ± 35% LET COVERAGE

EXISTING  
 LIVING = 1,428 SQ. FT.  
 GARAGE = 197 SQ. FT.  
 TOTAL = 1,625 SQ. FT.

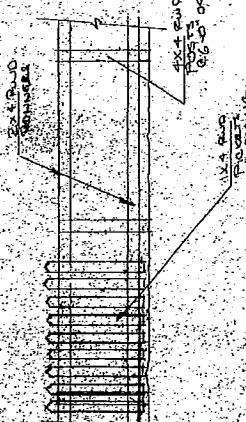
PROPOSED  
 LIVING = 1,458 SQ. FT.  
 GARAGE = 420 SQ. FT.  
 TOTAL PROPOSED = 1,918 SQ. FT.



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



A FENCE DETAIL  
 PAINT WHITE



B 3" PICKET FENCE  
 PAINT WHITE



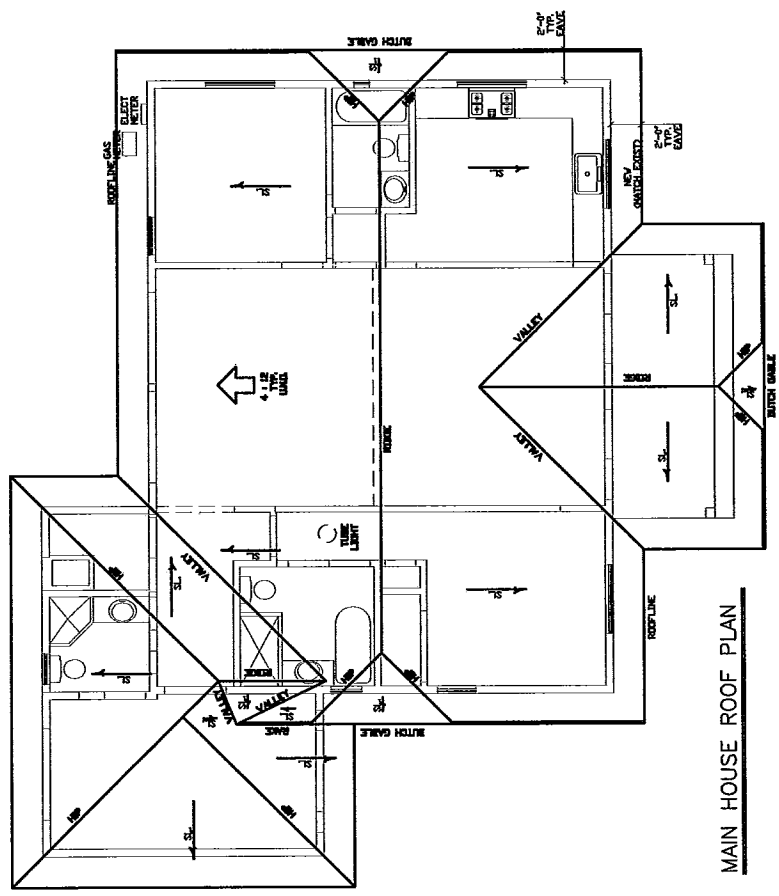
ROOF PLAN

DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING

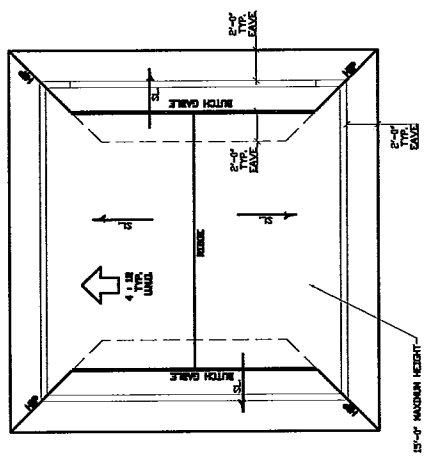
713 S. CENTRAL AVE., ORANGE, CA 92668 - 949 493 2995

BRUZZONE RESIDENCE  
116 GRAND AVE.  
CAPITOLA, CA 95010  
APN 036-112-11

SCALE: 1/8" = 1'-0"  
DATE: 01/10/11  
BY: D.N.

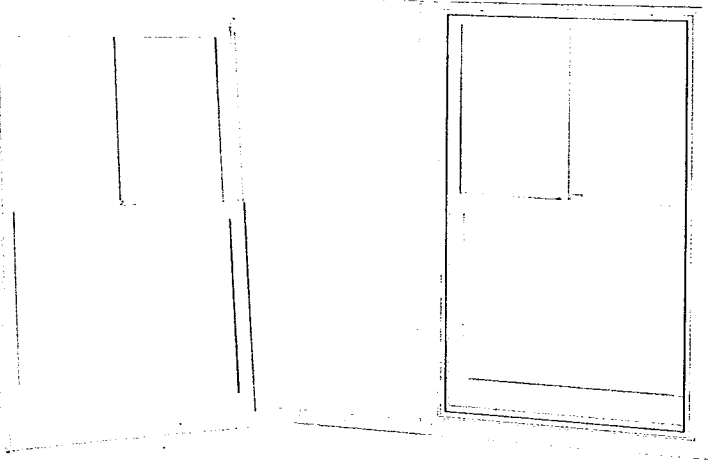


MAIN HOUSE ROOF PLAN



DETACHED GARAGE ROOF PLAN

ROOF PLAN  
1/8" = 1'-0"



INTERIOR

EXTERIOR

These are only a few designs for divided lites. Please see options section or Marvin.com for more possibilities.

DESIGN POSSIBILITIES

REVIVE THE BEAUTY WHEN YOU REPLACE THE WINDOW.

With the Ultimate Insert Double Hung replacement window you have a beautiful alternative to vinyl replacement windows. There's no need to take out the current frame, remove trim or replace wallpaper. The frame-in-frame design is crafted specifically to your window opening so it fits perfectly into the existing space. Options like a flat frame or frame bevels ensure a snug fit. The sash even tilts or comes out for easy cleaning so there's less work and more time to enjoy the scenery. And Marvin® Windows and Doors' vast array of hardware finishes, wood species and clad colors means you'll get the exact look you want.

STANDARD FEATURES

- One-lite LoE<sup>2</sup>-272" with Argon insulating glass
- Satin Taupe sash lock
- Bare wood interior
- All wood exterior (wood units)
- Extruded aluminum clad exterior (clad units)
- 4 9/16" (116 mm) jambs (wood units)
- 3 1/4" (82.5 mm) jambs (clad units)
- Installation hardware

HARDWARE

SASH LOCK

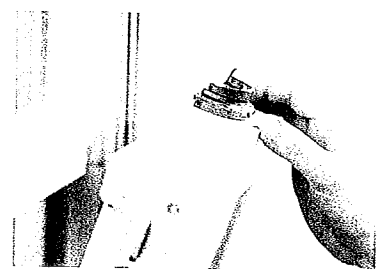


SASH LIFT



(optional)

DETAILS

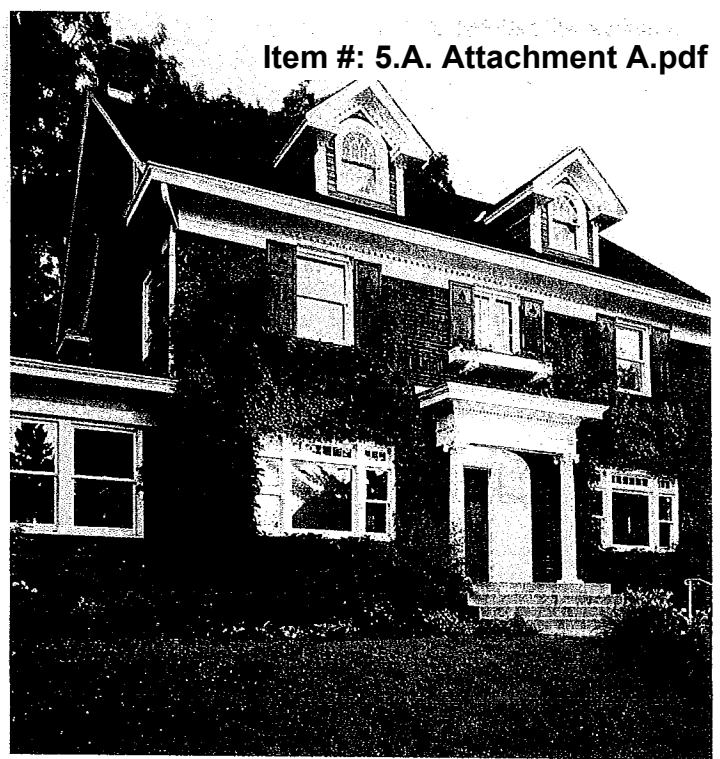


TILTING SASH

The hardware easily operates with one hand so hard to clean areas become accessible with the tilt feature.



TILT PAC® DOUBLE HUNG KIT



## THERE'S NEW LIFE FOR YOUR OLD WINDOWS.

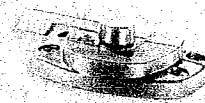
With the Marvin® Tilt Pac, replacing the sash on your double hung window is an exercise in simplicity. This sash replacement kit is designed specifically for replacing older double hung windows; the Tilt Pac is ideal if the frame is in good shape, but the sash or hardware need replacement. Both sash are fully operational and tilt in for easy cleaning. Create or match the lasting look you want with a variety of divided lites, screens, and hardware finishes. Everything you need is included so all it takes is just four simple installation steps and you'll be admiring the brand new, great looking, energy efficient windows you've been dreaming about.

### STANDARD FEATURES

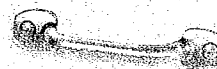
- One-lite LoE<sup>2</sup>-272<sup>®</sup> with Argon insulating glass
- Satin Taupe sash lock
- Bare wood interior
- All wood exterior (wood units)
- Extruded aluminum clad exterior (clad units)
- Installation hardware

### HARDWARE

SASH LOCK

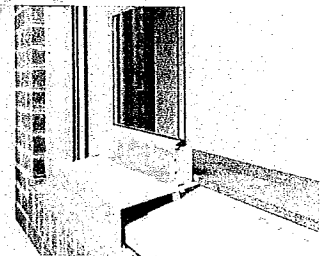


SASH LIFT



(optional)

DETAILS



### MAGNUM TILT PAC PANNING SYSTEM

For extra-large sizes, try the Magnum Tilt Pac. Optional Magnum Panning Systems cover weathered exterior sills and trim with a new exterior of low maintenance extruded aluminum panning. Panning is easy to assemble.

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116 GRAND AVENUE

$$\text{EXISTING HOUSE} = 1218 \times 150' = 182,700$$

$$\text{EXISTING GARAGE} = 197 \times 100' = 19,700$$

$$1415 \text{ sq ft} = 202,400$$

$$\text{EXIST. VALUE} = \$ 202,400$$

$$80\% \text{ OF EXIST VALUE} = 161,920$$

PROPOSED ADDITION = 23,000 sq ft

$$\text{GARAGE } 420 \text{ sq ft} \times 150' = \$ 63,000$$

$$\text{LIVING ADDITION } 84 \text{ sq ft} \times 250' = 21,000$$

$$\text{REMOVAL } = 60,000$$

$$\text{TOTAL IMPROVEMENTS} = 144,000$$

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 4, 2013

SUBJECT: **305 FANMAR WAY #13-026 APN: 035-161-14**  
 Coastal Permit and Design Permit to remodel an existing multi-story single-family house, including a first and second story addition in the RM-LM (Multi-Family Residence – Low Medium) Zoning District.  
 Environmental Determination: Categorical Exemption  
 This project requires a Coastal Permit which is not appealable to the California Coastal Commission.  
 Owner: Peter Wilk, filed: 2/19/13  
 Applicant: Derek Van Alstine

### APPLICANT'S PROPOSAL

The applicant is proposing to remodel the interior of the existing single family residence and construct additions on the first and second floors at 305 Fanmar Way in the RM-LM (Multiple Family-Low-Medium) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<b>STRUCTURAL DATA</b>				
<b>SETBACKS</b>		<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Yard</b>				
	1 <sup>st</sup> Story	15'	2'	n/a
	2 <sup>nd</sup> Story	20'	2'	24'
<b>Rear Yard</b>				
	1 <sup>st</sup> Story	16'	34'-6"	34'-6"
	2 <sup>nd</sup> Story	16'	34'-6"	32'
<b>Side Yard</b>				
	1 <sup>st</sup> Story	4'-6"	0' (left) 17' (right)	0'" (left) 17' (right)
	2 <sup>nd</sup> Story	6'-9"	0' (left) 14'-7 1/2" (right)	0' (left) 13'-1 1/2" (right)
<b>HEIGHT</b>				
		25' or 27' may be permitted with Planning Commission approval	17'-0"	27'-0"

<b><u>FLOOR AREA RATIO</u></b>	<b>Lot Size</b>	<b>MAX (55%)</b>	<b>Proposed (55%)</b>	
	3,600 sq. ft	1,980 sq. ft.	1,974 sq. ft	
	<b>Habitable Space</b>	<b>Garage</b>	<b>Decks</b>	<b>Total</b>
First Story	959 sq. ft.	210 sq. ft.	0 sq.ft.	1,169 sq. ft.
Second Story	805 sq ft.		257.50 sq. ft.	1,062.50 sq ft.
<b>TOTAL</b>	1,764 sq. ft.	210 sq. ft.	257.50 sq. ft.	1,974 sq. ft.
<b><u>PARKING</u></b>	<b>Existing</b>	<b>Required</b>	<b>Proposed</b>	
	1 covered space	2 off-street spaces, one of which must be covered	1 covered space 2 uncovered spaces	
Total	1 space	2 spaces	3 spaces	

**BACKGROUND**

On March 13, 2013, the Architectural and Site Review Committee reviewed the application.

- Public Works Director Steve Jesberg stated the driveway and parking area should be constructed of a porous paving material.
- City Architect Frank Phantom requested the site plan show the adjacent buildings with the window locations. He supported the proposal and removal of the basement unit.
- City Landscape Architect Susan Suddjian recommended removal of the juniper in the southern corner of the lot and drought tolerant landscaping in the parking areas.
- Building Inspector Brian VanSon supported removal of the basement kitchen and recommended any unpermitted plumbing and electrical be removed. The basement area is considered unconditioned space.
- Interim Senior Planner Danielle Uharriet requested construction costs to document that the project would not exceed the limitations required for improvement to a nonconforming structure, numerous corrections to the drawings, adequate room labels, removal of the illegal unit, and a landscape plan.

The applicant has addressed the concerns and changes suggested by the Architectural and Site Review Committee.

**DISCUSSION**

The subject property is a 3,600 square foot lot in the RM-LM (Multiple Family-Low –Medium) zoning district, but single family homes on a site in the R-M district shall be governed by the R-1 district standards.

The existing 1,466 square foot two-story house is proposed to be remodeled, with a 71 square foot first floor addition and a 443 second floor addition. The existing attached 210 square foot one car garage will remain as one covered on-site parking space. The 249 square foot lower level/basement area is an illegal unit with a full bath and kitchen. The bathroom will remain, but the kitchen will be removed as part of the proposed project. A mini bar/convenience area would not be allowed without an internal access within the residence. Finally, secondary dwelling units are not permitted in the R-M zoning district. A condition has been included to require a



PLANNING COMMISSION AGENDA REPORT: April 4, 2013 305 Fanmar Way

deed restriction be recorded prior to issuance of a building permit, limiting the use of the lower level/basement area.

The following is a summary of the proposed improvements:

- First floor 71 square foot living room, with fireplace, addition;
- Second floor remodel of a 443 square foot master bedroom with window seat, bathroom and closet addition;
- Modifying and raising the existing roof systems approximately 10'-0";
- New parking area, garbage and recycling area and upgraded landscaping along Fanmar Way.

The proposed improvements upgrade the existing home and site to be more consistent and compatible with the scale and mass of the surrounding neighborhood. The addition of a third on-site uncovered parking space and improved parking area is a benefit to the neighborhood and upgrades the front yard area with landscaping.

#### Nonconforming

The structure is legal nonconforming due to not meeting current front and first floor side yard setbacks. Per 17.72.070, structural alterations to nonconforming structures are limited to 80% of the present fair market value of the structure. The applicant has provided a construction cost breakdown (Attachment B) that demonstrates how the proposed project will not exceed 80% of the present fair market value of the structure. The Building Official has reviewed the calculations and determined them to be accurate. The new additions to the residence meet the current R-1 district development standards.

#### Building Height

Per Section 17.15.080, the maximum building height is 25', although a 27' height limit may be permitted by the planning commission for half-story designs and buildings that use historic design elements which meet the applicable side and rear setback standards.

Building height is defined as the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge or parapet wall. Assumed ground surface is defined as a line on each elevation of an exterior wall or vertical surface which connect those points where the perimeter of the structure meets the finished grade.

The existing building height is 17'-0" and the proposed building height is 27'-0". The proposed second floor addition utilizes traditional design elements to create a consistent building line along the west elevation and that exceed the required side yard setback standards.

#### CEQA REVIEW

Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves remodel of an existing single-family residence in the R-1 (Single Family Residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project

#### RECOMMENDATION

Staff recommends that the Planning Commission approve application #13-026, subject to the following conditions and based upon the following findings:

**CONDITIONS**

1. The project approval is to remodel and construct a one-story and two-story additions to an existing two-story single-family residence at 305 Fanmar Way in the R-1 (Single Family Residence) zoning district.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. An encroachment permit shall be acquired for any work performed in the right-of-way.
5. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
6. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
7. Prior to issuance of a building permit, the property owner shall enter into and record a deed restriction limiting the use of the lower level/basement area.
8. Prior to final occupancy, the kitchen in the lower level/basement area shall be removed. All electrical and plumbing, including any gas line, shall be removed to the satisfaction of the Building Official.
9. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

**FINDINGS**

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

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

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

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

PLANNING COMMISSION AGENDA REPORT: April 4, 2013 305 Fanmar Way

- 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 the remodel of an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts alterations to existing single-family residences in a residential zone.

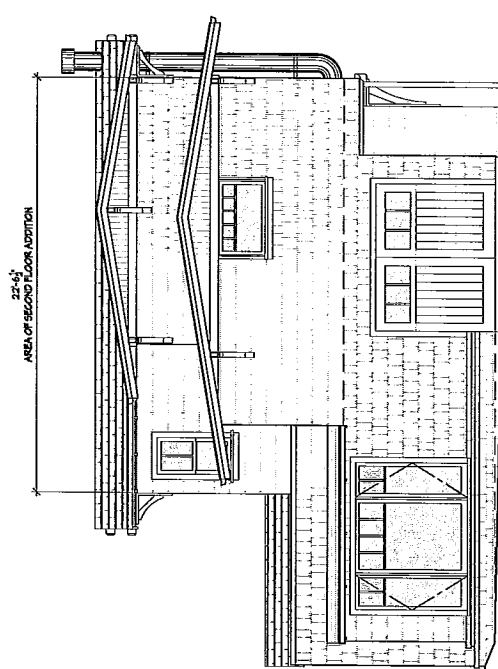
**ATTACHMENTS**

- A. Project Plans
- B. Construction Cost Breakdown

**Report Prepared By: Danielle Uharriet  
Interim Senior Planner**

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# WILK RESIDENCE



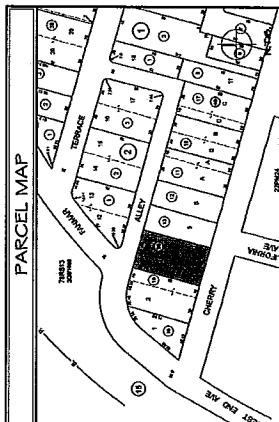
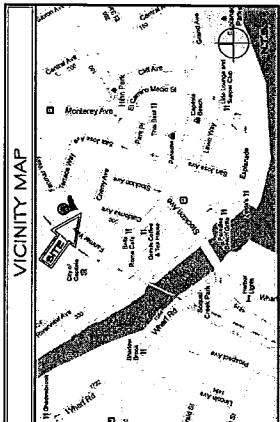
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
716 SQUILL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA  
(310) 254-6000 PHONE (310) 254-6854 FAX

DVRD  
REGISTERED  
ARCHITECT  
ALL RIGHTS RESERVED

WILK RESIDENCE  
305 FANMAR WAY  
CAPITOLA, CA 95010

098-1611-14  
SHEETS  
NOV-29-11  
SCHEDULED WORK  
DESIGN DEVELOPMENT  
750-92-3273  
CANNING SUBMITTAL  
750-12-7773

Item #: 5.B. Attachment A.pdf  
TITLE SHEET



### BUILDING INFORMATION SUMMARY

508 SQUARE FOOT ADDITION TO AN EXISTING 1,466 SQUARE FOOT SINGLE FAMILY DWELLING WITH ATTACHED GARAGE AND BASEMENT.  
305 FANMAR WAY  
CAPITOLA, CA 95010

PROJECT DESCRIPTION:	098-1611-14
PROJECT ADDRESS:	R4-M
FARCEL NUMBER:	FRONT YARD 15'-0"
OCCUPANCY TYPE:	20'-0"
SETBACK INFORMATION:	REAR YARD 16'-0"
FIRST FLOOR:	4'-6"
SECOND FLOOR:	6'-9"
LOT AREA:	3,600 SQ.FT.
PROPOSED FLOOR AREA:	EXISTING 210 SQ.FT. AND CHANGE 65 SQ.FT.
GARAGE:	994 SQ.FT.
FIRST FLOOR AREA:	862 SQ.FT.
SECOND FLOOR AREA:	1,374 SQ.FT.
TOTAL FLOOR AREA:	55%
FLOOR AREA RATIO:	55%
F.A.R. PERMITTED:	

PARKING (PROVIDED):  
I COVERED AND I UNCOVERED

CODE NOTE:  
THESE PLANS CONFORM TO THE 2010 CALIFORNIA RESIDENTIAL BUILDING CODE (CBC) AND THE 2006 CALIFORNIA MECHANICAL, PLUMBING AND ELECTRICAL CODE (CMPC) AS AMENDED BY THE STATE OF CALIFORNIA.

### CONTACTS

OWNER:  
PETER WILK  
2035 CEDRON AVE  
CAPITOLA, CA 95010  
(310) 372-3760

PROJECT DESIGNER:  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN, INC.  
305 FANMAR WAY  
CAPITOLA, CA 95010  
PH: (310) 426-0400  
dvanal@wilkalstine.com

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DEREK VAN ALSTINE

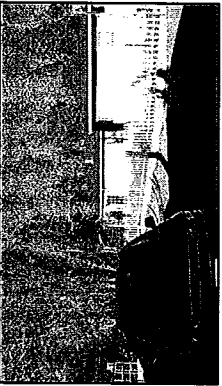
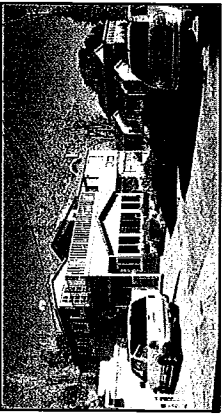
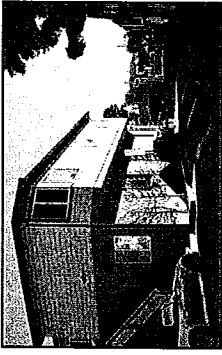
DVRD  
DESIGN REVIEW  
APPROVAL

WILK RESIDENCE  
305 FANMAR WAY  
CAPITOLA, CA 95010

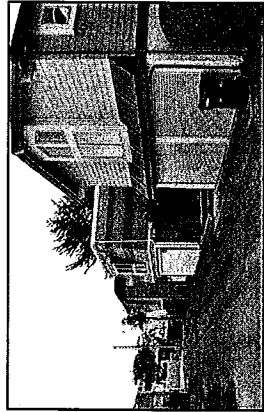
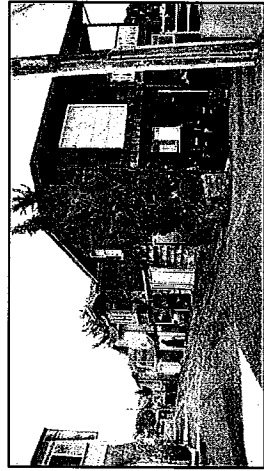
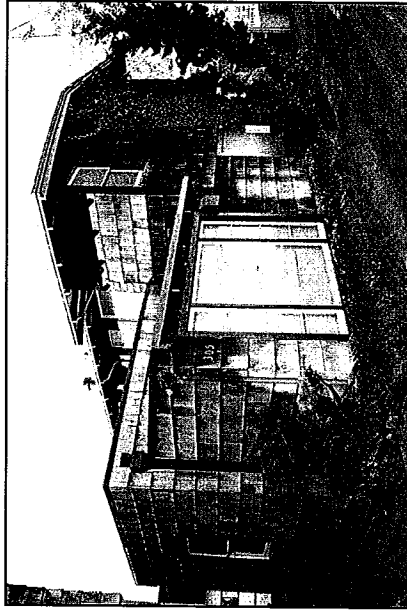
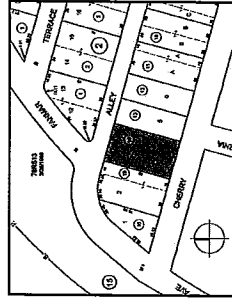
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STREETSCOPE

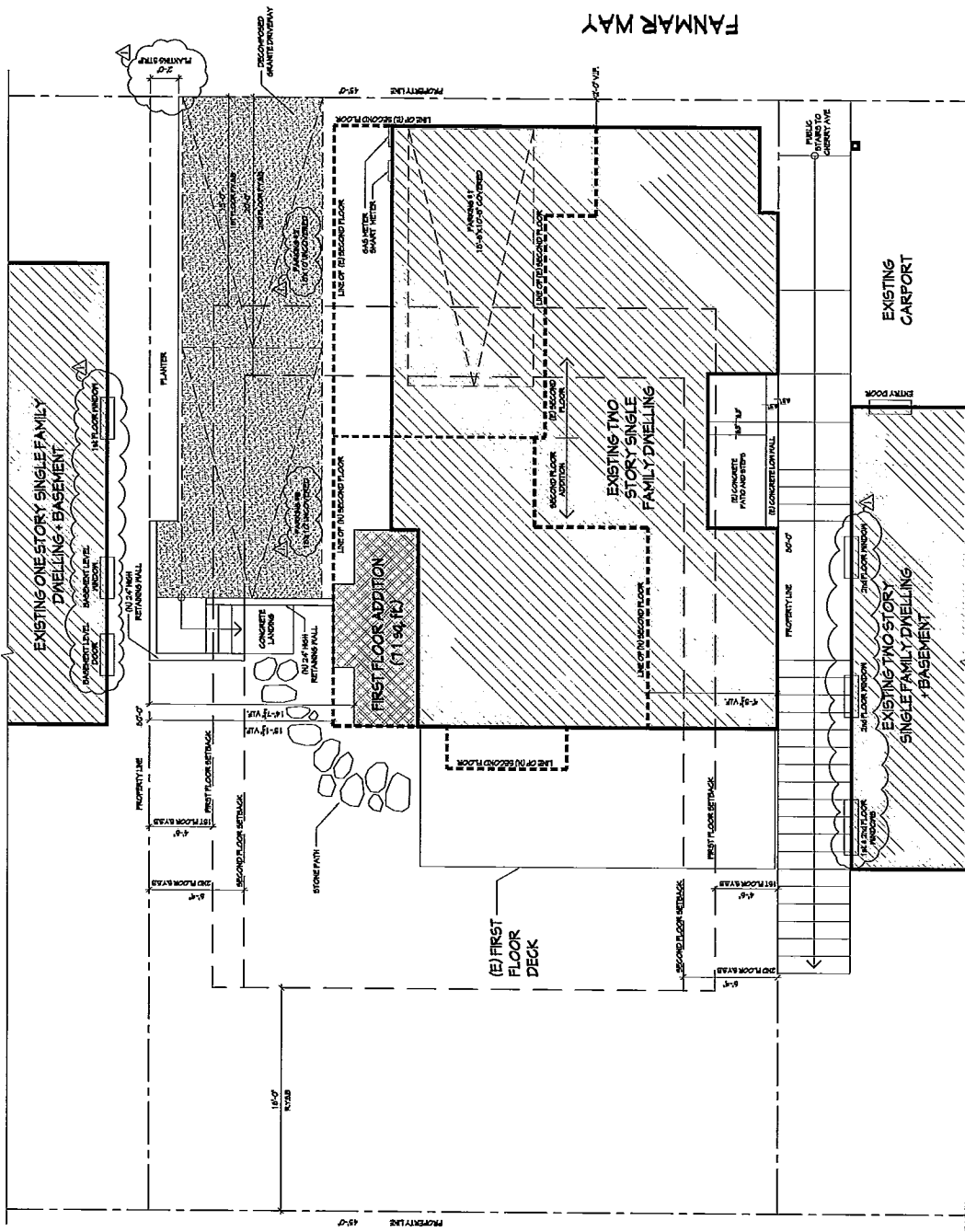
T2



1 STREETSCOPE - NORTH

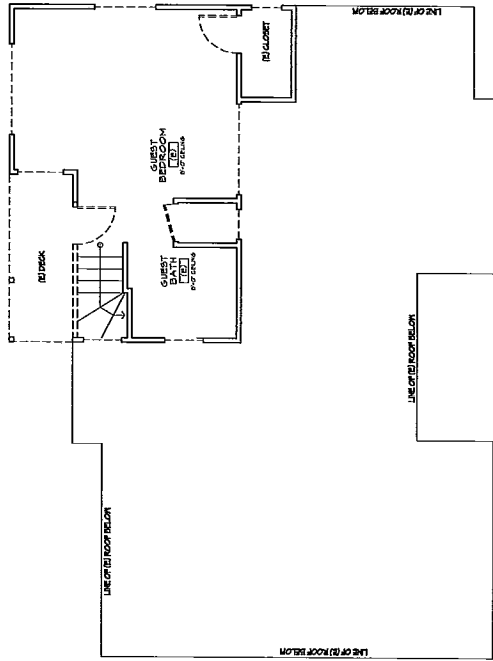


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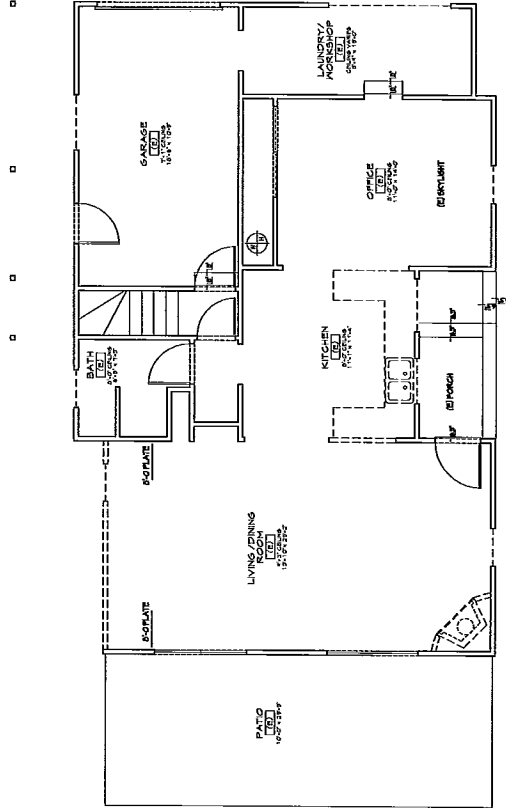


1 SITE PLAN  
SCALE 1/4" = 1'-0"

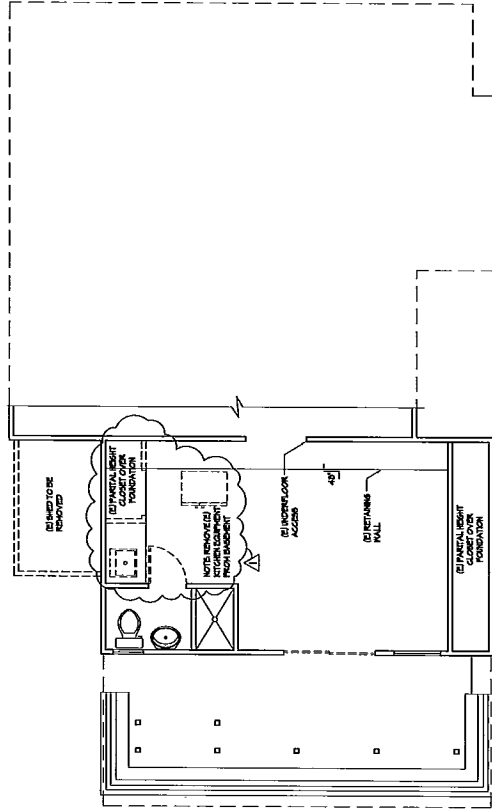
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PERMITS-07-13	
PLANNING DEPARTMENT	NOV-07-13
CONTRACTOR	
ISSUING DEPARTMENT	
ISSUING RESPONSE	
DATE	03-16-14
ISSUING RESPONSE	



3 EXISTING SECOND FLOOR PLAN



2 EXISTING FIRST FLOOR PLAN



1 EXISTING BASEMENT PLAN

WALL LEGEND

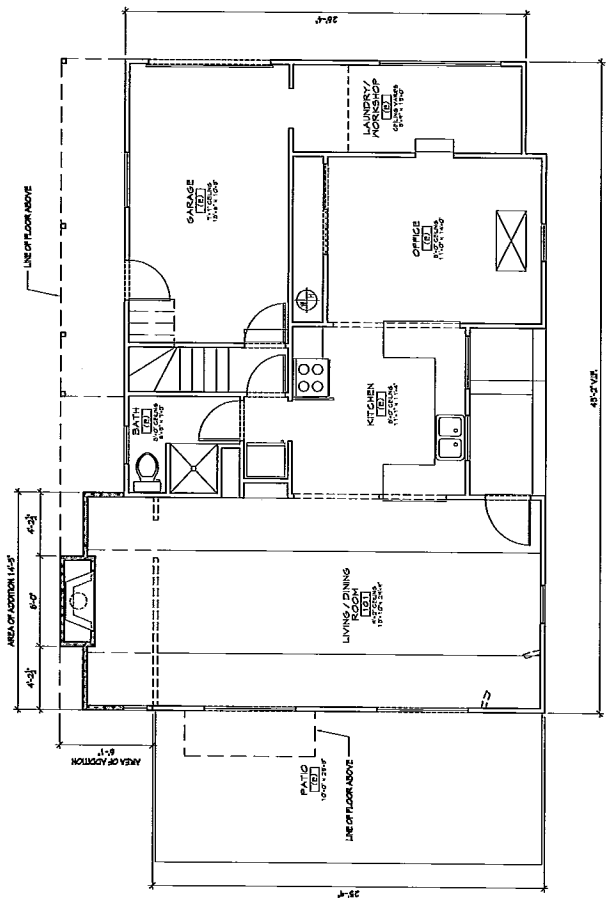
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[Symbol]	NEW 2x6 STUD WALL
[Symbol]	NEW FORM BLOCK WALL
[Symbol]	EXISTING WALLS TO BE REMOVED
[Symbol]	EXISTING WALLS TO REMAIN



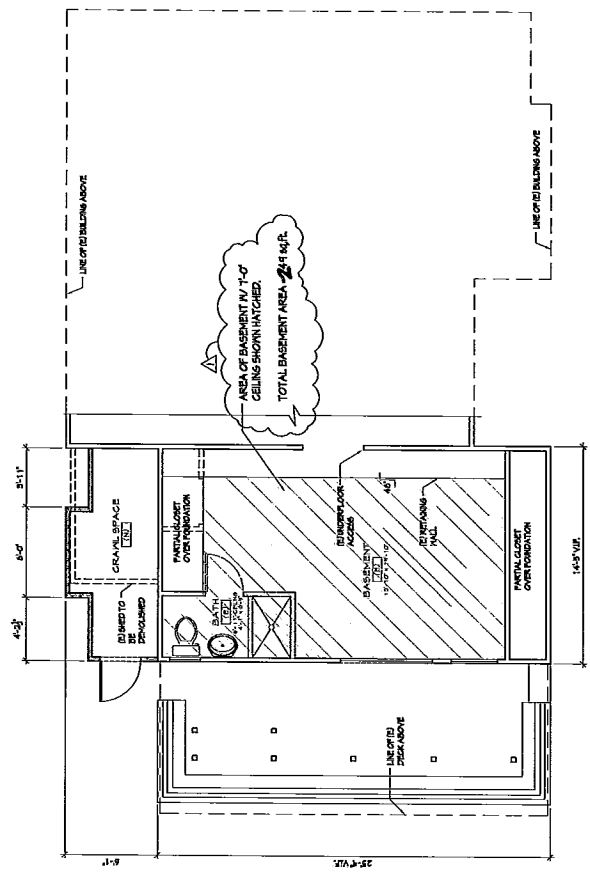
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22-04-02-03-00	
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7-05-05-02-03	
PLANNING SUBMITTAL	
PERMITS	NOV-12-07-13
CONSTRUCTION	
DATE	
BY	
APP'D	

**WALL LEGEND**

[Symbol]	NEW 2x4 STUD WALL
[Symbol]	NEW 2x6 STUD WALL
[Symbol]	NEW 2x8 STUD WALL
[Symbol]	NEW FOAM BLOCK WALL
[Symbol]	EXISTING WALLS TO BE REMOVED
[Symbol]	EXISTING WALLS TO REMAIN



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



1 PROPOSED BASEMENT PLAN  
SCALE: 1/4" = 1'-0"

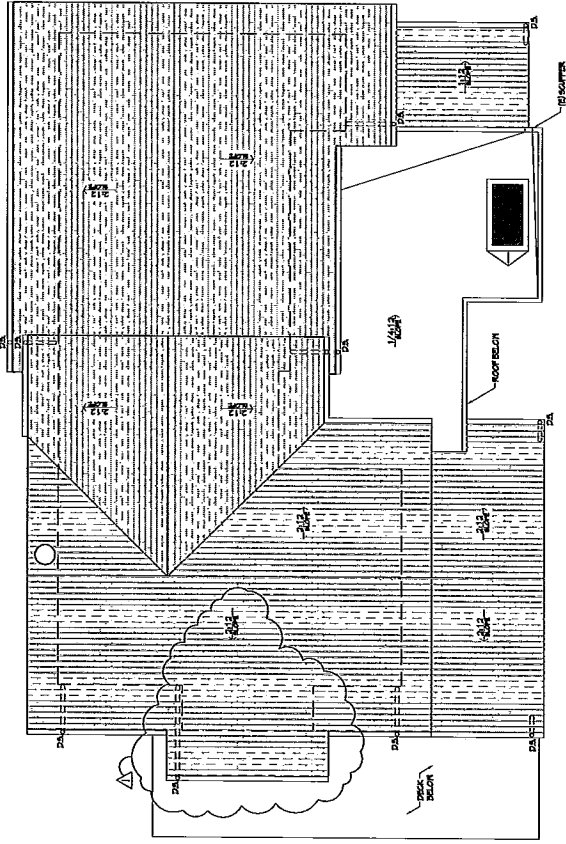
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 1000  
 1000  
 1000

WILK RESIDENCE  
 305 FANMAR WAY  
 CAPTOLA, CA 95010

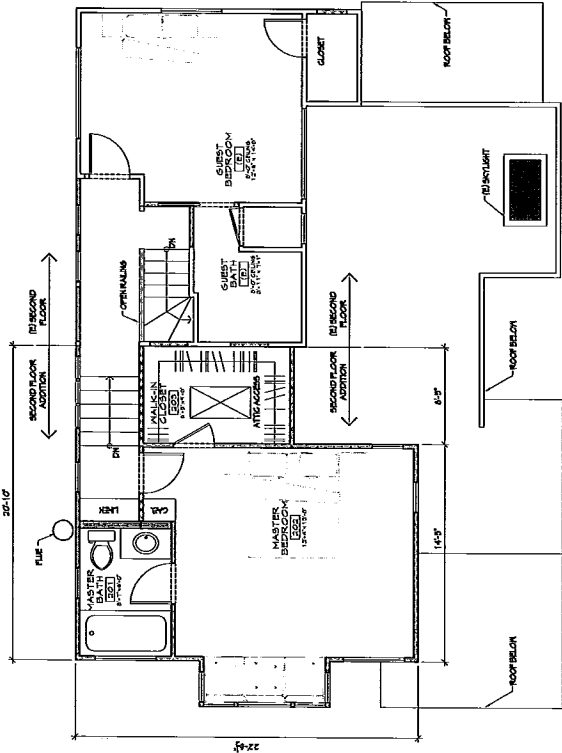
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DATE DESCRIPTION		
SCHEMATIC DESIGN		
CONSTRUCTION		
PERMITS		
PLANNING SUBMITTAL		
ENGINEERING SUBMITTAL		
PERMITS		
CONSTRUCTION RESPONSE		

SECOND FLOOR  
 & ROOF PLAN

A4



4 PROPOSED ROOF PLAN  
 SCALE 1/4"=1'-0"

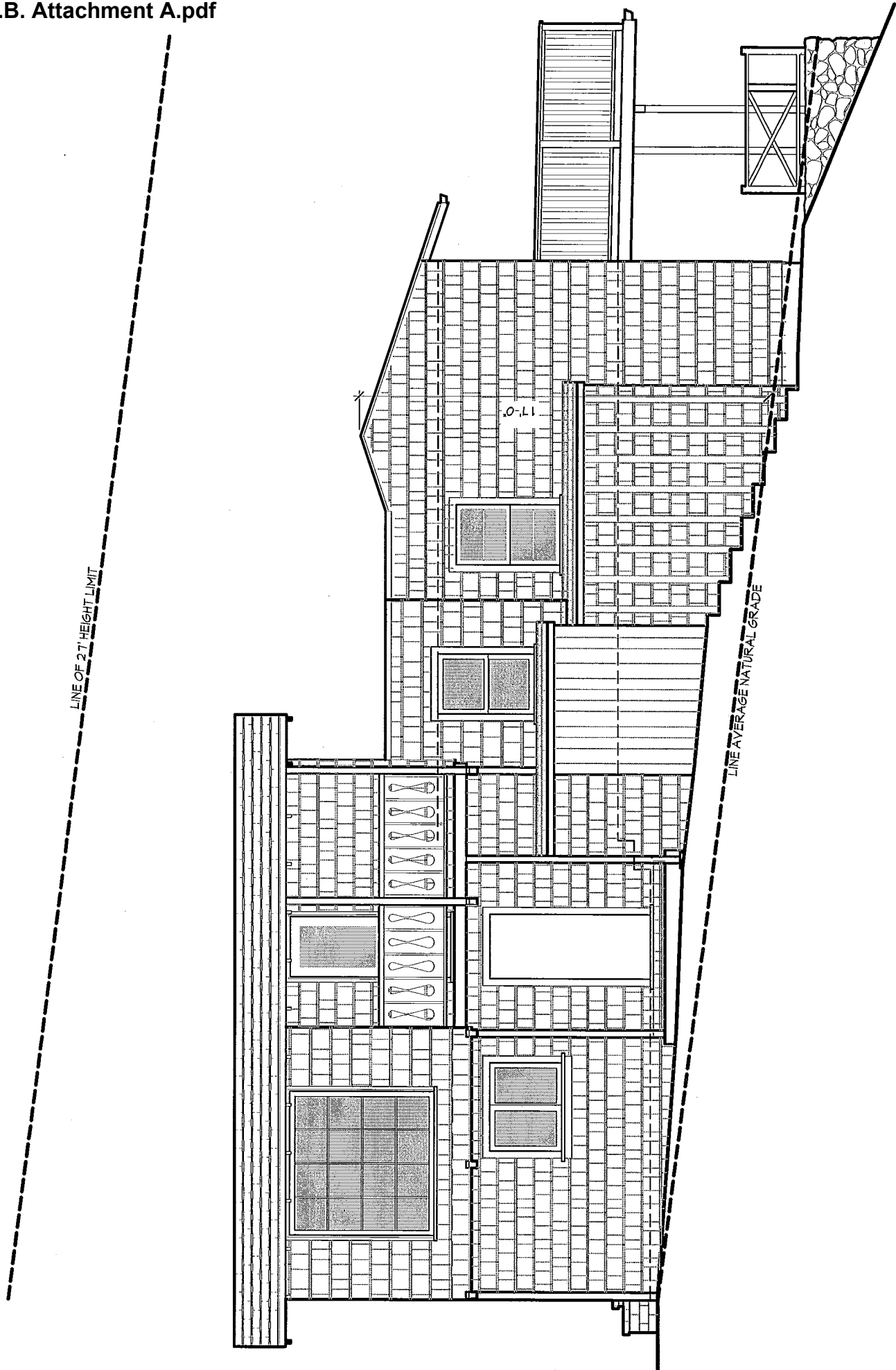


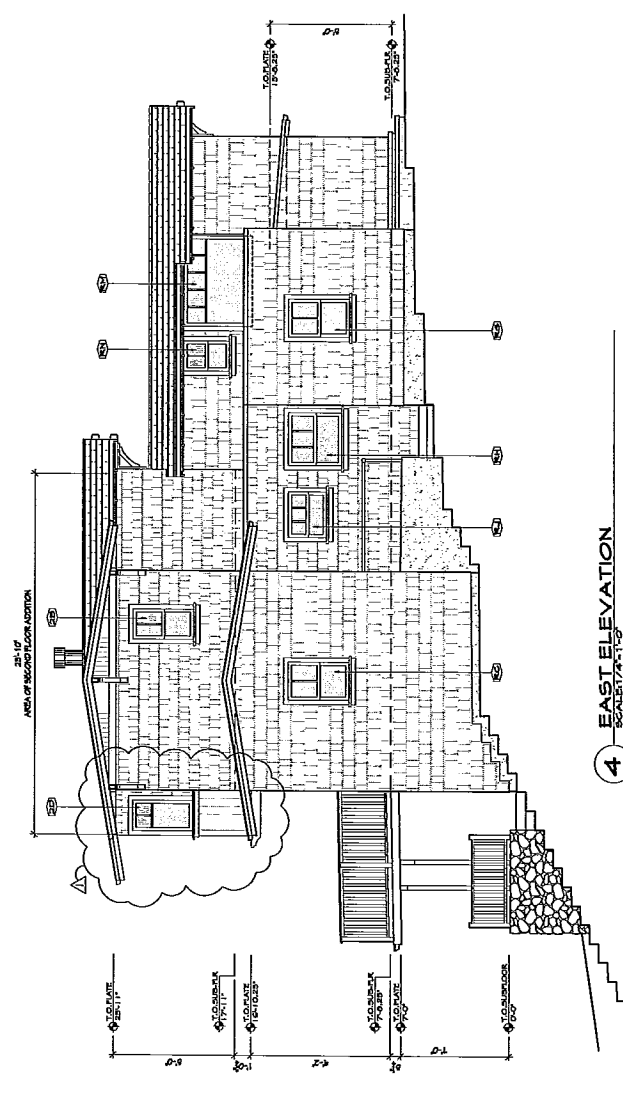
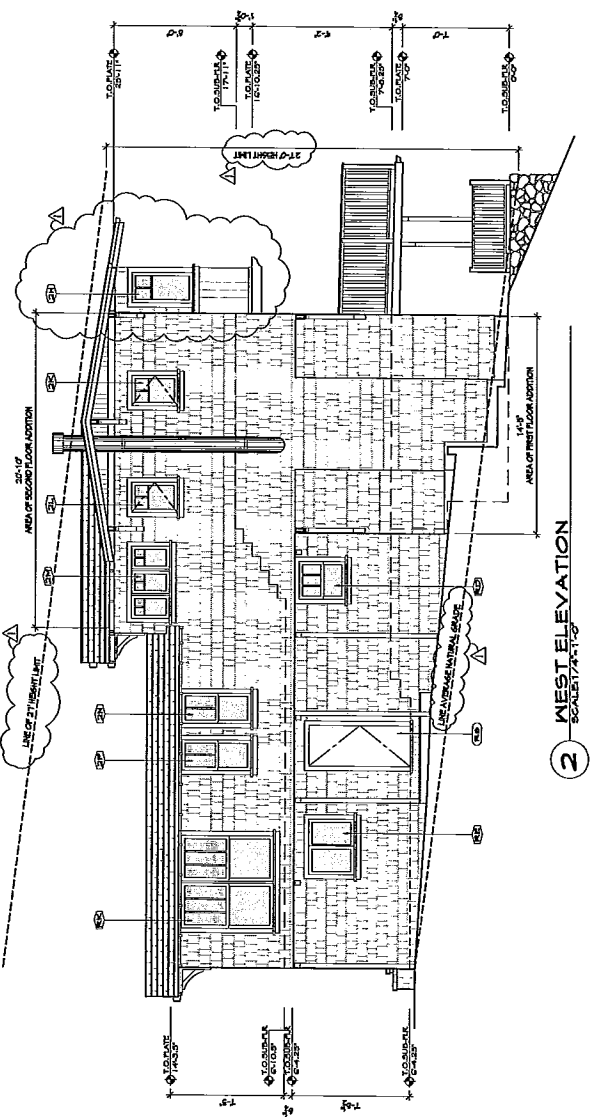
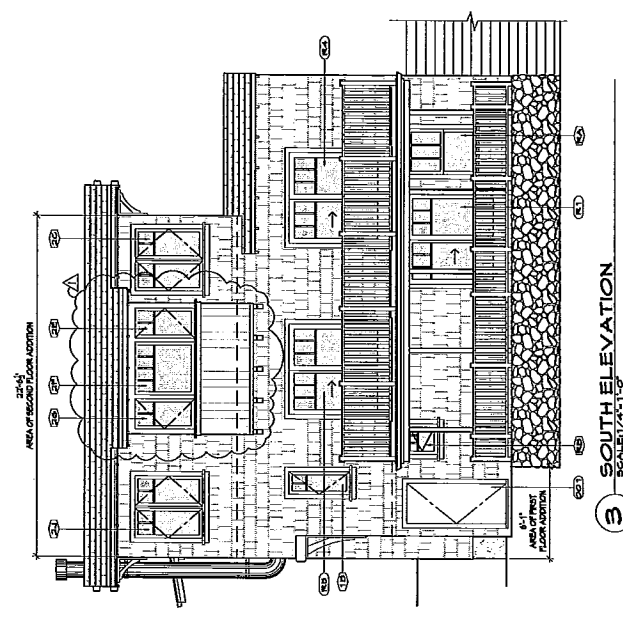
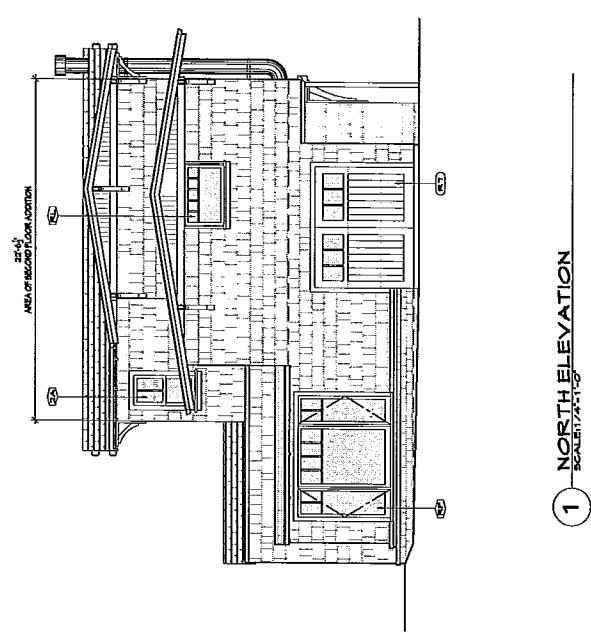
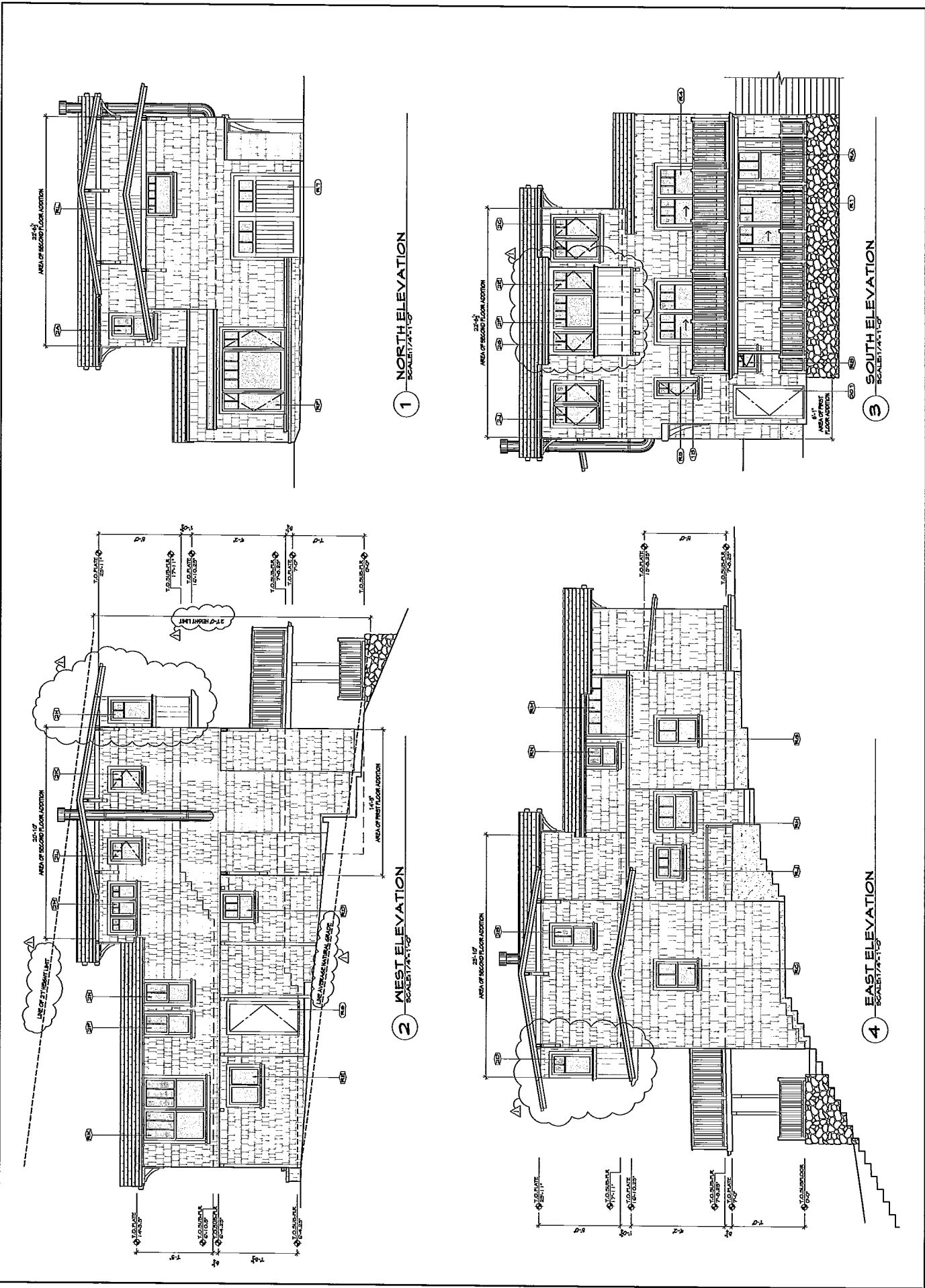
3 PROPOSED SECOND FLOOR PLAN  
 SCALE 1/4"=1'-0"

WALL LEGEND

- NEW 2x4 STUD WALL
- NEW 2x6 STUD WALL
- NEW 2x4 BLOCK WALL
- EXISTING WALL TO BE REMOVED
- EXISTING WALL TO REMAIN

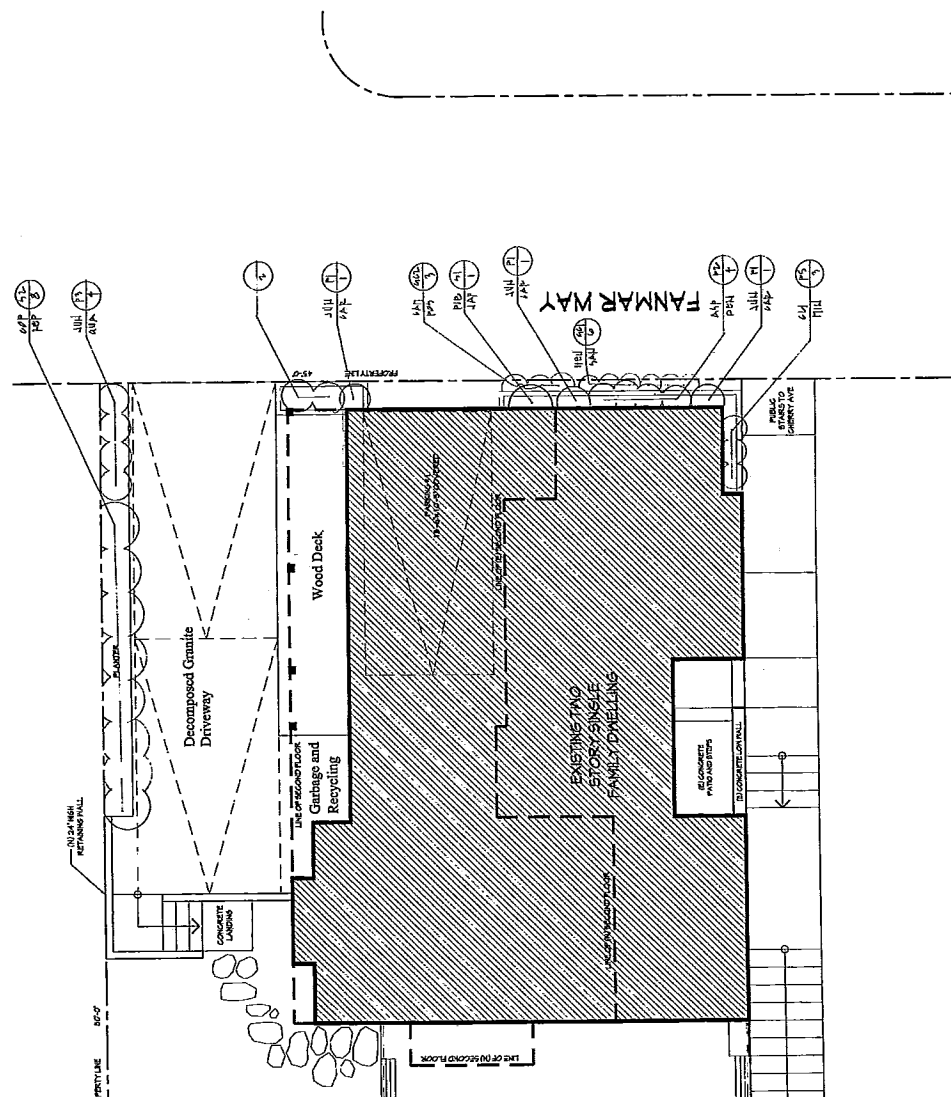






**Plant Legend**

Botanical Name	Common Name	Site	Quan
S1 <i>Pennisetum</i>	Red	SSC	1
S2 <i>Cyperus rotundus</i>	Red	SSC	6
P1 <i>Juniperus chinensis</i>	California Juniper	16C	3'
P2 <i>Asparagus densiflorus</i>	Heaven Asparagus	16C	4
P3 <i>Juniperus procumbens</i>	California Juniper	16C	4
P5 <i>Chamaecyparis</i>	Kenilworth	16C	3
G1 <i>Veronica</i>	Common Verbena	16C	6
G2 <i>Chamaecyparis</i>	Seaside Juniper	16C	3



**1 LANDSCAPE PLAN**

**Planting Notes**

- Remove soil as required to accommodate soil amendments and drains
- Cultivate and planting areas to a minimum of 6".
- After the completion of all grading and underground construction, all planting areas shall be covered with a minimum of 2" of mulch with positive drainage per manufacturer's instructions to discourage snakes or animals.
- Existing plants to be saved shall be protected from injury.
- No staking of plants or materials to be saved shall be located within the drip zone.

**QUALITY OF PLANT MATERIALS**

- All plant material shall be nursery grown, healthy and free from disease and pests.
- Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no additional cost to the owner.
- Plants shall be protected from drying out, wind burn and injury during handling.

**INSTALLATION**

- Planting holes shall be as deep as the root ball and 3 times the width of the root ball.
- Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, aged chicken manure or other approved materials.
- All planting areas shall be mulched with 2" of mulch, 1/4" thick or other.
- All trees shall be staked with 1, 2" x 10' lodge pole pine tree stakes placed outside the root ball and secured with two rubber tree ties.



ASPHALT SHINGLE ROOF  
BARKWOOD BY GAF



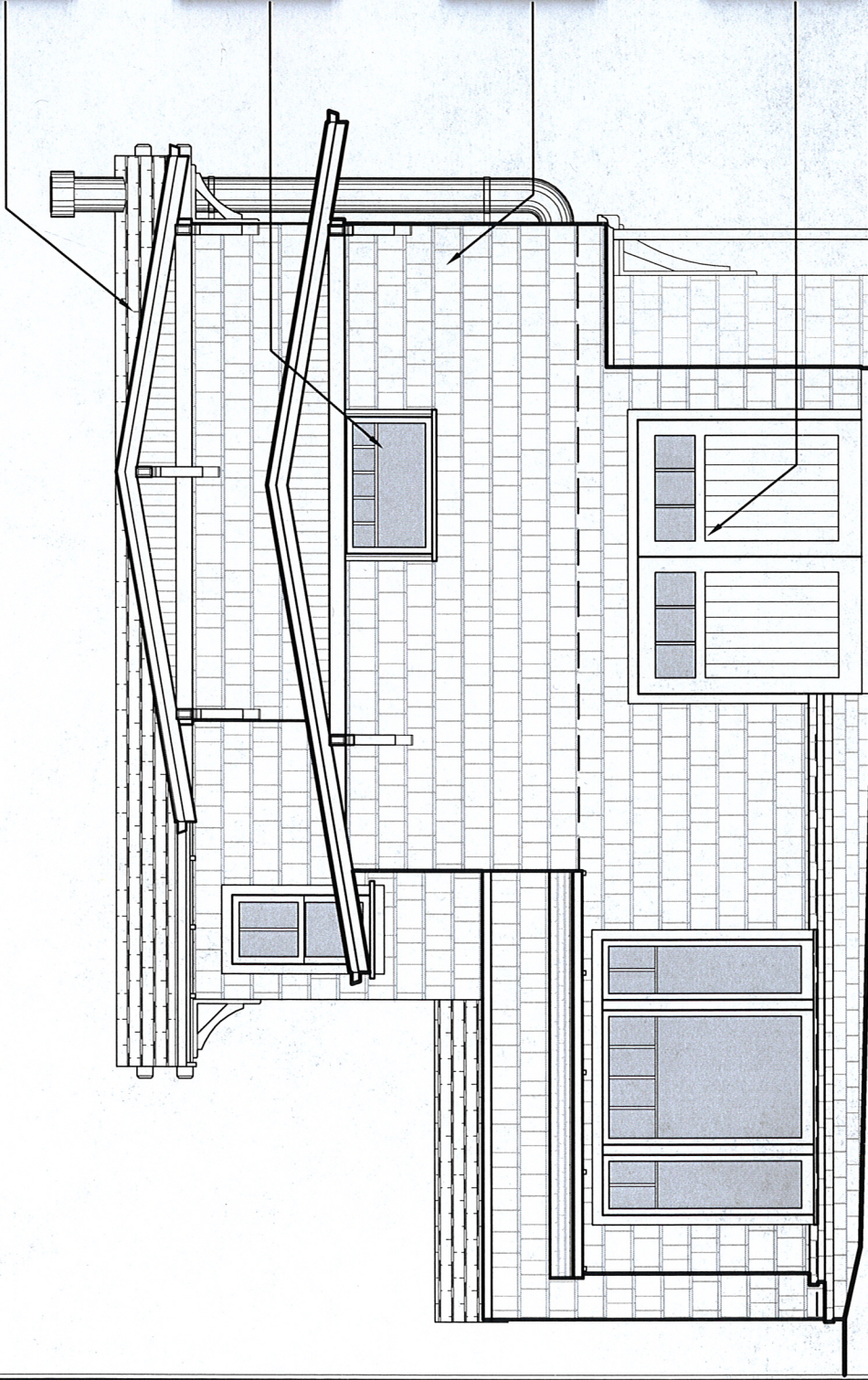
WINDOWS & DOORS  
JELD WEN VINYL  
B. MOORE: COTTAGE RED (CLASSIC COLORS)



SHINGLES  
SHINGLES BY JAMES HARDIE  
B. MOORE: HC-100 GLAUCESTER SAGE



TRIMWORK & WOODWORK  
PAINTED WOOD  
B. MOORE: HC-101 HAMPSHIRE GRAY



WILK ADDITION  
305 FANMAR WAY, CAPITOLA, CA 95010  
APN: 035-161-14

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DESIGNER  
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DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
716A SOQUEL AVENUE, SANTA CRUZ, CALIFORNIA  
(817)466-4400 PHONE (817)466-4466 FAX

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# D E R E K V A N A L S T I N E R E S I D E N T I A L D E S I G N , I N C .

March 15, 2013

Planning Department  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: Construction Cost Breakdown  
305 Fanmar Way  
APN: 035-161-14

Existing residence:	1,256 square feet	
	@ \$200.00/square foot	\$251,200.00
Existing garage:	210 square feet	
	@ \$100/square foot	\$21,000.00
Existing deck:	255 square feet	
	@ \$12.00/square foot	\$3,060.00
	<u>Total Existing Value:</u>	<u>\$275,260.00</u>
	<b>80% of Total Existing Value</b>	<b>\$220,208.00</b>
New Construction / Remodel Costs:		
Kitchen Remodel:	126 square feet	
	@ \$300.00 per sq.ft.	\$37,800.00
New Construction:	508 square feet	
	@ \$200.00 per sq.ft.	\$101,600.00
	<u>Total Construction / Remodel Cost:</u>	<u>\$139,400.00 (51%)</u>

716 SOQUEL AVE., STE A, SANTA CRUZ, CA 95062  
phone 831-426-8400 • 831-426-8446 fax

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