



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, April 5, 2018 – 7:00 PM**

Chairperson            Sam Storey  
Commissioners        Linda Smith  
                                 Ed Newman  
                                 TJ Welch  
                                 Susan Westman

- 1. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 2. NEW BUSINESS**
- 3. ORAL COMMUNICATIONS**

- A. Additions and Deletions to Agenda**
- B. Public Comments**

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

- C. Commission Comments**
- D. Staff Comments**

#### **4. APPROVAL OF MINUTES**

- A. Approval of draft March 1, 2018, Planning Commission minutes**
  - 1. Planning Commission - Regular Meeting - Mar 1, 2018 7:00 PM**

#### **5. CONSENT CALENDAR**

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

- A. 110 Hollister Avenue #18-0085 APN: 036-144-10**

Design Permit to demolish an existing, one-story single-family residence and construct a new two-story single-family residence in the R-1 Single-Family Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission.  
Environmental Determination: Categorical Exemption  
Property Owner: Lisa and Mark Garrigues  
Representative: Clark E Shultes

**6. PUBLIC HEARINGS**

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

**A. 1098 38th Avenue #18-0052 APN: 034-172-01**

Fence exception to permit a six-foot high fence in the front yard along the side property line and an eight-foot high solid fence on the side property line extending to the rear property line. This project is located in the RM-M (Multi-Family Medium Density) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption  
Property Owner: Central California Alliance for Health

**B. 1725 48th Avenue #17-0403 APN: 034-022-41**

Design Permit and Conditional Use Permit to convert an existing historic barn into an Accessory Dwelling Unit and build a new single car garage in the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption  
Property Owner: Michael and Elizabeth Adams  
Representative: Dennis Norton Filed: 10/10/17

**C. 4201 Capitola Road #17-0441 APN: 034-121-36 & 37**

Tentative Map for a three-lot subdivision, Design Permit for three new single-family homes, Variance request to allow encroachments into side yard setbacks, and demolition of two existing structures located at 4201 Capitola Road within the CN (Neighborhood Commercial) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Property Owner: Magnolia Tree Investments  
Representative: Matthew Thompson, Architect. Filed: 11.09.2017

**7. DIRECTOR'S REPORT****8. COMMISSION COMMUNICATIONS****9. ADJOURNMENT**

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

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

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

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

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

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

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



**DRAFT FINAL MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 1, 2018  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

Commissioner Smith: Present; Commissioner Welch: Present; Chairperson Storey: Present; Commissioner Newman: arrived at 7:05 p.m. Commissioner Westman was absent [excused].

**2. NEW BUSINESS**

**A. Commission Roster Update**

**i. Traffic & Parking Commission**

Director Grunow reported that the City is updating the composition of many of its committees to include a student member. As part of that process, it was determined it would be a good time to confirm interest in continuing to have a Planning Commissioner participate on the Traffic and Parking Commission, and report back to the City Council.

Commissioner Welch confirmed that he is still willing to serve, if needed. Commissioner Smith asked about receiving feedback from the Traffic and Parking Commission before making a recommendation to the City Council. She thanked Commissioner Welch for his participation and noted that she would also be willing to serve if no other representative was available.

Parking and Traffic Commission Member Carin Hanna spoke in support of having the expertise of a Planning Commissioner participate on the Traffic and Parking Commission and noted that the Commission is now only meeting quarterly.

Chairperson Storey suggested that any discussion regarding the makeup of the commission should first go to them to discuss the options for the makeup of the commission. Director Grunow will report to City Council that there is no interest in separating the Planning Commission representative from the Traffic and Parking Commission.

<b>RESULT:            RECEIVED REPORT AND PROVIDED DIRECTION</b>
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**3. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

Director Grunow reported that an Errata sheet was added to item 6.A.

**B. Public Comments - None**

**C. Commission Comments**

Commissioner Newman has a communication that he will save to the end of the meeting.

Commissioner Smith invited everyone to attend a Grand Opening/Book Sale hosted by the Friends of the Santa Cruz Public Libraries at a storefront book sale at the Capitola Mall, next to Starbucks, just inside the mall's main entrance on Saturday, March 3, from 10 a.m. to 4 p.m. Proceeds benefit the Capitola Branch Library.

Chairperson Storey noted that a new art railing will be installed fairly soon in front of the Bella Roma restaurant and the neighboring office space on Capitola Avenue.

#### D. Staff Comments - None

### 4. APPROVAL OF MINUTES

#### 1. Planning Commission - Regular Meeting - Jan 18, 2018 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Edward Newman, Commissioner
<b>SECONDER:</b>	TJ Welch, Commissioner
<b>AYES:</b>	Smith, Newman, Welch, Storey
<b>EXCUSED:</b>	Westman

#### 2. Planning Commission - Regular Meeting - Feb 1, 2018 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	TJ Welch, Commissioner
<b>SECONDER:</b>	Sam Storey, Chairperson
<b>AYES:</b>	Smith, Newman, Welch, Storey
<b>EXCUSED:</b>	Westman

### 5. CONSENT CALENDAR

#### A. 409 Pilgrim Drive 17-0501 035-101-11

Design Permit for a single-family home which includes an attached secondary dwelling unit located at 409 Pilgrim Drive within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable.

Environmental Determination: Categorical Exemption

Property Owner: John & Tricia Slater

Representative: Dennis Norton. Filed: 12-15-2017

Director Grunow recused himself and left the dais due to the applicant being his landlord.

Commissioner Smith requested adding condition limiting short term rental for 30 days and the property owner indicated that this condition was acceptable.

MOTION: Approve the Design Permit and Coastal Development Permit with the amended conditions and findings:

**CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a 3,121 square-foot single-family home with an attached accessory dwelling unit. With the increased allowance for the accessory dwelling unit, the maximum Floor Area Ratio for the 5,271 square foot property is 60% (3,163 square feet). The total FAR of the project is 59% with a total of 3,121 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 1, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #17-0501 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements

all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. The [floor area](#) for secondary [dwelling](#) units shall not exceed 487 square feet as

approved by the Planning Commission.

23. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City or a letter of understanding that the owner will not be granted occupancy until such letter is submitted to the City.
24. Before obtaining a [building](#) permit for a secondary [dwelling](#) unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The secondary [dwelling](#) unit shall not be sold separately;
  - b. The unit is restricted to the approved size of 487 square feet;
  - c. The administrative review or the design permit, whichever applies, for the secondary [dwelling](#) unit shall be in effect only so long as the owner of record occupies either the main [residence](#) or the secondary [dwelling](#) unit;
  - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
  - e. The deed restrictions shall lapse upon removal of the secondary [dwelling](#) unit.
  - f. The secondary dwelling unit shall not be rented for less than 30 days.

### **FINDINGS**

1. **The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed single-family residence and accessory dwelling unit comply with the development standards of the Single-Family District. In addition, all of the ADU development requirements of Capitola Municipal Code §17.99.050 have been met. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
2. **The project will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the new single-family home with an attached accessory dwelling unit. The design of the home with horizontal siding on the second story, stucco siding with stone wainscot on the first story, and the trellis above the front entry way will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
3. **This project is categorically exempt under Section 15303(b) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(b) of the CEQA Guidelines exempts a duplex or similar multi-family residential structure, totaling no more than four dwelling units. This project involves a new single-family residence with an attached accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### **COASTAL FINDINGS**

#### **D. Findings Required.**

- A. **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:**



- a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
  - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
  - c. A description of the legitimate governmental interest furthered by any access conditioned required;
  - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
- 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:

**B. 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.**

- 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 buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
  - The proposed project is located at 409 Pilgrim Drive. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize

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

- The proposed project is located along Pilgrim Drive. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Pilgrim Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 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 accessway on the subject land.
  - The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
  - The project is located in a residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
  - The project is located on a flat lot.
- c. Recreational needs of the public;
  - The project does not impact the 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.

**E. 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.

**F. Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall**

**have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

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

**SEC. 30223**

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

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

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

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

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

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

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

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

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

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

**J. Demonstrated availability and adequacy of water and sewer services;**

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

**K. Provisions of minimum water flow rates and fire response times;**

- The project is located several blocks from the Capitola fire department. Water is available at the location.

**L. Project complies with water and energy conservation standards;**

- The project is for a single-family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
- M. Provision of park dedication, school impact, and other fees as may be required;**
- The project will be required to pay appropriate fees prior to building permit issuance.
- N. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
- The project does not involve a condo conversion or mobile homes.
- O. Project complies with natural resource, habitat, and archaeological protection policies;**
- Conditions of approval have been included to ensure compliance with established policies.
- P. 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.
- Q. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- R. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- S. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- T. Project complies with shoreline structure policies;**
- The proposed project is not located along a shoreline.

**U. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**

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

**V. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**

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

**W. Project complies with the Capitola parking permit program as follows:**

- The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
  - The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
  - The village area preferential parking program shall be limited to three hundred fifty permits.
  - Neighborhood permit areas are only in force when the shuttle bus is operating except that:
    - The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
    - The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
  - Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
  - Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
  - A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
  - No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
- The project site is not located within the area of the Capitola parking permit program.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	TJ Welch, Commissioner
<b>AYES:</b>	Smith, Newman, Welch, Storey
<b>EXCUSED:</b>	Westman

**6. PUBLIC HEARINGS****A. 1810 Wharf Road #17-0381 APN: 035-111-02**

Design Permit, Conditional Use Permit, and Coastal Development Permit for an addition to a historic single-family residence with a detached garage in the R-1/AR (Single Family/Automatic Review) Zoning District. The proposal includes a variance for height of the water tower, the front yard setback of the detached garage, reduction of onsite parking, and for exceeding the maximum value of a non-conforming structure.

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

Environmental Determination: Categorical Exemption

Property Owner: Benjamin Strock

Representative: Benjamin Strock, filed: 6/27/16

Senior Planner Herlihy presented the project. The Commissioners had various questions and concerns. Chairperson Storey suggested discussing and considering each variance request and the fence exception separately.

The applicant's designer, Derek Van Alstine, responded to the questions and concerns, and explained that a tree on the property made it difficult to get another parking space.

Designer Van Alstine suggested removing the two-foot planting strip to get two smaller spaces in front of the garage and discussed some other options, which resulted in the Commission directing staff to work with the applicant on possible solutions. Commissioner Smith requested that the wording clearly indicate that the garage be shorter and not moved back. Senior Planner Herlihy recommended that the internal garage spaces should be 10x20.

MOTION: Approve Design Permit, Conditional Use Permit, Coastal Development Permit, and variances for height of the water tower, the front yard setback of the detached garage, and for exceeding the maximum value of a non-conforming structure; deny variance request for parking reduction; and deny exception request for fence height, with the following conditions and findings:

**CEQA (modified)**

**CEQA exemption §15183. Projects Consistent with a Community Plan, General Plan, or Zoning.** The project qualifies for an exemption under CEQA §15183 because it is consistent with the development standards of the City's 2014 General Plan. The project proposes and addition to a historic single-family home with a new detached garage. The project does not increase the density of the property and there is nothing peculiar about the parcel or the project which may result in a new or more severe environmental impact that was not anticipated under the General Plan EIR. The project would also not result in any new or more severe cumulative impacts, nor is there any new substantial information which was not known at the time the General Plan EIR was certified.

The project site is located within the City's archaeological resources overlay zoning district, and therefore grading activities associated with the project may have a significant effect on cultural resources. Accordingly, mitigation measures consistent with the General Plan EIR (Cult-2) have been incorporated into the conditions of approval. The conditions require preparation of a cultural resource monitoring plan by a qualified archaeologist prior to any earthwork and a cultural resource monitoring program during all grading activities.

**CONDITIONS OF APPROVAL**

1. The project approval consists of a 732 square-foot addition to an existing 2,232 square-foot home. The project also includes an 815 square-foot detached garage. The maximum Floor Area Ratio for the 13,283-square foot property is 60% (7,910 square feet). The total FAR of the project is 3,944 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 1, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. During the March 1, 2018, Planning Commission meeting the variance request for decreased onsite parking was denied. At time of submittal for building permit review, four onsite parking spaces must be shown in the plans. Covered parking spaces shall be a minimum of 10 feet by 20 feet. Uncovered parking spaces shall be a minimum of 9 feet by 18 feet with the required two feet minimum landscape strip along the side property line.
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #17-0381 shall be paid in full.
9. Prior to issuance of building permit, all drainage improvements shall be approved by the Public Works Director.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in



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

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

Community Development Director. At a minimum, the monitoring plan shall:

- a. Identify all areas of proposed grading or earth disturbing activities which have the potential to impact historic or prehistoric resources;
  - b. Identify the qualified archaeological monitor assigned to the project;
  - c. Describe the proposed monitoring program, including the areas to be monitored, the duration of monitoring, and monitoring protocols.
  - d. Outline procedures to be followed if cultural resources are discovered, including requirements to stop work, consultation with the City and any Native American participation (as appropriate), resource evaluation, mitigation plan requirements, and protocols if human remains are encountered.
  - e. Post-monitoring reporting requirements and curation procedures.
24. Prior to issuance of a building or grading permit, the applicant shall submit evidence that a qualified archaeological monitor has been retained to oversee all earthwork activities.
25. The archaeological monitor shall attend the preconstruction meeting to coordinate required grading monitoring activities with the construction manager and contractors.
26. If resources are encountered, the archaeological monitor shall have the authority to stop work until a significance determination is made.
27. If significant resources are discovered, work may remain halted at the archaeologist's discretion until such time that a mitigation plan has been prepared and implemented with the concurrence of the Community Development Department.
28. Following completion of archaeological monitoring, the archaeologist shall submit a summary and findings of the monitoring work.
- a. If no resources are recovered, a brief letter report shall be completed that includes a site record update on a California Department of Park and Recreation form 523.
  - b. If significant resources are recovered, the report shall include a preliminary evaluation of the resources, a preliminary map of discovered resources, a completed California Department of Park and Recreation form 523, and recommendations for additional research if warranted.
29. If human remains are found at any time, the immediate area of the discovery shall be closed to pedestrian and vehicular traffic within 150 feet of the discovery and the Santa Cruz County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law.
30. The archaeological monitor may discontinue monitoring with approval by the Community Development Director if he/she finds that site conditions, such as the presence of imported fill or other factors, indicates that significant prehistoric deposits are not possible.
31. The archaeologist shall prepare a grading monitoring letter report summarizing all monitoring work and any recovered resources. The letter report shall be submitted to the Community Development Department within 30 days following completion of grading activities.

## **FINDINGS**

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The integrity of the historic resource will be maintained within the proposed design.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the historic resource. The new addition will not overwhelm the historic structure. The design does not compromise the integrity of the historic resource. The application will maintain the character and integrity of the neighborhood reinforcing the development pattern of homes being located close to the street and large setbacks from the creek.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act**

Section 15301 of the CEQA Guidelines exempts minor alterations to existing structures when the addition to the existing structure is less than 50 percent of the floor area of the existing home. No adverse environmental impacts were discovered during review of the proposed project.

**D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and 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;**

The special circumstances applicable to the property is that the subject property is a historic site, with a very steep grade on the rear 2/3 of the lot extending down to the Soquel Creek and an expanded setback requirement from the riparian corridor. Multiple properties along Wharf Road extend into the front yard setbacks due to steepness of the lots.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

Multiple properties along Wharf Road extend into the front yard setbacks due to steepness of the lots.

**COASTAL FINDINGS**

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

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

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

**project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**

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

- The proposed project is located at 1810 Wharf Road. The rear property line is located along the Soquel Creek. The project will not directly affect public access and coastal recreation areas as it involves a single-family home located along the frontage of Wharf Road. The home will not have an effect on public trails or beach access.

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

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

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

**development (including but not limited to, creation of physical or psychological impediments to public use);**

- There is not historic public use on the property.

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

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

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

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

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

- 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;**
  - 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;**
  - 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;**

- The project is adequately setback from the edge of the riparian corridor.

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

- The project is located on the flat portion of the lot. The steep slope on the rear of the lot will not be built upon.

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

- Public recreation is not impacted by the project.

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

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

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

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

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

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

**SEC. 30222**

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

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

**SEC. 30223**

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

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

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

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

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

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

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

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

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

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

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

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

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

- The project is located within a mile of the Capitola fire department. Water is available at the location

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

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

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

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

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

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

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

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

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

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

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

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

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

- Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

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

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

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

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	TJ Welch, Commissioner
<b>AYES:</b>	Smith, Newman, Welch, Storey
<b>EXCUSED:</b>	Westman



**B. General Plan Clean-up Discussion**

Director Grunow said this item is informational and he is seeking direction from Planning Commission on proposed corrections to the General Plan and the Land Use Map.

Chairperson Storey noted the use of different nomenclature for the same regions in the Zoning Code and the General Plan and suggested keeping the names consistent from one document to the other. Chairperson Storey also commented that he would like to see the public noticing period allotted more than the 45-day minimum time for the public to review and comment. After a brief discussion, the Planning Commission directed Director Grunow to move forward with the proposed corrections.

Peter Pathoe addressed the Planning Commission during the public comment period to say that his organization, the Santa Cruz Hostel Society, would like to use the Rispin Mansion as a hostel.

**RESULT: RECEIVED REPORT AND PROVIDED DIRECTION AS ABOVE**

**7. DIRECTOR'S REPORT**

Director Grunow reported that a discussion about traffic control in the Jewel Box neighborhood at the last City Council meeting resulted in new direction given to staff to evaluate additional options and return to them at a future date.

Director Grunow also mentioned that another discussion on the marijuana ordinance is expected to take place sometime in April to discuss the Council's interest in considering limited retail sales in the regional commercial zoning district, basically the area north of Capitola Road, on 41<sup>st</sup> Avenue. They did indicate that they are not interested in any cultivation or processing facilities in town.

The League of California Cities is holding its annual Planning Commissioners Academy in Monterey, April 4 – 6, 2018, if any Commissioners are interested in attending.

**8. COMMISSION COMMUNICATIONS**

Commissioner Newman thanked the staff regarding the 1810 Wharf Road project for researching the history of the neighboring property (Kisling property), and noted the difference between the roles of the staff and the Commissioners.

Commissioner Smith asked if the Zoning Code is now adopted outside of the Coastal Zone and if there would be anything that compares the two? Senior Planner Herlihy responded that she has been working on getting that information live online and in print for the Commissioners. The tables will reflect the new codes on any future projects that come in that are outside of the Coastal Zone.

Commissioner Welch asked for clarification on whether the businesses would be notified of any new proposed changes to the marijuana ordinance.

**9. ADJOURNMENT**



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: APRIL 5, 2018  
 SUBJECT: **110 Hollister Avenue #18-0085 APN: 036-144-10**

Design Permit to demolish an existing, one-story single-family residence and construct a new two-story single-family residence in the R-1 Single-Family Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Lisa and Mark Garrigues

Representative: Clark E Shultes

### **APPLICANT PROPOSAL**

The applicant is proposing a new single-family home located at 110 Hollister Avenue within the R-1 (Single-Family Residential) zoning district. The existing home is not listed on the 2005 City of Capitola Historic Structures List or the 2004 Depot Hill Feasibility Study. The applicant is proposing to demolish the existing home and build a new, two-story single-family home that complies with all the development regulations within the R-1 zoning district.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on March 14th, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet, requested that the applicant show the 10-foot right-of-way on the plans and a driveway approach that complies with the 16 feet maximum width. Ms. Uharriet informed the applicant that they can landscape the right-of-way in front of their property with the recordation of a minor revocable encroachment permit.

Building Official, Fred Cullum: had no suggested revisions.

Local Architect, Frank Phanton: complimented the design and the consideration given to neighboring structures.

City Planner, Katie Herlihy: noted that the application is in compliance with all zoning regulations.

Following the Architectural and Site Review hearing, the applicant modified the site plan to narrow the driveway approach and landscape the right-of-way.

### **ZONING SUMMARY**

The following table outlines the zoning code requirements for development in the R-1 Single Family zoning district. The new single-family home complies with all development standards of the R-1 district.

#### **R-1 (Single Family Residential) Zoning District**

<b>Development Standards</b>			
<b>Building Height</b>	<b>R-1 Regulation</b>		<b>Proposed</b>
	25 ft. - 0 in.		24 ft. 2 in. Chimney height exception allowed per §17.81.070
<b>Floor Area Ratio (FAR)</b>			
<b>Lot Size</b>	4,000 sq. ft.		
<b>Maximum Floor Area Ratio</b>	54 % (Max 2,160 sq. ft.)		
Basement	250 sq. ft. (exempt from FAR)		
First Story Floor Area	1,154 sq. ft.		
Second Story Floor Area	974 sq. ft.		
Covered Porch and Upper Story Deck	26 sq. ft. (176-150)		
<b>TOTAL FAR</b>	2,154 sq. ft.		
<b>Yards (setbacks are measured from the edge of the public right-of-way)</b>			
	<b>R-1 Regulation</b>		<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.		18 ft. from right-of-way
<b>Front Yard 2<sup>nd</sup> Story &amp; Garage</b>	20 ft		20 ft. ft. from right-of-way
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 40 ft 4 ft. min.	4 ft. from property line
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 40 ft. 6 ft. min	6 ft. from property line
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of lot depth	Lot depth 100 ft. 20 ft. min.	38 ft. from property line
<b>Encroachments (list all)</b>			12 in. roof overhang into front and side yards.
<b>Parking</b>			
	<b>Required</b>		<b>Proposed</b>
<b>Residential (from 2001 sq. ft. up to 2,600 sq. ft.)</b>	3 spaces total 1 covered 2 uncovered		3 spaces total 1 covered 2 uncovered
<b>Garage and Accessory Bldg.</b>	Complies with Standards?		Yes
<b>Garage</b>	Yes		Complies
<b>Underground Utilities: required with 25% increase in area</b>			Required

### **DISCUSSION**

The existing residence at 110 Hollister Avenue is a one-story, single-family residence that is not historically significant. The applicant is proposing to demolish the existing residence and construct a new two-story, single-family residence. The property is located in the Depot Hill neighborhood and is surrounded by one- and two-story single-family homes.

The proposed craftsman style residence compliments the surrounding neighborhood with lap siding on the first story and board and batten on the second story. The proposed craftsman style features include: exposed rafters, knee bracing in gable ends, top border light windows, and aluminum clad windows and doors throughout. The home is well articulated with second floor setback from the first, a prominent stucco chimney on the front façade, and a second story deck on the front corner.

The proposed 2,153 square foot residence is required to have three on-site parking spaces, one of which must be covered. The proposal includes three parking spaces: one in the garage and two on the driveway. The proposal complies with all relevant code requirements and limitations of the R-1 Zoning district.

### **CEQA**

Section 15303(a) of the CEQA Guidelines exempts one single family residence, or a second dwelling unit in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and **approve** project application #18-0085.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of demolition of the existing home and construction of a new 2,152-square-foot single-family residence. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,154 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect

the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.

7. Prior to issuance of building permit, all Planning fees associated with permit #18-0085 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

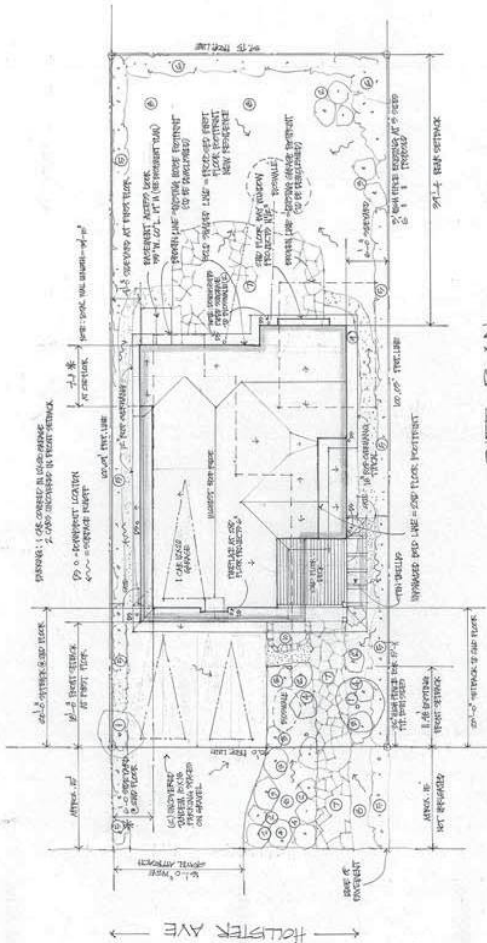
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

**ATTACHMENTS:**

1. 110 Hollister Plans

Prepared By: Katie Herlihy  
Senior Planner

036-144-11



SITE PLAN  
SCALE: 1/8" = 1'-0"  
DATE: 10/21/09



BIOCATCHMENT  
SCALE: AS SHOWN  
DATE: 10/21/09

**EROSION, DRAINAGE AND EROSION CONTROL**  
THE ENTIRE SITE IS DEPENDENT ON THE ADJUSTMENTS TO THE FIVE YEAR FLOOD ELEVATION AS SHOWN ON THE FLOOD MAP. EROSION CONTROL MEASURES WILL BE INSTALLED TO PREVENT EROSION WHICH WILL BE INSTALLED AS PER THE EROSION CONTROL PLAN. UNDESIRABLE VEGETATION SHALL BE REMOVED AND NOT REPLACED WITH PLANTS WHICH ARE NOT SPECIFIED. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CITY APPROVED TREE SPECIFICATION LIST. PLANTING SHALL BE DONE TO COMPENSATE FOR THE REMOVAL OF ANY NATURAL OR CULTURAL TREES. ORIGINAL MEASUREMENTS SHALL BE OBTAINED FOR ALL TREES TO BE REMOVED AND PROVIDED TO THE CITY. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CITY APPROVED TREE SPECIFICATION LIST.

**FIRE PROTECTION NOTES:**  
THIS SITE IS LOCATED WITHIN THE FIRE INSPECTION DISTRICT OF THE CITY OF CARROLL. ALL FIRE PROTECTION REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE CARROLL COUNTY FIRE DEPARTMENT AND THE CARROLL COUNTY FIRE INSPECTION DISTRICT. ALL FIRE PROTECTION REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE CARROLL COUNTY FIRE DEPARTMENT AND THE CARROLL COUNTY FIRE INSPECTION DISTRICT.

**PLANTING NOTES:**  
ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CARROLL COUNTY FIRE DEPARTMENT AND THE CARROLL COUNTY FIRE INSPECTION DISTRICT. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CARROLL COUNTY FIRE DEPARTMENT AND THE CARROLL COUNTY FIRE INSPECTION DISTRICT.

**CONTRACT NOTES:**  
ALL CONTRACTORS SHALL BE LICENSED BY THE STATE OF IOWA. ALL CONTRACTORS SHALL BE IN ACCORDANCE WITH THE CARROLL COUNTY FIRE DEPARTMENT AND THE CARROLL COUNTY FIRE INSPECTION DISTRICT.

PLANTING	QUANTITY	DATE
1. ASKON PINE TREE	1 CALLER	10/21/09
2. JAVIER	1 CALLER	10/21/09
3. JENNIFER	1 CALLER	10/21/09
4. SCALMIST	1 CALLER	10/21/09
5. LITOPHORA	5 CALLER	10/21/09
6. BUCKLE	5 CALLER	10/21/09
7. FLOX	1 CALLER	10/21/09
8. BIRCH	1 CALLER	10/21/09
9. HYDRANGEA	1 CALLER	10/21/09

**CITY OF CARROLL PERMIT INFORMATION:**  
110 HOLLISTER AVE  
APN: 36-144-10

**PROJECT INFORMATION:**  
LISA AND MARK GARRIGUES  
192 25TH AVE, SANTA CRUZ, CA 95064  
(408) 292-8341  
markgarrigue@gmail.com

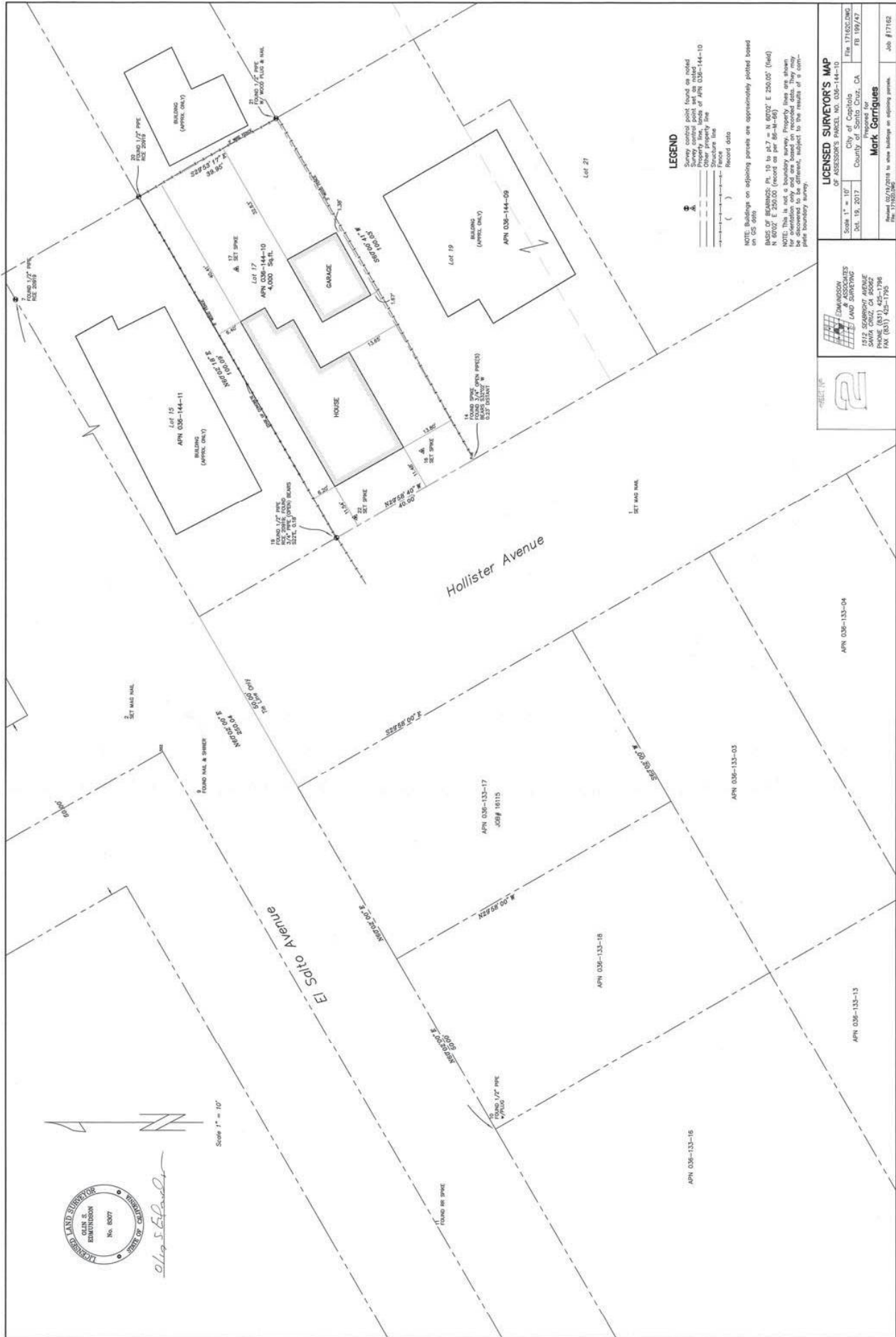
**APPLICANT:** LISA AND MARK GARRIGUES  
**DESIGNER:** MARK GARRIGUE  
**DATE:** 10/21/09

- CAPITAL ZONE:** YES
- SHORELINE PROTECTION:** NO
- SENTINEL IMPACT:** NO
- ARCHAEOLOGICAL ZONE:** NO
- HISTORIC SURVEY:** NO
- TYPE OF CONSTRUCTION:** YES
- HEIGHT:** 12'-0" AT REAR WALL, 14'-0" AT FRONT REAR WALL
- PERMIT:** 3-2009
- FIRE PROTECTION:** YES
- OSHA COMPLIANCE:** YES
- WATER DISTRICT:** YES
- FIRE DISTRICT:** YES
- PROJECT DESCRIPTION:** CONSTRUCTION OF A NEW RESIDENCE WITH ATTACHED GARAGE, DRIVEWAY AND PORCH.
- AREA CALCULATIONS:** LOT AREA = 4,000 SQ. FT.  
NEW RESIDENCE FOOTPRINT AREA = 1,000 SQ. FT. WITH A 50% SETBACK  
TOTAL GARAGE = 1,000 SQ. FT.  
TOTAL GARAGE + 50% SETBACK = 1,500 SQ. FT. TOTAL GARAGE AREA  
TOTAL GARAGE + 50% SETBACK + 50% SETBACK = 2,000 SQ. FT. TOTAL GARAGE AREA  
TOTAL GARAGE + 50% SETBACK + 50% SETBACK + 50% SETBACK = 2,500 SQ. FT. TOTAL GARAGE AREA  
TOTAL GARAGE + 50% SETBACK + 50% SETBACK + 50% SETBACK + 50% SETBACK = 3,000 SQ. FT. TOTAL GARAGE AREA

- PERMITS AND APPROVALS:**
- CONTRACT PERMIT INFORMATION.
  - STATE PERMIT.
  - PROPOSED ELEVATIONS.
  - PROPOSED FOUNDATIONS.
  - PROPOSED ELECTRICAL.
  - PROPOSED MECHANICAL AND PLUMBING.

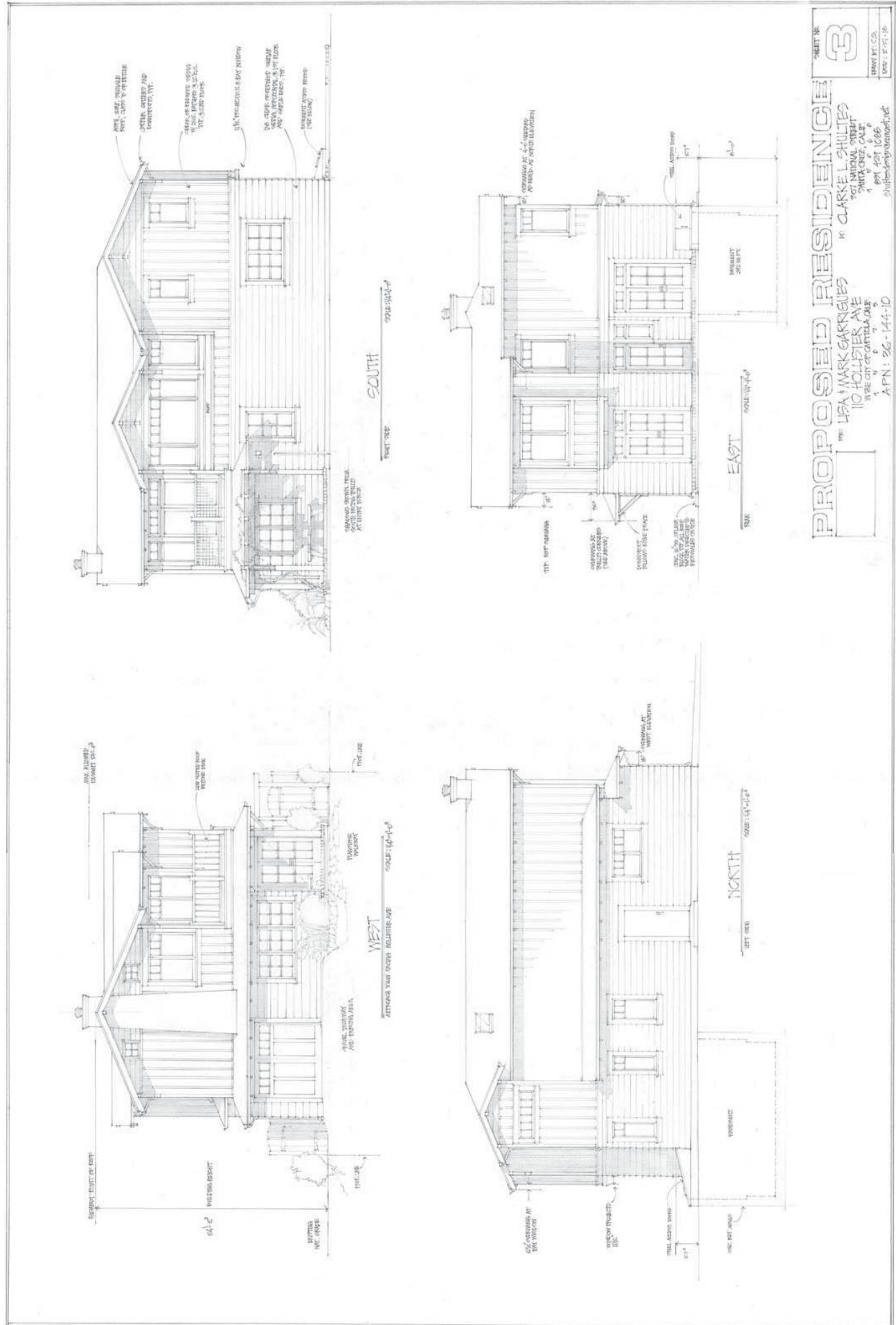
**PROPOSED RESIDENCE**  
LISA MARK GARRIGUES  
110 HOLLISTER AVE  
CITY OF CARROLL, IOWA  
APN: 36-144-10  
sheehy@carrollia.com

SHEET NO. 1



Attachment: 110 Hollister Plans (110 Hollister Ave)





Attachment: 110 Hollister Plans (110 Hollister Ave)

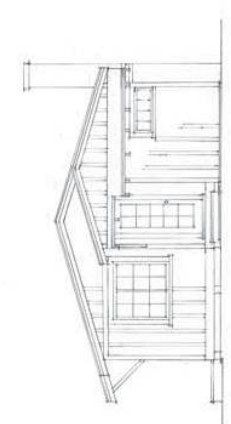
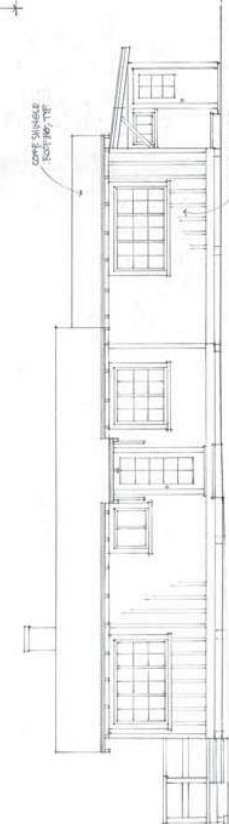
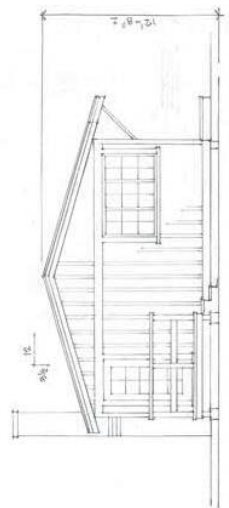
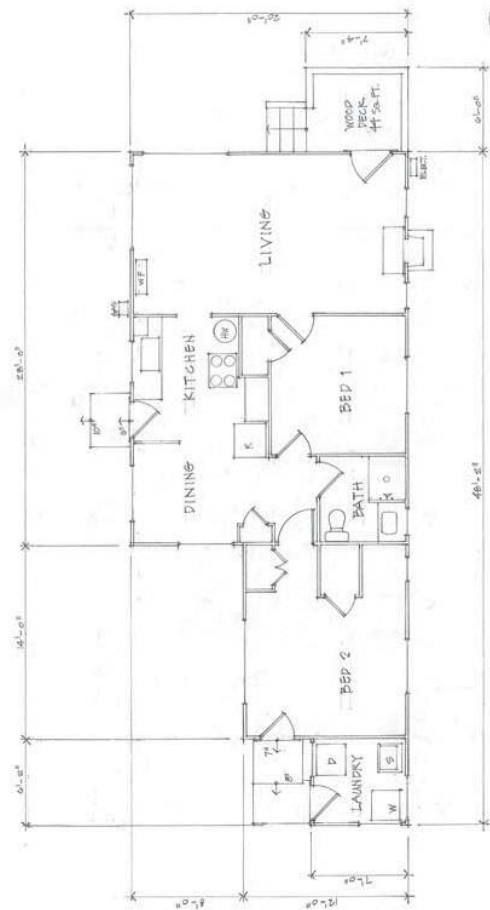
**FIRST FLOOR PLAN**  
 225 SQ. FT. LIVING AREA  
 225 SQ. FT. GARAGE

**SECOND FLOOR PLAN**  
 225 SQ. FT. LIVING AREA  
 225 SQ. FT. BEDROOM  
 225 SQ. FT. BATHROOM  
 225 SQ. FT. HALLWAY

**BASEMENT PLAN**  
 225 SQ. FT. FINISHED AREA  
 225 SQ. FT. UNFINISHED AREA

**PROPOSED RESIDENCE**  
 MR. & MRS. CLARKE L. SHULTS  
 110 HOLLISTER AVE  
 W. OF 100' OF CANTON AVE.  
 APN: 26-144-10

**FLOOR AREA RATIO (FAR) CALCULATIONS**  
 MAXIMUM PERMITTED FAR = 1.0  
 1.0 FAR x 225,000 SQ. FT. = 225,000 SQ. FT. TOTAL FLOOR AREA  
 225,000 SQ. FT. TOTAL FLOOR AREA - 225,000 SQ. FT. TOTAL FLOOR AREA = 0 SQ. FT. EXCESS FLOOR AREA

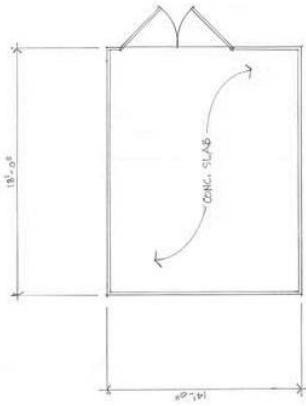


**PROPOSED RESIDENCE**

PREP: USA + MARK GARRIGUES  
 110 HOLLISTER AVE  
 THE CITY OF GAITHERSBURG, MD  
 W 0 6 7  
 APN: 26-144-10

BY: CLARKE L. SHULTES  
 2027 NATIONAL STREET  
 SANTA CRUZ, CALIF.  
 1 657 457 666  
 shultes@shultesandco.com

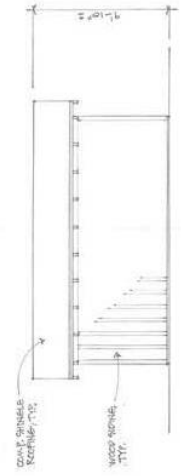
SHEET NO. 5  
 DRAWN BY: C.E.E.  
 DATE: 2.2.14-15



EXIST. GARAGE FLOOR PLAN  
1/8" = 1'-0"



EXIST. GARAGE ELEVATION  
WEST SIDE (EAST SIDE SIMILAR) 1/4" = 1'-0"



EXIST. GARAGE ELEVATION  
NORTH SIDE (SOUTH SIDE SIMILAR) 3/4" = 1'-0"

**PROPOSED RESIDENCE**

PREPARED BY: LISA MARK GARRIGUES  
 110 HOLLISTER AVE  
 THE CITY OF GAITHERSBURG, MD  
 APN: 26-144-D

DESIGNED BY: CLARKE L. SHULTES  
 CIVIL ENGINEER  
 10000 WOODBURN AVE  
 GAITHERSBURG, MD 20878  
 410-487-1066  
 shultes@clarke-shultes.com

DATE: 11/15/16



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: APRIL 5, 2018  
 SUBJECT: **1098 38th Avenue #18-0052 APN: 034-172-01**

Fence exception to permit a six-foot high fence in the front yard along the side property line and an eight-foot high solid fence on the side property line extending to the rear property line. This project is located in the RM-M (Multi-Family Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption  
 Property Owner: Central California Alliance for Health

### **APPLICANT PROPOSAL**

The application is for a fence exception for the height and material of a new fence along the side property lines at 1098 38<sup>th</sup> Avenue located within the RM-M (Multi-Family Medium Density) zone.

### **BACKGROUND**

1098 38<sup>th</sup> Avenue was previously the site of the Capitola Manor, a residential care facility for the elderly. The property sold in 2016 to a new owner that plans to remodel the facility into a skilled nursing facility with 95 beds. The project does not require a conditional use permit as the land use falls under the previously approved conditional use permit for a convalescent hospital. The applicant is not adding onto the facility, but will be upgrading the exterior with new windows and paint.

Building permits are currently under review by the Office of Statewide Health Planning and Development (OSHPD). Under state law, skilled nursing facilities are exempt from local jurisdiction building plan review. The facility remodel is currently under review by OSHPD.

The owner would like to replace the dilapidated fence along the side property lines with a new fence, which is under the purview of the City. The applicant is requesting height and design exceptions to provide increase privacy for the patient and prevent trespassing from the railroad tracks.

### **DISCUSSION**

The property borders the railroad tracks along the north property line and the Shangri-La mobile home park to the south. Along the train tracks, the fence is staggered with heights ranging from five-feet one-inch high to six-feet three-inches high. Gaps in this fence have been patched with

plywood boards that extend up to 8-feet tall. On the south side, the existing wood fence ranges in height from four-feet to seven-feet six-inches. No changes are proposed to the concrete block wall at the rear of the property or the vinyl fence along the front property line.

The applicant is proposing to replace fencing along the side property lines only. The proposed fence is six-feet in height from the front property line to the front façade of the existing building. At the point of the front façade of the building, the fence is proposed to be eight feet in height of solid fence extending to the rear property line. The proposed fence is a solid redwood fence, stained with a natural redwood color and no lattice. The proposal is identical for both sides of the property.

#### Fence Exception

Chapter 17.54 of the Capitola Municipal code outlines regulations for fence permits. Pursuant to §17.54.020. A, fences between the front property line and the front line of the principal building, are limited to a maximum height of three-feet six-inches. On the part of the property back of the front line of the principal building, the maximum height permitted is eight feet, provided that the top two-feet is made of lattice or other open material.

§17.54. 020.B allows the Planning Commission to approve an alternative locations, height, and materials for fences. The applicant is requesting two exceptions. One for the height of the fence in the area in front of the principal building to exceed the 42-inch limit up to six feet. The second exception requested is for materials to not require lattice on the top two feet of fencing on the eight-foot high sections. There are no criteria in the code for the Planning Commission to review when making a fence height exception.

The land use of the property and the surrounding properties should be taken into consideration by the Planning Commission when deciding whether or not to approve the requested exception. The medical facility is designed with each patient room having large windows that look out to the periphery of the property. The request for the eight feet of solid fence is to provide additional privacy for the patients from the public along the railroad track and residents at the mobile home park.

The future use of the railroad tracks is currently under consideration regionally for rail, trail, or a combination of the two. Line of sight will be important all future options. The Public Works Director will require that the fence be limited to 30 inches for the first 30 feet from the front property line along the tracks to ensure line of sight.

On the south property line, the existing fence is at the 42-inch height limit and transitions slightly higher at the first mobile home. The front façade of the first mobile home is approximately twenty-five-feet back from the sidewalk. The adjacent mobile home park is supportive of the proposed fence exceptions and sharing the cost. (Attachment 3) Staff recommends that the Planning Commission limit the fence height on the south property line to be limited to 42-inches to the front façade of the first mobile home. This would provide privacy while maintaining a neighborhood aesthetic along the frontage. Exhibit 2 is a diagram of staff's recommendation.

#### CEQA

Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

#### RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #18-0052 with the requirement that the fence on the north property line be limited to 30-inches in height for the first

30-feet extending from 38<sup>th</sup> Avenue and the fence on the south property line to be limited to 42-inches to the front façade of the first mobile home based on the following Conditions and Findings for Approval.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a new fence on the north and south property lines of 1098 38<sup>th</sup> Avenue. The fence on the north property line may extend 30-inches in height for the first 30-feet, then extend to six feet of height to the front façade of the main building, and then extend 8-feet in height, with no required lattice, to the rear property line. Along the south property line, the fence may extend 42-inches in height to the front façade of the first mobile home on the adjacent property, then extend to six feet of height to the front façade of the main building on 1098 38<sup>th</sup> Avenue, and then extend to 8-feet in height, with no required lattice, to the rear property line. A fence permit with an exception to the height and material requirements has been approved within this application.
2. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
3. Prior to issuance of building permit, all Planning fees associated with permit #18-052 shall be paid in full.
4. This permit shall expire 24 months from the date of issuance. The applicant shall have an construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
5. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

### **FINDINGS**

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

Community Development Staff, and the Planning Commission have all reviewed the proposed fence exceptions. The fence conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

**ATTACHMENTS:**

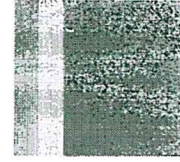
1. 1098 38th Avenue Plans
2. Staff Recommendation
3. Shangri-La Estates Public Input

Prepared By: Katie Herlihy  
Senior Planner



### Allan Miller Construction

269 Edenvale Ct. Watsonville CA 95076  
CA Lic# 746708 / 831-722-2607 / 10-25-17



Fence proposal for Capitola Manor. Submitted to Shangri-La Mobile Home Park 1040 38<sup>th</sup> Av.

Santa Cruz CA Attn: Mr. Noel Guzman . Job location 1098 38<sup>th</sup> Av.

Work to include the following :

- 1) Install approx.: 250' of 6' fence. To extend from the front sidewalk along the property line to the front of the building. At this point the fence becomes an 8' fence and will run approx.: 260' to the concrete retaining wall at the back of the property. The front section post are to be set in concrete. The back section will have the posts bolted to the concrete retaining wall.
- 2) Fence to be constructed in the following manner. 4"x 6" pressure treated posts to be set in concrete or bolted to the retaining wall. Posts to be set approx: 2'6" deep and approx.: 8' apart. At the base a 2"x 10" pressure treated stringer will run between the posts. A pressure treated 2"x 4" will set on top of that. A Redwood 2"x 4" will be set on top of the posts with 1"x 8" fence boards set in a back and forth pattern in the middle. Last a Redwood 1"x 4" will trim out both sides on the top and bottom of the fence boards. Design based on photographs supplied by Steve Smith.
- 3) Demolition and hauling away of the existing fence is also included.
- 4) All spoils from the digging of the post holes to remain on site.
- 5) Old concrete post bases to be removed only as needed

This section of the project to be completed for the sum of. \_\_\_\_\_ \$31,976.00

Your 50% Share to be. \_\_\_\_\_ \$15,988.00

This proposal may be withdrawn if not accepted within 60 days.

Payment to be made as follows: 10% down. 20% after posts are set. Balance due upon completion.

The above price and conditions are satisfactory and accepted.

Signature:

Date:

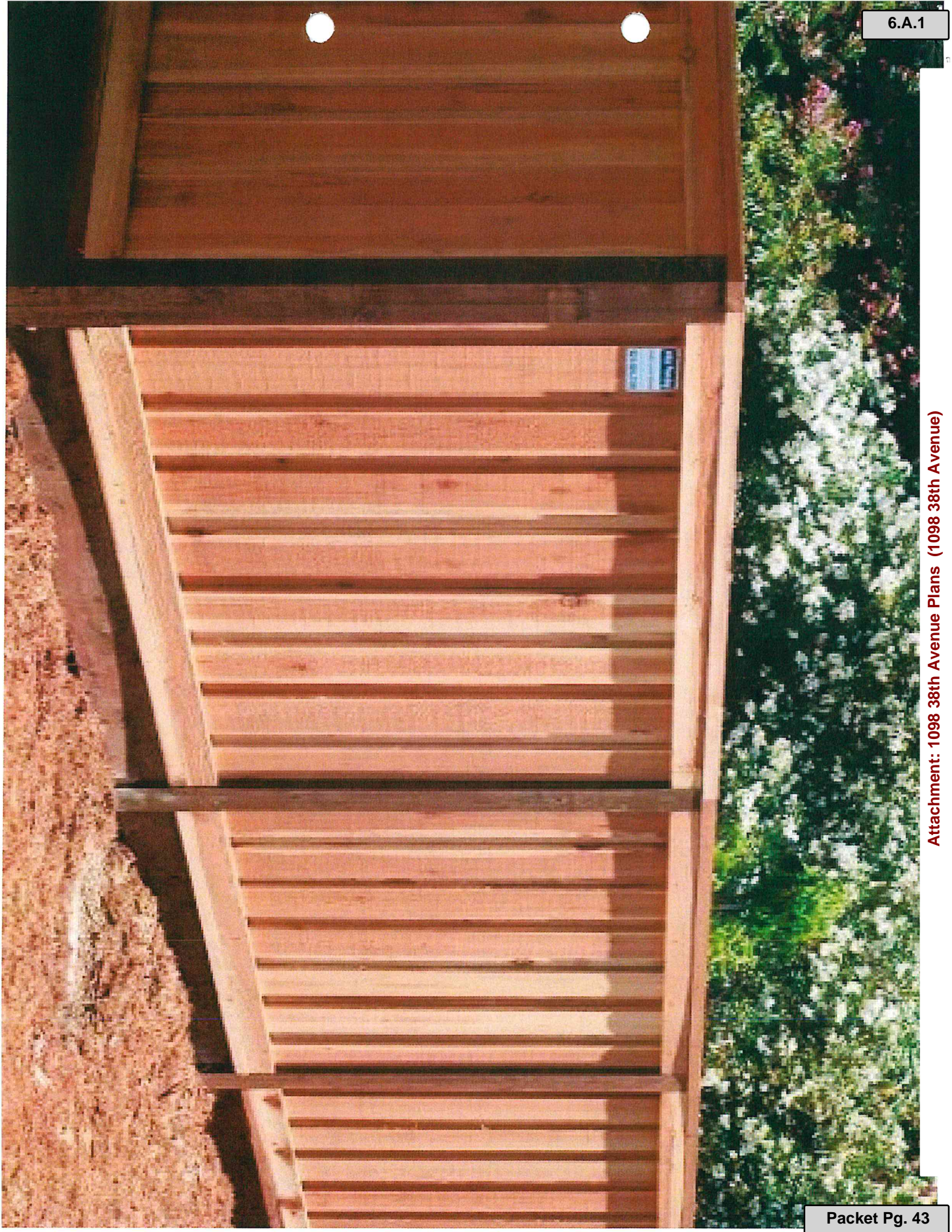
12/14/17

Thank you for your consideration. Allan Miller Construction

Attachment: 1098 38th Avenue Plans (1098 38th Avenue)



Attachment: 1098 38th Avenue Plans (1098 38th Avenue)



Attachment: 1098 38th Avenue Plans (1098 38th Avenue)

Diagram of Staff Recommendation for Fence Height Exception



- 30 inch max
- 42 inch max
- 6 feet max
- 8 feet max – solid not lattice

Attachment: Staff Recommendation (1098 38th Avenue)

## Shangri-La Estates for Mobile Homes

March 30, 2018

City of Capitola Planning Department  
420 Capitola Avenue  
Capitola, CA 95010  
Attn: Katie Herlihy, AICP

Noel de Guzman  
Shangri-La Estates  
1040 38<sup>th</sup> Avenue  
Santa Cruz, CA 95062

Subject: Fence Replacement Application At The Property Line Between 1040 and 1098 38<sup>th</sup> Avenue, Santa Cruz, CA 95062.

Dear Mrs. Herlihy,

Please consider this letter as notice that the property owner of Shangri-La Estates for Mobile Homes (Shangri-La Estates) is in agreement with the proposed fence replacement along the property line between 1098 38<sup>th</sup> Ave (The Capitola Manor) and 1040 38<sup>th</sup> Ave (Shangri-La Estates). And, we would support the approval of the related application that was submitted to your department.

Shangri-La Estates agrees to a new 8-ft tall fence that extends from the rear of the property along the shared property line to a point that is adjacent to the front, southwest, corner of the existing Capitola Manor building; and agrees to a new 6-ft tall fence continuing from the point adjacent to the front, southwest corner of the building to the front of the property (or as adjusted per code). We believe a new fence, as described above, would provide the necessary privacy and security to occupants of both properties.

Please feel free to contact me if you have any questions or concerns.

Thank you for your help and consideration in this matter.

Respectfully,



Noel de Guzman  
Property Manager/Owner Representative  
Shangri-La Estates for Mobile Homes  
Cell: [510-579-2859](tel:510-579-2859)

Attachment: Shangri-La Estates Public Input (1098 38th Avenue)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: APRIL 5, 2018  
 SUBJECT: **1725 48th Avenue #17-0403 APN: 034-022-41**

Design Permit and Conditional Use Permit to convert an existing historic barn into an Accessory Dwelling Unit and build a new single car garage in the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Michael and Elizabeth Adams

Representative: Dennis Norton Filed: 10/10/17

### **APPLICANT PROPOSAL**

The applicant is proposing to convert an existing historic barn/garage to an Accessory Dwelling Unit and add a new single car garage at 1725 48th Avenue within the R-1 (Single-Family Residential) zoning district.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on March 14<sup>th</sup>, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: had no comments.

Building Department Representative, Fred Cullum: asked about the height of the room in the middle section of the house (15 ft.) and brought up challenges related to heating, energy efficiency, and insulation. He also asked about the structural and framing plans for remodeling the barn building and its foundation. The Building Official and the applicant discussed several options for completing the project under the current building codes. Senior Planner, Katie Herlihy, pointed out that if the final plan is going to involve taking the historic structure apart and putting it back together, they would need to put together a preservation plan that would be subject to Planning Commission approval.

Local Architect, Frank Phanton: pointed out that the roof plan still included stairs to a loft from a previous version of the plan that needed to be removed.

Assistant Planner, Matt Orbach: read the key components of the Archives and Architecture third party historic review of the project to the committee. The report described the defining historical characteristics of the barn that should be preserved and made three recommendations related

to: removing the round window that is proposed for the front of the building on the second story, adding notes about the historic nature of the structure to the front of the plans, and adding notes to the plans identifying the window, door, and skylight materials to be used. The applicant’s representative, Dennis Norton, wanted to go on record saying that he and the applicant disagreed with the recommendation to remove the proposed round window, pointing out that much of the existing structure has been modified over time and that the addition of the antique wood frame window being proposed enhances the design of the structure. Local architect Frank Phanton expressed support for the round window.

Following the Architectural and Site Review hearing, the applicant submitted revised plans which addressed the committee’s comments, adding the required window, door, and skylight notes to the plans, and removing the stairwell from the roof plan, but leaving the round window in the gable-end.

**DEVELOPMENT STANDARDS**

The proposed barn conversion complies with all development standards for an accessory dwelling unit in the R-1 (Single- Family Residential) zoning district with the removal of the second story loft, as outlined in the following table:

**R-1 (Single Family Residential) Zoning District**

<b>Stories</b>		
<b>Maximum Number of Stories: 1 Story</b> (Secondary Dwelling Unit)		1 story Existing loft to be removed
<b>Development Standards</b>		
<b>Existing Building Height</b>	<b>R-1 Regulation (Secondary Structures)</b>	<b>Proposed</b>
Existing Garage	15 ft.	17 ft. 9 in. <b>Existing Nonconforming.</b>
New Detached Garage	15 ft. with a max top of wall plate of 9 ft.	10 ft. 7.5 ft. top of wall plate
<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>		8,000 sq. ft.
<b>Maximum Floor Area Ratio</b>		60% (Max 4,800 sq. ft.)
Main House Floor Area		2,815 sq. ft.
Garage Conversion to Secondary Dwelling Unit		580 sq. ft. (Complies)
New Garage		236 sq. ft.
<b>TOTAL FAR</b>		45% (3,631 sq. ft.)
<b>Yards (setbacks are measured from the edge of the public right-of-way)</b>		
	<b>R-1 Regulation</b>	<b>Existing and Proposed</b>
<b>Secondary Dwelling Unit (Detached Garage Conversion)</b>		
<b>Front Yard</b>	15 ft.	69 ft.
<b>Side Yard</b>	5 ft.	0 ft. <b>Existing Non-Conforming</b>
<b>Rear Yard</b>	8 ft.	0 ft. <b>Existing Non-Conforming</b>
<b>New Detached Garage</b>		
<b>Front Yard</b>	40 ft.	55 ft.
<b>Side Yard</b>	3 ft.	6 ft.
<b>Rear Yard</b>	8 ft.	21 ft. 10 in.

<b>Encroachments (list all)</b>		Existing barn/garage encroaches in the rear and side setbacks.
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
<b>Residential (from 2,600 up to 4,000 sq. ft.)</b>	4 spaces total 1 covered 3 uncovered	4 spaces total 1 covered 3 uncovered
<b>Underground Utilities: required with 25% increase in area</b>		Not Required

### **DISCUSSION**

The existing residence at 1725 48<sup>th</sup> Avenue is an historic two-story single-family residence with an existing nonconforming, historic, two-story barn/garage located on the rear and side property lines at the southwest corner of the parcel. The barn is an existing non-conforming structure due to its location within the required setbacks. The applicant is proposing to convert the existing historic barn into a single-story Accessory Dwelling Unit (ADU) and add a new single car garage in front of the barn. It is surrounded by one- and two-story single-family homes.

In the original application, the proposed ADU had a stairway to the existing loft area on the second story, but ADUs are limited to one story. Also, the maximum floor area allowed for an ADU on an 8,000 square foot lot is 640 square feet and the first-floor area is 580 square feet. With the loft and the stairway added to the floor area, it exceeded the 640 square feet, so they were removed.

### **Conditional Use Permit**

A conditional use permit is required for a modification to a historic structure. The City contracted Archives and Architecture to review the application for consistency with the Secretary of Interior Standards. In the analysis, the architectural historian created a list of character-defining features, including: the wide rectangular footprint; the low base; the tall, narrow, two-story center element with its gabled roof; the narrow rake eaves; and the broad expanses of horizontal lap siding. It was also noted that many of the materials are not original and that many alterations and modifications have been made.

The Archive and Architecture review includes the following recommendations:

1. It is recommended that the round gable-end window be omitted, as it has the capacity to be understood as an original feature and create a sense of false historicism (Standard 3).
2. It is recommended that language on the cover sheet should refer to the property as an Historic Resource, requiring review of all design revisions, and that the project should include notes how the existing historic elements are to be protected and preserved during construction (Standards 6 and 7).
3. It is recommended that the window, door, and skylight materials be specified in notes or by schedule (Standard 9).

As mentioned in the Architectural and Site review committee comments, the applicant modified the plans to incorporate suggestion two and three on the plans. The applicant is asking the Planning Commission to consider the allowance of the round window in the gable end, although not recommended by the Architectural Historian. Standard 3 of the Secretary of the Interior's Standards for Rehabilitation states that "changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic



properties, will not be undertaken.” Based on this standard, and the Archive and Architecture recommendation, staff cannot support the introduction of the round window to the gable end.

### Preservation Plan

Following the Architectural and Site review committee meeting, the applicant submitted a preservation plan that proposes two options be given to the applicant: (1) disassemble the historic barn, catalog and save existing exterior materials, install a foundation and framing, and then reassemble the exterior materials, or (2) rebuild the structure from the inside, keeping the exterior of the structure intact. The applicant also proposed that three conditions be attached to the design permit:

1. Existing siding to be removed (as needed) and carefully stored to be reused after building has been sheared and waterproofed with priority given to area visible from the public street.
2. New siding (where needed) shall be to the same dimensions and surface texture as the existing siding and used only where existing siding is insufficient to cover.
3. Existing trim and details will be maintained and reused as noted in submitted plans, as much as possible.

The Planning Commission has the discretion in issuing the design permit to require the recommended historic preservation of stabilizing the structure in place or may allow the applicant to disassemble and reassemble the building as proposed in option 1. Staff will request direction from the Planning Commission during the hearing on the preservation method.

### Non-conforming Structure

The existing barn is non-conforming as it does not comply with the side- and rear-yard setback. Pursuant to code section 17.72.070, an existing non-complying structure that will be improved beyond 80% of the present fair market value of the structure, may not be made unless the structure is brought into compliance with the current zoning regulations. The remodel will not exceed the 80% maximum.

### CEQA

Section 15303(e) of the CEQA Guidelines exempts accessory structures including garages. No adverse environmental impacts were discovered during review of the proposed project.

### RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #17-0403 with the omission of the round window in the gable end.

### CONDITIONS OF APPROVAL

1. The project approval consists of the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage. The maximum Floor Area Ratio for the 8,000 square foot property is 60% (4,800 square feet) with the addition of the accessory dwelling unit. The total FAR of the project is 45% with a total of 3,631 square feet, compliant with the maximum FAR within the zone. The staircase and lodge will be removed to comply with the secondary dwelling unit single story limit and 540 square feet maximum floor area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #17-0403 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the

exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. The floor area for secondary dwelling unit shall not exceed 580 square feet as approved by the Planning Commission.
20. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
21. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The secondary dwelling unit shall not be sold separately;
  - b. The unit is restricted to the approved size;
  - c. The administrative review or the design permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
  - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
  - e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.
22. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.

- a. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
- b. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

## **FINDINGS**

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage complies with the development standards of the R-1 (Single-Family) District. Specifically, all of the requirements of Capitola Municipal Code §17.99.050 have been met. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage. The design of the garage, with its bead board siding and composite shingle roof, will fit in nicely with the historic house and barn and the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

### **C. This project is categorically exempt under Section 15303(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303(e) of the CEQA Guidelines exempts accessory structures including garages. This project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage within the R-1 (Single-Family) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

## **Coastal Findings**

### **D. Findings Required**

1. **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:**
  - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
  - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
  - c. A description of the legitimate governmental interest furthered by any access conditioned required;

- d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
- 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:

**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.**

- 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 buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 1725 48<sup>th</sup> Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and

sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along 48<sup>th</sup> Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 48<sup>th</sup> Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

**3. 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 accessway on the subject land.
  - The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
  - The project is located in a residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
  - The project is located on a flat lot.
- c. Recreational needs of the public;
  - The project does not impact the 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.

**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.

**6. Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.

**SEC. 30223**

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

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

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

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



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

**10. Demonstrated availability and adequacy of water and sewer services;**

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

**11. Provisions of minimum water flow rates and fire response times;**

- The project is located a short distance from the Capitola fire department. Water is available at the location.

**12. Project complies with water and energy conservation standards;**

- The project is for the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

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

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

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

**15. Project complies with natural resource, habitat, and archaeological protection policies;**

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

**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.

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

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

**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 in seismic areas, geologically unstable areas, or coastal bluffs. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

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

**20. Project complies with shoreline structure policies;**

- The proposed project is not located along a shoreline.

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

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

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

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

**23. Project complies with the Capitola parking permit program as follows:**

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
  - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
  - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.

- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
  - The project site is not located within the area of the Capitola parking permit program.

**ATTACHMENTS:**

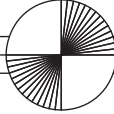
1. Attachment 1 - 1725 48th Ave - Full Plan Set - Letter
2. Attachment 2 - 1725 48th Ave - Historic Report
3. Attachment 3 - 48th Ave - 1725 - Preservation Plan Proposal

Prepared By: Matt Orbach  
Assistant Planner

# ADAMS RESIDENCE

GENERAL INFORMATION:	
<b>SITE AREA:</b> 8,000 SQ. FT. (4,500 S.F. EASEMENT)	<b>ZONE:</b> R-1
<b>BUILDING:</b>	
<b>EXISTING:</b>	
GARAGE	583 SQ. FT.
LOFT (ABOVE GARAGE)	181 SQ. FT.
MAIN HOUSE	2,226 SQ. FT.
<b>TOTAL</b>	<b>2,990 SQ. FT.</b>
<b>PROPOSED:</b>	
EXISTING MAIN HOUSE	2,226 SQ. FT.
DETACHED LIVING	583 SQ. FT.
<b>SUBTOTAL</b>	<b>2,809 SQ. FT.</b>
DETACHED GARAGE	241 SQ. FT.
<b>TOTAL</b>	<b>3,050 SQ. FT.</b>

**CODE ANALYSIS:**  
 THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH THE CALIFORNIA BUILDING AND FIRE CODES (2016)  
 OCCUPANCY CLASSIFICATION: R-3/U  
 BUILDING CONSTRUCTION TYPE: V-B  
 FIRE RATINGS: NON-SPRINKLERED



THE DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES IN DIMENSIONS, FIELD CONDITIONS, OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR OFFERS FROM THESE DOCUMENTS. THESE DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE DESIGNER DISCLAIMS ANY RESPONSIBILITY RESULTING FROM THEIR UNAUTHORIZED USE.  
 COPYRIGHT PROTECTION STARTS FROM THE EARLIEST DATE OF THE DESIGN CONTRACT, PRELIMINARY DESIGN WORK, OR THE CONSTRUCTION DOCUMENTS.

**PROJECT DESCRIPTION:**  
 CONVERT EXISTING BARN INTO EXTENDED LIVING AREA TO EXISTING HOUSE. BUILD NEW SINGLE CAR GARAGE. (NO WORK TO EXISTING 2 STORY STRUCTURE)

LEGEND OF SHEETS	
PAGE	TITLE
1	COVER SHEET, PROJECT INFO
1A	GENERAL NOTES
2A	PROPOSED SITE PLAN
3A	EXISTING FIRST FLOORPLAN (MAIN HOUSE)
3B	EXISTING SECOND FLOORPLAN (MAIN HOUSE)
4	PROPOSED FLOORPLAN
5	EXISTING ELEVATIONS
6	PROPOSED ELEVATIONS
8	ROOF PLAN
9	SITE PLANNING DETAILS
BMP	BEST MANAGEMENT PRACTICES
S	SURVEY

REVISIONS:	

**OWNER:**  
 MICHAEL R. ELDRITCH AD  
 1725 48TH AVE  
 CAPITOLA, CA 95010  
 850-246-6000  
 ADN 074\_077-41

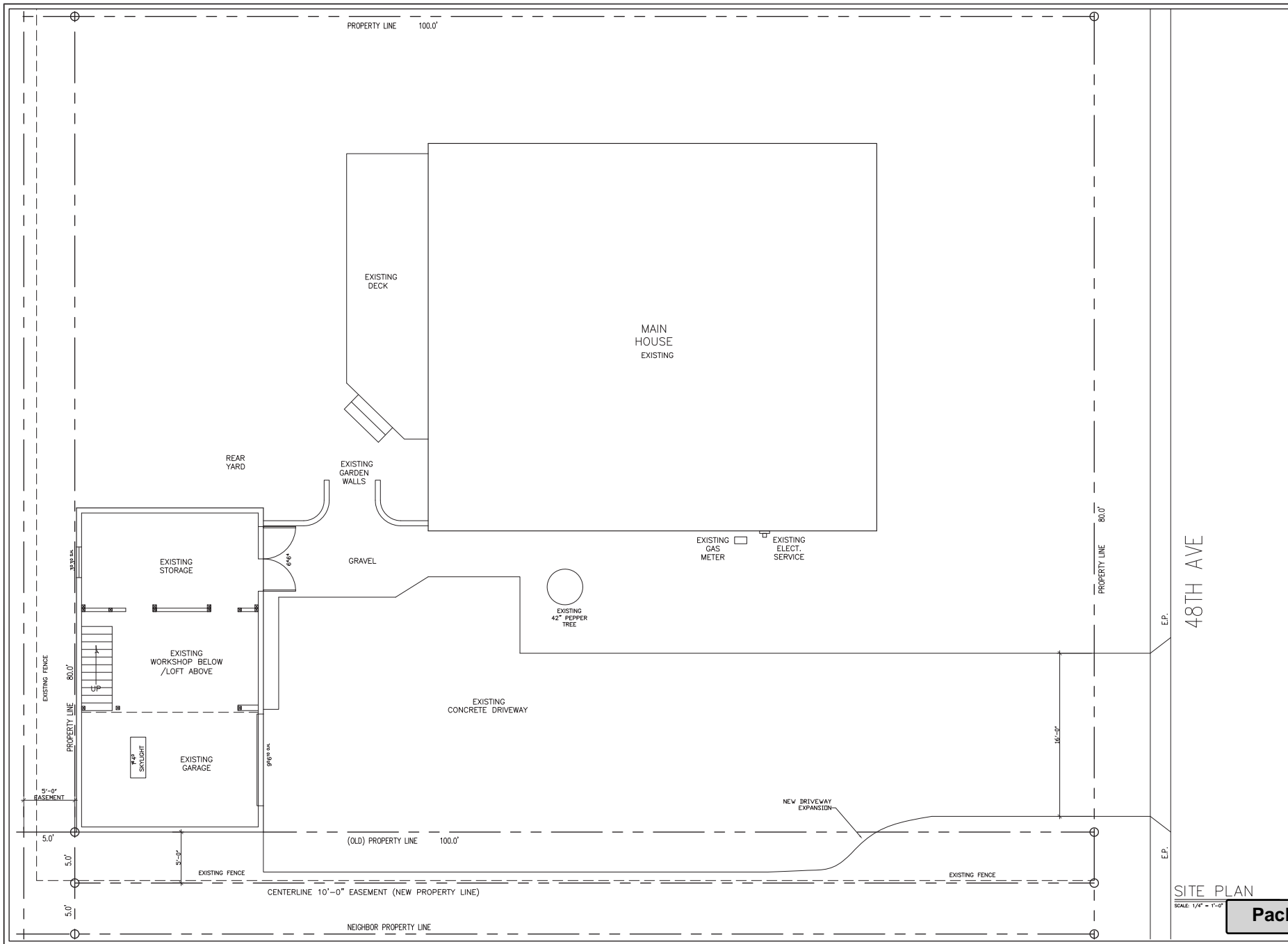
**DENNIS NORTON**  
 HOME DESIGN AND PROJECT PLANNING  
 717 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PHONE: (831) 475-2010 FAX: (831) 475-2010

COVER SHEET  
 LEGEND OF SHEETS

**DRAWING:**  
 CHECKED:  
 JOB NO. 48TH  
 DATE: 02/20/16  
 SHEET

Attachment: Attachment 1 - 1725 48th Ave - Full Plan Set - Letter (1725 48th Avenue)





NO.	DATE	DESCRIPTION

OWNER:  
 MICHAEL & ELIZABETH ADAMS  
 1725 48TH AVE  
 CAPITOLA, CA 95010  
 650-246-6506

ADAMS RESIDENCE  
 1725 48TH AVE  
 CAPITOLA, CA 95010  
 ADN 034-000-41

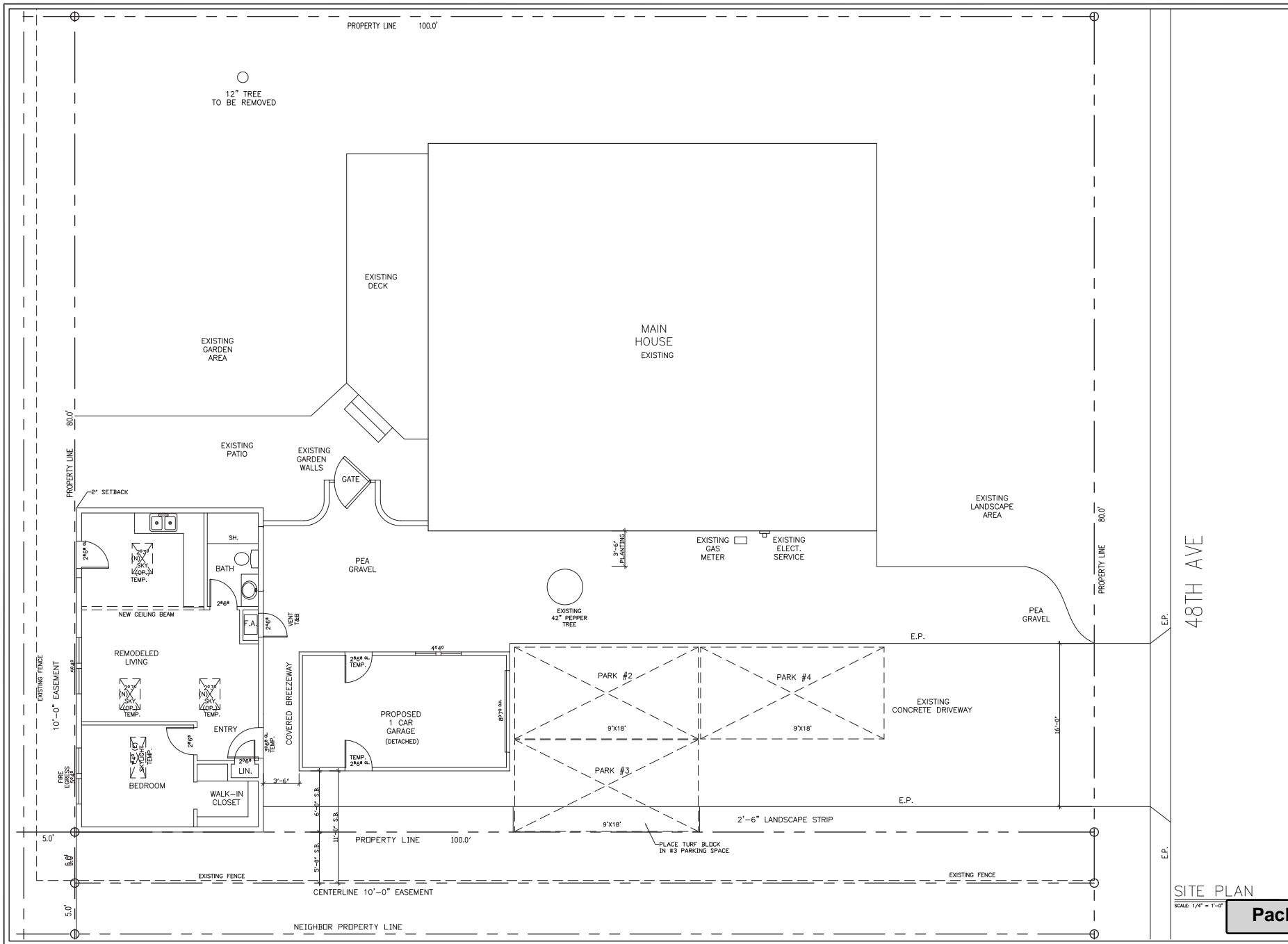
DENNIS NORTON  
 HOME DESIGN AND  
 PROJECT PLANNING  
 712 C CAPITOLA AV., CAPITOLA, CA 95010 • 831 476 2816

# EXISTING FLOORPLAN AND SITE PLAN

DRAWN: C  
 SCALE: 1/4" = 1'-0"  
 JOB NO. 48TH  
 DATE: 11/27/11  
 SHEET: 1

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

**Attachment 1 - 1725 48th Ave - Full Plan Set - Letter (1725 48th Avenue)**



REVISIONS:


OWNER:  
 MICHAEL & ELIZABETH ADAMS  
 1725 48TH AVE  
 CAPITOLA, CA 95010  
 831-476-6504

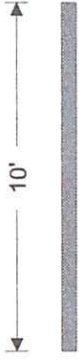
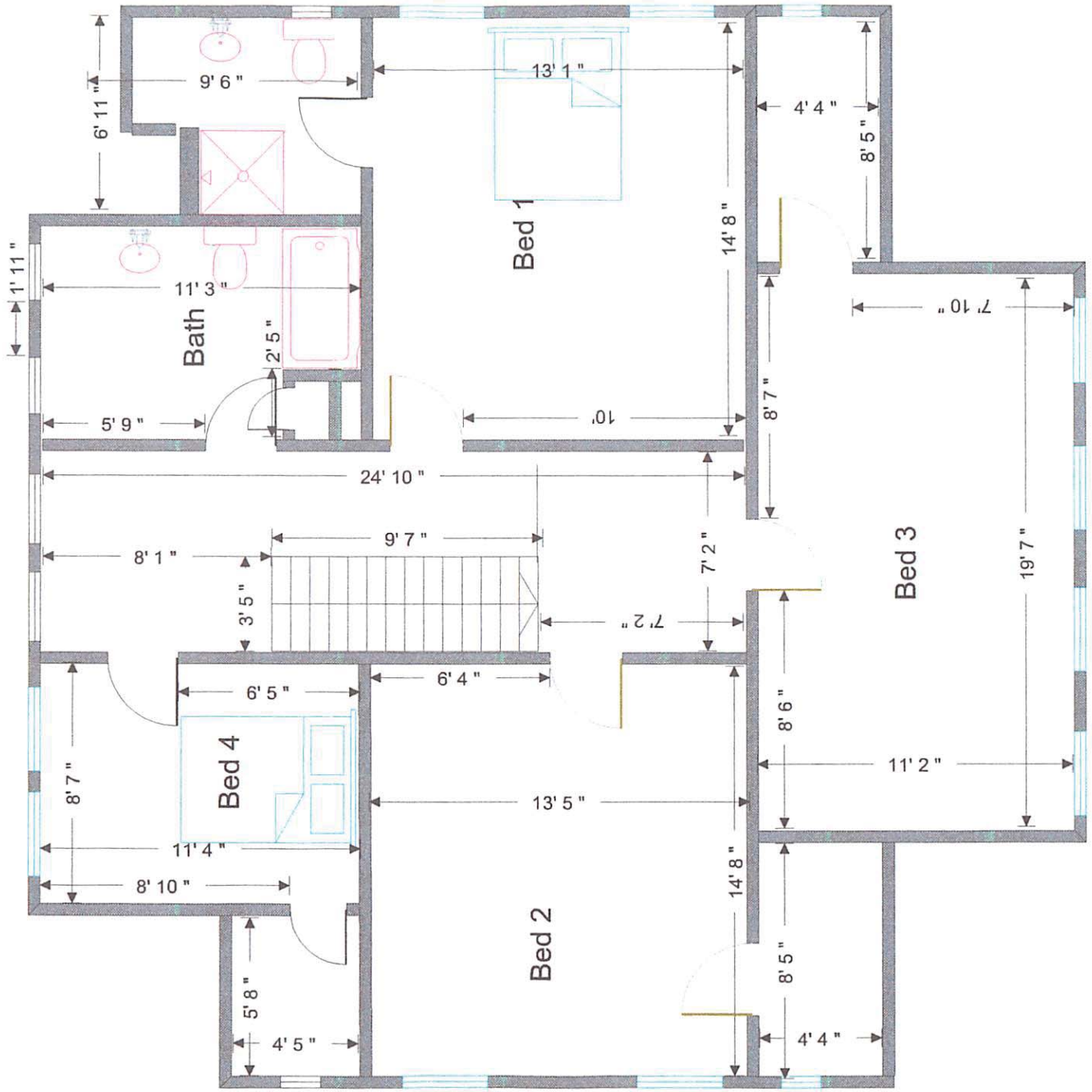
ADAMS RESIDENCE  
 1725 48TH AVE  
 CAPITOLA, CA 95010  
 ADN 034-000-41

DENNIS NORTON  
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 PROJECT PLANNING  
 712 C CAPITOLA AV., CAPITOLA, CA 95010 • 831-476-2816

PROPOSED  
 SITE PLAN

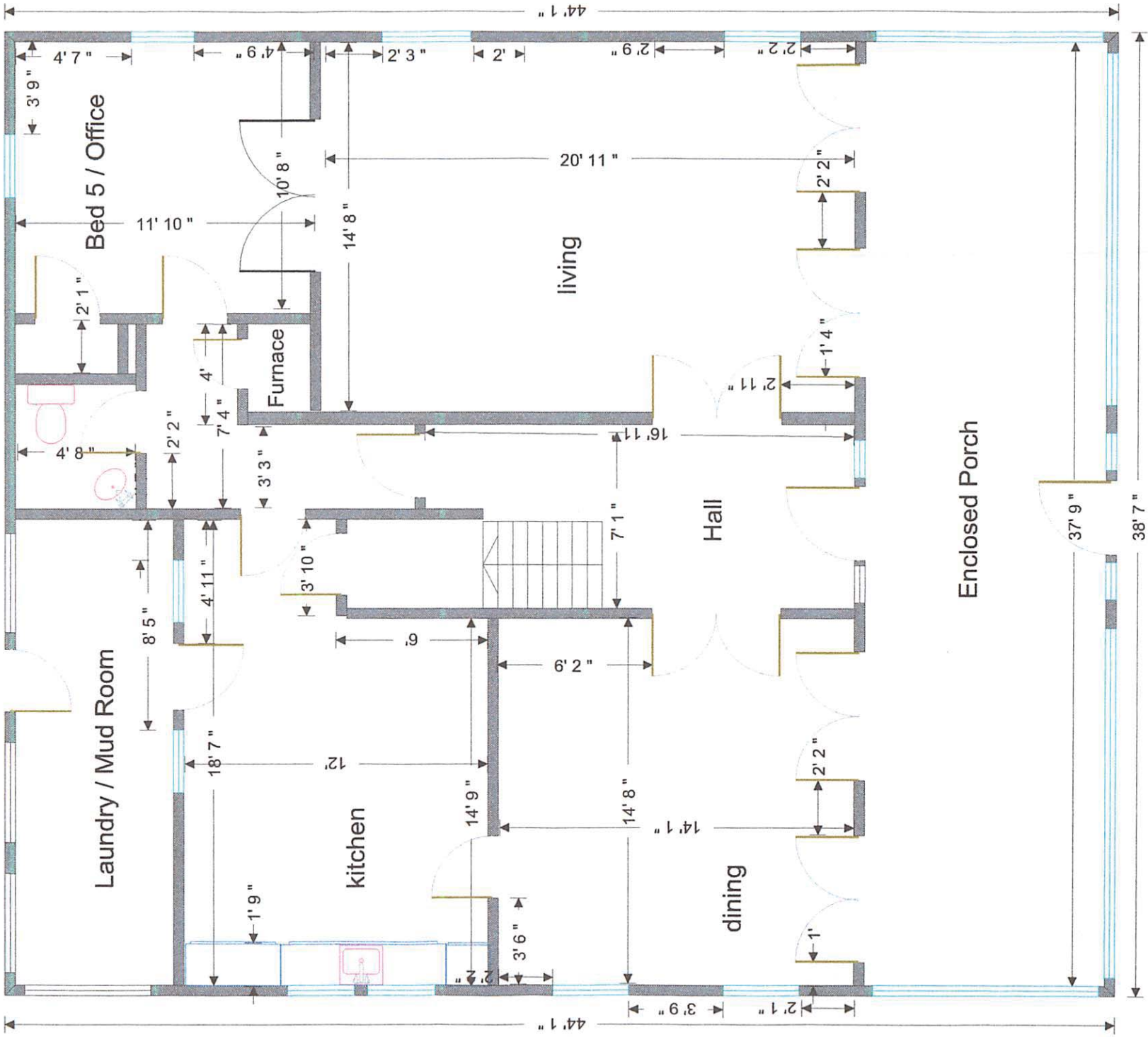
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 SCALE: 1/4" = 1'-0"  
 JOB NO. 48TH  
 DATE: 03/08/16  
 SHEET: A

Attachment: Attachment 1 - 1725 48th Ave - Full Plan Set - Letter (1725 48th Avenue)



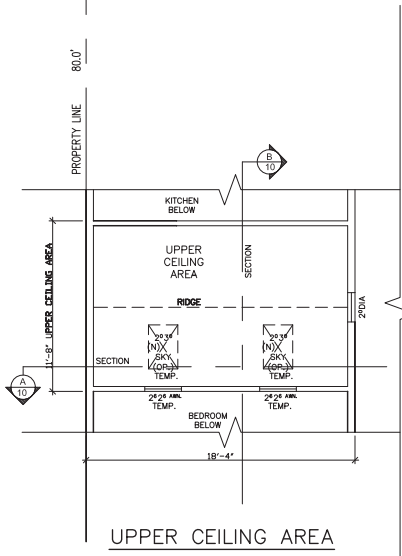
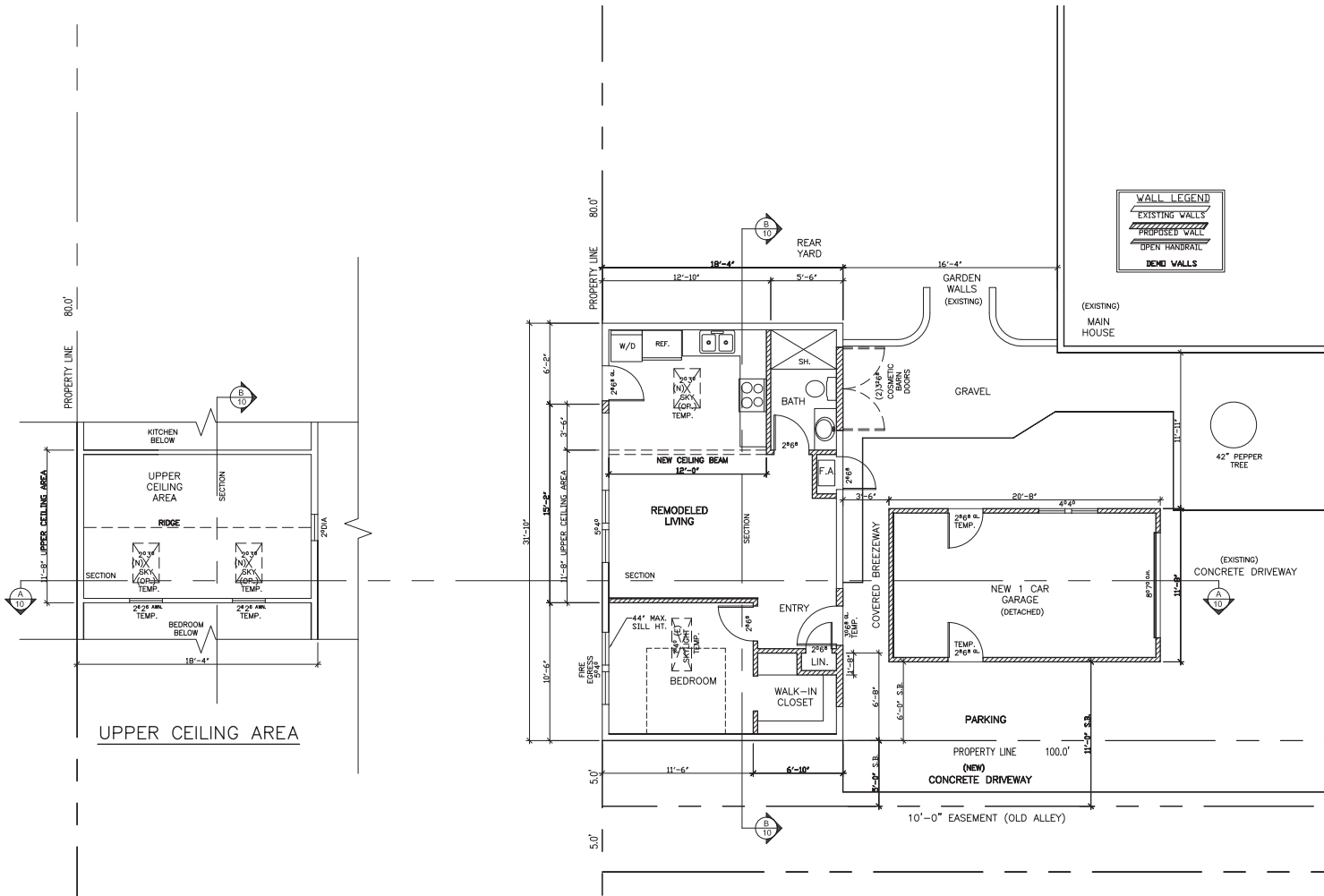
1725 48th Avenue, Capitola  
Second Floor





1725 48th Avenue, Capitola

Attachment: Attachment 1 - 1725 48th Ave - Full Plan Set - Letter (1725 48th Avenue)



**WALL LEGEND**

- EXISTING WALL
- PROPOSED WALL
- OPEN HANDRAIL
- DEM WALLS

**REVISIONS:**

NO.	DESCRIPTION	DATE

**OWNER:**  
 MICHAEL B. BLUMRICH ADAMS  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 650-246-6095

**ADAMS RESIDENCE**  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 APN 034-022-41

**DENNIS NORTON**  
 HOME DESIGN AND PROJECT PLANNING  
 112 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PHONE: 650-246-6095  
 WEBSITE: www.dennisonortondesign.com

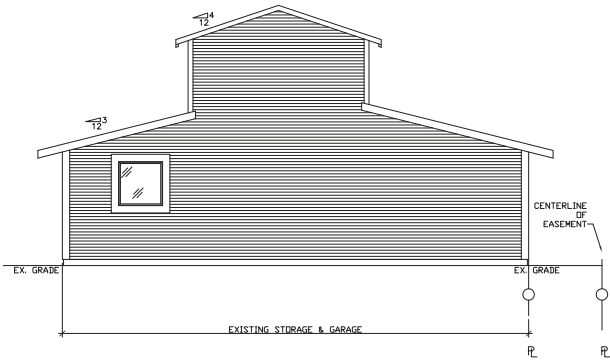
**PROPOSED FLOORPLAN**

**DRAWN:** GG  
**SCALE:** 1/4" = 1'-0"  
**JOB NO.:** 48TH  
**DATE:** 02/20/18  
**SHEET:** 1

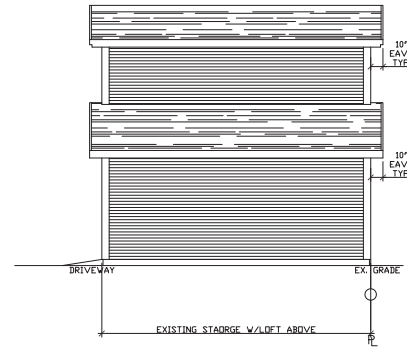
**EXISTING S.F.:**  
 GARAGE = 583 S.F.  
 LOFT = 181 S.F.

**PROPOSED S.F.:**  
 DETACHED LIVING = 593 S.F.  
 DETACHED GARAGE = 241 S.F.

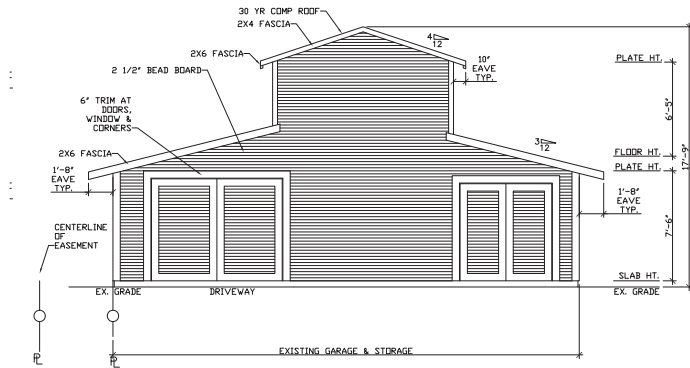
**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



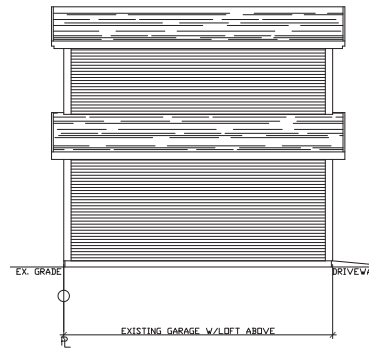
WEST



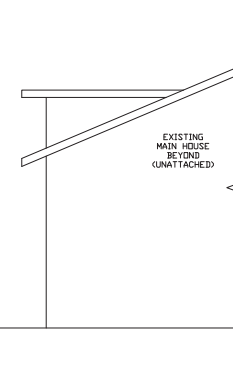
NORTH




EAST



SOUTH



NOTE:  = TEMPERED GLASS

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

REVISIONS:	BY:

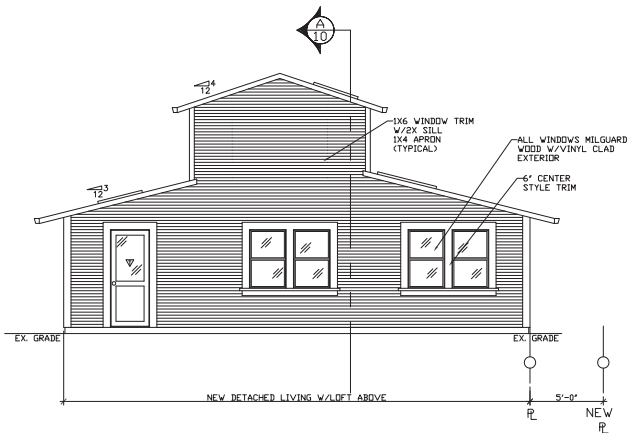
OWNER:  
MICHAEL & ELIZABETH ADAMS  
1725 48TH AVE.  
CAPITOLA, CA 95010  
650-246-6095

ADAMS RESIDENCE  
1725 48TH AVE.  
CAPITOLA, CA 95010  
APN 034-022-41

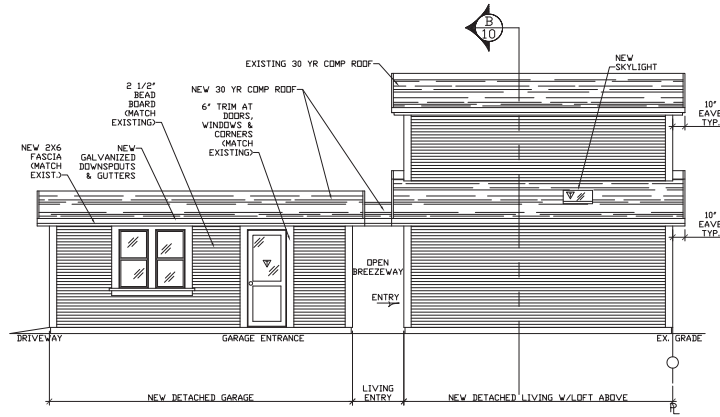
DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING  
712 C CAPITOLA AV. CAPITOLA, CA 95010 • 831 476 2616  
FAX: 416 266

ELEVATIONS  
EXISTING

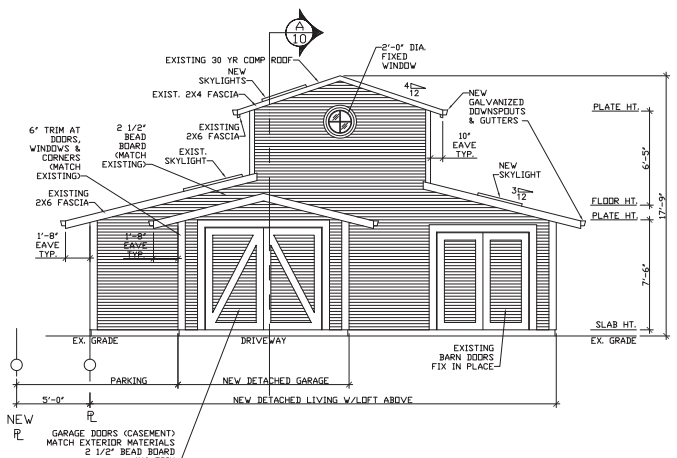
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SCALE:	1/4"=1'-0"
JOB:	48TH
DATE:	11/27/17
SHEET:	



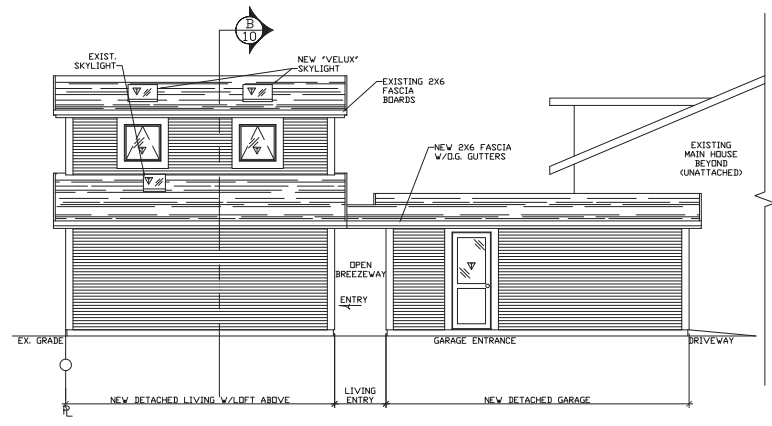
WEST



NORTH



EAST



SOUTH

NOTE: = TEMPERED GLASS

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

REVISIONS:	BY:

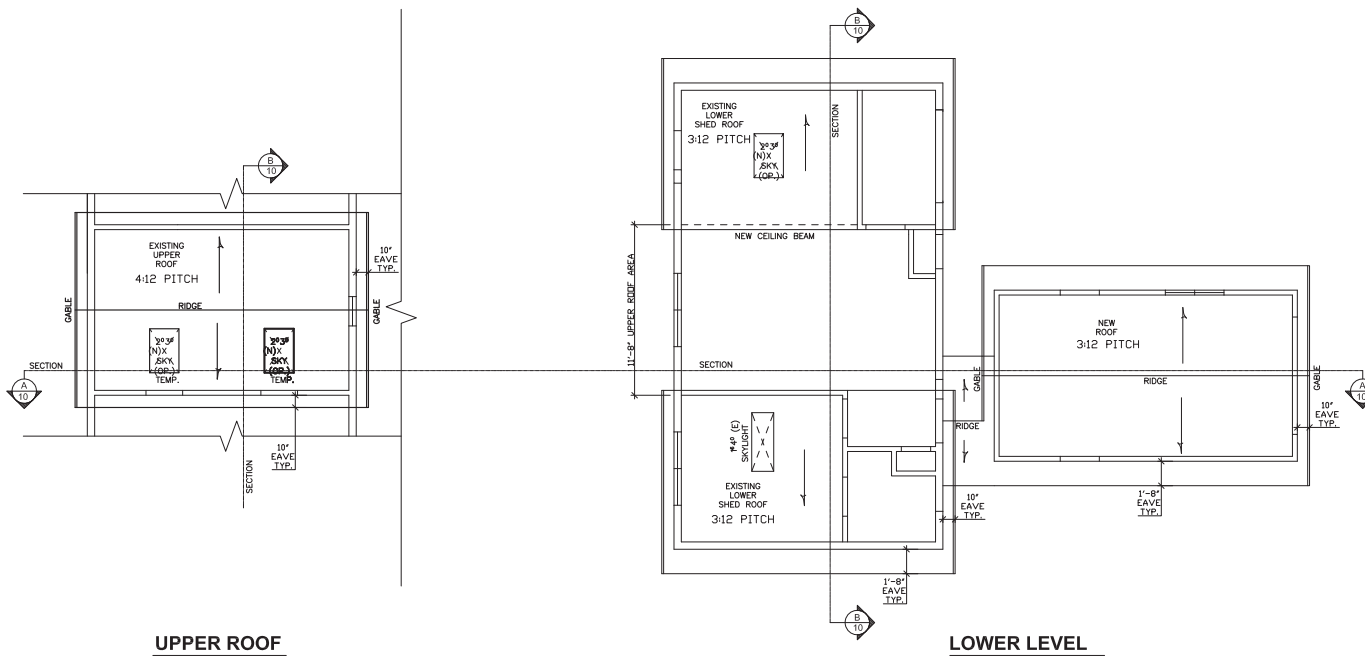
OWNER:  
MICHAEL & ELIZABETH ADAMS  
1725 48TH AVE.  
CAPITOLA, CA 95010  
650-246-6095

ADAMS RESIDENCE  
1725 48TH AVE.  
CAPITOLA, CA 95010  
APN 034-022-41

DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING  
712 C CAPITOLA AV. CAPITOLA, CA 95010 • 831 476 2819  
FAX: 418 2016

ELEVATIONS  
PROPOSED

DRAWN:	GG
SCALE:	1/4"=1'-0"
JOB:	48TH
DATE:	03/14/18
SHEET:	



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

NO.	REVISIONS:

OWNER:  
MICHAEL & ELIZABETH AD  
1725 48TH AVE  
CAPITOLA, CA 95010  
650-246-6500

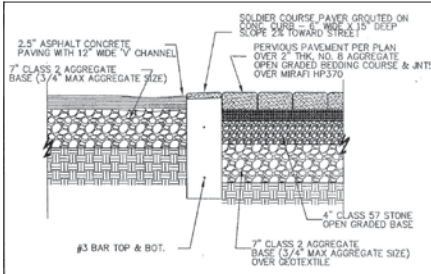
ADAMS RESIDENCE  
1725 48TH AVE  
CAPITOLA, CA 95010  
ADN 034-022-41

DENNIS NORTON  
HOME DESIGN AND PROJECT PLANNING  
712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: (831) 475-2010 FAX: (831) 475-2015

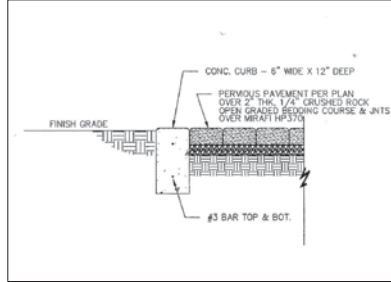
ROOF  
PLAN

DRAWN: C  
SCALE: 1/4"=1'-0"  
JOB NO. 48TH  
DATE: 02/20/11  
SHEET

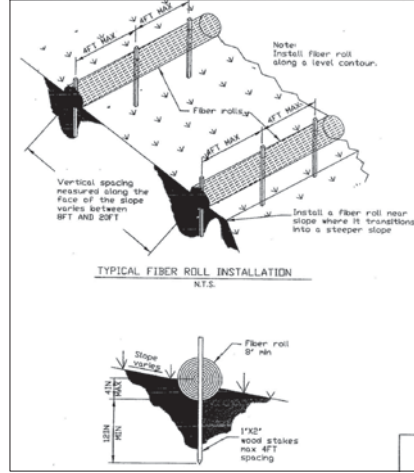
**1 SEMI-PERMEABLE PAVERS (DRIVEWAY)**



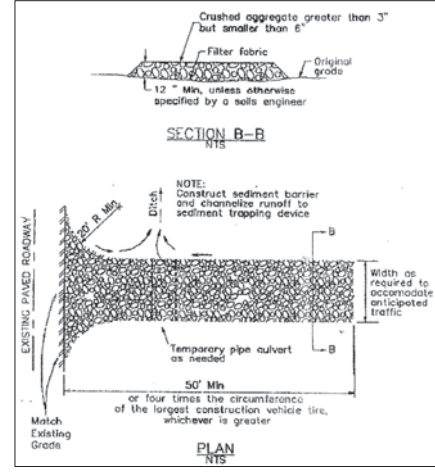
**2 SEMI-PERMEABLE PAVERS (PATIOS & WALKWAYS)**



**3 FIBER ROLL**

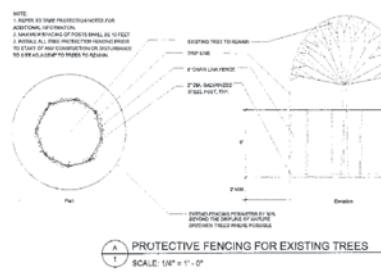
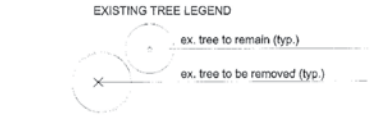


**4 CONSTRUCTION ENTRANCE**

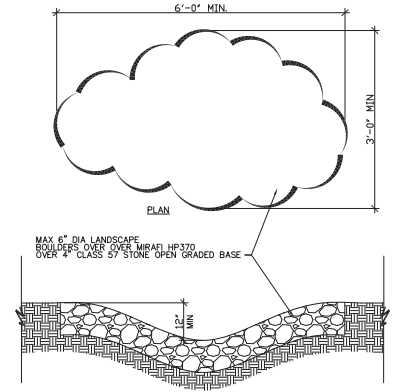


**5 TREE PROTECTION PLAN**

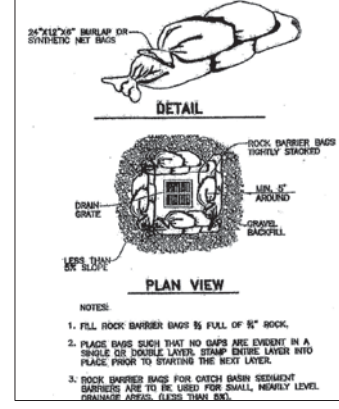
- TREE PROTECTION NOTES:**
1. Prior to initiating any construction activity in the area, including grading, temporary fencing shall be installed at each site tree. Fencing shall be located at or beyond the canopy drip line so that 100% of the drip line will be protected by fencing. To reduce soil compaction from equipment, a mat of 1-2 inch wood chippings shall be placed at a depth of 4 inches whenever construction is to occur on the drip line of trees to be protected.
  2. The tree protection fence shall be 6\"/>



**6 BIOSWALE**



**7 STORM DRAIN INLET PROTECTION**



**8 SITE HOUSEKEEPING REQUIREMENTS: CONSTRUCTION MATERIALS**

ALL LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOILS, SPILLS, AGGREGATE, FL-ASH, STUCCO, HYDRATED LIME, ETC.) SHALL BE COVERED AND BEMED.

ALL CHEMICALS SHALL BE STORED IN WATER TIGHT CONTAINERS (WITH APPROPRIATE SECONDARY CONTAINMENT TO PREVENT SPILLAGE OR LEAKAGE) OR IN A STORAGE SHED (COMPLETELY ENCLOSED).

EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED. THIS DOES NOT INCLUDE MATERIALS AND EQUIPMENT THAT ARE DESIGNED TO BE OUTDOORS AND EXPOSED TO ENVIRONMENTAL CONDITIONS (I.E. POLES, EQUIPMENT PADS, CABINETS, CONDUCTORS, INSULATORS, BRICKS, ETC.).

BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.

**9 SITE HOUSEKEEPING REQUIREMENTS: WASTE MANAGEMENT**

DISPOSAL OF ANY RINSE OR WASH WATERS OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PREVENTED.

SANITATION FACILITIES SHALL BE CONTAINED (E.G., PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER, AND SHALL BE LOCATED A MINIMUM OF 20 FEET AWAY FROM AN INLET, STREET OR DRIVEWAY, STREAM, RIPARIAN AREA OR OTHER DRAINAGE FACILITY.

SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND CLEANED OR REPLACED AS NECESSARY.

COVER WASTE DISPOSAL CONTAINERS AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT.

DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE PREVENTED.

STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.

PROCEDURES THAT EFFECTIVELY ADDRESS HAZARDOUS AND NON-HAZARDOUS SPILLS SHALL BE IMPLEMENTED.

EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE AND THAT SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY.

CONCRETE WASHOUT AREAS AND OTHER WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.

**10 SITE HOUSEKEEPING REQUIREMENTS: VEHICLE STORAGE & MAINTENANCE AND LANDSCAPE MATERIALS**

MEASURES SHALL BE TAKEN TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACE WATERS.

ALL EQUIPMENT OR VEHICLES, WHICH ARE TO BE MAINTAINED AND STORED ON SITE SHALL BE IN A DESIGNATED AREA FITTED WITH APPLIED BUMPERS.

LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY.

CONTAIN STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT ACTIVELY BEING USED.

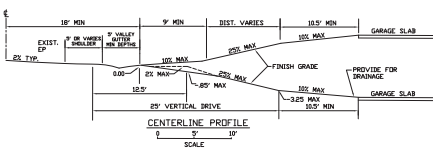
CONTAIN FERTILIZERS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT ACTIVELY BEING USED.

DISCONTINUE THE APPLICATION OF ANY ERODIBLE LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION.

APPLY ERODIBLE LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURE RECOMMENDATIONS OR BASED ON WRITTEN SPECIFICATIONS BY KNOWLEDGEABLE AND EXPERIENCED FIELD PERSONNEL.

STACK ERODIBLE LANDSCAPE MATERIAL ON PALLETS AND COVERING OR STORING SUCH MATERIALS WHEN NOT BEING USED OR APPLIED.

**11 TYPICAL DRIVEWAY**



REVISIONS:	BY:

OWNER:  
 MICHAEL & ELIZABETH ADAMS  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 650-246-6095

ADAMS RESIDENCE  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 APN 034-022-41

DENNIS NORTON  
 HOME DESIGN AND  
 PROJECT PLANNING  
 712 C CAPITOLA AV. CAPITOLA, CA 95010 • 831-476-2818  
 FAX: 831-476-2818

SITE PLANNING  
 DETAILS

DRAWN: GG  
 SCALE: NONE  
 JOB NO. 48TH  
 DATE: 11/26/17  
 SHEET

REVISIONS:	BY:

OWNER:  
**MOVAL & LEBRETH ADAMS**  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 650-246-6095

**ADAMS RESIDENCE**  
 1725 48TH AVE.  
 CAPITOLA, CA 95010  
 APN 034-022-41

**DENNIS NORTON**  
 HOME DESIGN AND  
 PROJECT PLANNING  
 712 G CAPITOLA AV. CAPITOLA, CA 95010 • 831-476-2616  
 FAX: 831-476-2616

**BEST MANAGEMENT PRACTICES**

DRAWN:	GG
SCALE:	NONE
JOB NO:	48TH
DATE:	11/26/17
SHEET:	

**Attachment 1 - 1725 48th Ave - Full Plan Set - Letter (1725 48th Avenue)**

**◆ Concrete, Cement, & Masonry Products**

- Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
- Avoid mixing excess amount of fresh concrete or cement mortar on-site.
- During site cutting, ensure that the slurry water does not run off into the street or storm drain system. The discharge of slurry to the storm drain system is prohibited. Dried slurry must be cleaned up and disposed of properly.
- Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system. If a concrete transit mixer is used, a suitable washout box, excavation or self-washing mixer able to contain waste material shall be provided on-site.
- Never wash or rinse mixing containers and tools into the gutter, street, storm drain inlet, drainage ditches or water body.
- If conducting sidewalk work, material stockpiles must be removed and cleaned up by the end of each work day.
- Unsettled materials and debris that remain on pavement and dispose of properly.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite. Ensure that nothing has drifted down the street, gutter or catch basin.

**◆ Site Clean Up**

- Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage.
- The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system. If water is used to flush sediment or particles from pavement, the water must be directed to a landscaped or grassy area large enough to absorb all the water.
- If conducting road or sidewalk work, materials stockpiles must be removed and cleaned up by the end of each work day.
- Discarded building materials and demolition wastes must never be left in a street, gutter, or waterway. Dispose of all wastes properly including leftover paint and chemicals. Materials that cannot be reused or recycled must be taken to the landfill or disposed of as hazardous wastes.

Signed and Agreed to by:  
 Project Owner or General Contractor  
 Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name: \_\_\_\_\_

NOT TO SCALE	STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN: 214	REV:
DRAWN BY: M.P.			
CHECKED BY: S.E.J.		DRAWING No. BMP-STRM-5	

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

**◆ Earth Moving Activities & Heavy Equipment**

Soil excavation and grading operations loosen large amounts of soil that can be transported into storm drains when handled improperly. Effective erosion control practices reduce the amount of runoff crossing a site and slow the runoff with check dams or vegetative erosion control. Other, earth moving activities require use and storage of heavy equipment. Properly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids onto the construction site are common sources of storm drain pollution.

**Site Planning**

- Maintain all heavy equipment, inspect frequently for leaks, and repair leaks immediately upon discovery.
- Perform major auto or heavy equipment maintenance, repair jobs and vehicle or equipment washing off-site.
- If you must drain and replace motor oil, radiator coolant or other fluids on site, use drip pans, plastic sheeting or drop cloths to catch drips and spills. Collect all spent fluids, store in separate containers and properly dispose as hazardous wastes. Recycle whenever possible.
- Do not use diesel oil to lubricate equipment parts or clean equipment. Only use water for onsite cleaning.
- Cover exposed fifth wheel hitchets and other oily or greasy equipment during all rain events.

**Practices During Construction**

- Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- Protect down slope drainage courses, creeks and storm drains with wattles or temporary drainage swales.
- Use check dams or ditches to divert runoff around excavations. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (BMP) Handbook, California Stormwater Quality Association (CASQA).
- Good stockpiles and excavated soil with secured tarps or plastic sheeting.

**Soil Clean Up**

- Maintain spill clean-up kit on site.
- Clean up spills immediately. Use dry cleanup methods if possible.
- Never hose down dirty pavement or impervious surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials or litter receptacles) whenever possible and properly dispose of absorbent materials.
- Sweep up spilled dry materials immediately. Never attempt to wash them away with water or bury them.
- Use spill kits as possible for dust control. If water is used, ensure it does not leave oil or discharge to storm drains.
- Call 911 for significant spills. If the spill poses a significant hazard to human health and safety, you must also report it to the State Office of Emergency Services.

NOT TO SCALE	STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN: 214	REV:
DRAWN BY: M.P.			
CHECKED BY: S.E.J.		DRAWING No. BMP-STRM-3	

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

**◆ Painting, Varnish & Application of Solvents & Adhesives**

Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or rags. Paint materials and wastes, adhesives and cleaning fluid should be recycled when possible or properly disposed to prevent these substances from entering the storm drain and waterways.

**Handling of Surface Coatings**

- Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains. Wastewater or spill containing paint or paint thinner must never be discharged into the storm drain system.
- When there is a risk of a spill reaching the storm drain, nearby storm drain inlets must be protected prior to starting painting.

**Removal of Surface Coatings**

- Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint or varnish stripping residues, chips and dust from marine paints or varnishes, or paints containing lead, mercury or tributyltin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor. Paint may be tested for lead by taking paint scrapings to a local, state-certified laboratory.
- When stripping or cleaning building exteriors with high-pressure water, block storm drains to prevent flow from creeks and the Monterey Bay.
- Wash water from painted buildings constructed pre-1978 can contain high amounts of lead even if paint chips are not present. Before stripping paint or cleaning a pre-1978 building's exterior with water under high pressure, test paint for lead by taking paint scrapings to a local, state-certified laboratory.

**Clean Up of Surface Coatings**

- Never clean brushes or rinse paint or varnish containers into a gutter, street, storm drain, French drain or creek.
- For water based paints, paint out brushes to the extent possible and rinse into an interior sink drain that goes to the sanitary sewer.
- For oil based paints, paint out brushes to the extent possible and clean with thinner or solvent. Fill and reuse thinners and solvents where possible. Dispose of excess liquids and residue as hazardous wastes.
- When thoroughly dry, empty paint cans, used brushes, rags and drop cloths may be disposed of as garbage.

**Disposal of Surface Coatings**

- Recycle, reuse, transfer, or donate unvarnished water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste. Varnish, thinners, solvents, glues and cleaning fluids must be disposed of as hazardous wastes.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite, and ensure that nothing has drifted toward the street, gutter, or catch basin.

**◆ Roadwork & Paving**

- Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
- The discharge of saw cut slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters. If slurry enters the storm drain system, remove material immediately.
- Dried, saw cut slurry must be cleaned up and properly disposed so that it will not be carried into the storm drain system by wind, traffic, or carts.
- After breaking up old pavement, sweep up materials and recycle as much as possible. Properly dispose of non-recyclable materials.
- Cover and seal nearby storm drain inlets and manholes before applying seal coat, slurry seal, etc. Leave covers in place until the oil sealant is dry.
- In the event of rain during construction, divert runoff around work areas and cover materials.
- Park paving machines over drip pans or absorbent materials.
- Never wash sweepings from exposed aggregate concrete into a street or a storm drain inlet. Collect and return to aggregate base stockpile or dispose of in the trash.
- Remove and clean up material stockpiles (i.e. asphalt and sand) by the end of each week or, if during the rainy season, by the end of each day. Stockpiles must be removed by the end of each day if they are located in a public right-of-way.

NOT TO SCALE	STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN: 214	REV:
DRAWN BY: M.P.			
CHECKED BY: S.E.J.		DRAWING No. BMP-STRM-4	

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

**Stormwater Pollution Prevention and Protection for Construction Projects**

In the City of Capitola, water in creeks, gutters, and other storm drains flows directly to Los Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get spilled, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways, the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.

In addition to the following mandatory BMPs, the Central Coast Regional Water Quality Control Board (Regional Water Board) under the State Water Resources Control Board (State Water Board) requires coverage under and adherence to the Construction Activities Storm Water General Permit, or CGP, to regulate storm water runoff from construction sites. In general, any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, requires coverage under the CGP. Construction activities associated with Linear Underground Projects (LUPs) also require coverage under the CGP. It should be noted that SWPPP development and implementation (preparations, tracking) associated with sites subject to the CGP (excluding water sales) must be done by a qualified SWPPP developer (QSD), respectively. More information on the CGP and QSD/QSPs may be found at <http://www.waterboards.ca.gov/SWPPP/links/constructivesitesstormwatercontrolmethods.shtml>

**◆ General Construction & Site Supervision**

The rainy season referred to herein applies to the dates October 1 to April 30; the dry season spans May 1 to September 30. Compliance with the CGP and below BMPs to require your municipal engineer, different requirements may be needed for the rainy and non-rainy season.

**General Principles**

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, gutters, storm drains and drainage channels.
- Ensure dust control water does not leave the site or discharge to storm drains.
- Train your employees on these BMPs and familiarize them with storm water issues prior to beginning work. Inform your subcontractors about storm water requirements and be sure that they also abide by these BMPs.
- Refer to the following approved references for BMP selection, implementation, and on-site management (most recent versions unless otherwise noted):
  - Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.
  - Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG)
  - Construction Best Management Practices (BMP) Handbook, California Stormwater Quality Association (CASQA)
  - Construction Site Best Management Practices (BMP) Manual, Storm Water Quality Handbooks, California

**Good Housekeeping Practices**

- Designate one area of the site located away from storm drains, drainage weaves, and creeks for auto parking and heavy equipment storage, vehicle refueling and routine equipment maintenance.
- To prevent off-site tracking of dirt, provide site entrances with associated aggregate surfaces or provide a tire wash area on the site, but away from storm inlets or drainage channels. Mud, dirt, gravel, sand and other materials tracked or dropped on city streets must be cleaned up immediately.
- Keep materials and soil stockpiles out of the rain and prevent runoff contamination from the site. Store materials, stockpiles and excavation soils under cover and protected from wind, rain, and runoff. Cover exposed piles of construction materials or soil with plastic sheeting or temporary roofs. Before rainfall events, sweep and remove material from surfaces that drain to storm inlets and/or drainage channels.
- Place trash cans around the site to reduce litter. Dispose of non-hazardous construction wastes in covered dumpsters or recycling receptacles.
- Keep dumpster lids closed and secured. For dumpsters or bins that don't have a lid, cover them with tarps or plastic sheeting, secured around the perimeter of the dumpster or place them under temporary roofs. Never clean out a dumpster by hosing it down on the construction site.

NOT TO SCALE	STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN: 214	REV:
DRAWN BY: M.P.			
CHECKED BY: S.E.J.		DRAWING No. BMP-STRM-1	

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

- Clean up leaks, drips and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces. Use dry cleaning methods whenever possible. Water may only be used in minimum quantities to prevent dust.
- If portable toilets are used, ensure that the leasing company properly maintains the toilets and promptly makes repairs. Conduct visual inspections for leaks.
- Protect vegetation and trees from accidental damages from construction activities by surrounding them with fencing or tree armoring.

**Advanced Planning**

- Site development shall be fitted to the topography and soils in order to minimize the potential for erosion.
- Soil grading/clearing limits, easements, setback, sensitive or critical areas, trees, drainage courses, and buffer zones must be delineated on site to prevent excessive or unnecessary disturbances and exposure prior to construction.
- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins.
- Conduct grading operations in phases in order to reduce the amount of disturbed areas and exposed soil at any one time. Unless specifically approved on the project's drainage plan, grading, sediment and erosion control plan, clearing, excavation and grading shall not be conducted during heavy weather. All rainy season grading shall be in accordance with Capitola Municipal Code Chapter 15.28.
- Control the amount of runoff crossing your site especially during excavation by using berms or temporary drainage ditches or tie-washes to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.

**Materials & Waste Handling**

- Practice contaminant "Source Reduction" by estimating carefully and minimizing wastes when ordering materials.
- Recycle excess materials such as concrete, asphalt, scrap metal, solvents, degreasers, paper, and white maintenance materials whenever possible.
- Dispose of all wastes properly by ensuring that materials that cannot be recycled are taken to an appropriate land fill or disposed of as hazardous waste. Never bury waste materials or leave them in the street or near a creek or drainage channel.

**◆ Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance**

Many landscaping activities and practices expose soils and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals to the storm drain during irrigation or rain events. Other exterior amenities such as ponds, pools and spas require regular maintenance using chlorine and/or copper based algaecides. Water treated with these chemicals is toxic to aquatic life and should never be discharged to the storm drain.

**Landscaping & Garden Maintenance**

- Protect stockpiles and landscaping materials from wind and rain by staking them under tarps or secured plastic sheeting.
- Schedule grading and excavation during dry weather.
- Use temporary check dams or ditches to direct runoff away from storm drains or drainage channels.
- Protect storm drain inlets with sandbags, gravel filled bags, straw wattles, filter fabric, and/or sediment controls.
- No-vegetation is an excellent form of erosion control for any site.
- Never dump or leave soil, mulch, or other landscape products in the street, gutter, or storm drain.

**Ponds/Fountains/Pool/Spa Maintenance**

- When draining a pond, fountain, pool or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department. The City will provide guidance on handling special cleaning waste, flow rate restrictions and backflow prevention.

**◆ Preventing Water & Sediment Runoff**

Effective erosion and sediment control measures must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment at the site's storm water discharge relative to pre-construction levels. During the rainy season, erosion control measures must also be located at all appropriate locations along the site's perimeter and at all inlets to the storm drain system. Effective methods to protect storm drain inlets include sand bag barriers, heavy rubber mats to cover and seal the inlet, and sediment traps or basins. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (BMP) Handbook, California Stormwater Quality Association (CASQA).

NOT TO SCALE	STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN: 214	REV:
DRAWN BY: M.P.			
CHECKED BY: S.E.J.		DRAWING No. BMP-STRM-2	

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

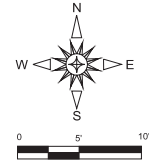
STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

HAROLD SHAPERO,  
TRUSTEE OF THE SHAPERO LIVING TRUST  
dated November 2, 2020 as to an undivided 50%  
interest and HEYSA JANSSEN, TRUSTEE OF THE HEYSA  
JANSSEN REVOCABLE LIVING TRUST dated  
September 21, 1999, as to an undivided 50% interest.  
APN 034-022-40  
Doc. # 2016-0035011

LOT 37

**MICHAEL R. ADAMS  
&  
ELIZABETH L. ADAMS**  
APN 034-022-41  
Doc. # 2011-0019121

10' ALLEY



(25)

**LEGEND**

- = PROPERTY LINES
- = ADJOINING PROPERTY LINES
- (N XX°XXX' W) = RECORD DATA
- = FOUND MONUMENT AS NOTED

**FORTY EIGHTH AVENUE  
50' WIDE**

**SITE MAP  
of the Lands of  
MICHAEL R. ADAMS  
&  
ELIZABETH L. ADAMS  
1725 48TH AVE.  
Capitola, California 95010  
A.P.N. 034-02-41**

(25) A  
(26.29) B  
26.41

SCALE 1" = 5'  
October, 2017

LEEANN BUCK,  
TRUSTEE OF THE HERON BUCK  
2012 IRREVOCABLE TRUST  
dated October 1, 2012  
APN 034-022-42  
Doc. # 2016-0018814

**REFERENCES**

- DOC. # 2011-0019121
- DOC. #2016-0018814
- DOC. # 2016-0035011
- 13 M 31 (A)
- 61 PM 8 (B)
- CR #381

BLOCK C  
13 M 31

LOT 38

LOT 39

deck

21" BOX ELDER TREE

42" PEPPER TREE

CONC. D/W

(S 89°43'00" W) (S 89°43'00" W) 99.50 (100.00)

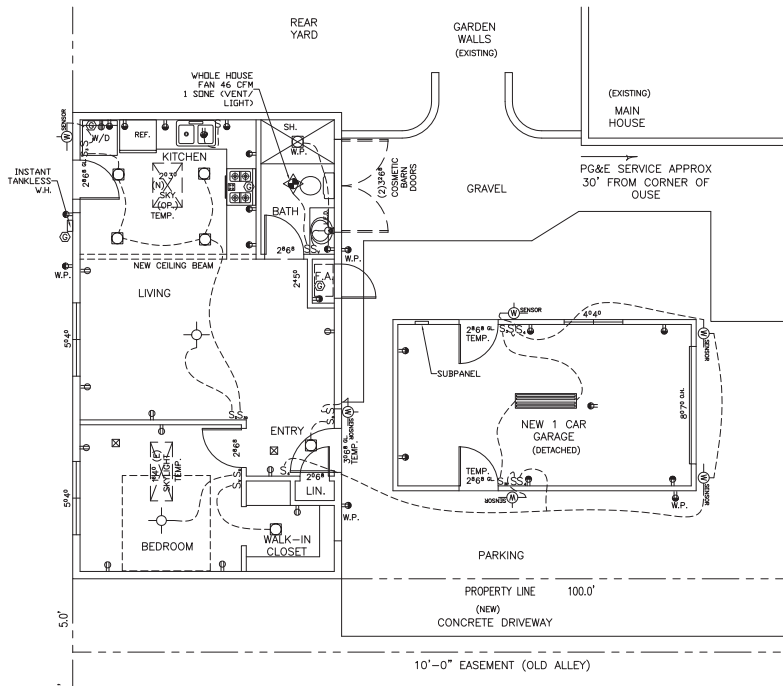
**NOTE**  
THIS IS NOT A BOUNDARY SURVEY. THE PROPERTY  
LINES SHOWN ARE DRAWN FROM RECORD DATA AND  
MAY BE FOUND TO BE DIFFERENT PENDING THE  
RESULTS OF A FULL BOUNDARY SURVEY.

**PAUL JENSEN  
PROFESSIONAL LAND  
SURVEYOR  
SANTA CRUZ, CALIFORNIA**

10' ALLEY

fld. 1/2" iron bar





LOWER LEVEL

SYMBOL	CONTEXT	SYMBOL	CONTEXT
	LIGHT (WALL MOUNT) L.E.D.		AFGI RECEPTACLE
	LIGHT (OVERHEAD) L.E.D.		GFI RECEPTACLE (GROUND FAULT)
	CAN LIGHT (NECESSED) AIRRIGHT L.C. (L.E.D.)		HALF SWITCHED RECEPTACLE
	TUBE LIGHT (L.E.D.)		RECEPTACLE 220V
	WALL LIGHT L.E.D.		FLOOR RECEPTACLE
	STEP LIGHT L.E.D.		FAN-HEAT-LIGHT (60 CFM)
	CEILING FAN W/LIGHT		FAN-LIGHT COMBINATION (60 CFM)
	SWITCH		FAN VENT (60 CFM)
	SWITCH (3-WAY)		WHOLE HOUSE FAN (46 CFM) 1 SONE
	SWITCH (3 WAY) W/DIMMER		GAS
	SWITCH W/DIMMER		PHONE
	SW W/OCCUPANCY SENSOR		CABLE TV
	SW W/VACANCY SENSOR		SMOKE DETECTOR W/CARBON MONOXIDE DETECTOR (60 LIME-BATTERY BACKUP)

NOTE:  
NEW REQUIRED OUTLETS SHALL BE TAMPER RESISTANT (CFC 404.1)  
ALL LIGHTING TO BE L.E.D.

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

NOTE:  
THE CAL GREEN MANDATORY REQUIREMENTS ARE LOCATED ON SHEET GB.1

REVISIONS:	BY:

OWNER:  
MICHAEL & ELIZABETH ADAMS  
1725 48TH AVE.  
CAPITOLA, CA 95010  
650-246-6095

ADAMS RESIDENCE  
1725 48TH AVE.  
CAPITOLA, CA 95010  
APN 034-022-41

DENNIS NORTON  
HOME DESIGN AND  
PROJECT PLANNING  
712 C CAPITOLA AV. CAPITOLA, CA 95010 • 831.476.2615  
FAX: 408.2616

ELECTRICAL  
PLAN

DRAWN: GG  
SCALE: 1/4" = 1'-0"  
JOB NO. 48TH  
DATE: 02/20/18  
SHEET 44



ARCHIVES  
ARCHITECTURE

**SECRETARY OF THE INTERIOR'S STANDARDS REVIEW**

PROPOSED BARN REHABILITATION AND ADDITION PROJECT

at an

HISTORIC RESIDENTIAL PROPERTY

Adams Residence

1725 48th Avenue  
(Parcel Number 034-22-041)  
Capitola, Santa Cruz County, California

For:

Attn: Katie Herlihy, AICP, Senior Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Prepared by:

ARCHIVES & ARCHITECTURE LLC  
PO Box 1332  
San Jose, CA 95109  
408.369.5683 Vox  
[www.archivesandarchitecture.com](http://www.archivesandarchitecture.com)

Leslie A. G. Dill, Partner and Historic Architect

March 14, 2018

Attachment: Attachment 2 - 1725 48th Ave - Historic Report (1725 48th Avenue)

## INTRODUCTION

### Executive Summary

With the clarification of window and door materials, the incorporation of one recommended revision, and the inclusion of recommended language in the building permit plans, this proposed residential rehabilitation and addition project would meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). The recommendations are presented here, and the analysis is described more fully in the report that follows:

It is recommended that the round gable-end window be omitted, as it has the capacity to be understood as an original feature and create a sense of false historicism (Standard 3).

It is recommended that language on the cover sheet should refer to the property as an Historic Resource, requiring review of all design revisions, and that the project should include notes how the existing historic elements are to be protected and preserved during construction (Standards 6 and 7).

It is recommended that the window, door, and skylight materials be specified in notes or by schedule (Standard 9).

### Report Intent

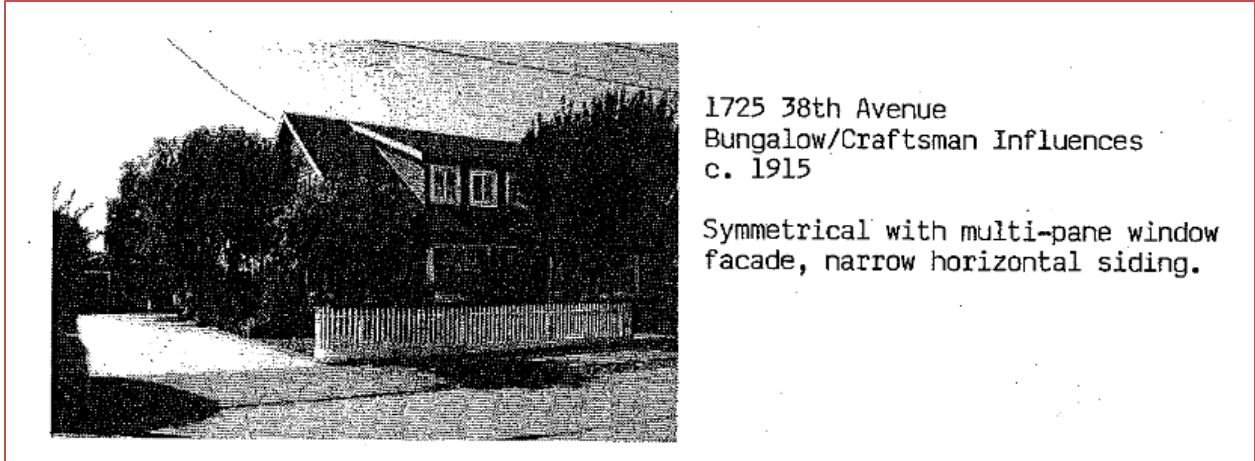
Archives & Architecture (A&A) was retained by the City of Capitola to conduct a Secretary of the Interior's Standards Review of the proposed alterations to the exterior of the historic detached one-and-one-half-story barn at 1725 48th Ave., Capitola, California. A&A was asked to review the exterior elevations, plans, and site plan of the project to determine if the proposed design is compatible with the *Secretary of the Interior's Standards for Rehabilitation* (Standards). The Standards are understood to be a common set of guidelines for the review of historic buildings and are used by many communities during the environmental review process to determine the potential impact of a project on an identified resource.

### Qualifications

Leslie A. G. Dill, Partner of the firm Archives & Architecture, has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia. She is licensed in California as an architect. Ms. Dill is listed with the California Office of Historic Preservation as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of Historic Architect and Architectural Historian in compliance with state and federal environmental laws. The state utilizes the criteria of the National Park Service as outlined in 36 CFR Part 61.

### Review Methodology

For this report, Leslie Dill referred to the historic survey listing of the residence in the Capitola Architectural Survey (Survey). The listing refers to the architecture of the main house, but it is generally understood and accepted that the barn relates to the period of significance of the property and should be included in the Standards review analysis. The Survey address includes a typo (reading 1725 38th Avenue, instead of 48th Avenue); however, the photograph and description clearly refers to the subject property.



*2005 Capitola Architectural Survey – (Note Typo in the Address)*

In October, Ms. Dill met with City of Capitola staff, the architect, and the owners of 1725 48th Avenue met at the site to discuss the parameters of the project. At the end of November, a set of proposed plans, dated 11/28/17, were forwarded for initial response. The plans were prepared by Dennis Norton, Home Design and Project Planning. A&A provided comments and suggestions in the form of a memo dated December 8, 2017. The design was subsequently revised and electronically forwarded in January, whereupon Ms. Dill requested some additional materials clarification be included in the submittal. For this report, A&A evaluated, according to the Standards, a set of prints that included Sheets 1, 1A, 2, 4, 5, 6, 8, 9, 11, the BMP, and a property survey.



*2017 Photos of House and Barn by Leslie Dill*

### Disclaimers

This report addresses the project plans in terms of historically compatible design of the exterior of the residence and its setting. The consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building, and will not review the proposed project for structural soundness or other safety concerns. The Consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.

## PROJECT DESCRIPTION:

### Character of the Existing Resource

The main house is identified in the historic survey, with limited description. To review the design of the proposed barn rehabilitation and addition project, Archives & Architecture, LLC created an initial in-house list of character-defining features of the outbuilding and main house. The list of features of the barn includes, but may not be limited to: the wide rectangular footprint; the low base; the tall, narrow, two-story center element with its gabled roof; the somewhat asymmetrical one-story shed-roof side wings; the exposed skip sheathing at the narrow rake eaves; the exposed rafter tails and outer fascia board at the side eaves; the broad expanses of horizontal lap siding; the flat-board corner boards. The swinging siding-clad doors at the north corner of the front (east) façade certainly include historic fabric but may have been altered over time. There are barn doors stored within the building. The design of the historic barn is minimal; each of these historical elements has a disproportionate significance because there are so few.

The garage doors are an alteration, as is the rear window. The south wall has been modified with exterior plywood. The roofing materials are not original. An arbor has been attached to the north side of the building.

The significance of the main house is based on its distinctive early Craftsman influences, including the full-depth gabled roof; shed-roof dormer; shallow bell-cast eaves, heavy knee braces; and exposed rafter tails. The windows of the house are multi-pane, including 4/1 single-hung windows, paired 2x43 casements in the dormer, and a wide span of glazing that encloses the front sun porch. The narrow horizontal wood siding matches the barn siding, and there are shingles in the gable ends. The design is horizontal in emphasis, with heavy trim elements and small-scale repetitive building finishes.

### Summary of the Proposed Project

The existing barn and its second-story loft are proposed to be altered for use as living space. The proposed rehabilitation will preserve the original form of the roof and walls of the barn while adding new windows and doors. The proposed design includes the addition of a new one-story, one-car garage extending to the front of the property from the front of the historic barn. This garage will be connected to the historic barn by a breezeway roof.

## SECRETARY'S STANDARD'S REVIEW:

The *Secretary of the Interior's Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource's historical, cultural, or architectural values. Accordingly, Standards states that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." Following is a summary of the review with a list of the Standards and associated analysis for this project:

1. **"A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."**

**Analysis:** There is no effective change of use proposed for this residential property, although there is some intensification of use with the inclusion of a secondary unit within the barn.

As a rule of thumb, a project that meets the subsequent nine Standards can be considered to meet this Standard as well. A proposed project that preserves significant historic fabric, provides a compatible new design, and is potentially reversible in the future can be considered to have a compatible use. In this case, the project does meet those Standards, so the use can be considered compatible.

2. **“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”**

**Analysis:** No historic massing of the barn is proposed for removal; the forms and footprints of the historic property will be preserved. Almost all the historic fabric will be preserved; only where the windows are proposed will the siding be removed. The raised central roof and side shed roofs will be preserved in this project.

The placement of the one-story new garage preserves adequate space surrounding the historic house. It continues to visually appear as a separate single-family residence, with setbacks on all sides.

The proposed new garage is separated from the historic barn by a low breezeway, preserving the autonomy of the historic and new outbuilding spaces.

3. **“Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken.”**

**Analysis:** There is one proposed change that has the potential of being mistaken for an original feature. The form and location of the round accent window in the center of the front gable end draws considerable attention to an element that is not historically accurate. Because the building is so modest, the round window added to the façade design would have a relatively prominent presence. It is recommended that this window be omitted.

All other new elements have adequate differentiation and are neither conjectural nor borrowed from other designs (See also Standard 9).

4. **“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”**

**Analysis:** It is understood that no existing changes to the barn have acquired historic significance in their own right.

5. **“Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”**

**Analysis:** Distinctive features and finishes that identify the cottage are shown as preserved on the proposed drawings. Specifically, this includes: the rectangular footprint; the low base; the gabled center form and the one-story side wings; the original rake eaves with their exposed rafter tails and fascia boards; the siding and corner boards. The swinging siding-clad doors will be preserved and affixed.

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

**Analysis:** The current physical condition of the barn appears visually to be fair, and most features are shown as generally preserved in the project drawings.

It is recommended that general notes be added to the final building permit documents, indicating the historic significance of the property, and specifying that all changes to the project plans must be reviewed, and noting how the existing historic elements are to be protected during construction.

7. **“Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”**

**Analysis:** No chemical or physical treatments are shown as proposed in this project, or expected, other than preparation for painting.

It is recommended that all planned construction techniques be identified during the building permit submittal phase.

8. **“Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”**

**Analysis:** Archeological resources are not evaluated in this report.

9. **“New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”**

**Analysis:** The proposed alterations and the garage addition are generally compatible with the historic character of the barn and main house and differentiated by their detailing and form.

NOTE: The materials of the windows and doors, and the integral color of the skylights, are not included in the current set of drawings. Although the illustration of these proposed elements in the elevations has the visual appearance of a material, such as wood or painted fiberglass, that is in scale with the historic property, no assumptions can be made. It is recommended that the materials of the windows and doors be added to the drawings.

The proposed new one-car garage is compatible in size, form, scale, and materials with the historic structures on the property, yet differentiated by massing and size. Its footprint is set away from, and to the rear of, the historic main house, allowing the Craftsman-style main house to remain predominant in the composition. It is one-story, relatively small, narrower, and placed asymmetrically in front of the historic barn, creating a subordinate

massing and allowing the barn to remain visible from the street and remain more prominent than the new garage. It is visually separated from the two original buildings, demonstrating that it is an addition. The hierarchy of the design is that the front main house is largest and most imposing, as well as most intricate in its detailing, the vertically designed barn is more modest in massing, although still interesting in its tripartite form, and the new garage is smallest and lowest and most modest in its detailing. As per the analysis in Standard 2, the spatial setting of the historic house and garage would be preserved in this project.

The design of the proposed garage addition is compatible with the historic barn design using matching and similar materials. The historic building and this modest front addition will have siding and trim that match the historic siding and trim. The building will have consistent modern roofing and a matching set of doors and windows. Although the low breezeway roof physically touches the historic barn, the building is clearly an addition, and the matching materials would not create a sense of false history.

The alterations to the historic barn are compatible and differentiated with the historic property. The added windows are a traditional size, scale, and operation compatible with the windows at the historic house and preserve the sense of utilitarian proportion of the historic barn. The placement of the new windows preserves most of the expanses of plain walls that is a character-defining feature of the historic barn. The north and south elevations remain without windows; the front (east) elevation is proposed to have only one window (see Standard 3). The proposed new windows are differentiated from the windows at the historic house by their use of fewer panes and their paired design.

The garage door, shown built of boards and with inset siding panels, is in scale with the materials of the historic house and barn, but differentiated by the diagonal bracing. The series of skylights at the historic barn is a modern use of glazing, differentiating the new materials from the historic palette; however, the size of the skylights is compatible in size to the sash of the historic surrounding buildings, and compatible in proportion (solid-to-opening ratio) with local historic designs. It is recommended that the color of the skylight frame be dark (i.e., anodized) to blend into the roofing materials.

**10. “New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”**

**Analysis:** The proposed design would preserve the essential form and integrity of the historic property. The critical character-defining features of the exterior of the barn and main house would be unimpaired in this project.

## CONCLUSION

After the one minor revision recommended within this report, the proposed rehabilitation project would meet the *Secretary of the Interior’s Standards for Rehabilitation*. The revision of the front gable end accent window is recommended for incorporation into the building permit submittal set.



Capitola City Planning Commission

City of Capitola

3-26-2018

RE: 1725 48<sup>th</sup> Avenue

*First, It is our intension to keep this historic barn intact as much as possible, and complete a rebuild in keeping with the Secretary of Interior's standards. You must understand that this structure is not a habitable residence and never has been. It is truly a horse barn turned into a garage. It has single wall construction, a dirt floor with a slab poured over it, and no foundation. The exterior siding that you see is not the original siding. I can never be water tight in its construction. To rebuild this structure is nearly impossible and economically impractical.*

*What we are requesting is that we be given a choice during the formulation of this construction project as weather to remove the entire structure and rebuild to Secretary of Interior standards, reusing the existing exterior materials. Or attempt to rebuild with the saving of the existing structure intact from the inside. In either case you will end up with the exterior appearance that is shown in the Plan set for 1725 48<sup>th</sup> Avenue.*

*The following conditions shall be attached to this project .*

- 1. Existing siding to be removed (as needed) and carefully stored to be reused after building has been sheared and waterproofed with priority given to area visible from the public street.*
- 2. New siding ( where needed) shall be to the same dimensions and surface texture as the existing siding and used only where existing siding is insufficient to cover*
- 3. Existing trim and details will be maintained and reused as noted in Submitted plans, as much as possible.*

*Thank you for your consideration*

*Michael Adams, Owner*

*Dennis Norton , Designer*



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: APRIL 5, 2018  
 SUBJECT: **4201 Capitola Road #17-0441 APN: 034-121-36 & 37**

Tentative Map for a three-lot subdivision, Design Permit for three new single-family homes, Variance request to allow encroachments into side yard setbacks, and demolition of two existing structures located at 4201 Capitola Road within the CN (Neighborhood Commercial) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Property Owner: Magnolia Tree Investments  
 Representative: Matthew Thompson, Architect. Filed: 11.09.2017

### **APPLICANT PROPOSAL**

The applicant is proposing three new single-family homes, demolition of one existing home and detached garage, a tentative parcel map for a three-lot subdivision, and a variance for encroachments into the side yard setbacks located at 4201 Capitola Road within the CN (Neighborhood Commercial) zoning district.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on January 10<sup>th</sup>, 2018, and provided the applicant with the following direction:

Public Works: No additional comments beyond the standard stormwater conditions. Minor revisions to the proposed tentative map were provided by the Public Works Director to the applicant.

Building Official: Building Official Fred Cullum stated that, if there are eaves, they should be limited to 18 inches.

Local Architect: Frank Phanton liked the building design but wanted to see some context in terms of the location of structures on neighboring properties. In relation to the variance request, Mr. Phanton also stated that, when a City's design standards conflict with one of his building designs, he prefers to "design my way out of it" rather than requesting a variance.

City Planner: Assistant Planner Matt Orbach gave an overview of the project that included an analysis of the variance request and why City staff could not support it.

Following the Architectural and Site Review hearing, the applicant chose not to submit revised plans to address the committee's comments and to proceed with the variance request. The applicant revised the tentative map based on the Public Works Director's requests.

### **ZONING SUMMARY**

The zoning summaries for each of the properties is included as Attachment 5. The new single-family homes do not comply with the side yard setbacks of the CN Neighborhood Commercial zone due to the first and second story eaves

### **DISCUSSION**

The existing residence at 4201 Capitola Road is a single-story single-family residence. The applicant is proposing to demolish the existing residence and create a new subdivision with three new two-story single-family residences. They are surrounded by single-family homes in the R-1 Single-Family Residential zoning district to the north, two commercial structures to the east and west, and Capitola Road to the south.

#### Design Permit

House One features horizontal siding, open rafters in the eaves, timber detailing for porch work, klinker brick bases at the bases of the porch columns, and clad wood windows. House Two features cement plaster walls with a heavy dashed texture, open rafter in the eaves, and clad wood windows with 2x6 rough-sawn wood head, jamb, and sill trim. House Three features cement board shingle siding, open rafters in the eaves, and clad wood windows with 2x6 rough-sawn wood head, jamb, and sill trim.

#### Variance

The applicant is requesting a variance to the design standards for the CN Neighborhood Commercial zoning district that would allow the three proposed houses to have roof eaves that extend into the required side yard setbacks.

Section 17.66.090 of the Capitola Municipal Code states that the Planning Commission may grant a variance permit when it finds:

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

As a policy, staff generally does not support variances to development standards for a subdivision project where the applicant has the ability to design lots necessary to accommodate reasonably sized and well-designed homes. The property is regularly shaped, flat, and of comparable size (or larger prior to the subdivision) to neighboring properties, and there are no unusual physical, topographic, or geometric conditions that exist.

When the plans were originally submitted, staff informed the applicant that no encroachments, including eaves, were allowed in the side setbacks for structures in the CN zone. Instead of changing the design of the structures, however, the applicant chose to create a composite street view of the structures with the eaves cut off and request a variance. The variance request

stated that, “if the variance is not granted, the eaves will be eliminated as shown on sheet five of the application drawings” (see Attachment 1).

The “special circumstance” listed in the applicant’s letter is that the applicant does not agree with the development standards for encroachments for single-family homes in the CN zoning district. The applicant says the variance is justified because “this project is in a single-family development within an existing single-family neighborhood but in a zone district with the wrong standards for eaves.” While one of the three lots is adjacent to the R-1 Single-Family Residential zoning district, all three lots are located within the CN Neighborhood Commercial zoning district, with two commercial structures to the east and west and Capitola Road to the south. The project may border an existing single-family neighborhood, but it is clearly within the CN zone and subject to the development standards of that zone.

The applicant also asserts that granting of a variance would not constitute a “special privilege” for the property owner because “other single-family houses in the neighborhood have the benefit of eaves.” This assertion is fundamentally flawed, because the other homes in the neighborhood he is referring to are in the R-1 Single Family zoning district. Granting the applicant a variance allowing them to have eaves that encroach into side setbacks would, in fact, be granting them a special privilege that other properties “in the vicinity and zone in which the property is situated,” in this case the CN zone, do not enjoy.

With no lot coverage or floor area ratio restrictions in the CN zone, the applicant should be able to design the structures so that they conform to the development standards and incorporate aesthetically appealing design elements. Also, given that this application includes a subdivision, a variance request made based on the proposed lots is the result of a self-imposed hardship. Staff recommends that the Planning Commission deny the variance request.

Subdivision

The applicant is proposing to subdivide two lots of record, totaling 9,684 square feet, into three new lots and build one new single-family home on each of the newly created lots. Parcel A will be 3,355 square feet, Parcel B will be 3,024 square feet, and Parcel C will be 3,026 square feet. The minor subdivision will create three new lots that face 42<sup>nd</sup> Avenue, with Parcel A also bordering Capitola Road. Together, the two existing parcels are approximately 84 feet wide by approximately 113 feet deep. The existing conditions on APN # 034-121-37 include a single-family home located on the front half of the lot (near Capitola Road) and a detached garage, and APN #034-121-36 is a vacant lot. The tentative parcel map identifies the front southern lot as Parcel A, the middle lot as Parcel B, and the rear northern lot as Parcel C.

Lot Area and Dimensions

The follow table outlines the lot area and dimension requirements for development in the CN (Neighborhood Commercial) Zoning District relative to the application.

<b>Lot area and Dimensions</b>	
There is no specific minimum lot area required in the CN zone, except that there shall be sufficient area to satisfy any off-street parking and loading area requirements.	
<b>Code Requirements</b>	<b>Proposed</b>
<b>Lot Size: No Minimum</b>	Parcel A: 3,355.1 sq. ft.
	Parcel B: 3,024.0 sq. ft.
	Parcel C: 3,026.9 sq. ft.
<b>Lot Width: No Minimum</b>	Parcel A: 40.93 ft.
	Parcel B: 36.00 ft.

	Parcel C: 36.07 ft.
<b>Lot Depth: No Minimum</b>	Parcel A: 84.00 ft.
	Parcel B: 84.00 ft.
	Parcel C: 84.00 ft.

Subdivision Design Standards.

Subdivision applications are reviewed for compliance with Chapter 16 of the Municipal Code. The following analysis includes the underlined design standards for lots (§16.24.170) preceding staff analysis:

A. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision unless an exception is granted by the Planning Commission pursuant to section 16.24.170(H).

Staff Analysis: Within the CN zoning district there are not minimum lot depth, lot width, or lot size requirements. As shown in the table above, the application complies with all zoning regulations.

B. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

Staff Analysis: The lots have been designed so that the side lines of all three lots are at right angles to 42<sup>nd</sup> Avenue.

C. The Planning Commission may require that building set back lines shall be indicated by dotted lines on the subdivision map.

Staff Analysis: The tentative parcel map includes the setback lines of the zone for all three lots.

D. No lot shall be divided by a city boundary line.

Staff Analysis: The entire property is located within the City of Capitola limits.

E. Lots without 20 feet or more of frontage on a street will not be permitted. Frontage requirements for flag lots may be satisfied by a driveway or private road accessing a street of twenty feet in width or more.

Staff Analysis: Each lot has at least 20 feet of frontage along 42<sup>nd</sup> Avenue.

F. Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.

Staff Analysis: Not applicable.

G. In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback.

Staff Analysis: Not applicable.

H. With the exception of minimum lot size requirements or subsections D and G above, the Planning Commission or the City Council may grant an exception to one or more of the design standards if they find that strict conformance is impractical due to the site's physical, topographic, or geometric conditions or if it would result in an undesirable or inferior subdivision design.

Staff Analysis: The applicant is not requesting any exceptions for the Tentative Map.

Arborist Report

There are six trees growing within the proposed project boundaries. James P. Allen & Associates were hired to produce a "Tree Resource Analysis/Construction Impact Assessment/Tree Protection Plan." The report identifies three trees (two black acacias and one walnut) that should be removed due to construction impacts and three trees (one coast redwood, one palm, and one black acacia) that should be preserved and protected. The report outlines special treatment and mitigation measures to ensure that the remaining trees are protected and that the replacement trees survive. The arborist recommendations have been incorporated into the conditions of approval.

### **CEQA**

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and deny application #17-0441 without prejudice.

### **FINDINGS**

- A. There are no special circumstances applicable to subject property, such as size, shape, topography, location or surroundings, that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zoning classification.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. There are no special circumstances applicable to the subject property, such as size, shape, topography, location, or surroundings, that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zoning classification. In addition, the three subject properties are being created through a subdivision as part of this project, so any special circumstances would be a result of a self-imposed hardship.

- B. The grant of a variance permit would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. All other properties in the surrounding CN (Neighborhood Commercial) zone are subject to the setback requirements of Capitola Municipal Code §17.24.112 "Side yard setback," so the grant of a variance would constitute a grant of a special privilege inconsistent with limitations upon other properties in the vicinity and zone in which the subject properties are situated.

### **ATTACHMENTS:**

1. Attachment 1 - 4201 Capitola Road - Full Plan Set
2. Attachment 2 - 4201 Capitola Road - Variance Application Letter - 12.02.2017
3. Attachment 3 - 4201 Capitola Road - Soquel Creek will-serve-letter 3.19.18
4. Attachment 4 - 4201 Capitola Road - Arborist Report
5. Attachment 5 - 4201 Capitola Road - Zoning Summary - 3 Houses
6. Attachment 6 - 4201 Capitola Road - Draft Conditions of Approval

Prepared By: Matt Orbach  
Assistant Planner



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 (408) 293-9097  
 www.thacher.com

Capitola  
 -- Three  
 Houses

1427 Nassau Road  
 Capitola, CA 95071

EXISTING HOUSE

11.29.17  
 AUGUST 21, 2017



I CONFORMED TO THE STATE  
 LIST OF PROFESSIONAL ARCHITECTS  
 AND WAS NOT IN ACTIVE  
 STATUS AS OF THE DATE OF THE  
 ORIGINAL CONTRACT. THE  
 TRANSFER OF DATA SHALL  
 BE RESPONSIBLY HANDLED  
 TO THE APPLICANT.  
 PLEASE USE & RE-USE.  
 MATTHEW & THOMPSON ARCHITECTS

AI

Attachment: Attachment 1 - 4201 Capitola Road - Full Plan Set (4201 Capitola Road)

**PROJECT TEAM**

**OWNER:** SAM PETERSON  
 1427 NASSAU ROAD  
 SAN LEANDRO, CA 94577

**ARCHITECT:** THACHER & THOMPSON ARCHITECTS  
 877 CEDAR STREET, SUITE 248  
 SANTA CRUZ, CA 95060

**SURVEY:** EDMUNDSON SURVEY  
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 SANTA CRUZ, CA 95062  
 831.426.1796  
 COLIN@EDMUNDSONSURVEYS.COM

**LANDSCAPE:** ELLEN COOPER, LANDSCAPE ARCHITECT  
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 831.426.6845  
 ECOOPER@BAYMOON.COM

**CIVIL ENGINEER:** GERI MARTIN DALIVA  
 11 WEST LAUREL DR, SUITE 225  
 SALINAS, CA 93906  
 831.840.4281  
 GMD.ENGR3@GMAIL.COM

**SHEET INDEX**

**ARCHITECTURAL**

A1 SITE PLAN  
 A2 HOUSE 1  
 A3 HOUSE 2  
 A4 HOUSE 3  
 A5 COMPOSITE ELEVATIONS  
 G1.1 GRADING PLAN  
 L1 PLANTING PLAN  
 TOPOGRAPHIC SURVEY

**PROJECT DATA**

**ASSESSOR'S PARCEL:** 034-121-36, 37

**SITE AREA:** 9,684 SF OR 0.22 ACRES

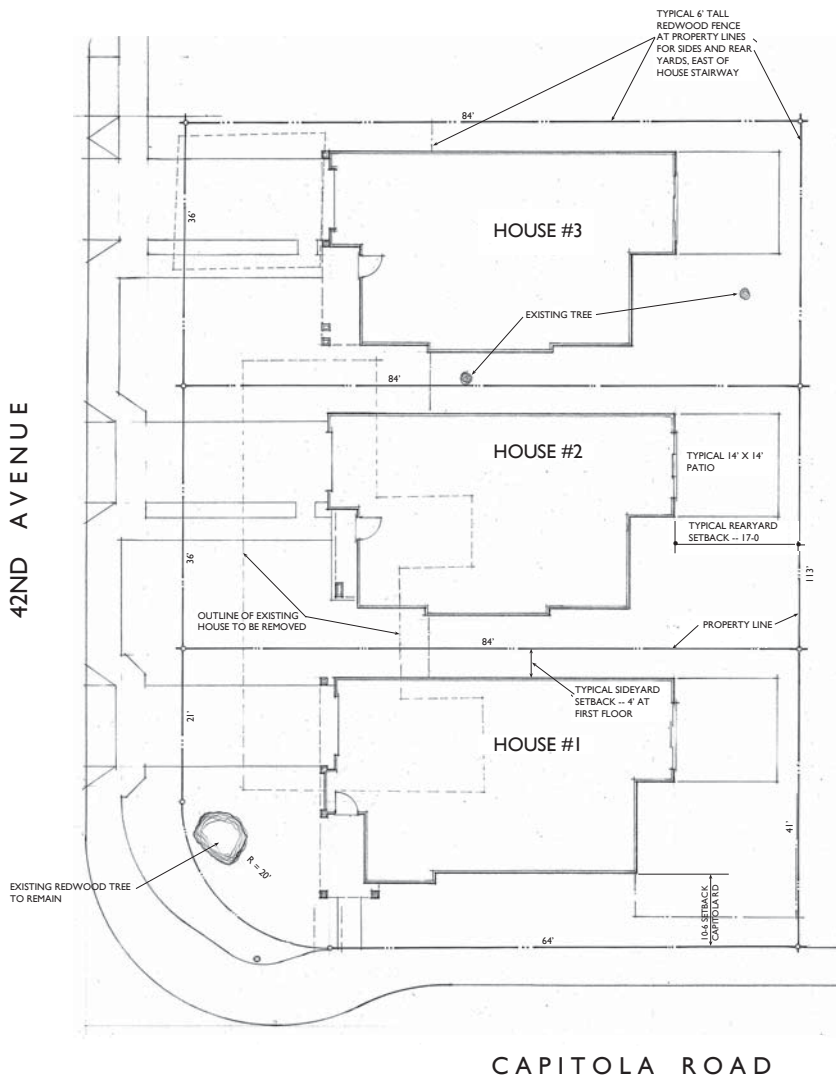
**BUILDING AREAS:**

	1ST FLOOR	2ND FLOOR	TOTAL
HOUSE #1	1,147 SF	850 SF	1,997 SF
HOUSE #2	1,157	839	1,996
HOUSE #3	1,131	862	1,993
<b>TOTALS</b>	<b>3,435 SF</b>	<b>2,551 SF</b>	<b>5,986 SF</b>

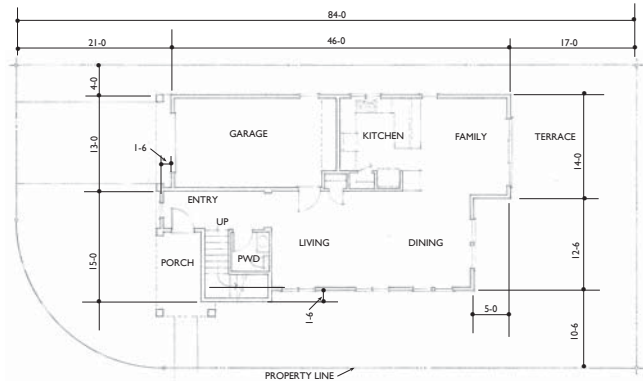
**COVERAGE:** 3,435 OR 35.5 %

**SETBACKS:**

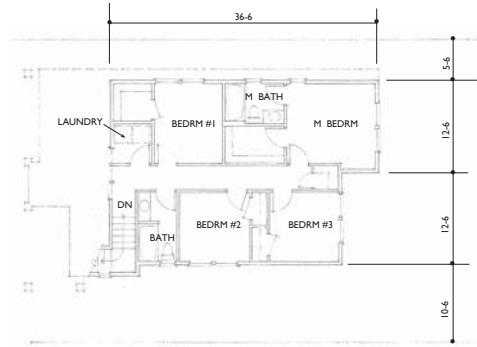
FRONT YARD 20'  
 REAR YARD 17'  
 1ST FLOOR SIDE YARD 4'  
 2D FLOOR SIDE YARD 5.5'



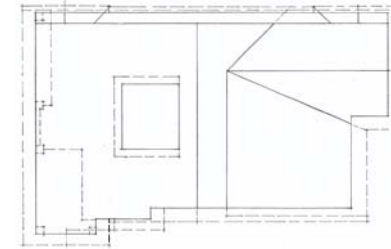
**SITE PLAN**  
 SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



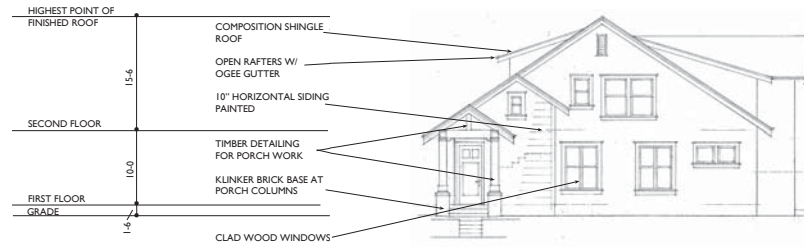
SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



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



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



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



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



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



ARCHER & THOMPSON ARCHITECTS  
4 STREET SUITE 248  
CHICO, CA 95926  
(530) 893-9999  
www.archerthompson.com

Capitola -- Three Houses

erson  
assau Road  
ndro, CA 94577

USE I

11.29.17  
AUGUST 21, 2017

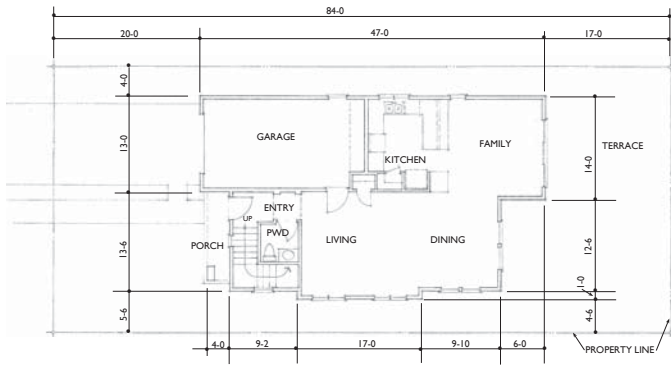


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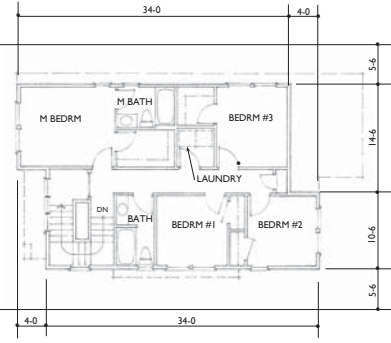
A2

Attachment: Attachment 1 - 4201 Capitola Road - Full Plan Set (4201 Capitola Road)

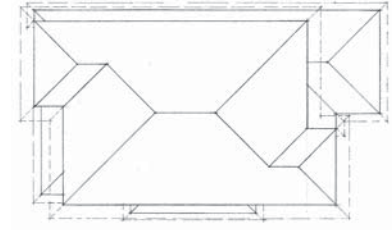




FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



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



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



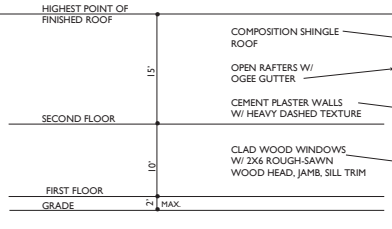
Attachment: Attachment 1 - 4201 Capitola Road - Full Plan Set (4201 Capitola Road)

Capitola  
-- Three  
Houses

erson  
Vassau Road  
ndro, CA 94577



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



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

USE 2

11.29.17  
JULY 21, 2017



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



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

A3



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Capitola  
 -- Three Houses

erson  
 Vassau Road  
 ndro, CA 94577

USE 3

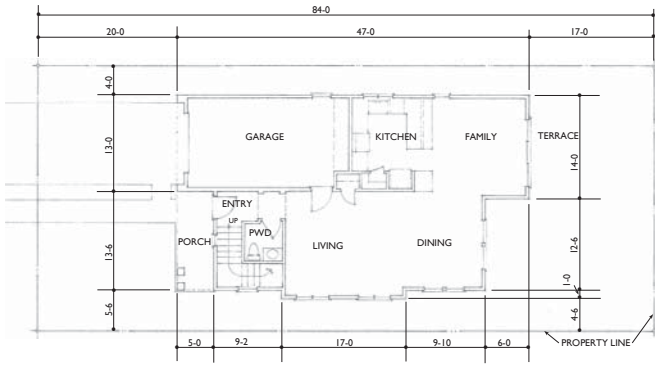
AUGUST 21, 2017



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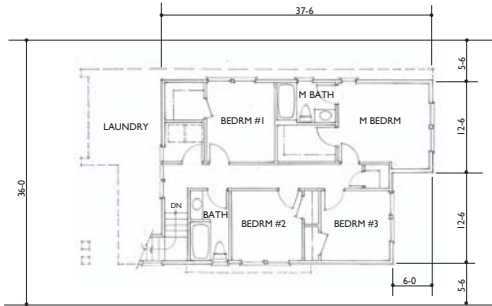
A4

Attachment: Attachment 1 - 4201 Capitola Road - Full Plan Set (4201 Capitola Road)



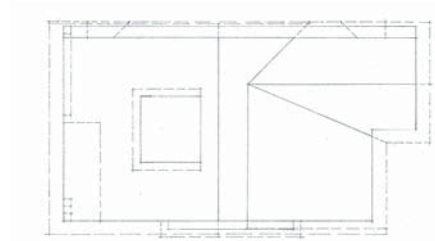
FIRST FLOOR PLAN

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



SECOND FLOOR PLAN

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



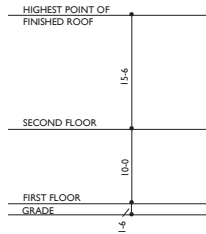
ROOF PLAN

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



WEST ELEVATION

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



- COMPOSITION SHINGLE ROOF
- OPEN RAFTERS W/ OGEE GUTTER
- CEMENT BD. SHINGLE SIDING
- CLAD WOOD WINDOWS W/ 2X6 ROUGH SAVIN WOOD HEAD, JAMB, SILL TRIM



SOUTH ELEVATION

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



NORTH ELEVATION

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



EAST ELEVATION

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



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Capitola  
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Houses



HOUSE #3

HOUSE #2

HOUSE #1

COMPOSITE ELEVATION



COMPOSITE ELEVATION WITHOUT EAVES

erson  
lassau Road  
dro, CA 94577

COMPOSITE  
ELEVATION

11.29.17  
AUGUST 21, 2017



Attachment: Attachment 1 - 4201 Capitola Road - Full Plan Set (4201 Capitola Road)

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#17-0441

RECEIVED

DEC - 6 2017

CITY OF CAPITOLA

December 6, 2017

City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: 4201 Capitola Road, Design Permit and Tentative Map  
Variance Application

### Introduction

This proposed project will anchor the edge of the already impressive 42<sup>nd</sup> Avenue residential neighborhood. With the houses set back 33 feet from 42<sup>nd</sup> Avenue, these houses will mark the entry to the neighborhood from Capitola Road.

This variance application is odd because the applicant's request to have eaves on the three houses would only improve the design quality of this new addition to 42<sup>nd</sup> Avenue. Having eaves does not add square footage. Its only value is aesthetic – they are graceful and add the play of shadows and depth to the houses. A sheltering roof is emblematic of 'home'.

The basis for the variance is found in the requirement that zoning regulations must be consistent and reflect the General Plan, in all its elements. Capitola has engaged in a huge effort of out-reach in developing up-dates to the General Plan. Ensuring that new development is compatible with existing residential neighborhoods has been strongly expressed in this process. Part of protecting compatibility is embracing conventional residential building patterns, like eaves, within areas where single family homes are a principally allowed use, as is the case for this project. It is hard to believe that any Capitola Planning Commission would intentionally make eaves illegal for houses in a single family neighborhood.

The applicant requests that the proposed house be allowed to have roof eaves extend into required side yard setbacks. Such eave extensions are allowed by the California Residential Building Code, as it would apply to this project. Such eave extensions into required setbacks are allowed and are commonplace in residential zones.

Forty-second Avenue is, by any estimation, a residential street. The use of design elements that are clearly residential, such as eaves and rafter overhangs, help the proposed houses become appropriate neighbors – compatible.

Finally, if the variance is not granted, the eaves will be eliminated as shown on sheet five of the application drawings. The roof plans show the 'no-eave' version as dashed lines following the exterior walls. The 'no-eave' project will be cheaper to build; the applicant won't be out anything.

## Findings

1. The special circumstance that justifies this variance is that this project is a single family development within an existing single family neighborhood but in a zone district with the wrong standards for eaves. While the single family houses in this project are a principally permit use in the CN district, they are inappropriately saddled with rules for eaves that are commercial in character and are incompatible with the prevailing single family neighborhood character. This outcome is at odds with the General Plan goals in support of neighborhood compatibility.

2. The grant of this variance does not constitute a grant of special privilege. The other single family houses in the neighborhood have the benefit of eaves. With the granting of this variance, the applicant receives no benefit of value. It merely grants the option for the applicant to improve the residential design quality by investing in eaves to improve the project aesthetically.

Submitted for the Applicant by  
Matthew Thompson  
Thacher & Thompson Architects



**Board of Directors**

Dr. Bruce Daniels, President  
 Dr. Thomas R. LaHue, Vice-President  
 Dr. Bruce Jaffe  
 Carla Christensen  
 Rachél Lather

Ron Duncan, *General Manager*

March 13, 2018

Sam Peterson  
 Magnolia Tree Investments, Inc.  
 39488 Stevenson Pl. #100  
 Fremont, CA 94539

**SUBJECT: Water Service Application Approval for Minor Land Division at 4201 Capitola Road, Capitola, APN 034-121-36 & 37**

Dear Mr. Peterson:

In response to the subject application, the Board of Directors of the Soquel Creek Water District (SqCWD) at their regular meeting of March 6, 2018 voted to grant you a Will Serve Letter for the proposed minor land division development project to be located at 4201 Capitola Road, so that you may proceed through the appropriate land use planning entity.

The issuance of this letter corresponds with the completion of the Water Demand Offset (WDO) requirement for this project. You have fulfilled the WDO requirement for 0.509 acre-feet, which incorporates a 14.6% reduction in demand based on your voluntary commitment to the Go Green program. If the requirement is adjusted to be lower (i.e. additional Go Green measures are agreed upon and/or lot has been deed restricted) after the issuance of this letter, then you will receive a refund equivalent to the difference in offset. If it is adjusted to be higher (i.e. building plans are changed or Go Green measures are not completed as listed above) you must complete additional offsets.

This letter is specifically granted for the project as proposed in regard to uses and densities. Any changes in the project that result in a change in use or an increase in water demand will require an application for a modification of this Will Serve Letter.

This Will Serve approval is valid for 4 years from the date of Board approval. If there is no activity to develop the property (i.e. you have not applied for planning/building permits with the land use planning agency before the expiration date of this approval), the WDO fees paid will be automatically refunded at 90%. All conditions are as outlined in the "New Water Service Applicant Agreement" that you signed when applying for new service.

After you have received a building permit from the land use planning agency, you are responsible for meeting all applicable SqCWD requirements defined in the attached Requirements Checklist before the meter can be installed and service can be activated.

Attachment: Attachment 3 - 4201 Capitola Road - Soquel Creek will-serve-letter 3.19.18 (4201 Capitola Road)

Please note that the District no longer performs the installation of water services, as this is now the applicant's responsibility. To finalize water service to your project, you will need to hire a pre-approved contractor to perform the installation and obtain any necessary encroachment permit. Additionally, you are required to enter into a written "Applicant Installed Service Agreement" with the District which will itemize the required construction inspection deposit associated with your contractor installing the water service, meter installation fees, and water capacity fees as applicable. Prior to installing a meter, SqCWD Conservation staff will need to perform an on-site verification of compliance if you are participating in the Go Green program. Should you have any questions about this process or require assistance, please contact Conservation or Engineering staff at (831) 475-8500.

The Board of the SqCWD also reserves the right to adopt additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's only source of supply. Such actions would be in response to concerns about existing conditions that threaten the groundwater basins and the lack of a supplemental supply source that would restore and maintain the aquifers. The subject project would be required to comply with any applicable conditions of service that the District may adopt prior to finalizing water service. As new policies and/or requirements are developed, the information will be made available by the SqCWD.

Sincerely,  
SOQUEL CREEK WATER DISTRICT



Taj A. Dufour, P.E.  
Engineering Manager/Chief Engineer

Attachment: Requirements Checklist for APN 034-121-36 & 37

Enclosures - Yellow (for Commercial, Industrial and Public Development):

1. Overview of the SqCWD Water Use Efficiency Requirements for Tier II Single Family Residential, Multi-Family Residential, Commercial, Industrial & Public Development
2. Indoor Water Use Efficiency Checklist
3. Landscape Project Application Submittal Requirements Package

Attachment: Attachment 3 - 4201 Capitola Road - Soquel Creek will-serve-letter 3.19.18 (4201 Capitola Road)

**Requirements Checklist for APN 034-121-36 & 37 Magnolia Tree Investments**

	Required	Not Required	Comments
<b>Engineering:</b>			
Record Water Waiver (required if water pressure is not between 40 psi – 80 psi) with the County Recorder of the County of Santa Cruz to ensure that any future property owners are notified of the conditions set forth herein		X	
Variance request for property not having frontage on a water main		X	
New water main to site (required if existing water main not sized to serve new project)		X	
LAFCO annexation		X	
Off-site water main extension		X	
On-site water system		X	
Backflow prevention	X		
New water storage tank		X	
Booster pump station		X	
Destroy any wells on the property in accordance with State Bulletin No. 74	X		
Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality	X		
Meter all units individually with a minimum size of 5/8-inch by 3/4-inch standard domestic water meter, except as required by law	X		
Complete fire service requirements form	X		
Sign Service Installation Agreement & pay all fees	X		
<b>Conservation:</b>			
Complete Indoor Water Use Efficiency Checklist	X		
Complete Landscape Project Application Submittal Requirements Package	X		
Complete Commercial Green Credit Application		X	<b>Recommended</b>
<b>General:</b>			
Allow SqCWD Staff to inspect the completed project for compliance with all the applicable project requirements prior to commencing domestic water service	X		
Other requirements that may be added as a result of policy changes:	X		





**James P. Allen  
& Associates**

**4201 Capitola Road, Capitola, CA  
APN 034-121-36, 37**

**Tree Resource Analysis/  
Construction Impact Assessment/  
Tree Protection Plan**



Attachment: Attachment 4 - 4201 Capitola Road - Arborist Report (4201 Capitola Road)

**Consulting Arborists**

611 Mission Street  
Santa Cruz, CA 95060

831.426.6603 office  
831.234.7739 mobile  
831.460.1464 fax  
jpallen@consultingarborists.com  
www.consultingarborists.com

**Prepared for  
Katie Herlihy  
City of Capitola Planning Department**

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Attachments

- Tree Resource Inventory
- Tree Location Map

Attachment: Attachment 4 - 4201 Capitola Road - Arborist Report (4201 Capitola Road)

## ASSIGNMENT/SCOPE OF SERVICES

The construction of 3 single-family residences is proposed at 4201 Capitola Road in Capitola, APN 034-121-36 & 37. Six trees are located on the site, five of which meet “Protected” criteria. In order to accurately quantify existing tree resources, assess construction impacts, determine necessary tree removal and mitigation requirements Katie Herlihy, Senior Planner with the City of Capitola has requested that I prepare a Tree Resource Analysis/Construction Impact Assessment and Tree Protection Plan. To complete this assignment the following tasks have been performed:

- Locate, numerically tag, catalog and verify mapped locations of trees greater than 6 inches in trunk diameter growing within the project boundaries
- Identify tree species and measure trunk diameter
- Rate individual tree health, structure and preservation suitability as “good”, “fair” or “poor”
- Identify trees that meet “Protected” status as defined by Capitola City Code Chapter 12.12
- Review conceptual plans to determine potential impacts to the tree resources
- Define necessary tree removal/retention based on construction related impacts
- Create a Tree Protection Plan for trees suitable for retention
- Determine tree replacement requirements for “Protected” trees, if any
  - Define the Maintenance and Monitoring Program
- Provide all findings in the form of a Tree Resource Evaluation/Construction Impact Assessment/Tree Protection Plan Report accompanied by a Tree Location Map/Preservation Plan

## SUMMARY

Six trees growing within the proposed project boundaries have been assessed and the known impacts resulting from the construction of proposed improvements defined at this time have been evaluated.

To construct the improvements as presented, the removal of three trees (**Trees #2, 3 and 6**) growing within the property boundaries will be necessary. Two of the trees proposed for removal meet “Protected” criteria.

Special Treatments defined within this report should be implemented to decrease damage resulting from proposed construction activities including:

- Installation and Maintenance of Tree Protection Structures Prior to Demolition
- Implementation of Required Procedures

Mitigation for the (2) “Protected” trees to be removed in order to construct this project will be comprised of:

- Tree preservation in the planning stages and protection during construction
- Trees planted as components of the planned landscape
  - Each “protected” tree removed will be mitigated by replanting at a minimum 2:1 ratio, two trees planted for each tree removed
    - A total of 4 replacement trees will be replanted, meeting City Code requirements
- To ensure the survivability and proper growth of the replacement trees a five-year Maintenance and Monitoring Program (MM&P) has been defined with success criteria to meet a 100% survival rate.

## **SUMMARY, continued**

Monitoring, by the Project Arborist should occur at the intervals defined within this report to assure tree protection guidelines are adhered to and unforeseen impacts are resolved prior to damage occurring.

To ensure the protection of the trees remaining on this site it is imperative that the recommendations detailed within this document are incorporated as conditions of project approval.

## **BACKGROUND**

Katie Herlihy, Senior Planner with the City of Capitola contacted me during the month of August. She inquired of my interest in and cost for preparing the required analysis. I expressed my interest and sent a proposal that was accepted on September 1, 2015. Mrs. Herlihy forwarded conceptual plans prepared by Thatcher and Thompson, Architects dated August 1, 2017. A map file of existing topography prepared by Edmundson and Associates dated August 4, 2018 along with an undated planting plan prepared by Ellen Cooper, Landscape Architect were provided for my review. Neither grading nor utility plans were available for my review.

On February 8, 2018 our project team conducted a tree inventory, assessed condition and preservation suitability with no understanding of the required grading. Impacts to tree resources resulting from necessary site improvements were determined through review of conceptual plans presented to date. Matthew Thompson, the Project Architect indicated in conversation that there would be no significant grade changes within 15 feet of the coast redwood Tree #1. Mr. Thompson also indicated that the short retaining wall between this tree and the sidewalk would remain intact.

The exact Limits of Grading will not be known until the grading plan is finalized and field staking representing cut/fill and disturbance limits are survey located and set in the field by the project survey team. The exact locations of the proposed grading and other improvements will be reviewed and evaluated once the site staking is in place. There is a possibility that tree classification and recommended procedures will change once the exact positions of the proposed improvements are known. If additional tree removal is necessary a confirming addendum will be prepared and submitted to the City of Capitola Planning Department.

## **OBSERVATIONS**

### **Site Description**

This project spans a 0.22-acre plot located at 4201 Capitola Road in Capitola (APN 034-121-36 & 37). The project is bound to the south by Capitola Road, to the west by 42nd Avenue, to the north by an alley and to the east by the adjoining commercial office building facing Capitola Road. The site is relatively level and holds an existing single-family residence.

### OBSERVATIONS, continued

#### Tree Descriptions

Six trees grow within the project boundary. Tree species represented include:

- black acacia (*Acacia* sp.)
- coast redwood (*Sequoia sempervirens*)
- palm (*Washingtonia* sp.)
- walnut (*Juglans* sp.)

Five of the 6 inventoried trees meet "Protected" criteria as defined by the City of Capitola.

There is also a dense row of pittosporum (*Pittosporum* sp.) and acacia shrubs growing along the eastern property boundary, perhaps from the neighboring property. This shrub row may need to be removed or severely pruned in order to construct the project as proposed.

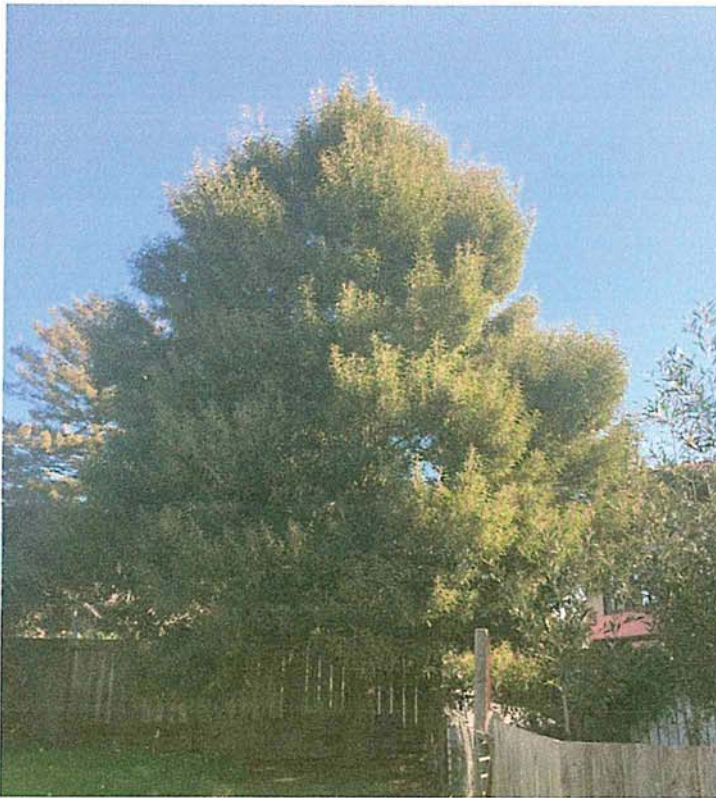
Tree #1, a key tree on the site is a large diameter coast redwood standing on the southwest corner of the property. It is in a fair state of health but very poorly structured due to repeated "pruning" for utility power line clearance



The tree's buttress is surrounded and covered by a concrete walkway and retaining wall. The existing house is well within this tree's Critical Root Zone (CRZ).

Demolition and grading/excavation within the CRZ shall follow Tree Protection Guidelines to minimize damage to this tree's trunk and root system.

Attachment: Attachment 4 - 4201 Capitola Road - Arborist Report (4201 Capitola Road)



Tree #5 is a poorly structured black acacia that is proposed for retention. This tree may be prone to branch and stem failure in the coming years as a result of weak trunk/stem attachments and is poorly suited to be preserved.

The small palm, Tree #4 to be preserved is in fair condition. This is a species that tolerates root pruning and should acclimate well to the proposed development.

Trees proposed for removal include smaller, multi trunk black acacia and walnut Trees #2, 3 and 6; each with very poor structure.

### **Tree Inventory Methodology**

Each tree was visually assessed from the root crown to the extents of the foliar canopy. The attached inventory lists information on trees  $\geq 4$  inches in diameter growing within the property boundaries. Tree locations are documented on the attached Tree Location Map.

The tree inventory lists species, trunk diameter, tree health, structure and suitability ratings, Critical Root Zone extents, level of impacts and description, observations, required procedures and whether the tree meets "Protected" criteria.

**Tree health and structure** are separate issues that are related since both are revealed by tree anatomy. A tree's vascular system is confined in a thin layer of tissue between the bark and wood layers. This thin layer is responsible for transport of nutrients and water between the root system and the foliar canopy. When this tissue layer is functioning properly a tree has the ability to produce foliage (leaves). As long as the tree maintains a connected vascular system it may appear to be in good health.

When conditions conducive to decay are present, fungi, bacteria or poor compartmentalization, wood strength is degraded. As decay advances, the tree's ability to continue standing is compromised. Thus, a tree can appear to be in good health, but have poor structure.

**Critical Root Zone:** Individual tree root systems provide anchorage, absorption of water/minerals, storage of food reserves and synthesis of certain organic materials necessary for tree health and stability. The Critical Root Zone (CRZ) is the species-specific amount of roots necessary to continue to supply these elements essential for each tree to stand upright and maintain vigor. This distance reflects the minimum footage measurement from the trunk required for the protection of the tree's root zone. Construction activities proposed within these areas are subject to specific review and the implementation of recommended special treatments.

### Description of Construction Impacts

This section describes procedures that are proposed near the individual tree. The influences the proposed construction activities will have on the tree are classified as **None, Low, Moderate** or **High**. These classifications are defined as follows:

**NONE**, the tree is not near the impact area of the proposed construction.

**LOW**, adverse affects from the proposed construction activities are minimal.

**MODERATE**, this level of impacts will result in loss in tree vigor and/or stability. Recommended procedures must be implemented to decrease these impacts.

**HIGH**, requiring tree removal or the understanding that premature tree mortality can be anticipated. Mitigation is required for trees subject to this level of impacts.

Construction of this project as presented requires the following procedures that impact tree health and stability:

- Demolition of existing structures
- Grading for site stabilization and building construction
- Trenching for utility lines and drainage structure construction
- Construction of 3 single-family residences with necessary infrastructure
- Planned landscape installation

These procedures require alteration of natural grade in the form of cut and/or fill (described below) at the defined "Limits of Grading". Roots shattered during this process provide openings for opportunistic decay causing organisms degrading tree support systems and vigor.

#### Alteration of natural grade

- Cuts, lowering of natural grade, require the removal of soil until the desired elevation is reached. A cut within the trees Critical Root Zone can remove non-woody and woody roots. Non-woody (absorbing) roots are responsible for transporting moisture and nutrients necessary for maintaining tree health. More significant cuts remove woody roots that provide structural support, compromising the tree's ability to stand upright.
- Fill, increasing natural grade, often requires an initial cut to "knit in" and stabilize the material. This material is applied in layers and compacted in the process. Compaction breaks down soil structure by removing air and adding moisture. Anaerobic conditions may develop, promoting decay. Absorbing roots can suffocate from lack of oxygen. Structural roots may be compromised as a result of the decay.

### Protected Tree Definition

Trees that meet protected criteria were determined as defined in *Capitola Municipal Code for Community Tree and Forest Management, Chapter 12.12 (1) Article I, (2) Article IV Section 12.12.160, and (3) Article IV Section 12.12.190:*

- (1) A "tree" is defined as a "woody plant, distinguished from a shrub by having, at maturity, comparatively greater height and characteristically, a single trunk rather than several stems, and a minimum six-inch diameter measured at forty-eight inches above existing grade or at average breast height (abh)."
- (2) With the exception of fruit-bearing trees, "no person may, in the city, cause the cutting or intentional killing of any tree within the city unless a tree removal permit has been obtained".
- (3) "An approval for tree removal under this chapter shall be conditioned upon the applicant planting, at some other location on the subject property, replacement trees to compensate for the removed tree(s) on a ratio of at least two trees or more for each one tree removed, as determined by the director."

### REQUIRED PROCEDURES

The following are procedures recommended to increase current tree vigor while reducing demolition and construction related impacts.

**Tree Protection Structures** are to be in place prior to demolition and remain in place for the duration of the project.

#### Tree #1 requires two separate stages of Protection Structures

**Stage 1**, to be in place prior to demolition

- Stand 12' tall 2x6" boards side by side surrounding the tree's trunk secured by straps or rope
- Armor the bottom of the tree trunk by standing rice straw bales side to side or wrapping wattle around the trees trunk, secured by a strap or rope
- Apply temporary orange fencing to the face of the straw bales or wattle as depicted in the example at right

**Stage 2**, to be installed once demolition has been completed and before grading begins  
Install 6' tall chain link fencing securely attached to metal poles driven 18" into the ground.

**Trees #4 and 5** require Stage 2 Protection Structures to be installed before demolition begins and remain in place for the duration of the project.. Tree Protection Structure locations are documented on the attached *Tree Location Map*.





**REQUIRED PROCEDURES, continued**

**Demolition** of asphalt, concrete and buildings within Critical Root Zones (CRZ) will be done carefully without the use of mechanized equipment (by hand), or by a skilled, equipment operator cognizant of the need for tree protection. Special care must be taken to avoid damage to root systems. Workers and equipment operators must be willing and able to communicate with, and be directed by the Project Arborist.

**Backhoe operation requirements:**

1. Position and operate equipment with wheels on asphalt surfaces
2. Reach boom toward building, foundation or asphalt/concrete edge, gently lifting and pulling sections away from the tree trunk
3. Dig to only the minimum depth required to the strip materials from the soil surface.
4. Stack removed spoils on undisturbed sections of the asphalt or concrete
5. Load spoils into a truck setting on undisturbed remaining asphalt/concrete surface.
6. Do not drive on bare soils after asphalt/concrete has been removed

**Site Stabilization**

Within Critical Root Zones topsoil will be scrubbed by hand to remove organic, deleterious materials.

1. The natural grade will be maintained within Special Treatment Areas, where possible.
2. Structural backfill will be comprised of self-compacting drain rock, or similar materials with adequate pore space to allow oxygen and moisture penetration.

**Preconstruction root exploration** is necessary for trees adjacent to trenching, grade reduction or retaining wall systems that require exposure or removal of soil from designated Critical Root Zones. Roots should be located using non-invasive procedures. Exploration can be done either with a probe, by hand, using small tools or an AirSpade<sup>®</sup>. This tool uses compressed air to displace soil, exposing roots, without damage. Once exposed, roots can be examined and determinations can be made regarding the feasibility of removal or severance. If roots encountered are less than two inches in diameter, they can be pruned following the guidelines defined below and traditional footings may be used. If roots encountered are greater than two diameter inches are unearthed they must be preserved, protected and bridged.

**Preconstruction root pruning** is to be performed by skilled labor. Roots are to be pruned off cleanly. Bark should adhere to the wood without tearing. Wood fibers should remain intact without shattering. When completed, the pruned portions should be covered with untreated burlap or similar absorptive material and kept constantly moist. The following tools (only) may be used for pruning of roots:

- Hand-pruners
- Loppers
- Handsaw
- Reciprocating saw
- Chainsaw

**REQUIRED PROCEDURES, continued**

**Necessary Tree Removal** is to be performed in a sectional manner in order to avoid damaging surrounding trees and landscape. Locations of trees to be removed are documented in the attached *Tree Resource Inventory* and on the *Tree Location Map* file.

- **Removal due to Construction Impacts** is required for trees that are in direct conflict with the proposed building footprints where plans cannot be modified.
  - **Trees #2, 3 and 6**

**Tree Canopy Clearance Pruning**

Vertical clearance may be necessary to remove conflicts between canopy extents and buildings. Necessary branch removal shall be kept to a minimum with the approval of the tree owner(s).

A qualified certified arborist, using the following industry guidelines should be contracted to perform all tree pruning.

- American National Standards Institute A300 for Tree Care Operations-Tree, Shrub and Other Woody Plant Maintenance-Standard Practices.
  - (Part 1)-2001 Pruning
- International Society of Arboriculture: Best Management Practices
- American National Standards Institute Z133.1-1994 for Tree Care Operations-Pruning, Trimming, Repairing, Maintaining, and Removing Trees and Cutting Brush-Safety Requirements

**Required Tree Replacement**

Two “protected” trees will be removed to construct the project as currently proposed. Compensation for tree removal required in order to complete the project will include:

- Preservation and protection of retained trees/tree groups
- Implementation of preconstruction treatments
- Tree planting as a component of the planned landscape to be maintained in perpetuity

An undated Landscape Plan prepared by Ellen Cooper, Landscape Architect replanting of 4 trees as components of the planned landscape. These plantings will serve screening, aesthetic and biotic function. This number of plantings meets the 2:1 replacement requirements defined in City Code Chapter 12.12. Additionally 49 shrubs in 5 to 15 gallon container sizes are proposed within the landscape plan

Proposed replacement tree species, quantity and nursery container size include:

- Chinese pistache (*Pistacia chinensis*), 2, 24” box
- swamp myrtle (*Tristania laurina 'Elegant'*), 2, 15-gallon

Nursery stock selected for dominant species shall be standard (single trunk).

Trees planted should be well formed without co-dominant, poorly attached stems. Trees shall be disease free and absent of swirling or girdling roots.

Qualified professionals adhering to the following guidelines shall plant the replacement trees:

- Prepare the planting site by excavating 3 times the width and 2 inches less than the exact depth of the nursery container.
- Prune any visible matted or circling roots to remove or straighten them. Cut the root ball vertically on opposite sides at least half the distance to the trunk.
- Free roots from the root ball breaking away some of the soil to provide better contact between the root ball and the backfill soil.
- Backfill with native soil.
- After backfilling a two to four-inch layer of tree chip mulch should be applied to the soil layer. Chips should not be applied within 12 inches of the trunk.
- Stakes, for support should be driven opposite sides of the root ball and driven into the soil. The tree can be secured to the stakes using “Arbortape” or by using the “ReadyStake” system.

**Supplemental irrigation** will be provided the new trees by means of a temporary “drip” emitter system for a period of two (2) years. This system shall be designed, installed and maintained by a qualified professional to provide appropriate moisture levels.

#### **Maintenance and Monitoring Program Criteria**

To ensure the survivability and proper growth of the replacement trees success criteria will be defined to meet a 100% survival rate and implemented as follows.

- A qualified professional will monitor the newly planted trees at one (1) month intervals for the first year of growth and every 3 months thereafter for an additional four-year period
- Tree health and growth rates will be assessed
- Trees suffering poor growth rates or declining health will be identified
- Invigoration treatments will be provided
- Dead trees or trees in an irreversible state of decline will be replaced
- At the end of the five-year period the status of the new plantings will be assessed to make certain that success criteria has been met and all replacement trees planted are performing well

Implementation of these success criteria shall be a condition of project approval.

**TREE PRESERVATION AND PROTECTION**

**Tree Preservation Specifications** included in this report outline specifics for tree protection structures and other procedures that will provide the best opportunity for their long-term survivability.

**Project Monitoring** of the project will be the responsibility of the Project Arborist. Site inspections will take place at the following intervals;

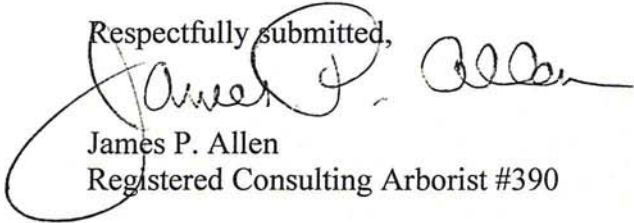
- Following on-site placement of grade stakes
- During demolition
- During preconstruction root severance
- After Tree Preservation fencing locations have been staked
- Following Tree Protection fencing installation and prior to the commencement of grading
- During all grading activities within Critical Root Zones
- As necessary during the grading activities to ensure compliance with all conditions of project approval

Site monitoring forms will be submitted to the Capitola Planning Department at regular intervals.

**To ensure the protection of the trees remaining on this site it is imperative that the recommendations detailed within this document are incorporated as conditions of project approval.**

Questions regarding this report may be directed to my office.

Respectfully submitted,



James P. Allen  
Registered Consulting Arborist #390



## Tree Preservation Specifications

4201 Capitola Road, Capitola CA  
APN 034-121-36 & 37

**These guidelines should be printed on all pages of the development plans. Contractors and sub contractors should be aware of tree protection guidelines and restrictions. Contracts should incorporate tree protection language that includes “damage to trees will be assessed by the Project Arborist and monetary fines levied”.**

### **A pre construction meeting with the Project Arborist**

A meeting with the Project Arborist, Project Manager and all contractors involved with the project shall take place prior to the onset of tree removal. Tree removal and preservation specifications will be reviewed and discussed.

### **Establishment of a tree preservation zone (TPZ)**

**Tree Protection Structures will be installed as follows:**

**Tree #1, Stage 1**, to be in place prior to demolition

- Stand 12' tall 2x6" boards side by side surrounding the tree's trunk secured by straps or rope
- Armor the bottom of the tree trunk by standing rice straw bales side to side or wrapping wattle around the trees trunk, secured by a strap or rope
- Apply temporary orange fencing to the face of the straw bales or wattle

**Tree #1, Stage 2**, to be installed once demolition has been completed and before grading begins. Install 6' tall chain link fencing securely attached to metal poles driven 18" into the ground.

**Trees #4 and 5** require Stage 2 Protection Structures to be installed before demolition begins and remain in place for the duration of the project. Tree Protection Structure Locations are documented on the attached *Tree Location Map*.

### **Restrictions within the Tree Preservation Zone (TPZ)**

No storage of construction materials, debris, or excess soil will be allowed within the TPZ. Parking of vehicles or construction equipment in this area is prohibited. Solvents or liquids of any type should be disposed of properly, never within this protected area.

### **Field decisions**

The Project Arborist, Soils Engineer and Grading Contractor will determine the most effective construction methods to maintain tree health and stability.

### **Alteration of grade**

Maintain the natural grade around trees. If trees roots are unearthed during the construction process the consulting arborist will be notified immediately. Exposed roots will be covered with moistened burlap until the Project Arborist makes a determination.

### **Trenching requirements**

Any areas of proposed grading and trenching adjacent to preserved trees will be evaluated with the Project Arborist and the contractor prior to construction.

### **Tree canopy alterations**

Unauthorized pruning of any tree on this site will not be allowed. Necessary tree canopy alterations will be performed to the specifications established by the Project Arborist.



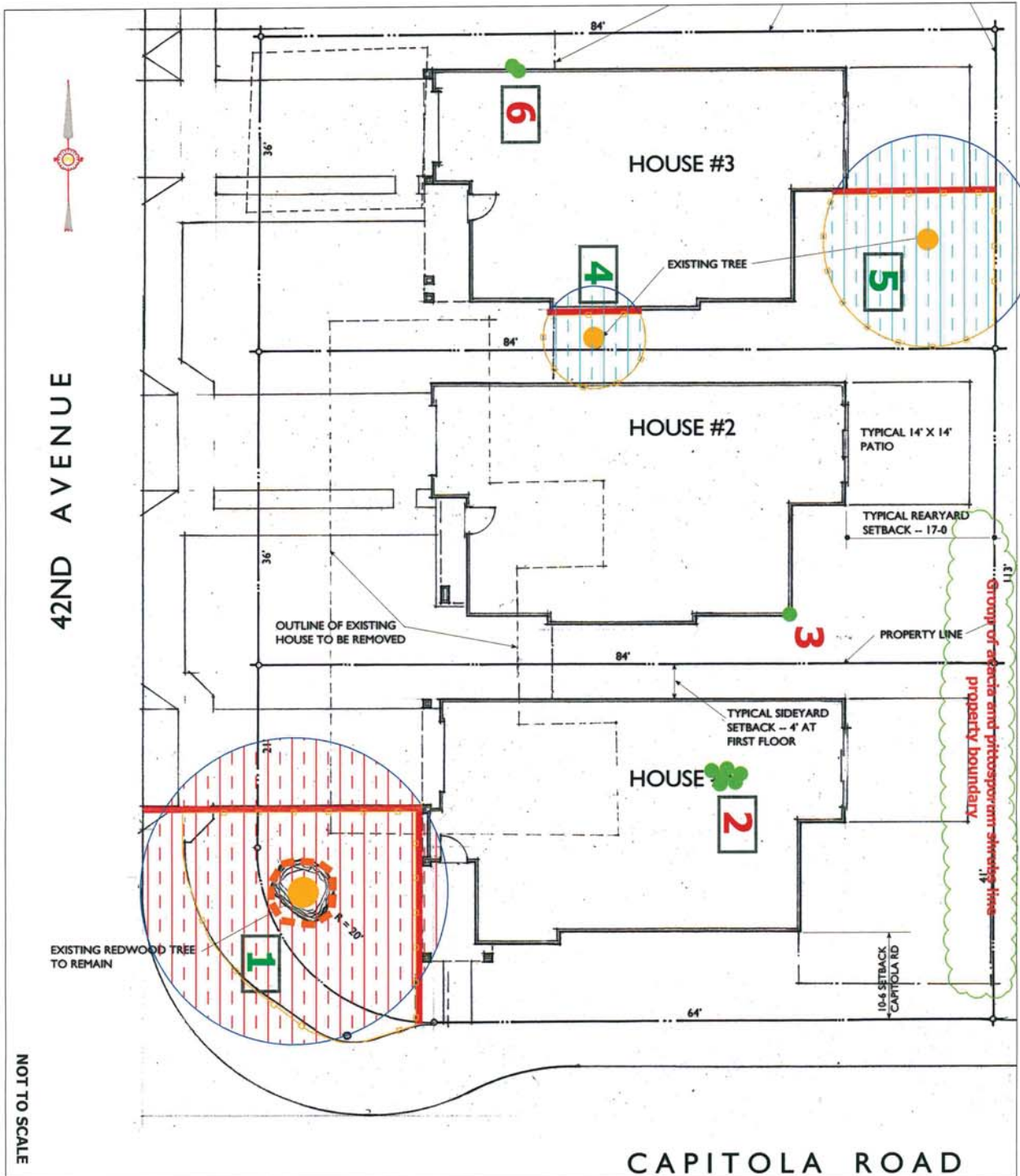
**James P. Allen**  
**Associates**

# 4201 Capitola Road, Capitola CA APN 034-121-36, 37 Construction Impact Assessment

*Dedicated to the Preservation of Trees*

## Tree Resource Inventory

TREE/ TREE GROUP #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	CRITICAL ROOT ZONE (CRZ) Radial Footage, Preserved Trees Only	Impacts LEVEL/ Description	OBSERVATIONS • REQUIRED PROCEDURES • MEETS "PROTECTED" CRITERIA Yes/No
1	coast redwood <i>Sequoia sempervirens</i>	44.6	Fair	Poor	Good	18	MODERATE/ Proximity to Proposed Building	<ul style="list-style-type: none"> <li>Surrounded by short retaining wall and sidewalk</li> <li>Poorly pruned for utility line clearance</li> <li>Sprout growth at point of previous topping cut</li> <li>Preserve and Protect</li> <li>Special Treatment Area</li> <li>Yes</li> </ul>
2	black acacia <i>Acacia sp.</i>	6 stems 2-8	Fair	Poor	Fair	12	HIGH/ Within Proposed Building	<ul style="list-style-type: none"> <li>Poor trunk/stem attachment</li> <li>Remove due to Construction Impacts</li> <li>Yes</li> </ul>
3	walnut <i>Juglans sp.</i>	8.4 @ 6in above grade	Fair	Poor	Fair	6	HIGH/ Within Proposed Building	<ul style="list-style-type: none"> <li>Small stature multi-trunk tree</li> <li>Remove due to Construction Impacts</li> <li>No</li> </ul>
4	palm <i>Washingtonia sp.</i>	22.4	Fair	Fair	Fair	6	MODERATE/ Proximity to Proposed Building	<ul style="list-style-type: none"> <li>Small stature palm with dead fronds</li> <li>Preserve and Protect</li> <li>Yes</li> </ul>
5	black acacia <i>Acacia sp.</i>	14.9	Fair	Poor	Poor	14	MODERATE/ Proximity to Proposed Building	<ul style="list-style-type: none"> <li>Poor trunk/stem attachment</li> <li>Preserve and Protect</li> <li>Yes</li> </ul>
6	black acacia <i>Acacia sp.</i>	double trunk 6.1, 5.2	Fair	Poor	Poor	6	HIGH/ Proximity to Proposed Building	<ul style="list-style-type: none"> <li>Poor trunk/stem attachment</li> <li>Remove due to Construction Impacts</li> <li>Yes</li> </ul>



**Map Key / Legend**

- Surveyed Tree Trunk Location
  - Field Located Tree Trunk Location
  - 2 Assigned Tree Number
  - 2 Meets "Protected" Criteria
  - 2 Remove due to Construction Impacts
  - 2 Preserve and Protect
  - 2 Critical Root Zone/ Tree Protection Zone
  - 2 Critical Root Zone/ Special Treatment Area
  - 2 Pre-Construction Root Pruning
- Tree Protection Structures**
- Stage 1**
- 2 Tree #1, to be installed prior to Demolition
  - 2 Physical Protection Barrier
  - 2 12" x 6" Lumber placed upright surrounding Tree Trunk by Rope or Strap
- Stage 2**
- 2 Trees #4 and #5, to be installed prior to Demolition
  - 2 Tree #1, to be installed prior to Construction
  - 2 Tree Preservation Fencing
  - 2 6" Trail Chain Link attached to Metal Posts driven 18" into the ground

**4201 Capitola Road**  
 Capitola, CA  
 APN 034-121-36, 37

**Tree Resource Analysis/  
 Construction Impact Assessment/  
 Tree Protection Plan**

**4201 Capitola Road**  
 Capitola, CA  
 APN 034-121-36, 37

**Tree Location Map**

**James P. Allen & Associates**

1 1 1

DATE: 01/20/24

## Zoning Summary – 4201 Capitola Road

### House #1

Development Standards			
CN Height Regulation		Proposed Height	
27 ft.		27 ft.	
Yards			
	CN Regulation		Proposed
<b>Front Yard</b>	15 ft.		19 ft.
<b>Side Yard</b> Lot width: 41 ft.	First story: 10% lot width Second Story: 15% lot width	First story (10%): 4 ft. min. Second story (15%): 6 ft. 2 in. min.	First story: 2 ft 7 in. (north side). <b>Does not comply.</b> Second story: 4 ft. (north side). <b>Does not comply.</b>
<b>Rear Yard</b>	20% lot depth	Lot depth: 84 16 ft. 10 in. min.	17 ft.
Parking			
	Required		Proposed
<b>Residential (2,601 to 4,000 sq. ft.)</b>	2 spaces total - 1 covered, 1 uncovered		2 spaces total - 1 covered, 1 uncovered
<b>Underground Utilities: required with 25% increase in area</b>			Required

### House #2

Development Standards			
CN Height Regulation		Proposed Height	
27 ft.		27 ft.	
Yards			
	CN Regulation		Proposed
<b>Front Yard</b>	15 ft.		20 ft.
<b>Side Yard</b> Lot width: 36	First story: 10% lot width Second Story: 15% lot width	First story (10%): 3 ft. 6 in. min. Second story (15%): 5 ft. 5 in. min.	First story: 2 ft. 6 in. (north side), 3 ft. 0 in. (south side). <b>Does not comply.</b> Second story: 3 ft. 0 in. (north & south). <b>Does not comply.</b>
<b>Rear Yard</b>	20% lot depth	Lot depth: 84 16 ft. 10 in. min.	17 ft.
Parking			
	Required		Proposed
<b>Residential (2,601 to 4,000 sq. ft.)</b>	2 spaces total - 1 covered, 1 uncovered		2 spaces total - 1 covered, 1 uncovered
<b>Underground Utilities: required with 25% increase in area</b>			Required



**House #3**

Development Standards			
CN Height Regulation		Proposed Height	
27 ft.		27 ft.	
Yards			
	CN Regulation		Proposed
<b>Front Yard</b>	15 ft.		20 ft.
<b>Side Yard</b> Lot width: 36	First story: 10% lot width	First story (10%): 3 ft. 6 in. min.	First story: 2 ft. 8 in. (north side), 4 ft. 0 in. (south side). <b>Does not comply.</b>
	Second Story: 15% lot width	Second story (15%): 5 ft. 5 in. min.	Second story: 4 ft. 0 in. (north), 3 ft. 6 in. (south). <b>Does not comply.</b>
<b>Rear Yard</b>	20% lot depth	Lot depth: 84 16 ft. 10 in. min.	17 ft.
Parking			
	Required		Proposed
<b>Residential (2,601 to 4,000 sq. ft.)</b>	2 spaces total - 1 covered, 1 uncovered		2 spaces total - 1 covered, 1 uncovered
<b>Underground Utilities: required with 25% increase in area</b>			Required

Attachment: Attachment 5 - 4201 Capitola Road - Zoning Summary - 3 Houses (4201 Capitola Road)

## **CONDITIONS OF APPROVAL**

1. The project approval consists of a design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision located at 4201 Capitola Road. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #17-0441 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan (BMPs), shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16.100 Construction Site Storm Water Runoff Control. All improvements shall be installed prior to the start of construction and shall be maintained throughout project duration.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which complies with

CMC 13.16.0900 Post Construction Stormwater Management and implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

12. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. Any existing unused driveway approach shall be demolished and replaced with curb, gutter and sidewalk. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species, and planted on the site as shown on the approved plans.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. The Applicant shall prepare and submit a parcel map showing the original parcel and the parcels being created by the resubdivision with pertinent supporting data. Said map shall be filed with the Public Works Department with the appropriate review fees for review. Said parcel map shall be prepared by a licensed land surveyor who shall be responsible for responding to comments until the map is acceptable to the Department of Public Works.
23. All plans and profiles of improvements shall be approved by the Director of Public Works prior to the filing of the final map, and the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
24. Prior to final recording of the final parcel map, either all street and utility improvements, as required by the Public Works Department (i.e. curbs, gutters, sidewalks, paving, etc.) shall be completed or a bond shall be posted with the Public Works Department to secure construction of such street and utility improvements.
25. Prior to the recordation of the parcel map, the applicant shall submit new legal descriptions for the three lots for review by the Community Development Director.
26. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
27. During construction, applicant shall follow the required procedures for tree protection in the Tree Resource Analysis/Construction Impact Assessment/Tree Protection Plan by James P. Allen & Associates, including: tree protection structures, demolition, backhoe operating requirements, site stabilization, preconstruction root exploration, preconstruction root pruning, necessary tree removal, tree canopy clearance pruning, required tree replacement, and supplemental irrigation. Also, to ensure the survivability and proper growth of replacement trees, applicant shall implement the success criteria found in the maintenance and monitoring program criteria section:
  - a. A qualified professional will monitor the newly planted trees at one (1) month intervals for the first year of growth and every 3 months thereafter for an additional 4-year period
  - b. Tree health and growth rates will be assessed
  - c. Trees suffering poor growth rates or declining health will be identified
  - d. Invigoration treatments will be provided
  - e. Dead trees or trees in an irreversible state of decline will be replaced
  - f. At the end of the five-year period the status of the new plantings will be assessed to make certain that success criteria have been met and all replacement trees planted are performing well

## **FINDINGS**

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision comply with the development standards of the CN (Neighborhood Commercial) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the design permit for three new single-family homes, including demolition of one existing home, and tentative parcel map for a three-lot subdivision. The design of the homes, with three different siding types, open rafters in the eaves, timber detailing for porch work, klinker brick bases on the porch columns, and clad wood windows, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

### **C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone, and in urbanized areas, up to three single-family residences may be constructed under this exemption. This project involves a design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision within the CN (Neighborhood Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

## **COASTAL FINDINGS**

### **D. Findings Required.**

- 1. 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:**
  - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
  - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
  - c. A description of the legitimate governmental interest furthered by any access conditioned required;
  - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.

- 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:

**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.**

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

- The proposed project is located at 4201 Capitola Road. The homes are not located in an area with coastal access. The homes will not have an effect on public trails or beach access.

- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of

the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Capitola Road and 42<sup>nd</sup> Avenue. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Capitola Road. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

**3. 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 accessway on the subject land.
  - The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
  - The project is located in a commercial/residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
  - The project is located on a flat lot.
- c. Recreational needs of the public;
  - The project does not impact the 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.

**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.



**6. Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

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

- The project involves single-family homes on residential lots of record.

**SEC. 30223**

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

- The project involves single-family homes on residential lots of record.

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

- The project involves single-family homes on residential lots of record.

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

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

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

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

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

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

**10. Demonstrated availability and adequacy of water and sewer services;**

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

**11. Provisions of minimum water flow rates and fire response times;**

- The project is located a short distance from the Capitola Fire Department. Water is available at the location.

**12. Project complies with water and energy conservation standards;**

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

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

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

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

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

**15. Project complies with natural resource, habitat, and archaeological protection policies;**

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

**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.

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

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

**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 in a seismic area, geologically unstable area, or coastal bluffs. Conditions of approval have been included to ensure

the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

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

**20. Project complies with shoreline structure policies;**

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Neighborhood Commercial zoning district.

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

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

**23. Project complies with the Capitola parking permit program as follows:**

- The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- The village area preferential parking program shall be limited to three hundred fifty permits.
- Neighborhood permit areas are only in force when the shuttle bus is operating except that:
  - The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
  - The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in

additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.

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