



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, April 6, 2017 – 7:00 PM

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. PRESENTATION

A. Capitola Branch Library Design - Public Works Director Steve Jesberg

4. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Feb 2, 2017 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. 224 San Jose Avenue #16-108 APN: 035-184-07 and 035-184-01

Design Permit and Conditional Use Permit for addition of two-car garage with second story living space on an existing single-family historic structure located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Dennis Calvert

Representative: Dennis Norton, filed: 1/17/2017

B. 1842 48th Ave #17-008 034-023-32

Design Permit to remodel an existing single-family residence and construct a 546-square foot addition and a new 245 square foot garage, located in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Dent Organization, Inc.

Representative: Robin Alaga, filed: 1/25/17

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. 105 Sacramento Avenue #16-133 036-144-05

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence and attached secondary dwelling unit with variance requests for garage setbacks and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and 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: Lani and Tim Holdener

Representative: Derek Van Alstine, filed: 6/28/16

B. Capitola Mall Redevelopment**C. Zoning Code Update All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17).

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

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 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. 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.



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 2, 2017
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner TJ Welch: Present, Commissioner Linda Smith: Absent, Chairperson Edward Newman: Absent, Commissioner Susan Westman: Present, Commissioner Sam Storey: Present

2. NEW BUSINESS

A. Commission Appointments

1. Art & Culture Commission

Motion: Appoint Commissioner Storey to the Art & Cultural Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	TJ Welch, Commissioner
SECONDER:	Westman, Commissioner
AYES:	Welch, Westman, Storey
ABSENT:	Smith, Newman

2. Traffic & Parking Commission

Motion: Appoint Commissioner Welch to the Traffic & Parking Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Storey, Commissioner
SECONDER:	Westman, Commissioner
AYES:	Welch, Westman, Storey
ABSENT:	Smith, Newman

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - None

B. Public Comments - None

C. Commission Comments

Commissioner Welch reported on the last Traffic and Parking Commission meeting regarding the proposed Village Area employee parking program and noted that it was passed at the last City Council meeting. The program will allow for up to 200 Village employees to park in the lower parking lot to help alleviate parking issues in the Village and in the surrounding residential areas.

Commissioner Westman requested a staff update on the Ideal Homes sign and car storage issues at the property Bay Avenue, next to the freeway.

Minutes Acceptance: Minutes of Feb 2, 2017 7:00 PM (Approval of Minutes)

Senior Planner Katie Herlihy responded that a Conditional Use Permit extension will be reviewed by the City Council in March.

Senior Planner Herlihy stated she would follow up regarding the Ideal Home sign.

D. Staff Comments - None

4. CONSENT CALENDAR

A. 1240 41st Avenue #16-219 034-101-33

Design Permit to demolish an existing office building with fire damage and build a new, 1,800 square foot office building and a Sign Permit for a new wall sign in the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Christine McCormack

Representative: Michael Helm, filed: 12/6/16

Motion: Approve Design Permit and Sign Permit with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval is for the construction of a new, single-story office building at 1240 41st Avenue. The project consists of the demolition of an existing 1,580 square foot office building which previously suffered fire damage, and the construction of a new, 1,800 square foot office building in the same location. There is no maximum lot coverage within the CC (Community Commercial) zoning district, except that parking and front yard open space requirements be met. The project includes a 15-foot front landscape area and six on-site parking spaces in compliance with CC zone regulations. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 2nd, 2017, 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 the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
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, if proposed. Native and/or drought tolerant species are

recommended. The applicant shall obtain a Landscape Maintenance Agreement with the City prior to building permit issuance.

7. Prior to issuance of building permit, all Planning fees associated with permit #16-219 shall be paid in full.
8. Prior to issuance of building permit, the applicant shall submit a copy of the easement agreement between the subject property and property to the north (1260 41st Ave) to the Public Works department.
9. 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.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
11. 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.
12. 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).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 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
16. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

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 proposed enlarged office building, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The building would comply with the 41st Avenue Design Guidelines.
- 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 application for a new, enlarged office building to replace a fire-damage office building. The new building, with the conditions imposed, will maintain the character and integrity of the neighborhood. The building would relate well to the surrounding commercial development along 41st Avenue.
- C. **This project is categorically exempt under Section 15302(b) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15302(b) of the CEQA Guidelines exempts the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. This project involves the replacement of a slightly larger commercial building with the same proposed office use in the CC (Community Commercial) Zoning District.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	TJ Welch, Commissioner
SECONDER:	Storey, Commissioner
AYES:	Welch, Westman, Storey
ABSENT:	Smith, Newman

5. PUBLIC HEARINGS

- A. **115 Saxon Avenue #16-115 036-131-02**
Design Permit to remodel an existing non-conforming residence and addition of 324 square feet, located in the R-1 (Single-Family Residential) Zoning District.

Minutes Acceptance: Minutes of Feb 2, 2017 7:00 PM (Approval of Minutes)

This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Brian Wiese & Diane Krigel
 Representative: Derek Van Alstine, filed: 6/2/16

Senior Planner Herlihy presented the project.

Applicant's Designer Derek Van Alstine responded to Commissioner Storey's question about the project parking garage issue, and requested condition #4 be removed. He also discussed the percolation pit requirement in response to Commissioner Storey's question about the neighbor's concern and the possibility of moving it. Mr. Van Alstine responded that he didn't think it would be a problem to move it since there is plenty of room on the property.

Commissioner Welch supports removing condition #4 and has no objection to allowing the adjustment to the rumpus room. Commissioner Westman concurred.

MOTION: Approve Design Permit

CONDITIONS OF APPROVAL

1. The project approval is for the remodel and addition to an existing, two-story home at 115 Saxon Avenue. The project consists of construction of an interior and exterior remodel, as well as an addition of 324 square feet. The 324 square foot addition results in a 3% increase in Floor Area Ratio (FAR). The maximum FAR for the 4,000 square foot property is 54% (2,160 square feet). The total FAR of the project is 53.9% with a total of 2,159 square feet of floor area, 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 February 2nd, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. ~~Prior to issuance of building permit, the applicant must submit revised plans to the satisfaction of the Community Development Director showing one, full-sized covered parking space designed within the existing family room area.~~
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

7. The Planning Commission approved of design modifications to the rear roof line of the proposed project at the February 2nd, 2017 hearing. Floor area will be removed from the rear of the building and added to the “rumpus room”. The design changes must be approved by the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-115 shall be paid in full.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel 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. Prior to issuance of a building permit, the applicant shall submit an engineered drainage plan with specifications and details for the design, size, and location of the percolation pit.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 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
16. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

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, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The proposed addition area meets all zoning code requirements.
- 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 application for remodel and addition to an existing two-story residence. The remodeled home, with the conditions imposed, will maintain the character and integrity of the neighborhood. The proposal will update the exterior façade and remove existing, raised deck space. The proposed updated home will maintain the character of the depot hill neighborhood.
- C. **This project is categorically exempt under Section 15303 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 the construction of one single-family residence in a residential zone. This project involves the remodel and addition to an existing two-story single-family residence in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Storey, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Welch, Westman, Storey
ABSENT:	Smith, Newman

- B. **Zoning Code Update All Properties within Capitola**
Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17).
The Zoning Code serves as the Implementation Plan of the City’s Local Coastal Program and therefore must be certified by the Coastal Commission.

Minutes Acceptance: Minutes of Feb 2, 2017 7:00 PM (Approval of Minutes)

Environmental Determination: Addendum to the General Plan Update EIR
Property: The Zoning Code update affects all properties within the City of Capitola.
Representative: Katie Herlihy, Senior Planner, City of Capitola

Senior Planner Herlihy presented the Zoning Code Update, including the updated zoning map, and outlined the nine remaining zoning code issues that must be addressed prior to adoption that were outlined in the staff report.

Commissioner Westman would like to make sure that the Visitor Serving Overlay and Vacation Rental do not make the village illegible. She requested they be removed from the master zoning map and only shown in the separate map inlay at the bottom of the page. She noted several other recommendations to the map, including cleaning up errors in the Transient Occupancy overlay.

The Vacation Rental Overlay was reviewed by Senior Planner Herlihy, noting that there were two new requests to extend the Vacation Rental Overlay to Bay Avenue and a request to include 502 Beulah.

Commissioner Welch had no issues with the 502 Beulah request but had concern with extending to Bay Avenue due to history of complaints. Commissioner Storey agreed with Commissioner Welch not to extend to Bay Avenue.

Commissioner Westman agreed with colleagues in support of 502 Beulah, but is not in favor of extending further up Capitola Avenue than when previously discussed.

Commissioner Storey asked for clarification on the open spaces shown on the draft map on either sides of the creek that show as creek. Director Grunow responded that another similar area is zoned as a city park in the General Plan and it would be appropriate to zone it the same way for clarification and worth reviewing. Senior Planner Herlihy recommended changing the color of the creek.

Senior Planner Herlihy reviewed the Environmentally Sensitive Areas and pointed out that quite a few areas of the map are developed and should be better defined to reflect where environmentally sensitive areas are versus those that have been developed and do not have vegetation. Director Grunow stated that these existing maps data came from the city's certified Local Coastal Program (LCP) and are not accurate on the ground conditions. Director Grunow recommended investing some resources to correct these issues.

Commissioners Welch and Westman were supportive of having a more refined and accurate map.

Senior Planner Herlihy reviewed the Geologic Hazard Map, which is also taken from the City's Coastal Plan. Director Grunow cautioned that this map may go through significant revisions after review by the Coastal Commission. Commissioner Storey asked if the lower parking lot was included, or if it is considered to be a geological hazard and should be included in the Tidal Zone surge area.

Director Grunow agreed that it is not clear if this map includes the Tidal Zone and suggested scrubbing the existing map and setting criteria for the geologic hazards that are being mapped.

Senior Planner Herlihy next demonstrated the draft Coastal Map that staff produced utilizing the 1991 certified map from the Coastal Commission, adding the County of Santa Cruz layer, and the clarifying the appealable zone. The Coastal Commission has advised that it will continue to use their own map but has allowed us to use this simplified, easier to read map, with the condition that a disclaimer is provided stating that they have not adopted this map. Commissioner Westman would like to see a logical map that reflects property lines to clarify the appealable zones.

The Archeological Sensitive Areas map was reviewed by Senior Planner Herlihy, prompting Commissioner Storey to ask for a definition of Archeological Sensitive Areas. Director Grunow responded that it typically means areas having records or past discoveries identified as having high sensitivity archeological resources, briefly explaining the process and adding that projects both in and outside of these areas are cautiously reviewed on a case by case basis to assess archeological effects, which include records of past discovery of archeological resources. Commissioner Westman also noted that there is a “secret” map that showed known sites around town with archeological findings that could be used to compare to this map.

Motion: Continued to Special Planning Commission Meeting of February 16, 2017, at 6:00 P.M.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Sam Storey, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Welch, Westman, Storey
ABSENT:	Smith, Newman

6. DIRECTOR'S REPORT

Director Grunow reported that the updated wireless ordinance passed the first reading at last week's City Council meeting and it will be on next week's Council agenda for final adoption, and then to the California Coastal Commission for certification.

The appeal for the application of 105 Sacramento was withdrawn and the applicant will redesign and submit a new application.

7. COMMISSION COMMUNICATIONS

None

8. ADJOURNMENT

Jacqueline Aluffi, Minutes Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 6, 2017

SUBJECT: **224 San Jose Avenue #16-108 APN: 035-184-07 and 035-184-01**

Design Permit and Conditional Use Permit for addition of two-car garage with second story living space on an existing single-family historic structure located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Dennis Calvert

Representative: Dennis Norton, filed: 1/17/2017

APPLICANT PROPOSAL

The application is for an addition of a two-car garage with living space on the second story attached to the existing historic single-family home at 224 San Jose. The proposed addition requires a Conditional Use Permit and Design Permit.

BACKGROUND

On October 6, 2016, the Planning Commission denied an application without prejudice for a new detached garage with second story living space that required a variance to one onsite parking space. The Planning Commission directed the applicant to revise the application to comply with the onsite parking requirement due to the limited parking within the Village. The design has been modified to create two parking spaces within an attached garage. There is no impact to street parking.

The new garage is proposed to be attached to the existing historic single-family home at 224 San Jose Avenue. As a part of this proposal, the applicant is requesting a lot merger to combine the two adjacent parcels. The lot merger requires a ministerial permit, which must be completed prior to construction.

DISCUSSION

The following table outlines the zoning code development requirements in the CV (Central Village) Zoning District relative to the application.

Use		
Property is in Residential Overlay District.		Cherry Avenue Overlay
Existing	First Floor	584 sq. ft.
	Second Floor	n/a
Proposed	Garage	478 sq. ft.

Addition		
	First Floor	617 sq. ft.
	Second Floor	403 sq. ft.
	Total	1095 sq. ft.
Historic		
Level of Historic Feature (local/state/federal or n/a)		Local
Completed DPR523. (if yes, list consultant)		No
Significant Alteration of Historic Feature? (CUP required)		Yes
Development Standards		
Building Height	CV Regulation	Proposed
	27 ft. max	21 ft.
Lot Coverage		
In the Cherry Avenue residential overlay area: Lots between 1,001 and 2,000 square feet shall be allowed 80% lot coverage.	Maximum Lot Coverage: 80 % of lot or 1,440 sq. ft.	Proposed Lot Coverage: 1,253 sq. ft.
Yards		
There are no yard requirements in the C-V zone, except that 10% of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking.	1,800 sq. ft. lot 10% of lot is 180 sq. ft. required	324 sq. ft. proposed
Parking		
Residential up to 1,500 sq. ft.)	Required 2 spaces total	Proposed 2 covered garage space
Underground Utilities – required with 25% increase area	Required	

The application complies with all development standards of the Central Village zoning district.

Design Permit

The existing structure at 224 San Jose Avenue is one of the original beach cottages of the Capitola Village. The historic home design is defined by the simple rectangular footprint, gable roof with knee brackets, exposed rafter tails, front porch with square posts, board and batten wood siding, and trimmed double hung windows. The proposed addition will be located off the rear of the home with little impact to the original cottage.

The addition includes a two-car garage on the first-story with living space above. To accommodate the required 20-foot internal width of a two-car garage, the side of the garage will come within three inches of the side property line along Cherry Avenue. The second story is stepped in three feet to provide increased separation from the neighbor. The neighboring home on Cherry is stepped in on the first story but located just a few inches from the property line on the second story.

The proposed materials on the new addition compliment the historic home while clearly differentiating old from new. The new addition will introduce tongue and groove siding, a copper belly band, a double gable roof with beam tails, and a small metal shed roof above the windows

on the second story on the front and rear elevations. The double garage door will be wood. The proposed wood and metal finishes will fit in well with the neighborhood.

Conditional Use Permit

Since the existing residence is historic, the application requires approval of a Conditional Use Permit to ensure the addition will not be significantly detrimental to the historic feature pursuant to §17.60.030.C.1. The application was reviewed by an Architectural Historian, Leslie Dill, for compliance with the Secretary of Interior Standards pursuant to the California Environmental Quality Act (CEQA). On January 27, 2017, Ms. Dill provided findings that the application, with the incorporation of minor additions to general project notes within the building plans, meets the Secretary of the Interior's Standards for the Treatment of Historic Properties rehabilitation standards (Attachment 2).

CEQA

Section 15301 of the CEQA Guidelines exempts additions to existing structures. This project involves the addition of a new garage with second-story living space above located in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #16-108, based on the findings and conditions.

CONDITIONS OF APPROVAL

1. The project approval consists of an addition of a new double car garage with living space on the second story attached to the historic residence at 224 San Jose Avenue. The project consists of constructing a 478 square-foot garage, a 33 square-foot connection on the first floor, and a 403 square-foot second-story living area above the garage. The maximum allowed lot coverage for properties in the Cherry Avenue residential overlay is 80% for an 1,800 square foot property (1,440 square feet). The total lot coverage of the project is 1,253 square feet. The project approval includes approval of a Design Permit and Conditional Use Permit. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6, 2017, 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 building permit submittal, a no-rise study and elevation certificate must be submitted to the Building Official's satisfaction.
5. At time of building plan submittal, the plans shall include language on the cover sheet referring to the property as an "Historic Resource", requiring review of all design revisions, and that the project should include notes that the existing historic elements are to be protected during construction.

6. At time of building plan submittal, the California State Historical Building Code shall be referenced in the architectural notes on the front page, in the event that this preservation code can provide support to the project design.
7. During excavation, if potential archeological resources are found, the excavation must halt immediately and the contractor must notify the City of Capitola immediately. Construction will not be permitted to resume until appropriate investigations, reporting, data recovery, and mitigation measures have been fulfilled to the satisfaction of the Community Development Director.
8. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
9. 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 and potentially a review by the Historic Architect for continued conformance with the Secretary of Interior standards.
10. Prior to making any changes to the historic structure, the applicant and/or contractor shall field verify all existing conditions of the 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.
11. 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, if proposed. Native and/or drought tolerant species are recommended.
12. Prior to issuance of building permit, all Planning fees associated with permit #16-108 shall be paid in full.
13. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
14. 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.
15. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
16. 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.

17. 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).
18. 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.
19. 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.
20. 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
21. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
22. 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.
23. 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, as well as a recorded deed reflecting the lot line adjustment. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
24. Prior to issuance of a building permit, the applicant shall submit evidence that a Certificate of Compliance to merge the two parcels has been recorded with the County Clerk.
25. 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.
26. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

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 with the proposed garage and second-story living space.
- 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 two-story addition off the rear of the historic resource. The new garage and living space will not overwhelm the existing historic structure. The design does not compromise the integrity of the historic resource.
- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15301) of the CEQA Guidelines exempts additions to existing structures. This project involves the addition of a new garage with second-story living space above located in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

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

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

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

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

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

- The proposed project is located at 224 San Jose 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.

(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 San Jose Avenue and Cherry Avenue. 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 history of public use on the subject lot.

(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 San Jose Avenue and Cherry 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.

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

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

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

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

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

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

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

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

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

- The project contains a residential use.

b. Topographic constraints of the development site;

- The project is located on a flat lot.

c. Recreational needs of the public;

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

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

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

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

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

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

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

SEC. 30222

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

- The project involves a single family home on a residential lot of record, zoned CV (Commercial Village).

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, zoned CV (Commercial Village).

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, not a visitor-serving facility.

(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 pedestrian access and alternate means of transportation and/or traffic improvements.

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

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

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

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

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

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

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

- The project is located within close proximity of the 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;

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

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

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

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

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Central Village zoning district.

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

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

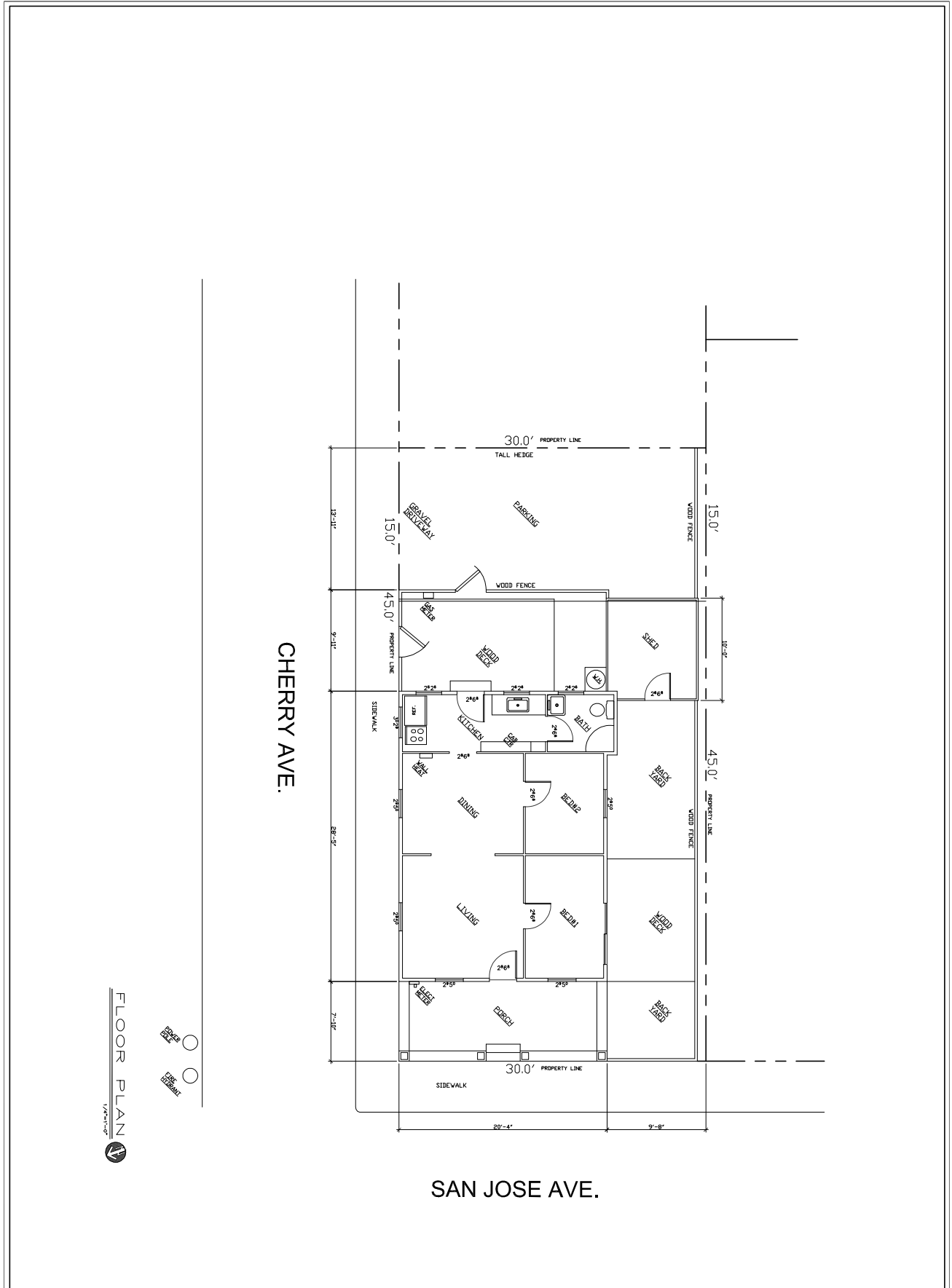
(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is located within the area of the Capitola Village parking permit area and complies with required parking.

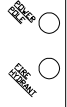
ATTACHMENTS:

1. 224 San Jose Plans
2. 224 San Jose Historic Review

Prepared By: Katie Herlihy
Senior Planner



FLOOR PLAN
 1/8" = 1'-0"
 02/24/16



DATE	02/24/16
SCALE	1/8" = 1'-0"
PROJECT	224 SAN JOSE
CLIENT	APN 035-184-07
DESIGNER	DENNIS NORTON
ARCHITECT	HOME DESIGN AND PROJECT PLANNING
ADDRESS	712 O CAPITOLA AV - CAPITOLA, CA 95010 - 831 478 2816
PHONE	FAX 478 2816

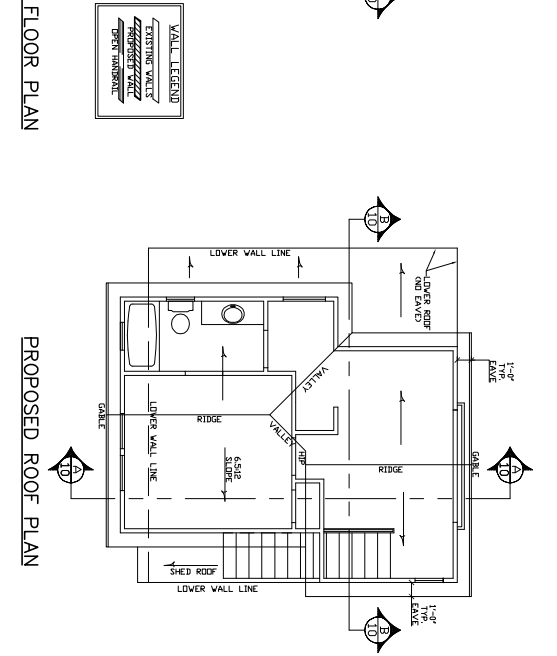
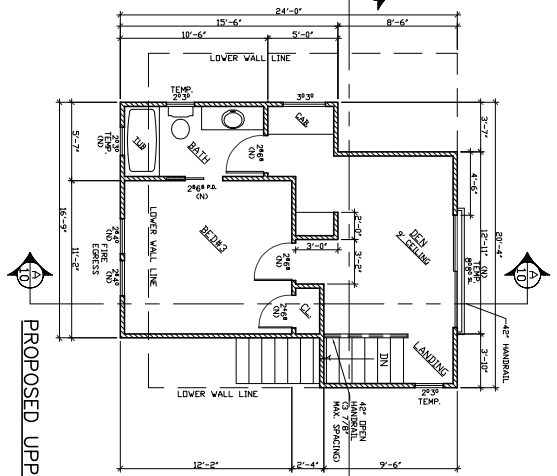
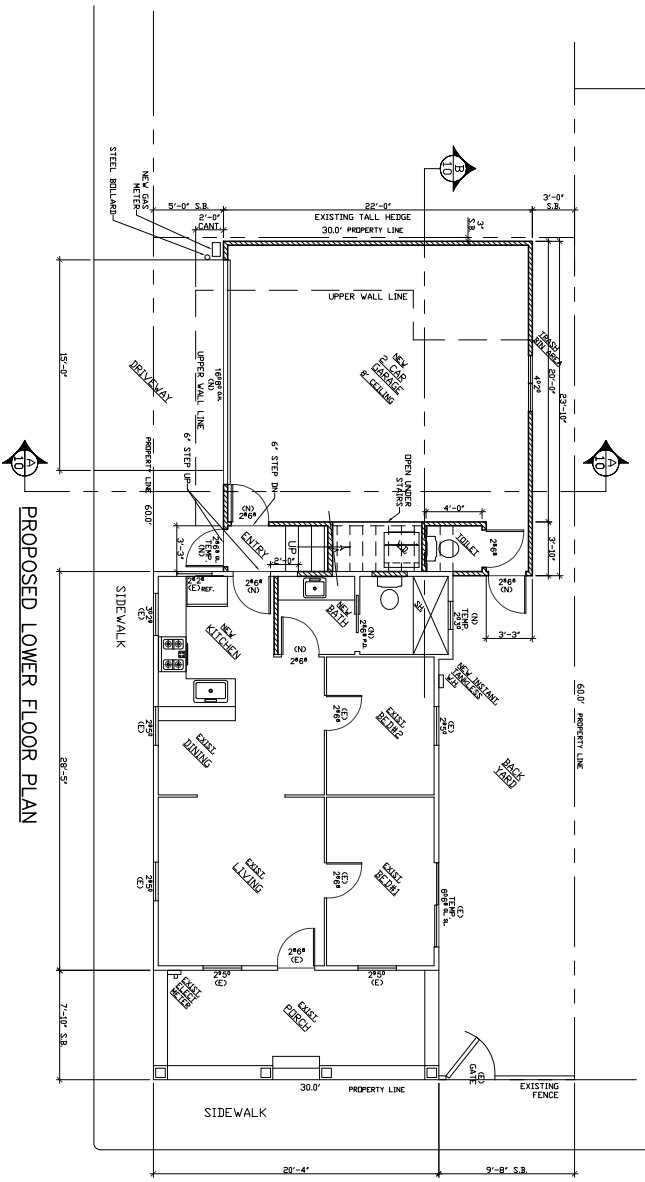
EXISTING FLOOR PLAN

DENNIS NORTON
 HOME DESIGN AND PROJECT PLANNING
 712 O CAPITOLA AV - CAPITOLA, CA 95010 - 831 478 2816
 FAX 478 2816

CALVERT RESIDENCE
 224 SAN JOSE AVE
 CAPITOLA, CA 95010
 APN 035-184-07

DENNIS NORTON
 ARCHITECT
 712 O CAPITOLA AV
 CAPITOLA, CA 95010
 831 478 2816
 478 2816

NO.	DATE	DESCRIPTION



SAN JOSE AVE.

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

4

DATE	01/14/17
DESIGNER	CG
CHECKER	1/4" = 1'-0"
PROJECT	SAN JOSE

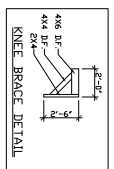
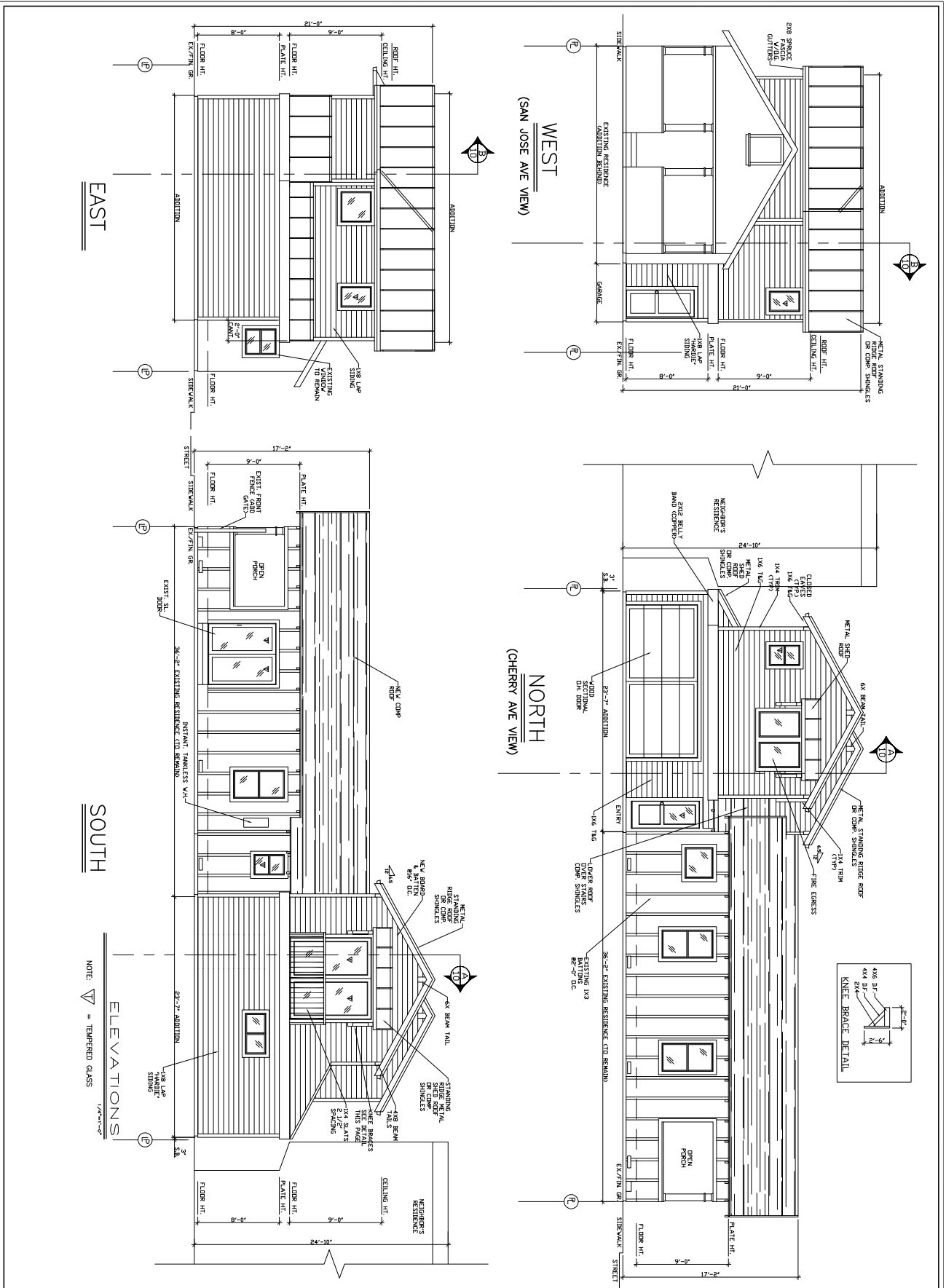
PROPOSED FLOORPLAN & ROOF PLAN

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
712 C CAPITOLA AV. CAPITOLA, CA 95010 - 831 478 2816
FAX 478 2848

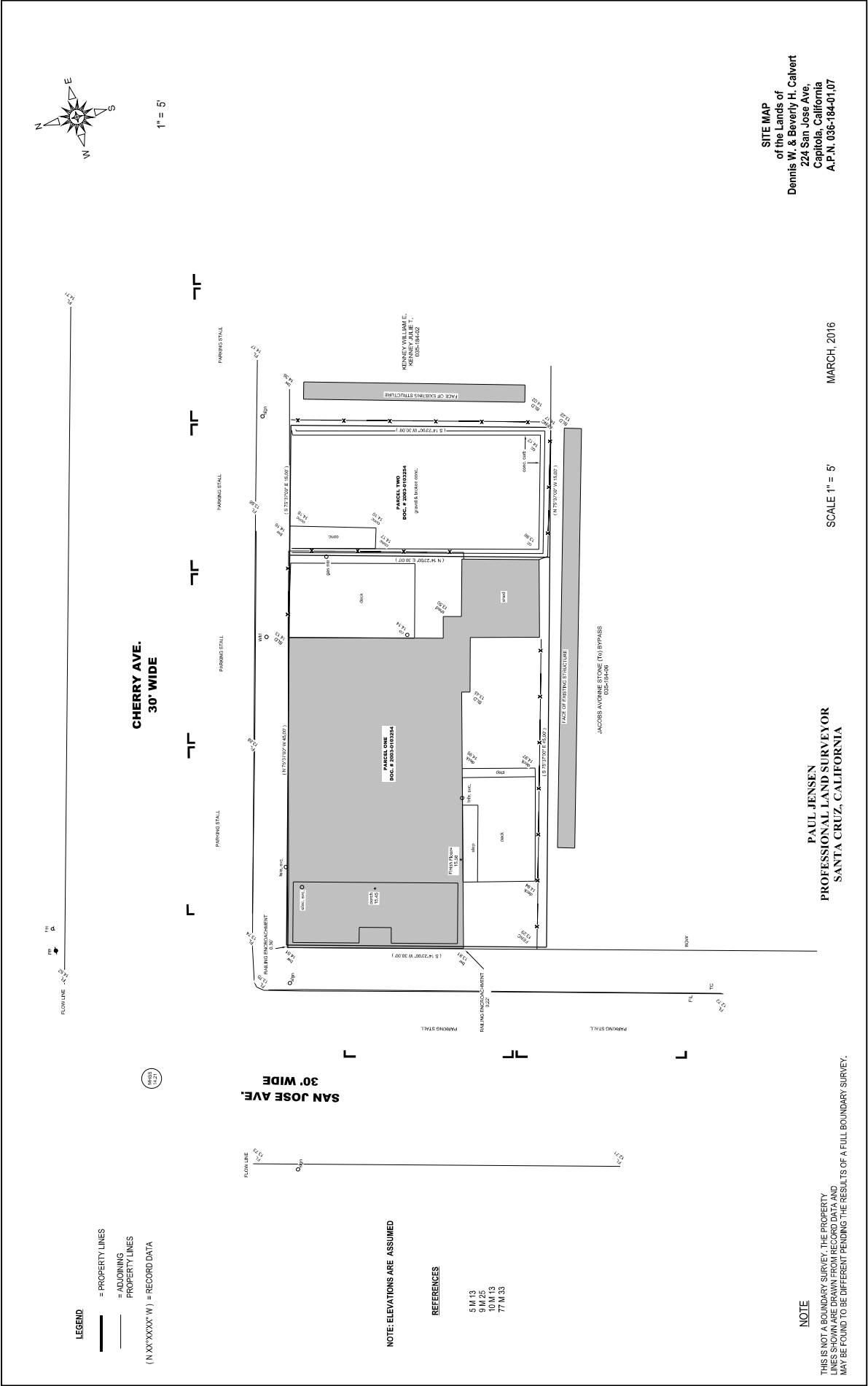
CALVERT RESIDENCE
224 SAN JOSE AVE
CAPITOLA, CA 95010
APN 035-184-07

OWNER	DAVID & BRIGGS
DATE	01/14/17
PROJECT	SAN JOSE
APN	035-184-07

Attachment: 224 San Jose Plans (1801 : 224 San Jose Avenue)



<p>5</p>	<p>PROPOSED ELEVATIONS</p>	<p>DENNIS NORTON HOME DESIGN AND PROJECT PLANNING</p> <p>712 C CAPITOLA AV. CAPITOLA, CA 95010 - 831 476 2616 FAX 476 2616</p>	<p>CALVERT RESIDENCE 224 SAN JOSE AVE CAPITOLA, CA 95010 APN 035-184-07</p>
<p>DATE: 01/14/17</p>	<p>SCALE: 1/4"=1'-0"</p> <p>DWG: SAN JOSE</p>		



LEGEND

— = PROPERTY LINES
 - - - = ADJACENT PROPERTY LINES
 (N XX°XXX' W) = RECORD DATA

NOTE: ELEVATIONS ARE ASSUMED

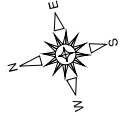
REFERENCES

- 5 M 13
- 5 M 14
- 9 M 13
- 77 M 33

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.

THORNTON PC



1" = 5'

SITE MAP
 of the Lands of
 Dennis W. & Beverly H. Calvert
 224 San Jose Ave.
 Capitola, California
 A.P.N. 036-184-01,07

MARCH, 2016

SCALE 1" = 5'

PAUL JENSEN
 PROFESSIONAL LAND SURVEYOR
 SANTA CRUZ, CALIFORNIA

Attachment: 224 San Jose Plans (1801 : 224 San Jose Avenue)

SECRETARY OF THE INTERIOR'S STANDARDS REVIEW

PROPOSED REHABILITATION AND ADDITION PROJECT

at the

HISTORIC RESIDENCE AT 224 SAN JOSE AVENUE

Calvert Residence

224 San Jose Avenue
(Parcel Number 035-184-07)
Capitola, Santa Cruz County
California

For:

City of Capitola
Attn: Katie Cattan, Senior Planner
Community Development Department
420 Capitola Avenue
Capitola, CA 95010

Prepared by:

ARCHIVES & ARCHITECTURE LLC
PO Box 1332
San Jose, CA 95109
408.369.5683 Vox
408.228.0762 Fax

Leslie A. G. Dill, Partner and Historic Architect

August 3, 2016
Revised January 27, 2017

Attachment: 224 San Jose Historic Review (1801 : 224 San Jose Avenue)

INTRODUCTION

Summary

With the incorporation of minor additions to the general project notes, this proposed residential rehabilitation and addition project will meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). The recommendations are summarized here, and the analysis is described more fully in the report that follows:

The project plans do not specifically address the historic status of the property. 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 that the existing historic elements are to be protected during construction be included (Standard 6).

Note that the City's requirement for two parking spaces creates an impact on the setting/design of the property. This design review analysis accommodates for this constraint. The previous design, with a completely detached new structure (as reviewed August 3, 2016) represented a more compatible design than the current proposal.

Report Intent

Archives & Architecture, LLC (A&A), was retained by the City of Capitola to conduct a Secretary of the Interior's Standards Review of the proposed rehabilitation and addition project proposed for an historic property at 224 San Jose Avenue, Capitola, California. A&A was asked to review the exterior elevations, plans, and site plan of the project to determine if the proposed project is in compliance 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. If a project meets the Standards, it is considered to have mitigated the project to a "less than significant" impact under the California Environmental Quality Act (CEQA).

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.

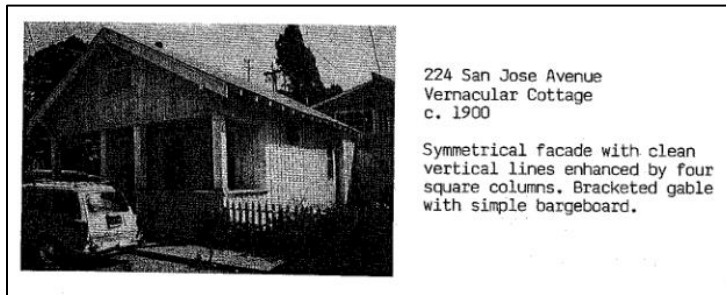
Review Methodology

For this report, Leslie Dill referred to the historic survey listing of the residence in the Capitola Architectural Survey. In June, 2016, a set of proposed plans, dated May 23, 2016, were forwarded for review. The plans were prepared by Dennis Norton, of Dennis Norton Home Design and Project Planning. That design was reviewed in August, 2016, and found to meet the Standards. During the review process, the City of Capitola determined that the initial design needed to be revised to include two parking spaces. The design was revised and returned to A&A for review. On November, 22 2016, comments were provided by A&A, with recommendations for revisions. After revision, the current drawing set, dated January 14, 2017, was forwarded to A&A for review. For this report, A&A evaluated, according to the Standards, this set of prints including Sheets 1, 2, 3, 4, 5, 9, the BMP, and a property survey.

Disclaimers

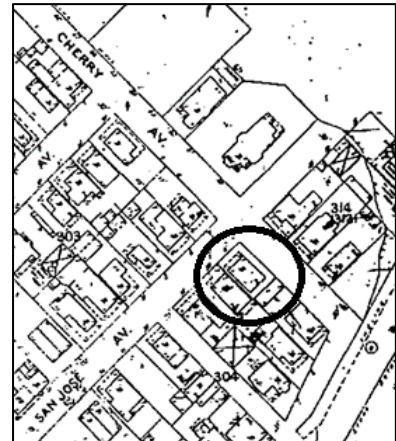
This report addresses the project plans in terms of historically compatible design of the exterior of the residence and its setting. The consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist 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 parcel at 224 San Jose Avenue was first identified as part of the Capitola Architectural Survey published in 1986. The Survey says merely, “224 San Jose Avenue; Vernacular Cottage; ca. 1900. Symmetrical façade with clean vertical lines enhanced by four square columns. Bracketed gable with simple bargeboard.” (See image above.) To review the design of the proposed alterations and addition project, Archives & Architecture, LLC created an initial in-house list of character-defining features, also utilizing the photographs submitted by the applicant. The list includes, but may not be limited to: the compact, rectangular footprint of the main, historic wing; the low one-story massing; the full-width front-gabled roof; the full-width recessed front porch with its square outer posts and siding-clad beam; the exposed rafter tails, gable-end knee brackets, and lack of gutters; its individually placed wood, double-hung windows around the perimeter of the house, along with the few high accent windows near the back of the house; the flat-board trim at the windows and doors; the vertical board-and-batten wood siding and flat corner boards, and the large rectangular wood louvered vent at the front gable end. Of unknown date, and not character-defining features, are a low shed in the back corner of the house and a fenced rear patio. The shed and fence are proposed for removal. A one-story full-width detached garage at the back property line is shown on the 1922 Sanborn Map; this structure is no longer extant. (See image to right.)



Summary of the Proposed Project

The proposed project includes the construction of an attached two-car garage with upstairs living space at the rear (nominally east) end of the rectangular historic property. This addition will replace an existing driveway/parking space and fenced rear yard. The proposed addition is two stories. The original house would remain otherwise unaltered.

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.

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: None of the historic footprint of the main original house is proposed for removal in this project; the forms and footprints of the historic residence will generally be preserved. A visual separation of the house from the proposed detached building will be provided by a break between the south eavelines and by an offset of the addition in plan. The three outer corners of the historic roof will be preserved in this project, creating a sense of the historic extents of the cottage. The four corners of the house will be understood visually with offsets at the addition.

The new addition will abut the rear (east) end of the historic cottage. There are three windows and one door on this original elevation. One window will be preserved in situ; the back door will be replaced by a new interior door, and two windows will be filled in. These windows are not focal units and do not represent a preponderance of the character-defining composition represented by the historic original window design.

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 are no proposed elements that might be mistaken for original features or that could be considered as copied from other properties. All proposed elements, materials, and forms will be used in adequately differentiated dimensions and in modern materials and proportions; these features will not create a false sense of historical development. (See also Standard 9).

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

Analysis: No existing changes to the property have been identified as having acquired historic significance in their own right. The small rear shed proposed for demolition is understood to be recent, as is the fenced patio.

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

Analysis: Except as noted in Standards 2 and 9, the features, finishes, and construction techniques or examples of craftsmanship that characterize the property are generally preserved in this proposal. Specifically, the form, siding, porch, windows, trim and other related character-defining features of the historic cottage are shown as preserved as a part of the project.

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 house appears visually to be very good, and the historic features are shown as preserved in the project drawings. It is recommended that general notes be added to the final building permit document cover sheet, which would note the historic significance of the property and indicate that all changes to the project plans must be reviewed, and note that 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 for the historic building in this proposed scope of work.

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 addition is generally differentiated from the design of the historic house, and is compatible with the historic property in form, size, massing, scale, and proportion.

The addition includes a gap between the rear of the historic cottage roof and the new second story. This narrow space provides clarity of separation between the original house footprint and the proposed rear building. The doubled form of the proposed roof creates a compatible visual size, subordinate to the full-width, gabled historic cottage roof. The new addition’s gabled roof is in keeping with the historic main roof gabled form, and has a matching roof slope to the historic roof, but is set at a 90-degree angle, providing differentiation. The front cottage features tall wall plates, and the new first-floor walls are lower, and do not overwhelm the original house. The proposed garage/residence includes a shallow cantilever above the garage door, providing additional differentiation in form; the projecting upper wall area is of a compatible size to the front façade of the historic cottage. The historic house remains generally intact in massing and form.

The current design of the proposed materials and detailing is generally both compatible and differentiated from the historic design. Specifically, the siding, window size, type and lite pattern, eaves, and various trims and detailing meet this standard.

The proposed standing-seam metal roof on the new addition is compatible in scale and dimensions with the historic house materials; it is differentiated by its use of metal in lieu of composition shingles. The standing-seam design is compatible with the scale and dimensions of the board-and-batten siding design of the historic house. The shed-roof awnings are compatible in size, materials, and scale with the historic property; the historic house has nothing similar, so the element is differentiated. The proposed eave design of the new addition is compatible with the historic house design with respect to the overhang depth and the thickness of the eaves; the design is differentiated by having closed eaves and including gutters. The inclusion of a single ridge beam tail at each apex of the new gable ends provides scale and detailing to the proposed addition, without imparting a sense of false historicism. If composition shingle roofing is chosen for the addition, it would also be compatible in scale with the shingled roof of the historic cottage.

The proposed horizontal siding is compatible in scale with the historic board-and-batten siding, and it is differentiated by a change in orientation and width of the siding joints.

The proportions of the new back entrance are compatible with the proportions of the fenestration and entrances of the historic house. The proposed new windows and French doors, are compatible in scale with the historic windows and are proportionately sized and placed with respect to the historic fenestration configuration. The proposed windows have panes that are similar in size to the window panes at the historic house, but the style and type of the windows will be modern casements. They will be clearly differentiated by their modern style and overall opening type.

The garage door design includes some trim elements that divide the expanse of the opening and provide visual scale with the surrounding materials. The copper belly band is a compatible scale and dimensions with the historic house and its siding and trim.

The proposed new rear “French” balcony is differentiated from the historic house by its non-cantilevered or supported (“flat”) design and modern guardrail elements. The guardrail design is illustrated as being compatible with the repetitive size and pattern of such historic elements as the board-and-batten siding and shingles.

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 history property. While much of the framing would need to be restored, the remaining character-defining features of the house would be unimpaired in this project.

Conclusion

With the inclusion of general notes to the cover sheet of the building permit set, the currently proposed rehabilitation and addition project would meet the *Secretary of the Interior’s Standards for Rehabilitation*.



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: APRIL 6, 2017
 SUBJECT: **1842 48th Ave #17-008 034-023-32**

Design Permit to remodel an existing single-family residence and construct a 546-square foot addition and a new 245 square foot garage, located in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Dent Organization, Inc.

Representative: Robin Alaga, filed: 1/25/17

APPLICANT PROPOSAL

The application is for a design permit for a remodel and addition, including an attached one-car garage, to an existing single-story residence at 1842 48th Avenue. The property is in the R-1 (Single-Family Residential) zoning district. The existing residence is not considered historic.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on March 8th, 2017 and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: informed the applicant that an encroachment permit is required prior to any work in the City right-of-way, and that standard Storm Water Best Management Practices must be included in the building plans.

Building Official, Brian Van Son: did not have any comments.

Local Architect, Frank Phanton: appreciated the design and did not have any comments.

City Planner, Ryan Safty: directed the applicant to label the proposed parking spaces in the plans and to clarify if the rear patio is covered.

Following the Architectural and Site Review hearing, the applicant submitted revised plans which addressed the committee's comments.

ZONING SUMMARY

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application. The existing home and new addition comply with all development standards for the R-1 district.

R-1 (Single Family Residential) Zoning District

Development Standards			
Building Height	R-1 Regulation		Proposed
	25 ft.		14 ft.
Floor Area Ratio (FAR)			
Lot Size	4,000 sq. ft.		
Maximum Floor Area Ratio	54% (Max: 2,160 sq. ft.)		
Existing Floor Area	996 sq. ft.		
Proposed New Floor Area	474 sq. ft.		
Proposed New Garage Area	245 sq. ft.		
Covered Porch Floor Area (150 sq. ft. credit)	117 sq. ft. (-150) = 0 sq. ft.		
TOTAL FAR	1,715 sq. ft. (43%)		
Yards (setbacks are measured from the edge of the public right-of-way)			
Corner lot? If yes, update regulations for corner lots			No
	R-1 Regulation		Proposed
Front Yard 1st Story	15 feet		15 ft. from right-of-way
Front Yard Garage	20 feet		20 ft. from right-of-way
Side Yard 1st Story	10% lot width	Lot width 40 4 ft. min.	4 ft. from property line on both sides
Rear Yard 1st Story	20% of lot depth	Lot depth 100 20 ft. min.	20 ft. from property line
Encroachments (list all)	Side yard patio legally encroaches within 3 ft. of south-side property line.		
Parking			
	Required		Proposed
Residential (from <u>1,501</u> up to <u>2,000</u> sq. ft.)	2 spaces total 1 covered 1 uncovered		2 spaces total 1 covered 1 uncovered
Underground Utilities: required with 25% increase in area			Yes, required. (Condition of Approval #5)

DISCUSSION

The existing residence at 1842 48th Avenue is single story, single-family residence. The applicant is proposing to remodel the existing residence to improve the look of the home, create more living space, and add a garage. The front door of the existing home faces the side yard. The applicant is proposing a new covered porch entry-way on the front of the home with new front door oriented toward the street. The proposed exterior finishes will match the current exterior finishes of horizontal siding and a composition shingle roof. The application requires a design permit because the addition is greater than 400 square feet and is located on the front of the home.

The proposed 1,715 square foot residence is required to have two on-site parking spaces, one of which must be covered. The proposal includes two full-size parking spaces: one in the new

garage and one in the driveway. The proposal complies with all relevant code requirements and limitations. The garage will also be finished with horizontal siding and a composition shingle roof.

CEQA REVIEW

Section 15303(a) of the CEQA Guidelines exempts the construction of single-family residences within a residential zone. This project involves the remodel and addition to an existing single-family residence located in the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #17-008 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval is for a remodel and 546 square foot addition to an existing single-story residence at 1842 48th Avenue. 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 43% with a total of 1,715 square feet of floor area, 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 6th, 2017, 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. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
5. 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.
6. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
7. 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.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. The landscape plan must be modified to include a two-foot plantar strip along the driveway (§17.51.130). Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and

location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.

9. Prior to issuance of building permit, all Planning fees associated with permit #17-008 shall be paid in full.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
11. 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.
12. 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).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 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
16. Prior to a project final, the applicant shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk along 48th Avenue for the length of the property frontage, pursuant to section 12.04.170 of the Capitola Municipal Code. All sidewalks are to meet the standards for ADA accessibility.
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 shielded and placed out of public view on non-collection days.

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 proposed residential addition. The project, with the conditions imposed, conforms to the development standards of the R-1 (Single-Family Residential) zoning district and will carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project as designed maintains the character and integrity of the neighborhood. The residential addition is minor and will not drastically alter the appearance of the home.

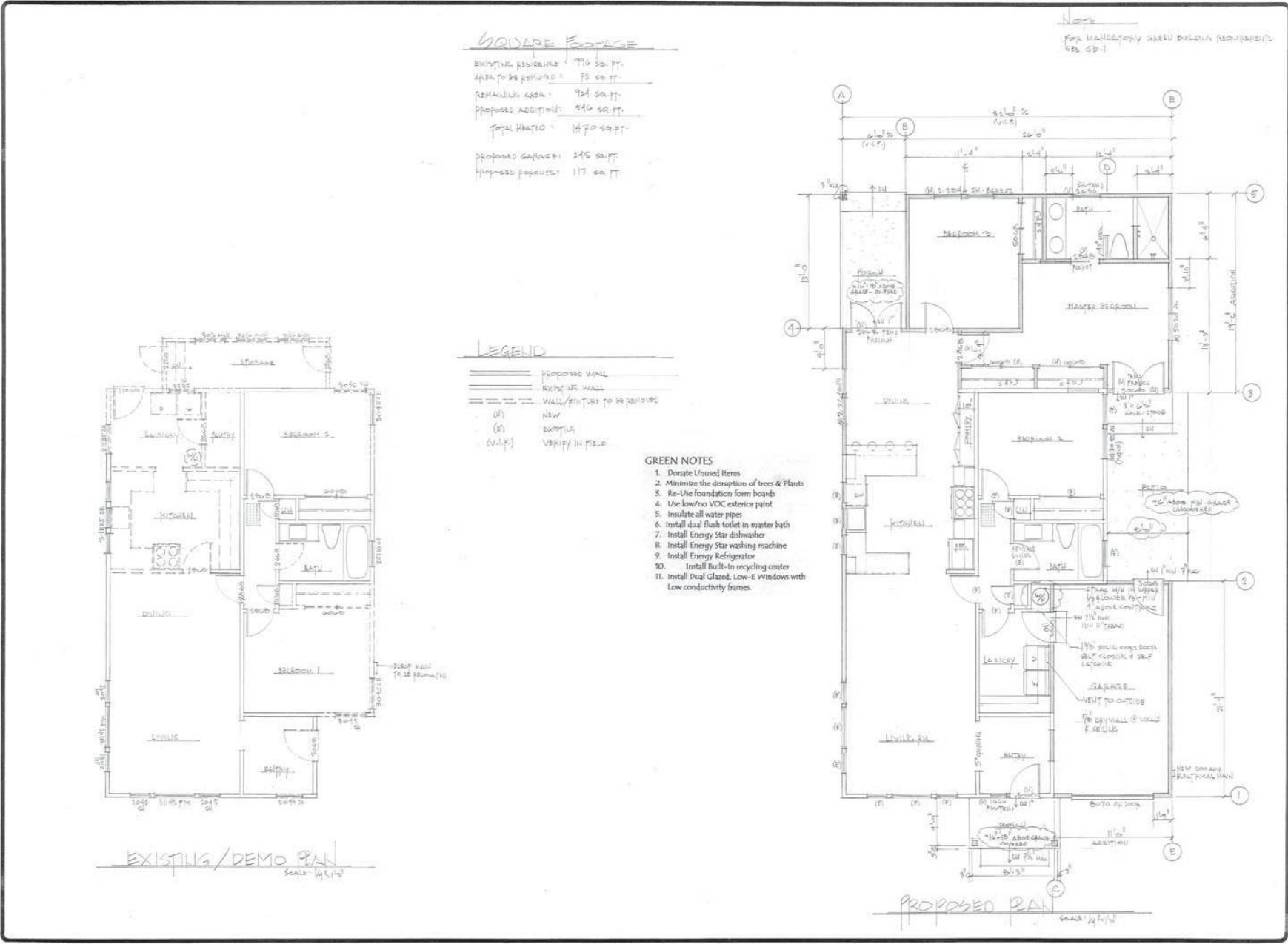
C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303(a) of the CEQA Guidelines exempts the construction of single-family residences within a residential zone. This project involves the remodel and addition to an existing single-family residence located in the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. Project Plans

Prepared By: Ryan Safty
Assistant Planner



REVISIONS

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ROBIN ALAGA
383 Fremont Hill Lane, Covales, CA 95026
Phone: (831)224-4994, Cell: (831)247-4999
e-mail: robin@alagadesign.com

DENT ORGANIZATION, INC. ADDITION
Dent Organization, Inc. Matthew Dent 775.453.6668
774 Mays Blvd. 10-575 Incline Village, NV 89451
Site Address: 1842 48th Ave. Capitola, CA 95010
A.P.N.: 054 - 025 - 52

DRAWN
Rosa

CHECKED
Rosa

DATE
08/11/10

SCALE
1/4" = 1'-0"

JOB NO.
1075

SHEET
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Attachment: Project Plans (1806 : 1842 48th Ave)



PRINTED ON CLEARPRINT 100%

REVISIONS	BY

ROBIN ALAGA
 260 Brandy Hill Lane, Canby, CA 95006
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 e-mail: robin@alagadesign.com

DENT ORGANIZATION, INC. - ADDITION
 Dent Organization, Inc. - Matthew Dent 775.453.6668
 774 Nays Blvd. 10-575 Incline Village, NV 89451
 Site Address: 1842 48th Ave. Capitola, CA 95010
 A.P.N. 054 - 023 - 52

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Attachment: Project Plans (1806 : 1842 48th Ave)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: APRIL 6, 2017
 SUBJECT: **105 Sacramento Avenue #16-133 036-144-05**

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence and attached secondary dwelling unit with variance requests for garage setbacks and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and 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: Lani and Tim Holdener

Representative: Derek Van Alstine, filed: 6/28/16

APPLICANT PROPOSAL

The applicant requests a design permit to demolish the existing single-family residence and secondary dwelling unit at 105 Sacramento Avenue, and construct a new two-story single-family residence with an attached secondary dwelling unit and detached garage. The applicant is requesting variances to setbacks of the garage and required driveway landscaping strip. The existing property is considered a “flag lot” due to the L-shaped lot with 20 feet of street frontage along Sacramento Avenue. The subject property is located adjacent to the bluff within the R-1 (Single-Family Residential) zoning district and the GH (Geologic Hazards) district.

BACKGROUND

On June 28th, 2016, the applicant applied for a design permit to build a new, two-story residence and detached garage at 105 Sacramento Avenue. The original proposal was for a 3,673 square foot single-family residence with variance requests for maximum allowed building height of the primary residence, second story setbacks for the primary residence, setbacks for the detached garage, and required driveway landscape strip.

On November 3rd, 2016, the Planning Commission conditionally approved the application. The Planning Commission approved of the variances for detached garage setbacks, the two-foot landscape strip requirement for parking within the front setback, and height of the main residence, but denied the variance request for second story side yard setbacks of the main residence. The commission made findings for the variances based on the property being a flag-lot, the required coastal bluff setback, and the preservation of the large cypress trees with shallow root systems.

On November 16th, 2016, the Planning Department received an appeal of the Planning Commission's approval at 105 Sacramento Avenue. The appellants cited concerns with the variance findings to height, the size and mass of the proposal, neighborhood privacy, maintenance of the cypress trees, asbestos exposure, coastal setbacks, tandem driveway parking, and conflict of interest in the Planning Commission decision.

On January 24th, 2017, the property owner of 105 Sacramento Avenue withdrew their previous application with the intent to resubmit a smaller, revised design at a future date that addressed the neighbor's concerns.

On March 8th, 2017, the applicant submitted the current application with a new design for a single-family home with an attached secondary dwelling unit at 105 Sacramento Avenue (Attachment 1). The proposed residence and attached secondary dwelling unit would be 3,357 square feet, which is over 300 square feet smaller than the previous proposal. The primary structure complies will all development standards of the code including height and second story setbacks. The applicant is requesting a variance for garage setbacks and the required landscape strip for the driveway.

ZONING SUMMARY

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

R-1 (Single Family Residential) Zoning District

Coastal			
Is project within Coastal Zone?		Yes	
Use			
Existing Use		Single-Family + Second Unit	
Proposed Use		Single-Family + Second Unit	
Principal Permitted or CUP?		Principally Permitted	
Development Standards – Main Home			
	R-1 Regulation		Proposed
Building Height	25 ft.		25 ft.
Floor Area Ratio (FAR)			
Lot Size		7,653 sq. ft.	
Maximum Floor Area Ratio		60% (Max 4,592 sq. ft.)	
First Story Floor Area		1,132 sq. ft.	
Second Story Floor Area		1,188 sq. ft.	
2 nd Story Deck + Covered Porch (150 sq. ft. allowance) (199 sq. ft.) + (213 sq. ft.) = 412 sq. ft.		262 sq. ft. (412 sq. ft. – 150 sq. ft.)	
Detached Garage Floor Area		251 sq. ft.	
Secondary Dwelling Unit Floor Area		524 sq. ft.	
TOTAL FAR		3,357 sq. ft.	
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation		Proposed
Front Yard 1st Story	15 feet		28 ft. from property line – North
Front Yard 2nd Story	20 feet		28 ft. from property line - North
Side Yard 1st Story	10% lot width	Lot width 50 5 ft. min.	5 ft. from property line – East 5 ft. from property line – West
Side Yard 2nd Story	15% of	Lot width 50	7.5 ft. from property line – East

	width	7.5 ft. min	7.5 ft. from property line – West
Rear Yard 1 st and 2 nd Story	50-year bluff	Roughly 50 ft.	55 ft. from property line - South
Detached Garage	40' minimum front yard		5 ft. from property line – North VARIANCE
	8' minimum rear yard		118 ft. to property line - South
	3' minimum side yard		36 ft. from property line – East 43 ft. from property line – West
Encroachments (list all)	Chimney legally extends 2 ft. beyond the maximum 25 ft. height limit (§17.81.070).		
	20% of the second-story side wall (9 ft. on the east and 4 ft. on the west) legally encroaches 2.5 ft. into side yard setback.		
Development Standards – Secondary Dwelling Unit			
Allowed Secondary Dwelling Unit Size			
Maximum Unit Size (lots between 7,501 – 10,000 sq. ft.)			640 sq. ft.
Proposed Unit Size			524 sq. ft.
Parking			
	Required		Proposed
Residential (from <u>2,601</u> up to <u>4,000</u> sq. ft.)	4 spaces total 1 covered 3 uncovered		4 spaces total 1 covered 3 uncovered
Garage and Accessory Bldg.	Complies with Standards?		List non-compliance
Garage	No		Does not meet setbacks - VARIANCE
Underground Utilities: required with 25% increase in floor area			Required (Condition of Approval #9)

DISCUSSION

The subject property is a flag-lot with a 20-foot wide access way fronting Sacramento Avenue. The property is bordered by neighboring homes to the north, west, and east, and the bluff to the south. Properties adjacent to the bluff are in the GH overlay district and are required to maintain a 50-year bluff erosion setback from the cliff. Haro, Kasunich and Associates engineering conducted a geologic study on the property based on the historical bluff recession rates and identified the 50-year bluff setback to be roughly 55 feet from the edge of the bluff (Attachment 2). Therefore, roughly one-third of the property cannot be developed due to bluff-top setback requirements. In addition, there are three large cypress trees in the north-west corner of the property, two of which the owner would like to preserve. Preservation of the two, mature cypress trees requires roughly a 25-foot setback to the northern property line, further limiting the buildable area of the property. The proposed two-story residence would be centrally located on the property, with 28 feet of separation to the north and 55 feet from the bluff to the south.

The applicant is proposing the detached garage and required on-site parking within the access way portion of the flag-lot property. The garage and parking would occupy most the access way, which would prevent vehicular access to the interior of the property. Behind the proposed garage and parking area are the large cypress trees that the applicant would like to preserve. The main residence would be located south of the garage, with the cypress trees in between.

Design Permit

The architectural style of the proposed new home includes Carmel fairytale design elements, with asymmetrical gable ends, wooden decorative trusses, and a mix of stone and stucco

finishes. The front of the home, facing north, would have a covered porch leading to a Dutch door main entrance. The secondary dwelling unit would be built into the proposed residence, with similar architectural features to appear harmonious with the residence. The first story would be a mix of stone veneer and stucco siding, and the second story vertical batt and board. Composition shingles are proposed for the roof. The rear of the home would have a second-story deck, overlooking the bluff.

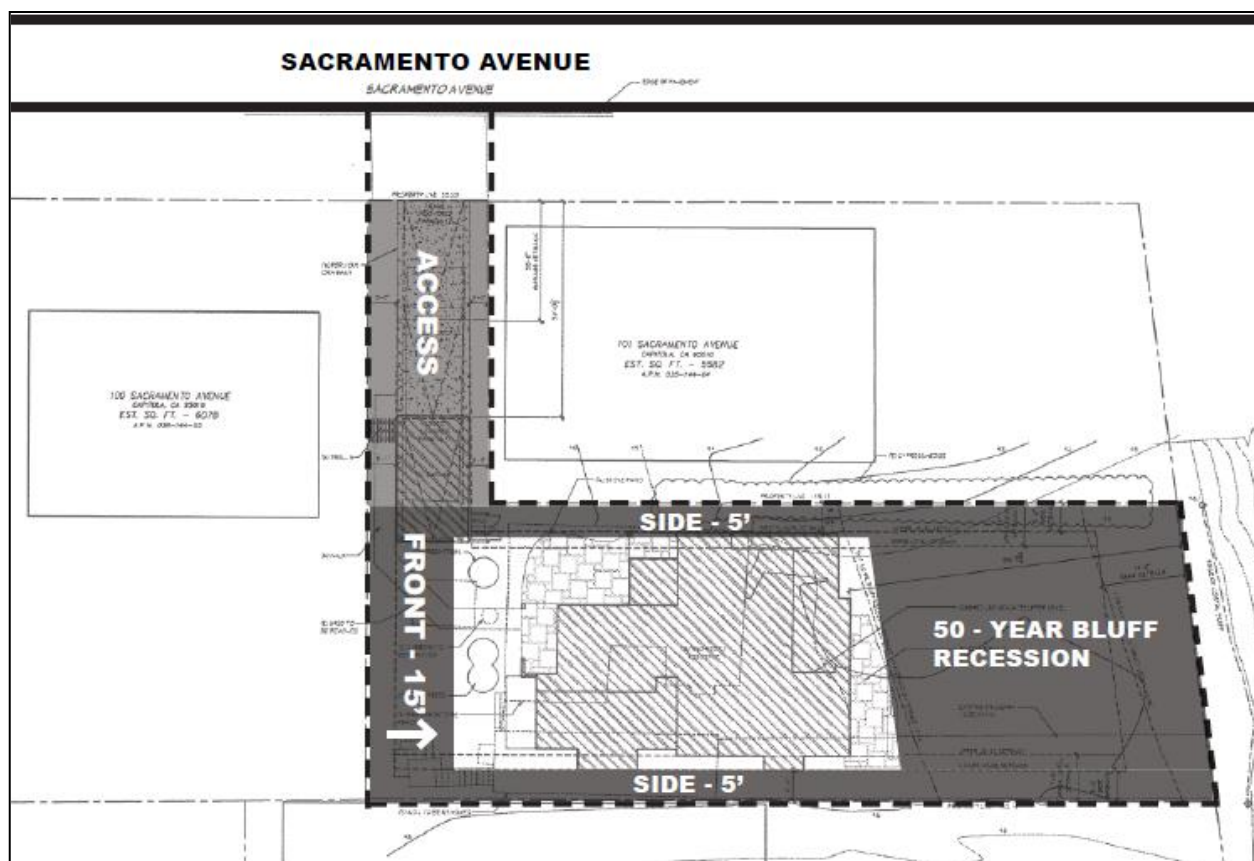
Floor Area Ratio

The lot is 7,653 square feet in size. Lots greater than 5,000 square feet in the R-1 zoning district are allowed a maximum floor area ratio of 48% and up to 60% if the lot contains a secondary dwelling unit. The proposed development includes a secondary unit but does not utilize the additional allowance of extra floor area. The proposed 3,357 square foot home has a 44% floor area ratio.

VARIANCE

The applicant is requesting a variance to the setbacks of the detached garage and driveway landscape requirements. Pursuant to section 17.66.090 of the municipal code, the Planning Commission, based on the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property and where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity.

Setbacks are unique within a flag lot. The following diagram shows the location of front, rear, and side yard setbacks as applied to the property at 105 Sacramento Avenue:



Detached Garage Setbacks:

The applicant requests variances to setback standards of the detached garage since the municipal code does not contain specific setback regulations for flag-lots. Generally, the access portion of the flag-lot is used for a driveway into the property. However, due to the location of the cypress trees, the applicant is proposing to construct the covered parking within the access portion of the flag lot.

The access portion of the lot is located almost entirely within the required 15-foot front yard setback (see diagram above). The detached garage would be setback five-feet from the front (northern) property line when the required front-yard setback for a detached garage is 40 feet. The garage is proposed to be located 36 feet back from the property line along Sacramento Avenue and over 40 feet from the street due to the unimproved edge of right-of-way. The garage will have separation along the sides with five feet of clearance from the property to the north and three feet of clearance to the south. The proposed garage is ten feet wide.

The applicant is requesting a variance to setbacks for the detached garage. The applicant is required one covered parking space and three uncovered spaces on-site for the proposed residence. The code does not contain specific setback requirements for structures within the access portion of a flag-lot. Due to the owner's desire to preserve the large cypress trees, there is no location for the garage which would meet setback requirements without placing a driveway over the tree roots. The applicant pushed the proposed garage as far away from the street as possible. Special circumstance findings can be made due to the lot being flag shaped, which is dissimilar to most surrounding properties, and the limited buildable area of the property due to the presence of the mature cypress trees and 50-year bluff setback.

Driveway Landscaping:

The proposed 3,357 square foot two-story residence and attached secondary dwelling unit requires four on-site parking spaces, one of which must be covered. The applicant is proposing one covered space within a detached garage, and three uncovered spaces in front of the proposed garage. Two of the uncovered spaces would be side-by-side fronting Sacramento Avenue, with the third uncovered space in tandem behind the garage.

The code requires two feet of landscaping in between uncovered parking within the front yard and the side property line (§17.51.130). The access way off Sacramento Avenue is only 20 feet wide, and uncovered parking spaces are required to be ten feet wide. Two side-by-side parking spaces would cover the entire 20-foot wide access area. The applicant is requesting a variance to waive the two-foot landscape strip requirement. Special circumstance findings can be made due to the lot being flag shaped, which is an unusual lot configuration. The subject property only has 20-feet of frontage along a public street, while most properties in the surrounding area have a minimum of 40 feet of street frontage.

Coastal Commission Concerns

On March 30, 2017, California Coastal Commission (CCC) staff sent a letter (Attachment 3) outlining their concerns with the geologic hazards (bluff retreat) of the proposed project and recommended adding conditions of approval related to potential geologic hazards.

In their letter, CCC staff requested that the City add conditions of approval requiring the applicant to assume all risks associated with injury and damage resulting from receding bluffs, prohibit the applicant and future property owners from seeking shoreline protection devices (seawalls), and require the property owner to remove all improvements and restore the site to natural conditions as the bluff recedes. These requested conditions have not been added to the

permit because 1) City staff and the City Attorney do not believe the City or the CCC would be liable if improvements on the property are undermined by receding bluffs in the future; 2) the City cannot prevent a property owner from submitting an application for a seawall, although neither the City nor the CCC would be obligated to approve such application; and 3) the City has existing legal authority to require a property owner to remove improvements if they pose a threat to human health and safety.

CEQA

Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence or secondary dwelling unit in a residential zone. This project involves the construction of a two-story single-family residence and attached secondary dwelling unit in the R-1 (Single-Family Residential) Zoning District. 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 #16-133, based on the findings and conditions.

CONDITIONS OF APPROVAL

1. The project approval is for the construction of a new, two-story single-family home at 105 Sacramento Avenue. The project consists of construction of a 2,582 square foot two-story residence, with a 524 square foot attached secondary dwelling unit on the first floor, and a 251 square foot detached garage. The maximum Floor Area Ratio for the 7,653 square foot property is 60% (4,592 square feet) since a secondary dwelling unit is included. The total FAR of the project is 43% with a total of 3,357 square feet of floor area, compliant with the maximum FAR within the zone. The project includes approval of a variance to detached garage setbacks and to the two-foot landscape strip requirement next to the driveway within the front setback. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6th, 2017, 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 the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
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 and tree preservation plan prepared by a certified arborist 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, if proposed. Native and/or drought tolerant species are recommended.

7. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
8. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
9. 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.
10. A certified arborist must be present on-site during any tree trimming or removal work done on the cypress trees. The arborist shall also be present during any root mapping for the new foundation.
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 or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches 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 shielded and placed out of public view on non-collection days.
22. The floor area for secondary dwelling units shall not exceed 524 square feet as approved by the Planning Commission.
23. At time of submittal for building permit review, a water letter for the second dwelling unit must be submitted.
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;
 - C. 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.

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, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- 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 application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15303 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 the construction of one single-family residence or secondary dwelling unit in a residential zone. This project involves the construction of a new, two-story single-family residence and attached secondary dwelling unit on a property in the R-1 (Single-Family Residential) Zoning District. 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 flag-lot, is within the GH (Geologic Hazard) overlay zone which requires expanded setbacks from coastal bluffs, and has large cypress trees which the owner would like to preserve. Due to the location of the existing trees, the applicant proposed the garage and parking spaces within the access portion of the flag-lot. Most the access way is located within the required front yard setback. Due to the special circumstances associated with the flag-lot configuration, geologic setbacks, and trees, there is no alternative location for the garage and parking while also meeting setback requirements. The property cannot fit two feet of landscaping in between the neighboring property lines and access way. Most properties in the neighborhood are not located on a flag-lot and thus have more room to accommodate landscape strips. A variance has been granted to reduce setbacks associated with a detached garage and to waive the two-foot landscape strip requirement for parking within the front setback.

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.

The subject property does not front along the street and is limited to a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to locate required landscape strips. In addition, the municipal code does not list zoning standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing.

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 105 Sacramento 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.

(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 Sacramento Avenue. The subject property is

located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the cliff. The project will not affect public access to the shoreline or tidelands.

(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 history of public use on the subject lot.

(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 Sacramento 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.

(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 to the sea. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The applicant will maintain a 50-year bluff recession setback from the cliff.

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

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to

be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

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

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

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

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

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

- The project is located on a residential lot.

b. Topographic constraints of the development site;

- The project is located on a relatively flat lot. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the bluff. In addition, the applicant is proposing to preserve two large cypress trees on site.

c. Recreational needs of the public;

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

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

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

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

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

requirements);

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

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

SEC. 30222

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

- The project involves a single family home and attached secondary dwelling unit 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 and attached secondary dwelling unit 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 and attached secondary dwelling unit 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 a single family home and attached secondary dwelling unit on a residential lot of record. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and 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. A variance has been approved for the location of the detached garage and the driveway landscaping requirement due to the property being a flag lot.

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

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

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

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

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

- The project is located within close proximity of the 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 and attached secondary dwelling unit. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Single-Family zoning district.

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

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures. A variance has been approved for the location of the detached garage and the driveway landscaping requirement due to the property being a flag lot.

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

- The project site is located within the area Depot Hill parking permit program; however, the project complies with on-site parking standards.

ATTACHMENTS:

1. Project Plans
2. Geological Report
3. Coastal Commission Letter 3/30/17

Prepared By: Ryan Safty
Assistant Planner

HOLDENER RESIDENCE



DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1335 SCARBOROUGH AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA
(831) 426-8400

DVRD
DEREK VAN ALSTINE
DESIGN
200 SCARBOROUGH AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA 95062
ALL RIGHTS RESERVED

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SUBMITTAL DESIGN
ISS: 09-2017

DESIGN DEVELOPMENT
PLANNING SUBMITTAL
MARCH 8, 2017

BUILDING SUBMITTAL

REVISIONS

TITLE SHEET

T1

TITLE SHEET

T1

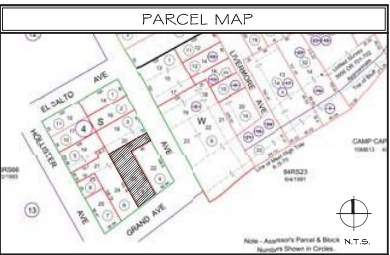
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SETBACKS				REQUIRED	PROPOSED
FRONT YARD					
GARAGE				20'-0"	36'-0"
1st STORY				10'-0"	-
2nd STORY				15'-0"	-
REAR YARD					
1st STORY				14'-0"	56'-3 1/2"
SIDE YARD					
1st STORY - MAIN HOUSE				5'-0" (L) & (R)	5'-2 1/4" (L) & 5'-0" (R)
2nd STORY - MAIN HOUSE				7'-6" (L) & (R)	6'-0" (L) & 5'-0" (R)
1st STORY - GARAGE				5'-0" (L) & 3'-0" (R)	5'-1" (L) & 3'-0" (R)
HEIGHT				27'-0"	24'-10"

FLOOR AREA RATIO		LOT SIZE	MAX (60%)	PROPOSED (43.5%)	
		7,653 sq.ft.	4,592 sq.ft.	3,357 sq.ft.	
HABITABLE SPACE	FIRST FLOOR COVERED DECK (OR PORCH)	SECOND FLOOR DECK	GARAGE	ACCESSORY DWELLING UNIT	TOTAL
PT 1st STORY	1,132 sq.ft.	213 sq.ft.*	251 sq.ft.	524 sq.ft.	1,870 sq.ft.
PT 2nd STORY	1,186 sq.ft.	< 150 sq.ft.*	189 sq.ft.	524 sq.ft.	1,889 sq.ft.
PT TOTAL	2,318 sq.ft.	63 sq.ft.	179 sq.ft.	524 sq.ft.	3,357 sq.ft.

PARKING		REQUIRED	PROPOSED
		4 SPACES, ONE OF WHICH MUST BE COVERED	4 SPACES, ONE OF WHICH IS COVERED
TOTAL		4 SPACES	4 SPACES

* THERE IS A CREDIT OF 150 sq.ft. FOR FIRST FLOOR COVERED PORCHES AND UPSTAIRS DECKS

BUILDING INFORMATION

PROJECT DESCRIPTION:
DEMOLITION OF EXISTING 800 sq. ft. SINGLE FAMILY RESIDENCE - 400 sq. ft. A.D.U., SHED AND CARPORT. CONSTRUCTION OF A NEW TWO STORY, 2,559 sq.ft. SINGLE FAMILY DWELING AND WITH 251 sq. ft. GARAGE.

PROJECT ADDRESS:
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

PARCEL NUMBER:
036-14-405

ZONING DESIGNATION:
R-1

OCCUPANCY CLASSIFICATION:
R-3

CONSTRUCTION TYPE:
TYPE V-B

CODE NOTE:
THESE PLANS CONFORM TO THE 2016 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, AND ENERGY CODE. STRUCTURAL ENGINEERING SHALL CONFORM TO 2016 CALIFORNIA BUILDING CODE. I.E., 2016 IBC, IRC, IMC, UPC, AND 2016 NEC AND AMENDED BY THE STATE OF CALIFORNIA.

CONTACTS

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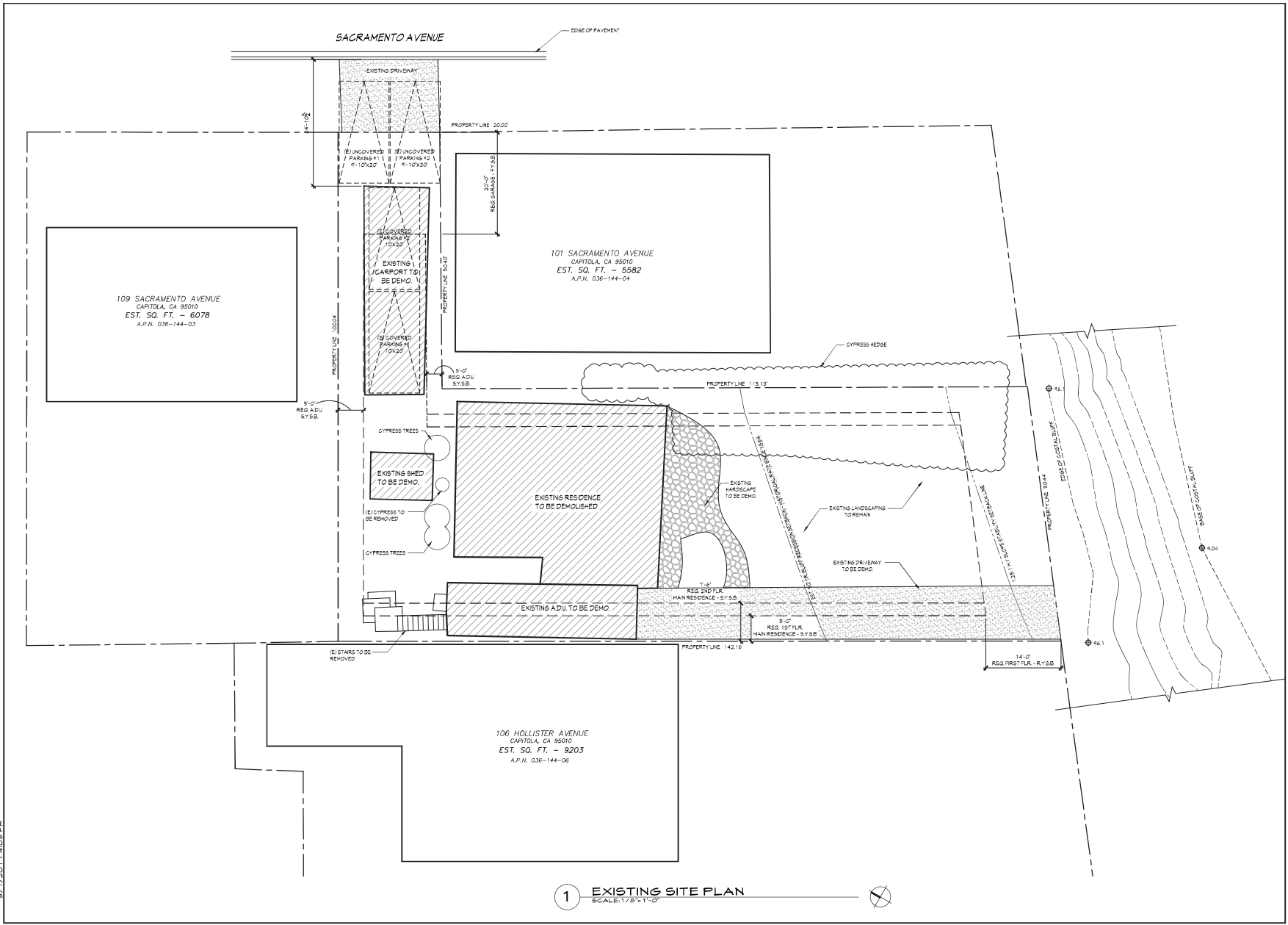
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A1.2	FLOOR AREA DIAGRAM
A1.3	DRAINAGE PLAN
A2	LOWER LEVEL FLOOR PLAN
A3	UPPER LEVEL FLOOR PLAN
A4	ROOF PLAN
A5	EXTERIOR ELEVATIONS - MAIN HOUSE
A6	EXTERIOR ELEVATIONS - MAIN HOUSE
A7	EXTERIOR ELEVATIONS - GARAGE

Attachment: Project Plans (1802 : 105 Sacramento Avenue)

9/14/2017 11:26 AM



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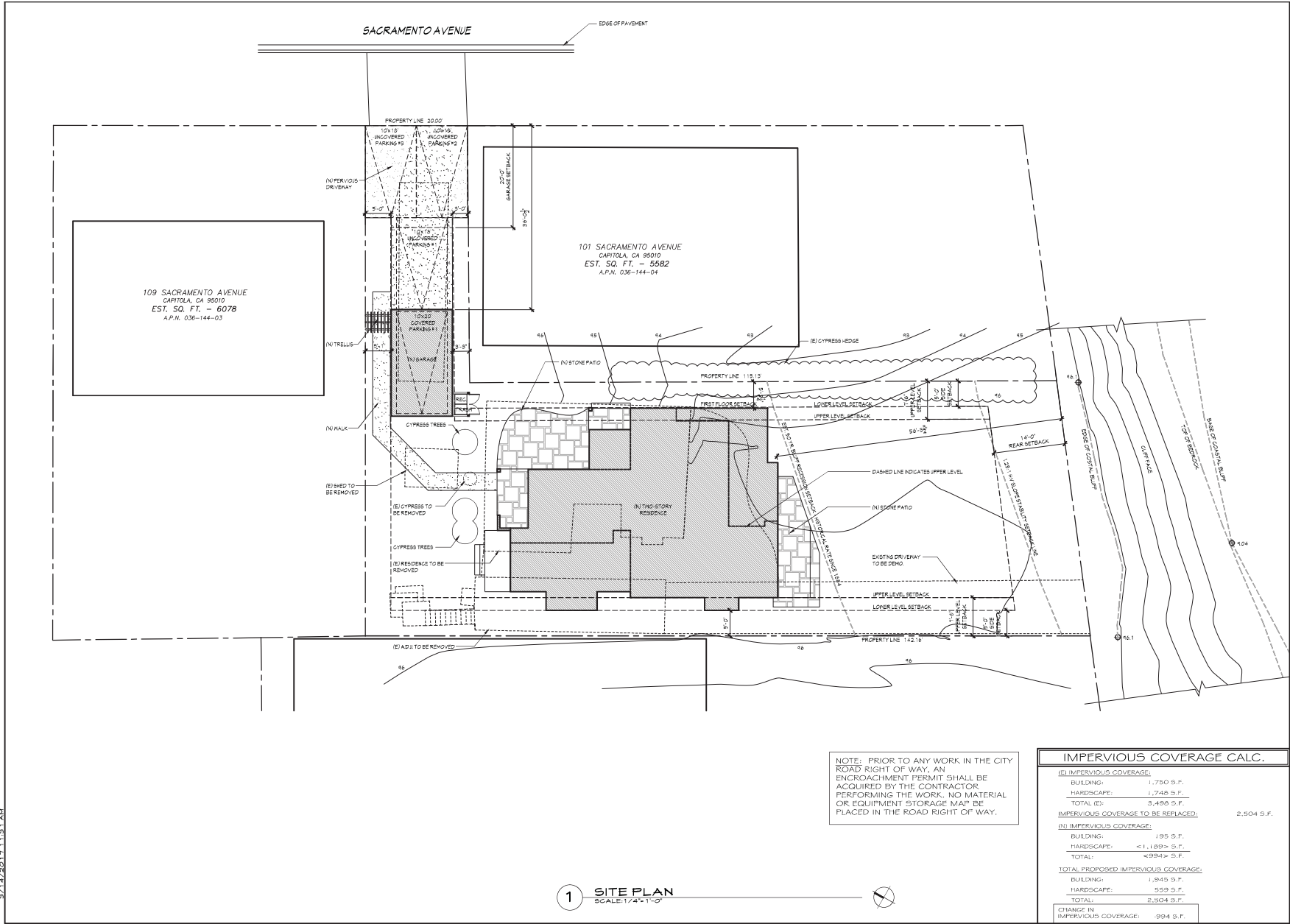
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105 SACRAMENTO AVE.
CAPITOLA, CA 95010

DATE	036-14-405
ISSUE DESCRIPTION	
SCHEMATIC DESIGN	FEB. 09. 2017
DESIGN DEVELOPMENT	
PLANNING SUBMITTAL	MARCH 8, 2017
BUILDING SUBMITTAL	
REVISIONS	
EXISTING SITE PLAN	

A1

Attachment: Project Plans (1802 : 105 Sacramento Avenue)



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

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1131 SEABRIGHT AVENUE SUITE 100 SANTA CRUZ, CALIFORNIA
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ISSUE DESCRIPTION
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PLANNING SUBMITTAL
MARCH 8, 2017
BUILDING SUBMITTAL

REVISIONS:

SITE PLAN:

A1.1

Attachment: Project Plans (1802 : 105 Sacramento Avenue)

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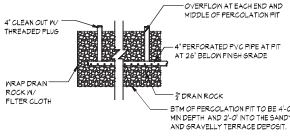
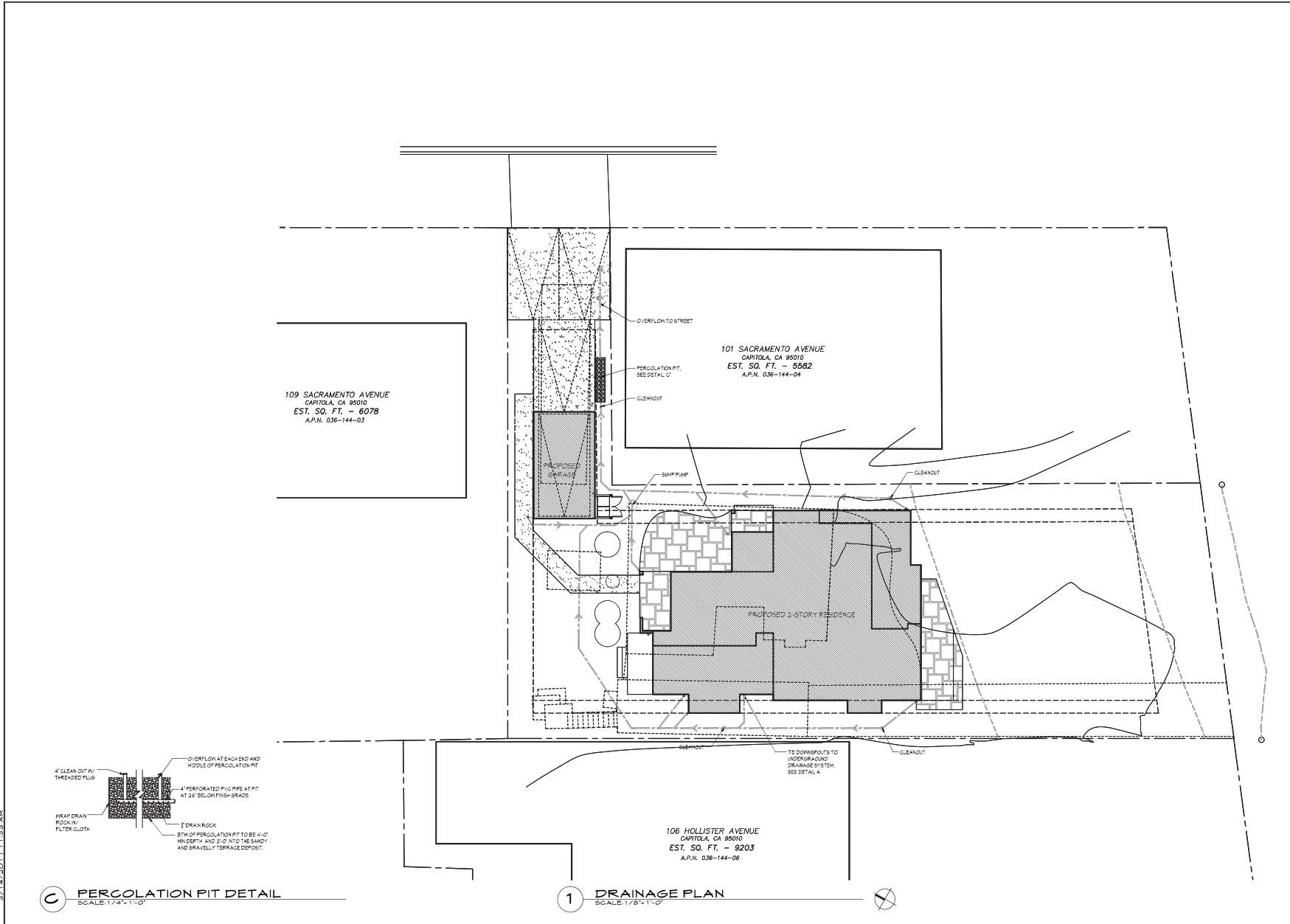
BUILDING SUBMITTAL

REVISIONS

DRAINAGE PLAN

A1.3

Attachment: Project Plans (1802 : 105 Sacramento Avenue)



PERCOLATION PIT DETAIL
SCALE: 1/4"=1'-0"

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

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ISSUE DESCRIPTION

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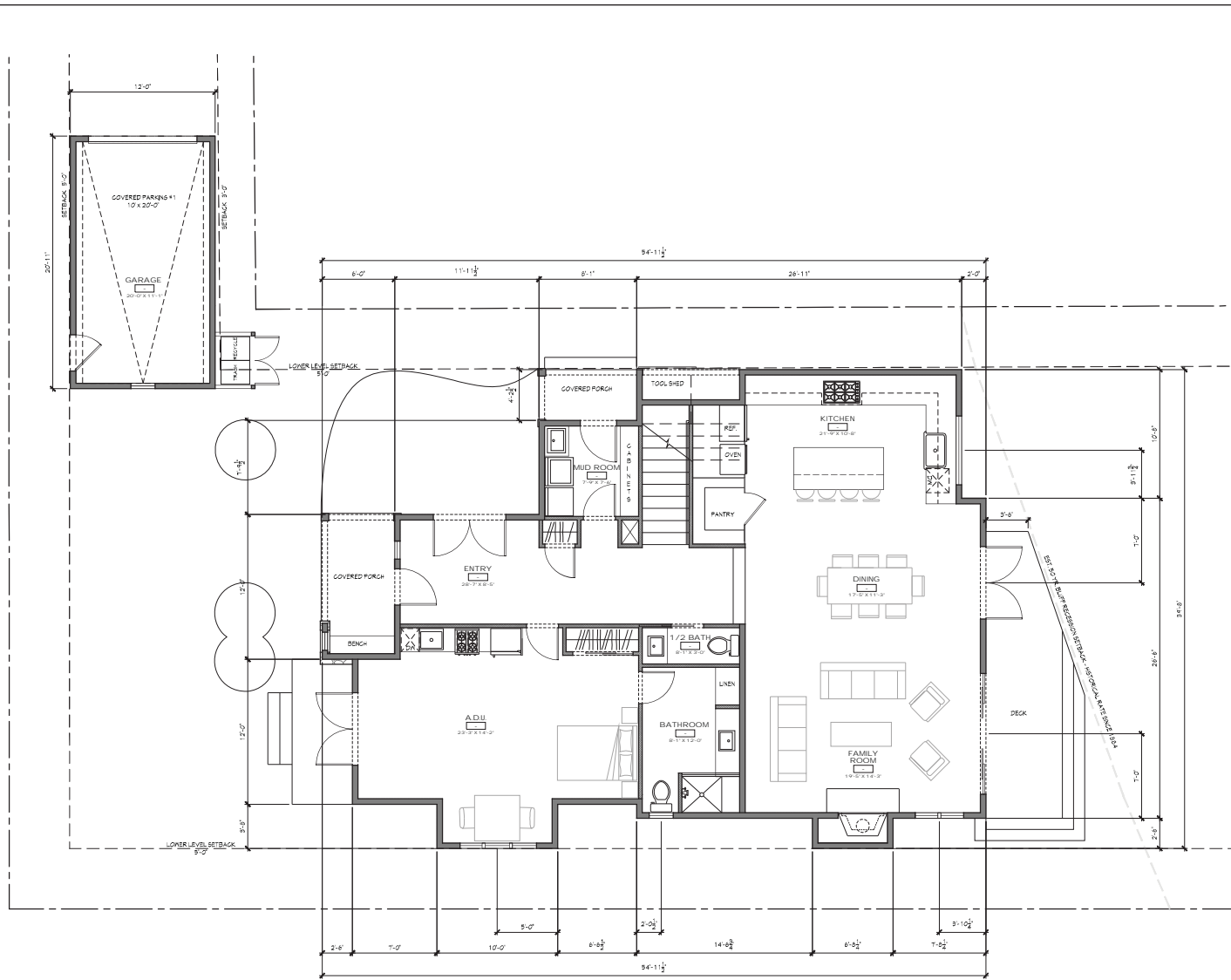
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A2

Attachment: Project Plans (1802 : 105 Sacramento Avenue)

8/7/2017 4:03 PM



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

WALL LEGEND	
	NEW 2x4 STUD WALL
	NEW 2x6 STUD WALL

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DATE: 03-14-2017

ISSUE DESCRIPTION
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FEB. 09, 2017
DESIGN DEVELOPMENT

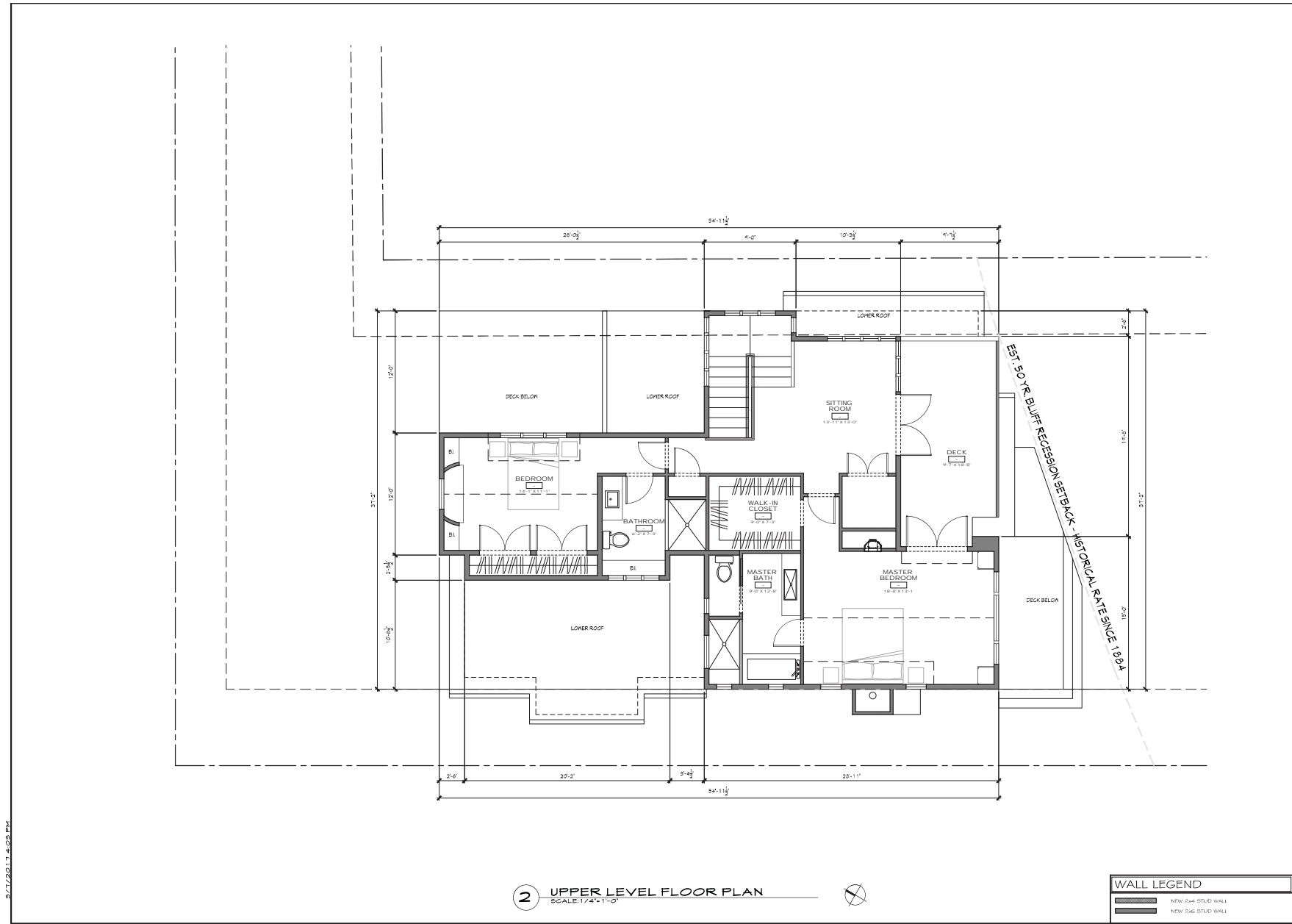
PLANNING SUBMITTAL
MARCH 8, 2017
BUILDING SUBMITTAL

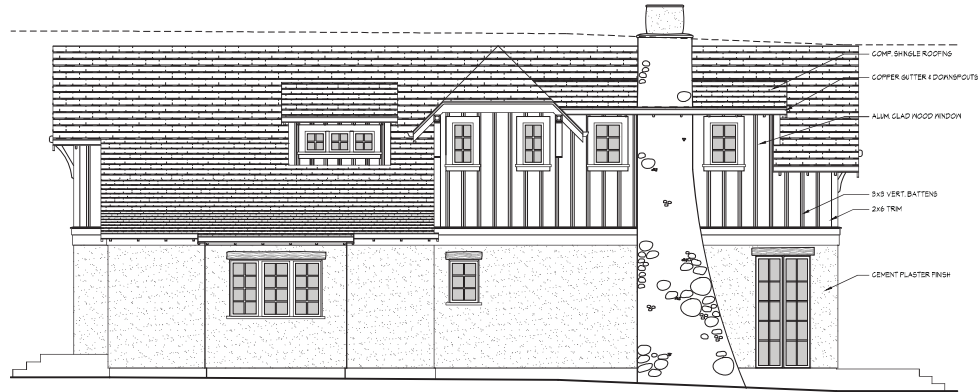
REVISIONS:

UPPER LEVEL FLOOR PLAN

A3

Attachment: Project Plans (1802 : 105 Sacramento Avenue)





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



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

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DATE: 03-14-2015

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FEB. 09, 2017

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

MARCH 8, 2017

BUILDING SUBMITTAL

REVISIONS:

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A5

Attachment: Project Plans (1802 : 105 Sacramento Avenue)

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



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

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105 SACRAMENTO AVE.
CAPITOLA, CA 95010

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ISSUE DESCRIPTION
SCHEMATIC DESIGN
FEB. 09, 2017
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PLANNING SUBMITTAL
MARCH 8, 2017
BUILDING SUBMITTAL

REVISIONS:

EXTERIOR
ELEVATIONS

A6

Attachment: Project Plans (1802 : 105 Sacramento Avenue)

8/7/2017 4:03 PM

HARO, KASUNICH AND ASSOCIATES, INC.

CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project SC11043
3 October 2016

Timothy and Lani Holdener
C/O Derek Van Alstine Residential Design
1535 Seabright Ave., Suite 200
Santa Cruz, CA 95062

Subject: Coastal Bluff Recession Study and Geological Report

Reference: 105 Sacramento Avenue
Capitola, California
Santa Cruz County APN 036-144-05

Dear Mr. and Mrs. Holdener:

Below is our Geologic Report including a Coastal Bluff Recession Study that we have completed at your request, for the property known as 105 Sacramento Avenue in Capitola, California. We understand that you want to remodel the existing home or construct a new home on the property to replace the current home.

Summary:

We have evaluated the historical coastal bluff recession rates at 105 Sacramento Avenue in Capitola, California. We also quantitatively evaluated the slope stability of the coastal bluff, including the influence of an earthquake that could cause recession.

We obtained and reviewed historical vertical aerial photographs and satellite imagery from 1966 through 2016. We also reviewed several sets of oblique angle aerial photographs from 1972 through 2015. In addition we obtained a survey of the property from 1884. We visited the site and prepared a geologic cross section and made measurements from the seaward edge of the existing home out to the top edge of the coastal bluff. From comparison of good quality aerial photography from June 1966 and January 1967 with a 2015 survey and Google Earth imagery from April 2016 it appears that the coastal bluff has receded toward the home approximately 42 feet in the last 50 years, which is a long term historical bluff recession rate of about 0.84 feet per year. From our comparison of the surveyed bluff edge position in 1884 compared to the current bluff edge position, it appears that the coastal bluff has receded toward the home approximately 106 feet since 1884, which is a long term historical bluff recession rate of about 0.81 feet per year. Accelerating future sea level rise rates may

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
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result in possible increased future recession rates (compared to average historical recession rates).

In our opinion, the best way to predict future bluff recession and evaluate coastal recession risk is to use long term historical average annual erosion rates as a minimum. That would suggest that a minimum of 40.5 feet of bluff recession will occur at the subject property in the next 50 years.

Based on the analysis we have completed to date, we are unable to accurately predict how much future bluff recession rates will increase due to sea level rise. In order to allow for the possibility that future accelerating sea level rise will increase the long term average annual rate of recession, we recommend that the average annual historical recession rate be increased by 25 percent, in order to estimate an average annual future recession rate during the next 50 years. That would suggest that 50.5 feet of recession will occur at the subject property in the next 100 years. Because of the shape of the accelerating curve, an average annual rate of approximately 1.2 feet per year is roughly estimated to occur in the 50th year; an approximately 50% faster rate than occurs today.

At the subject property the home is about 89 feet from the bluff edge at the upcoast corner and is 78 feet from the bluff edge at the downcoast corner. The downcoast corner of the home is at greater risk than the upcoast corner because of its lesser setback from the coastal bluff.

In order to evaluate bluff stability, we performed additional work, including subsurface exploration, laboratory testing, and quantitative slope stability analysis. That analysis indicated that at this property, a 1.25 to 1.0 (H to V) gradient in the upper terrace deposits should be stable. The upper portion of the bluff face (which is the upper 25 feet of the bluff) that has formed in the terrace deposits is presently standing at a 1 to 1 (H:V) gradient, which is statically stable.

We have prepared drawings that show an Estimated 100 Year Future Coastal Bluff Recession Setback (two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016) that depict the setback in plan view and on three cross sections. The Setback was developed based on where a projected failure of the bluff face to a 1.25 to 1.0 (H to V) stable gradient would come to, then an additional 40.5 feet of recession to account for 100 years of future coastal erosion at the historical rate that recession has occurred at since 1884, plus an additional 10 feet of recession to account for accelerating bluff recession resulting from accelerating sea level rise. That 10 feet represents an average 25% acceleration in the historical recession rate at this site, and reflects an average annual recession rate in the 50th year that is approximately 50% faster than the present rate of recession.

Mr. and Mrs. Holdener
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105 Sacramento Avenue
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The selection of a "50 YEAR" timeframe is based on our understanding of the current minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. We recommend the proposed development work is setback landward of the Estimated 50 Year Future Coastal Bluff Recession Setback (as shown on two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016), which we believe is the distance necessary to provide a stable building site over a 50-year lifetime of the proposed structure.

Analysis:

We completed the following tasks in our scope of services:

- 1) Obtained and reviewed selected vertical time sequential historical aerial photography and satellite imagery.
- 2) Obtained and reviewed time sequential oblique aerial photography from online sources.
- 3) Obtained and reviewed a 1884 survey map that included the referenced property.
- 4) Prepared a sketch map of the current bluff-top conditions based on survey work by Hogan Land Services.
- 5) Prepared a geologic cross section from the existing home to the beach, using a topographic profile prepared by Hogan Land Services.
- 6) Observed coastal bluff geology and recent erosion and slope instability.
- 7) Prepared this report with accompanying graphics that gives the results of our Study.

Historical Bluff Recession

We obtained aerial photography of the site from 1966, 1967, 1976, 1978 and 2003; and Google Earth satellite imagery from 2016. We scanned and enlarged each historical aerial photograph and then compared the position of the top edge of the coastal bluff on each historical aerial photo and the centerline of each nearby street as well as reference points on nearby homes in the vicinity of the subject property. We then enlarged each photograph to be the same scale.

We overlaid and made measurements from the historical vertical aerial photograph images and satellite imagery; in order to look at the historical changes in the bluff edge. The 1966 vertical aerial photograph and the 2016 Google Earth image, which are included in Appendix A, appeared to be most useful for evaluation of historical bluff recession, and were relatively free of distortion and tree shadow coverage. From comparison of the vertical aerial

Mr. and Mrs. Holdener
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photography taken in 1966 and Google Earth imagery taken in 2016 it appears that about 42 feet of bluff recession occurred in that time period which is a long term historical bluff recession rate of about 0.84 feet per year.

We also obtained a subdivision map of "Camp Capitola", that is dated 1884 and a partial copy is included in Appendix A. This subdivision map shows the Capitola Depot Hill area, and most importantly for our purposes shows the top edge of the coastal bluff where it existed in 1884. By field measurements at the site and comparison with the 2015 topographic survey by Hogan Land Services, we compared the position of the top edge of the coastal bluff in 2015 relative to the position shown on the 1884 survey map. From our comparison of the surveyed bluff edge position in 1884 compared to the current bluff edge position, it appears that the coastal bluff has receded toward the home approximately 106 feet since 1884, which is a long term historical bluff recession rate of about 0.81 feet per year.

There is good correlation between the bluff recession rates measured from 1966 to 2016 and 1884 to 2016. We give more weight to the longer term measurement since it covers a greater period of time including more El Nino episodes and seismic events.

Measured at the worst case location at the site, the closest part of the existing house foundation is 79 feet from the top edge of the coastal bluff.

If historical long term average annual erosion rates from 1884 to 2015 were to continue into the future for 50 years at 0.81 feet per year, the top of the coastal bluff in 2066 would be 40.5 feet inland from where it is now. It is important to note that coastal bluff recession occurs episodically and not at a constant rate. It is more likely that 2 or 3 or 5 or even 10 feet of recession will happen at one time any given point on the coastal bluff, than a few inches per year each and every year will occur.

Sea Level has risen and the rate at which it is rising is accelerating. In general, sea level rise tends to make future coastal bluff recession rates faster than measured historical coastal bluff recession rates.

Future Sea Level Rise

The State of California, through the California Ocean Protection Council agency, has adopted the following sea level rise projections using the year 2000 as a base line:

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 Project No. SC11043
 105 Sacramento Avenue
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Sea Level Rise Amounts Adopted by the State of California (2011)		
Year	Average of Models	Range of Models
2030	7 in (0.6 Feet)	5 to 8 inches
2050	14 in (1.2 Feet)	10 to 17 inches
2070	Low 23 inches	17 to 27 inches
	Medium 24 inches (2.0 Feet)	18 to 29 inches
	High 27 inches	20 to 32 inches
2100	Low 40 inches	31 to 50 inches
	Medium 47 inches (4.0 Feet)	37 to 60 inches
	High 55 inches	43 to 69 inches

The data adopted by the State of California indicates 40 to 55 inches of sea level rise should be planned for by 2100. This equates to between 3.4 to 5.5 feet of sea level increase by 2100.

The National Research Council prepared a 2012 report entitled Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future. This report stated the following sea level rise projections for areas South of Cape Mendocino using the year 2000 as a base line:

Sea Level Rise Amounts from the National Research Council (2012)	
Year	Sea Level Rise
2050	Lower Range 5 inches
	Higher Range 24 inches
2100	Lower Range 16 inches
	Higher Range 66 inches

Sea level rise will cause faster rates of bluff recession than have occurred historically. The degree to which sea level rise will cause coastal bluff rates to increase is not agreed upon by all geologists.

Future bluff recession may occur at faster rates because the rate at which sea level is rising is accelerating. Based on the analysis we have completed to date, we are unable to accurately predict how much future bluff recession rates will increase due to sea level rise. Nobody really knows. We modeled an acceleration in erosion rates below, with corresponding predictions of future cumulative recession.

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 Project No. SC11043
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Period Recession During Period	Average Annual Rate of Recession (FT/YR)	Period Length (YRS)	Recession During Period (FT)	Cumulative Recession at End of Period (FT)	When (Calendar Year)
Historical	0.81	131	106	NA	Until Now
2016 thru 2026	0.85	10	8.5	8.5	2026
2027 thru 2036	0.9	10	9	17.5	2036
2037 thru 2046	1.0	10	10	27.5	2046
2047 thru 2056	1.1	10	11	38.5	2056
2057 thru 2066	1.2	10	12	50.5	2066

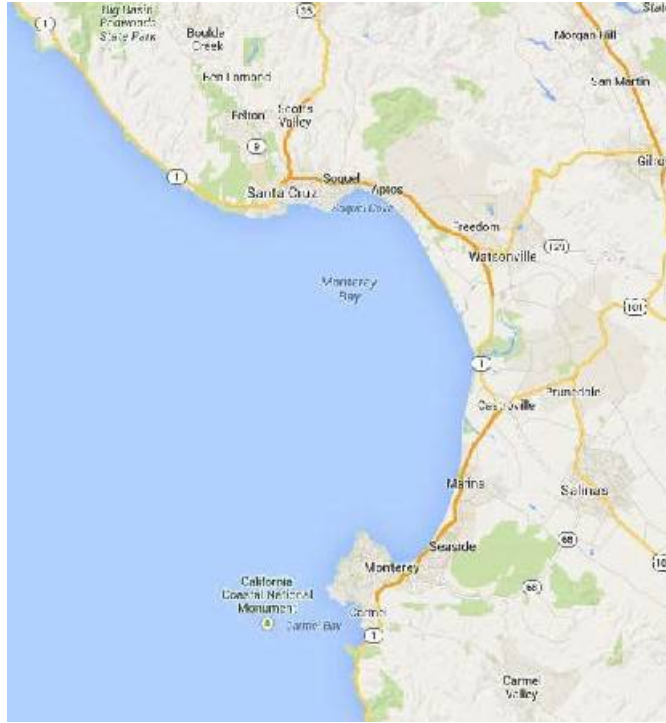
We cannot predict if the degree of recession rate acceleration in the table above is what will actually occur in the future. Assuming the stated recession rate acceleration actually occurs, then 50.5 feet of recession will occur in the next 50 years.

Bluff Geology and Future Bluff Recession Discussion

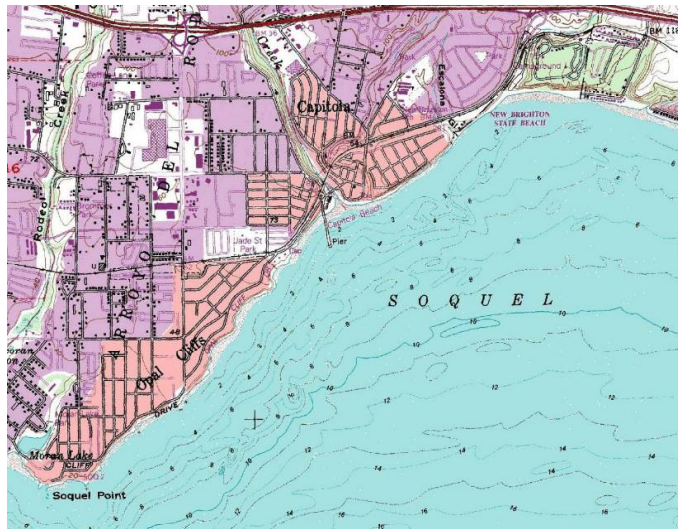
The referenced property is situated just downcoast from the City of Capitola, in northern Monterey Bay.

Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
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Vicinity Map of 105 Sacramento Avenue



Topographic Map of 105 Sacramento Avenue

Photographs of the bluff face at the property are shown below:

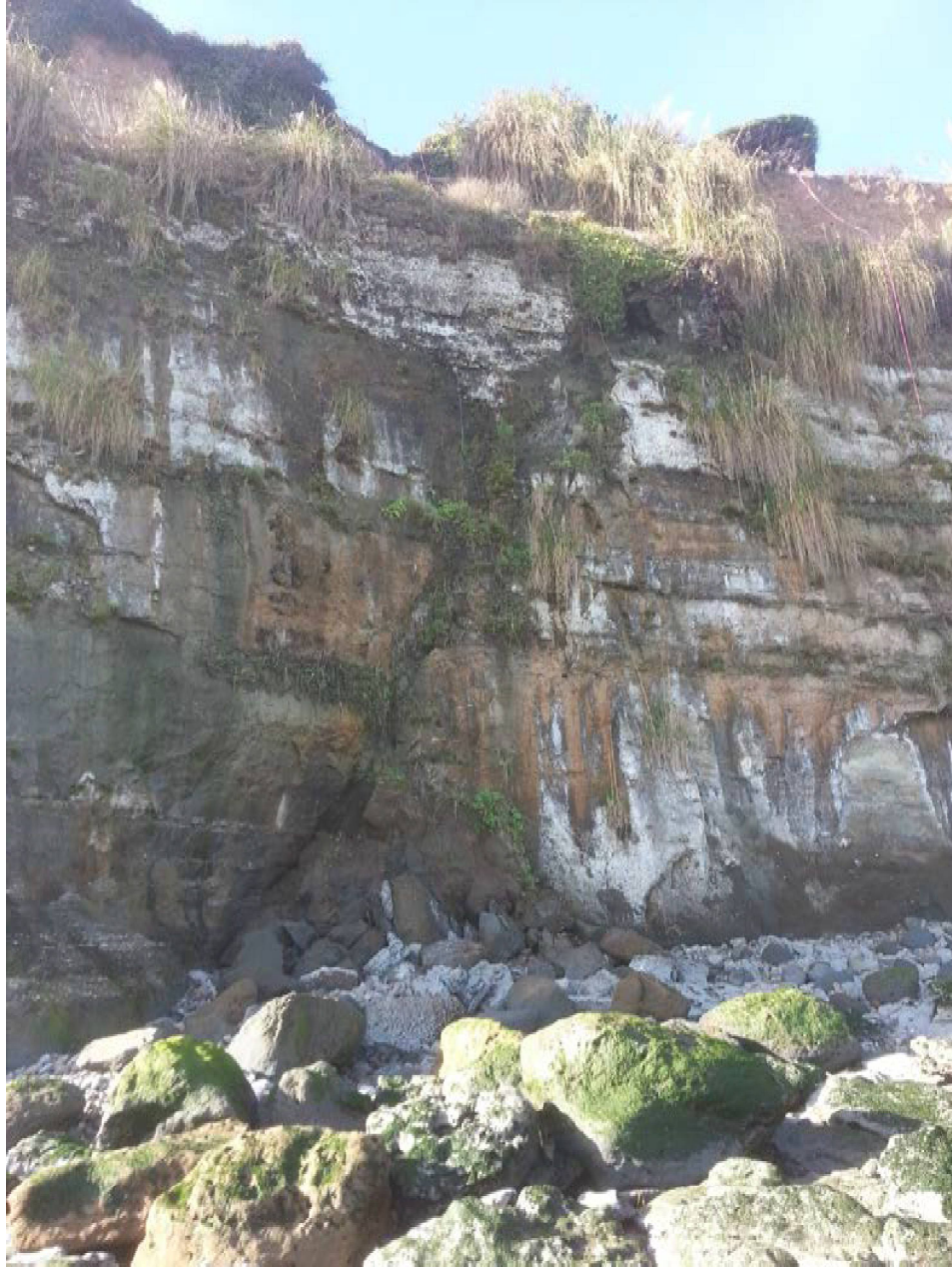
Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
Page 8



2013 Oblique Aerial Photograph
The Property has the Single Story Home that is Left of the Center of the
Photo
(photo courtesy of www.californiacoastline.org)

Attachment: Geological Report (1802 : 105 Sacramento Avenue)

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Bluff Face Overview
Property is in Right Half of Photo

A pile of bedrock boulders derived from bluff erosion consisting of a rockfall exists just upcoast (toward Santa Cruz) from the property. Numerous other bedrock boulders are scattered across the beach, evidence of recent bluff erosion.

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**Bluff Face Looking Downcoast
Showing Rockfall at Left (Not on Property)**

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**Close Up View of Rockfall
 Also Shows Bedrock Outcrop at Base of Bluff Just Upcoast**

We note that there is a bedrock outcrop at the base of the bluff just upcoast of the property line that provides some protection from wave impact. The property is sheltered compared to properties that are more directly exposed to waves from all directions in Monterey Bay. Because the coastal bluff at the property faces southeast, the bluff is somewhat protected from the largest and most powerful ocean waves that come from the northwest in the wintertime.

We prepared a geologic cross section from the ocean to the building site which depict the earth materials and topography on a topographic profile prepared by Hogan Land Services. Basically it shows a level blufftop area, seaward to a bluff face about 25 feet high inclined downward at about 45 degrees then nearly vertically about 55 feet to a cobbly beach surface 20 feet wide sloping at about a 25% gradient, then a sandy beach surface 60 feet wide sloping at 5 to 10%

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gradient, then an exposed bedrock platform. The beach width varies significantly based on tidal conditions and ocean wave runup. The beach serves to protect the base of the bluff from ocean wave runup impact because the lower bluff is covered by beach sand. Based on other observations of this coastline we have made in the past when beach sand elevations were naturally lower, we believe that the beach sand deposit might now be about 6 feet thick at the base of the coastal bluff, as depicted on the attached geologic cross sections. Our geologic profile shows that the beach extends up to 6 feet above sea level (9 feet above the NAVD 88 vertical survey datum), where it meets the base of the coastal bluff face.

No seacaves were observed at the base of the bluff. Wave cut notches were not visible along the bluff fronting the property, but could be present and covered by beach sand. Talus from recent bluff erosion was observed just upcoast of the property. A slump occurred a few years ago in the terrace deposits on the property just downcoast.

Historical bluff recession at the property likely include one or more episodes of localized bluff failure resulting from coastal erosion that formed small caves or wave cut notches at the base of the bluff, which subsequently collapsed and caused landward recession of the bluff.

The property is sheltered within Monterey Bay compared to properties that are more directly exposed to the Pacific Ocean. Because the coastal bluff at the property faces south, the bluff is somewhat protected from the largest and most powerful ocean waves that come from the northwest in the wintertime.

One form of bluff recession is caused by rainfall or wave splash or spray that erodes the bluff face. Slope instability (landsliding) along the coastal bluff face is another form of the coastal erosion processes that results in landward recession of the top edge of the coastal bluff. Coastal bluff landslides are caused either by undermining of the base of the bluff or from saturation of the bluff edge or bluff face. Because the upper part of the bluff is composed primarily of relatively weak sedimentary deposits (terrace deposits), the failure mechanism from landsliding is typically tabular or consists of very shallow, large radius, circular arc type failure. Field observations of the geology and geomorphology of the bluff suggest that terrace deposits in the bluff face are generally stable at a 1:1 (H:V) gradient under seismic conditions. A major earthquake occurred with the epicenter near the property in 1989. From comparison of oblique aerial photography of the bluff face prior to that earthquake compared to present day conditions, it does not appear that there was any significant instability caused by that earthquake's seismic shaking. Under expected future seismic conditions, quantitative

Mr. and Mrs. Holdener
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evaluation suggests the terrace deposits are probably stable at a 1.25:1 (H:V) gradient. If a major earthquake occurred this year and caused the terrace deposits to fail to that gradient, the failure plane would reach about 18 feet landward of the existing bluff edge.

In our opinion, the best way to predict future bluff recession and evaluate coastal recession risk is to use long term historical average annual erosion rates as a minimum. That would suggest that a minimum of 40.5 feet of recession will occur at the subject property in the next 100 years. In addition to those minimums, we recommend that the influence of rising sea level be considered, which would accelerate those rates.

In order to allow for the possibility that future accelerating sea level rise will increase the long term average annual, rate of recession, we recommend that the average annual historical recession rate be increased by 25 percent, in order to estimate an average annual future recession rate during the next 100 years. That would suggest that 50.5 feet of recession will occur at the subject property in the next 100 years. Because of the shape of the accelerating curve, an average annual rate of approximately 1.2 feet per year is estimated to occur in the 50th year.

We note that our analysis considers the influence of both slope instability and coastal recession. It accounts for 50 years of recession that causes the bluff face to recede landward uniformly, then an episode of slope instability in the 50th year that flattens the bluff face to a 1.25 to 1 (H:V) gradient. It is statistically unlikely that an episode of slope instability will occur exactly in the 50th year; this makes the analysis conservative. The historical recession rates we calculated include the influence of both slope instability and coastal erosion. This adds a degree of conservatism to the setback line we have presented, since it considers the influence of slope instability and coastal erosion in an additive manner.

We have prepared drawings that show an Estimated 100 Year Future Coastal Bluff Recession Setback (two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016) that depict the setback in plan view and on three cross sections. The Setback was developed based on where a projected failure of the bluff face to a 1.25 to 1.0 (H to V) stable gradient would come to, then an additional 40.5 feet of recession to account for 50 years of future coastal erosion at the historical rate that recession has occurred at since 1884, plus an additional 10 feet of recession to account for accelerating bluff recession resulting from accelerating sea level rise. That 10 feet represents a 25% acceleration in the long term historical recession rate at this site, and reflects an average annual recession rate in the 50th year that is approximately 50% faster than the present rate of recession.

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We recommend the proposed new home be setback landward of the Estimated 50 Year Future Coastal Bluff Recession Setback (as shown on two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016), which we believe is the distance necessary to provide a stable building site over a 50-year lifetime of the proposed structure.

We recommend that this report be reviewed in conjunction with the geotechnical report prepared by our firm for this property, and that the recommendations contained in that report also be complied with.

We also recommend that mitigating measures (i.e., landscaping and drainage control) be used and maintained to avoid increased erosion at the property.

Limitations

Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to any improvements should be expected at some point in the future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

The selection of a "50 YEAR" timeframe is based on our understanding of the May 2016 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.

Mr. and Mrs. Holdener
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105 Sacramento Avenue
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Page 15

Closing

If you have any questions or concerns, please call us at (831) 722-4175 Ext. 0, and we will be happy to discuss them.

Respectfully submitted,

HARO, KASUNICH AND ASSOCIATES, INC.



Mark Foxx
CEG 1493

MF/sr

Attachments:

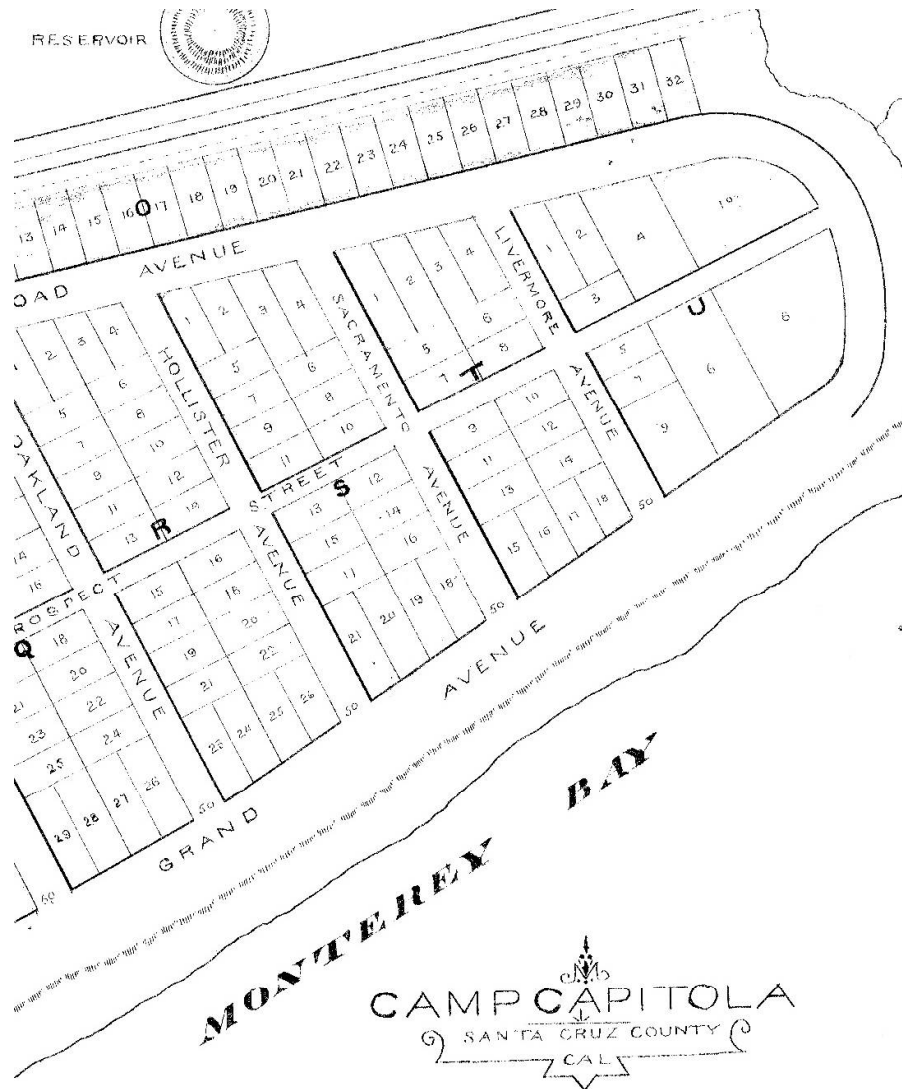
- A: 1884 Camp Capitola Subdivision Map
- B. 2015 Google Earth Image
- C. 1966 Vertical Aerial Photo
- D. 1972 Oblique Aerial Photo
- E. 1979 Oblique Aerial Photo
- F. 2002 Oblique Aerial Photo
- G. 2015 Oblique Aerial Photo
- H. Estimated 50 Year Future Coastal Bluff Recession Setback drawings
(two 11 by 17 sheets dated 12/7/2015, revised 9/26/2016)

Copies: 4 to addressee
1 to file

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
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APPENDIX A

Portion of 1884 Survey Map of "Camp Capitola"
008M35
Also Map Book 2 Page 35



Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
Page 17

APPENDIX B



**2016 Google Earth Image
April 5, 2016**

Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
Page 18

APPENDIX C



June 14, 1966 Aerial Photograph

Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
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APPENDIX D

**1972 Oblique Aerial Photo
(courtesy of californiacoastline.org)**



Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
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APPENDIX E

1979 Oblique Aerial Photo (courtesy of californiacoastline.org)



Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
Page 21

APPENDIX F

**2002 Oblique Aerial Photo
(courtesy of californiacoastline.org)
March 16, 2002**

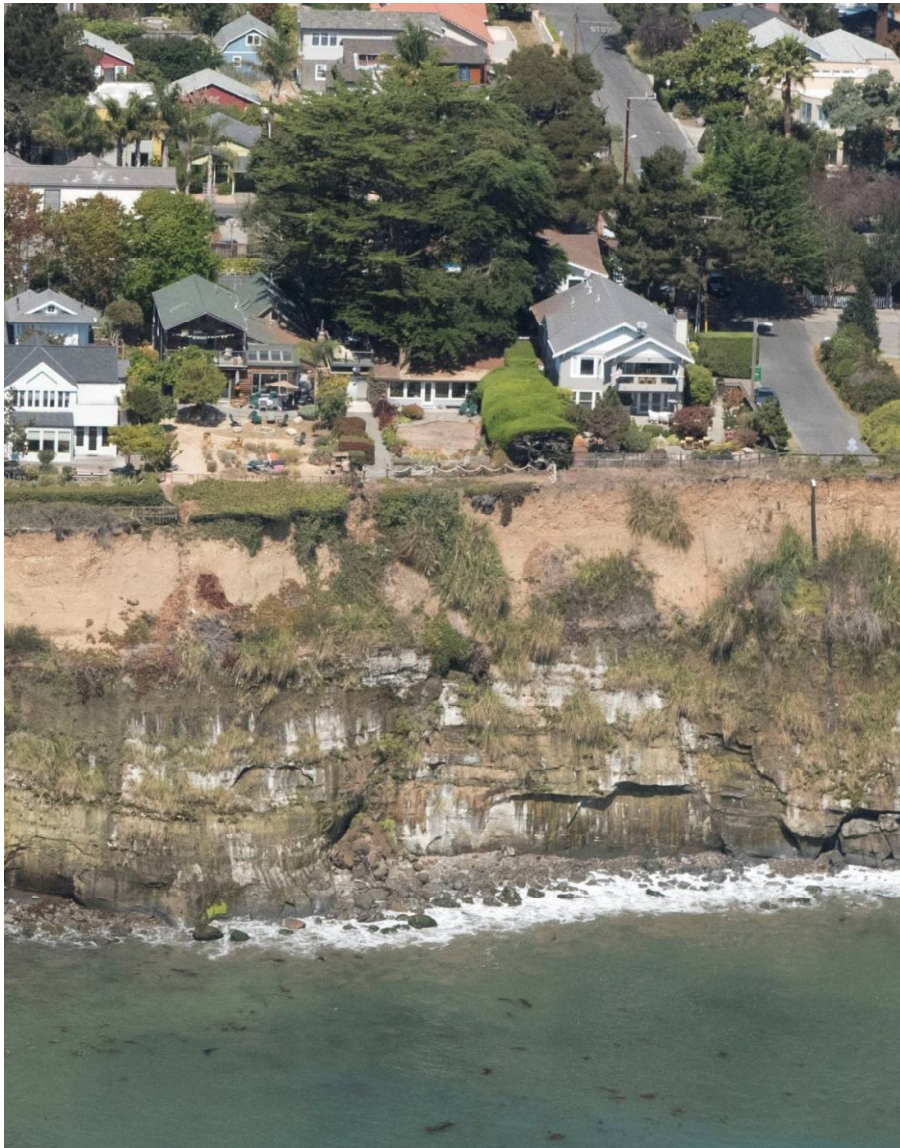


Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
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APPENDIX G

**2015 Oblique Aerial Photo
(courtesy of californiacoastline.org)
September 11, 2015**



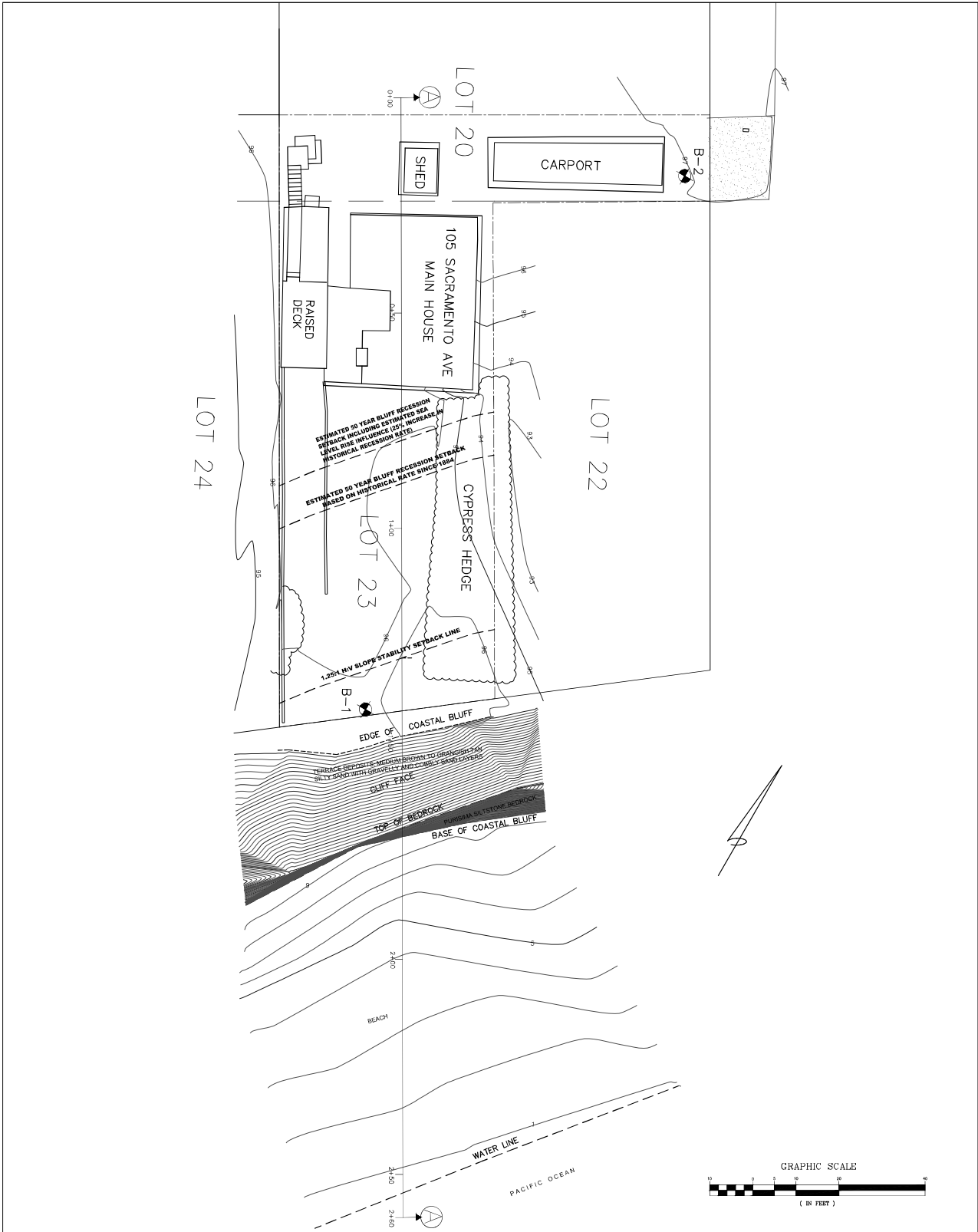
Attachment: Geological Report (1802 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
Project No. SC11043
105 Sacramento Avenue
3 October 2016
Page 23

APPENDIX H

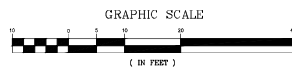
**Estimated 50 Year Future Coastal Bluff Recession Setback drawings
(two 11 by 17 sheets dated 12/7/2015, revised 9-26-2016)**

Attachment: Geological Report (1802 : 105 Sacramento Avenue)



General Notes:

- A. Topographic Base Map dated 11/08/2015 prepared by Michael R. Hogan, PLS 7362, Hogan Land Services Job Number H0099.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

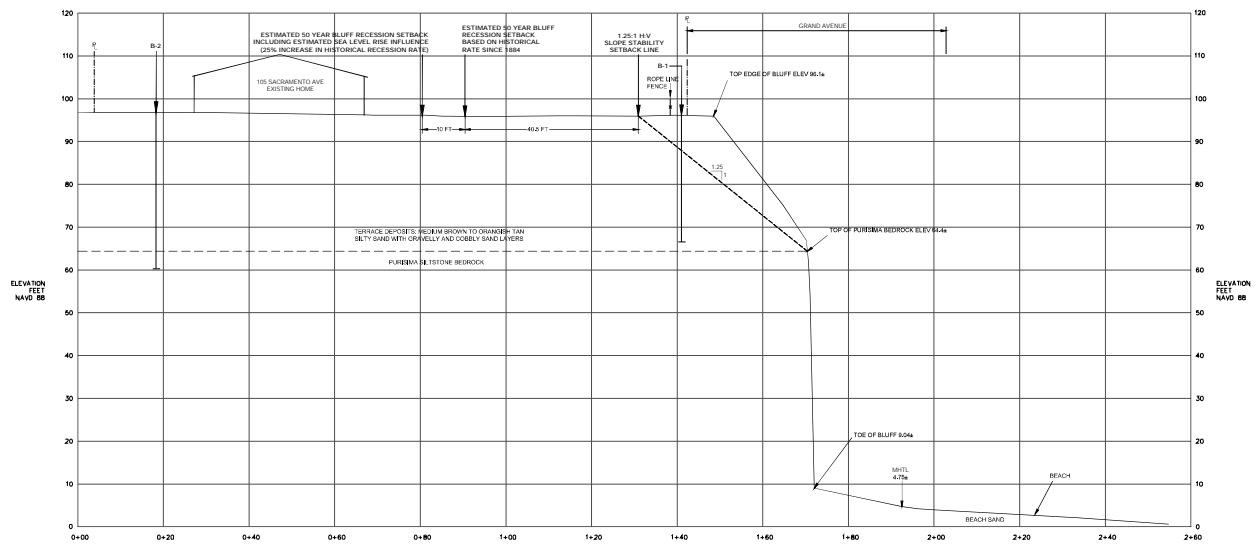


**SHEET 1:
ESTIMATED 50 YEAR
FUTURE COASTAL BLUFF
RECESSION SETBACK MAP**

105 Sacramento Avenue, Capitola, CA
Santa Cruz County APN 036-144-05

12/7/2015
Revised 9-26-2016

HARO, KASUNICH AND ASSOCIATES, INC.
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175



SECTION A-A
SCALE: 1" = 10' H & V



General Notes:

- A. Topographic Base Map dated 11/08/2015 prepared by Michael R. Hogan, PLS 7362, Hogan Land Services Job Number H0099.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

SHEET 2:
ESTIMATED 50 YEAR
FUTURE COASTAL BLUFF
CROSS SECTION
 105 Sacramento Avenue, Capitola, CA
 Santa Cruz County APN 036-144-05
 12/7/2015
 Revised 9-26-2016
HARO, KASUNICH AND ASSOCIATES, INC.
 CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS
 116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

Safty, Ryan (rsafty@ci.capitola.ca.us)

From: foxxmark@aol.com
Sent: Monday, January 09, 2017 11:28 AM
To: Safty, Ryan (rsafty@ci.capitola.ca.us)
Subject: 105 Sacramento Ave.Project # 16-133

Hello Ryan,

We performed a bluff recession analysis report for 105 Sacramento Avenue (our Project # SC11043) that analyzed coastal bluff recession for a fifty (50) year time period. The results of that analysis are depicted on the drawings attached to our report. It has come to our attention that inadvertently reference was made in the report text to a 100 year coastal bluff recession timeframe due to a typographical error.

The purpose of this email is to clarify that our analysis of coastal bluff recession was for a fifty (50) year time period (and to apologize for the typographical error).

Best Regards

Mark Foxx
CEG 1493
Haro Kasunich and Associates Inc.
831-234-7001

Attachment: Geological Report (1802 : 105 Sacramento Avenue)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV



March 30, 2017

Capitola Planning Commission
 c/o Ryan Safty, Project Planner
 420 Capitola Avenue
 Capitola, CA 95010

Subject: 105 Sacramento Avenue Appeal; City Application No. 16-133

Dear Planning Commissioners:

We understand that the above-referenced project will be heard by the Planning Commission on April 6, 2017. Because the proposed project includes the demolition of an existing residence and construction of a new residence in a highly geologically hazardous area, Commission staff has been involved in this project throughout the local process, including reviewing relevant geologic reports and submitting a comments to the City Council (see attached) prior to the last Council hearing. Per discussions with planning staff, we understand that the revised project will conform to the LCP's height requirements and the required front, side, and rear yard setbacks. However, the project still proposes to push the development envelope closer to the bluff edge in an area highly susceptible to massive erosion events. To this point, numerous properties along Depot Hill and in close proximity to the subject property suffered episodic erosion events this past winter whereby the bluff receded upwards of 5 to 10 feet, greatly reducing rear yards/ rear setbacks and closing a portion of the Coastal Path (see attached photos).

It is therefore imperative that new development such as the proposed residence here, is conditioned such that the applicant and all future owners understand and assume the risks associated with developing the site including: 1) that the site is not eligible for future shoreline armoring because the LCP and the Coastal Act include provisions ensuring that shoreline protection structures can only be approved to protect *existing* structures (whereas the proposed structure is considered "*new*;" and 2) that the site will need to be restored once the bluff erodes to the point that the proposed structure is no longer safe to occupy. Therefore, we once again recommend that the conditions in the attached letter to the City Council are included as conditions of the coastal development permit.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rainey Graeven".

Rainey Graeven
 Coastal Planner
 Central Coast District Office

Attachment: Coastal Commission Letter 3/30/17 (1802 : 105 Sacramento Avenue)

Capitola City Council
105 Sacramento Avenue
January 10, 2017
Page 2

Cc: Applicant

Attachment

Attachment: Coastal Commission Letter 3/30/17 (1802 : 105 Sacramento Avenue)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV



January 11, 2017

Capitola City Council
 c/o Ryan Safty, Project Planner
 420 Capitola Avenue
 Capitola, CA 95010

Subject: 105 Sacramento Avenue Appeal; City Application No. 16-133

Dear City Council Members:

We understand that the above-referenced project has been appealed to the City Council. Because the project raises numerous complex issues centering on geologic hazards, significant tree protection, and community character, and there is potential for the project to be appealed to the Coastal Commission, we would like to offer our observations on these important coastal resources issues.

With respect to the geologically hazardous site, the LCP requires that new development is adequately set back to ensure stability for the economic life of the structure, and minimize risks to life and property. In addition, both the Coastal Act and the LCP include provisions to ensure that shoreline protection devices are only used to protect *existing structures* in danger of erosion. It is therefore imperative that the Applicant understands that they are electing to develop in a highly geologically hazardous area, and that they are not entitled to future shoreline armoring (because the Coastal Act and the LCP include provisions to ensure that shoreline protection devices are only used to protect *existing structures* in danger of erosion). In order to ensure this happens, the project should be conditioned to prohibit future shoreline armoring and require eventual restoration and removal of the structure as the bluff naturally recedes. The Commission staff therefore recommends that the City impose conditions of approval to reflect these requirements. Attachment A includes sample condition language (used by both the Commission and Santa Cruz County) to achieve these purposes.

The Planning Commission approval also includes variances that appear unwarranted and the partial removal of several prominent trees. The justification for the variances and the partial removal of the trees appears to be because of the required 50-year bluff setback. However, given the substantial size of the proposed development and the lot (3,673 square feet and 7,653 square feet, respectively), it appears entirely feasible and appropriate to redesign the project to avoid any impacts to the trees (consistent with IP Section 12.12.020(A) and 12.12.180) and to comply with applicable zoning standards in order to maintain the neighborhood's unique community character. Furthermore, we do not believe that the findings necessary to grant a variance can be made, particularly because this would constitute the grant of a special privilege to this applicant, which would be inconsistent with the limitation on surrounding properties. (IP Section 17.66.090). Rather, we agree with City staff's original recommendation to the Planning Commission that a more appropriate solution would be to simply redesign the residence (via a small size reduction) in order to meet the zoning standards without the need for a variance.

Attachment: Coastal Commission Letter 3/30/17 (1802 : 105 Sacramento Avenue)

Capitola City Council
105 Sacramento Avenue
January 11, 2017
Page 2

Thank you for your consideration. We look forward to working with the City and Applicant on this project as it continues through the local permitting process.

Sincerely,



Rainey Graeven
Coastal Planner
Central Coast District Office

Cc: Applicant

Attachments

Attachment A:

Sample hazard condition:

XX. Coastal Hazards Risk. By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, to the following:

- (a) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;
- (b) **Assume Risks.** To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
- (c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the [City], its officers, agents, and employees for injury or damage from such coastal hazards;
- (d) **Indemnification.** To indemnify and hold harmless the [City], its officers, agents, and employees with respect to the [City's] approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
- (e) **Property Owner Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

XX. Coastal Hazards Response. By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- (a) **Intent of CDP.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved development remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that endangered development is required to be removed as described in this condition.
- (b) **Shoreline Protective Structures Prohibited.** Shoreline protective structures that protect the approved development (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) shall be prohibited.
- (c) **Section 30235 and LCP Waiver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235, the Santa Cruz County Local Coastal Program, or any other applicable law are waived.

(d) **Reporting Requirement/Ten-foot Trigger.** In the event the blufftop edge recedes to within ten feet of residential development, but no government agency has yet ordered that the residence not be occupied, the Applicant shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation that addresses whether any portions of the residence and related development are threatened by coastal hazards. The report shall identify all those immediate or potential future ordinary repair and/or maintenance measures that could be applied to address the threat without shoreline protective structures, including but not limited to removal or relocation of threatened development. The investigation shall be submitted to the Executive Director of the Coastal Commission and City Planning Director for review and approval. If the approved geotechnical investigation concludes that the residence or any portion of the residence is unsafe for occupancy, the Applicant shall submit a Removal and Restoration Plan (see subsection (XX) below).

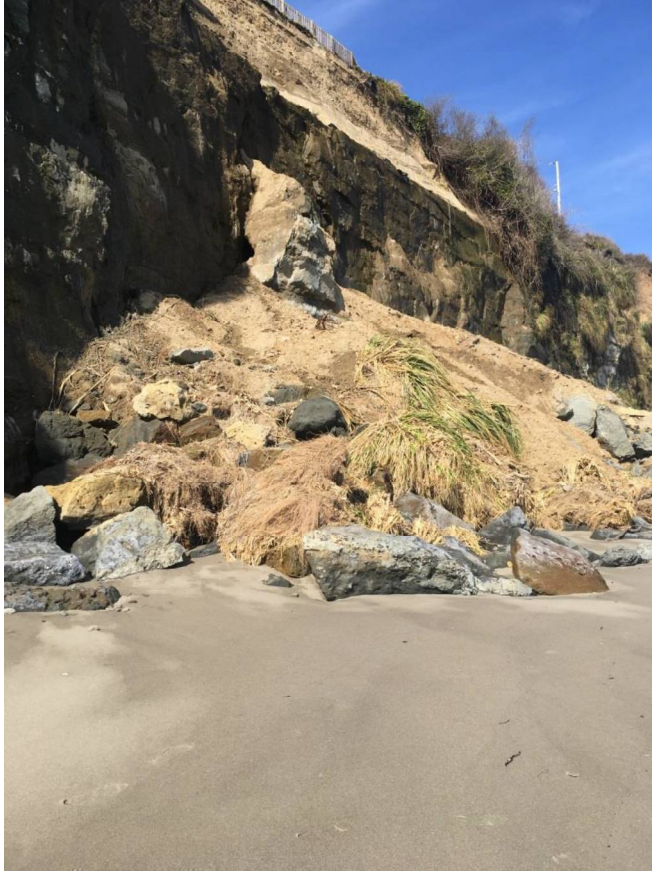
XX. Removal and Restoration. If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall remove such development or portions of such development. Prior to removal, the Applicant shall submit two copies of a Removal and Restoration Plan to the [Planning] Director for review and approval. If the Director determines that an amendment to the CDP or a separate CDP is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the CDP or CDP amendment application, if necessary.

Recent Failure between Oakland and Hollister Avenues (directly upcoast from Sacramento Avenue)



Attachment: Coastal Commission Letter 3/30/17 (1802 : 105 Sacramento Avenue)

Recent Failure at the end of Livermore Avenue (directly downcoast from Sacramento Avenue)



Attachment: Coastal Commission Letter 3/30/17 (1802 : 105 Sacramento Avenue)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: APRIL 6, 2017
 SUBJECT: **Capitola Mall Redevelopment**

BACKGROUND

During its March 2, 2017 hearing, the Planning Commission directed staff to explore options to encourage a coordinated and comprehensive mall redevelopment project. The Capitola Mall property, bound by 41st Avenue to the east, Clares Street to the north and west, and Capitola Road to the south, involves multiple legal lots owned by several different property owners. The Planning Commission expressed their desire to promote a coordinated planning effort between the City and various mall property owners to ensure redevelopment proceeded in a cohesive and harmonious manner consistent with the recently adopted General Plan.

DISCUSSION

In November 2016, the Planning Commission considered a conceptual review application to partition the existing Sears building into three tenant spaces to accommodate a new TJMaxx/Homegoods, Petco, and a smaller Sears. The Commission expressed several concerns with the proposal and cited the lack of coordination with the Capitola Mall owners, Merlone Geier, as a principal shortcoming. Representatives from Merlone Geier have stated their intention to initiate a public process for a mall redevelopment project sometime in 2017. The overarching concern of the Commission and staff is that a stand-alone Sears project may not complement a larger mall redevelopment project, which in-turn, could impede advancement of the City's General Plan goals to positively and comprehensively transform the mall property.

A formal application for the Sears project was submitted on February 10, 2017. While the proposal addressed some of the Planning Commission's design concerns, it did not include information to demonstrate that their project was coordinated or would be compatible with a larger mall redevelopment project. The proposed project would also not advance General Plan goals to create a more pedestrian-friendly commercial district featuring new development and public amenities within the existing parking lots adjacent to 41st Avenue and Capitola Road.

Options to Encourage Comprehensive Mall Redevelopment

1. Initiate preparation of a Mall Redevelopment Specific Plan. Under this option, the City could invite the various mall property owners to participate in a City led effort to develop a comprehensive specific plan which would include all parcels within the mall property. A specific plan would serve to establish tailored development standards and design criteria to

guide all future development on the mall property. The success of such an effort would largely depend on cooperative participation by the various mall property owners.

The benefit of initiating preparation of a specific plan is that it could streamline the permitting and environmental review process of a future mall redevelopment project. However, it is anticipated that preparation of a specific plan would require more than a year to complete which may not align with redevelopment schedules of one or more mall property owners. Moreover, mall property owners who propose smaller redevelopment projects could conceivably proceed prior to completion of a specific plan.

Funding for a City-initiated specific plan effort has not been identified, nor has such an effort been included in the Community Development Department work plan. If the Planning Commission would like to pursue this option, staff will refer the matter to the City Council who would need to commit the financial and staffing resources necessary to prepare the specific plan.

2. Create incentives for mall property owners to prepare a coordinated and comprehensive mall redevelopment plan. The City could create incentives to encourage mall property owners to work together to prepare a cohesive redevelopment plan prior to initiating any significant projects. Potential incentives could include expedited permit processing, reduced permit fees, and/or relaxed development standards. Expedited permit processing and reduced permit fees could be authorized by the City Council without amending any adopted plans or ordinances; however, relaxed development standards would require the City Council to adopt amendments to the General Plan and/or the Zoning Code prior to taking effect.
3. Declare a development moratorium to ensure a more cohesive approach to Mall redevelopment is pursued, that avoids a piecemeal planning approach. The City Council could declare a development moratorium over all or part of the mall property until such time that a more comprehensive mall redevelopment plan has been submitted, prepared or adopted. Under this option, development projects covered by the moratorium would be unable to proceed until a comprehensive mall redevelopment proposal is prepared. Under state law, the City could impose a moratorium for a 45-day period with options to extend for a maximum of two years. If the Planning Commission wished to pursue this option, staff would work with the City Attorney to prepare an urgency ordinance to enable to City Council to consider a moratorium declaration.

RECOMMENDATION

Considering the lack of funding and the unknown interest among mall property owners to participate in a City-initiated specific planning effort, and the uncertain effectiveness of any incentive program given the currently pending application for the Sears site, staff recommends pursuing option three, the temporary development moratorium to avoid a piecemeal approach to mall redevelopment.

Prepared By: Rich Grunow
Community Development Director



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 6, 2017

SUBJECT: **Zoning Code Update All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17).

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.

Environmental Determination: Addendum to the General Plan Update EIR
 Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

BACKGROUND: On January 9, 2017, an updated draft zoning code and zoning map were published that incorporate all edits received from the Planning Commission and City Council during 2016. The Planning Commission edits that were accepted by the City Council have been incorporated into the draft zoning code in black print. The City Council recommended revisions are shown in red. The draft code also includes revisions made by City staff to improve clarity and non-policy revisions requested by Coastal Commission staff. Staff revisions are shown in blue. The draft code, zoning map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>. Hardcopies of the draft code are available to the public at City Hall and the Capitola Library.

DISCUSSION: The Planning Commission provided staff with additional edits to the zoning map and the *Remaining Zoning Code Issues* report during the February 2nd, February 16th, and March 2nd Planning Commission meetings. All edits provided by the Planning Commission are listed in Attachment 1.

During the March 6th meeting, the Planning Commission will provide direction on the six remaining items listed below:

Item 1. Junior Accessory Dwelling Units (JADU)

The state passed AB 2406 which create an additional housing option of junior accessory dwelling units (JADU). Adoption of a JADU ordinance is not required by the state. Some unique characteristics of JADUs are:

- a. May not exceed 500 square feet in size;
- b. Must be completely contained within the space of the existing residential structure;
- c. Must have internal and external access;
- d. May share a bathroom with the primary structure;

- e. Must have an efficiency kitchen (not a full kitchen);
- f. City cannot require additional parking;
- g. Utility providers cannot require water or sewer connection fees; and
- h. Count towards regional housing need allocation (RHNA) as a housing unit within the census definitions.

A JADU ordinance is not proposed within the zoning code update because a JADU could be built as an Internal Accessory Dwelling Unit (ADU) within the draft code. Efficiency kitchens are permitted in Capitola; therefore, a JADU is allowed within today’s code with the added requirement of external access. If the Planning Commission would like to add JADUs to the code, staff suggests adding the following sentence to the Internal Accessory Dwelling Unit definition: “The term Internal Accessory Dwelling Unit includes Junior Accessory Dwelling Units as defined in Government Code Section 65852.22.”

The minimum lot size for an Accessory Dwelling Unit (ADU) is 5,000 square feet. During the March 2nd meeting, the Planning Commission discussed adding JADUs to the ordinance and allowing JADUs on properties with a minimum size of 4,000 square feet, and possibly down to 3,200 square feet to accommodate them within neighborhoods like the Jewel Box. The Planning Commission asked staff to provide a map with ranges of parcel size to assist in the recommendation (Attachment 3). The following tables shows the number of properties for the R-1 and MU-N zones that exist within each range of lot sizes:

Lot Size (square feet)	# of Properties	
	R-1	MU-N
0 – 2,299	88	20
2,300 – 3,199	268	6
3,200 – 3,999	315	26
4,000 – 4,999	272	17
5,000 – 7,499	580	16
7,500-9,999	153	9
10,000 – 11,999	24	5
12,000+	46	19

Item 2. Increased maximum size of ADU. This item was introduced during the March 2nd meeting. Within the new state legislation, the increased floor area of an ADU cannot exceed 50% of the existing living area, up to a maximum of 1,200 square feet. The draft code reflects this allowance as follows:

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

1. Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet
2. Detached accessory dwelling units: 1,200 square feet.

This is a large increase from Capitola’s current maximum that ranges from 500 to 800 square feet depending on lot size, as shown in the following table:

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf

7,501 sf to 9,999 sf	640 sf
10,000 sf plus	800 sf

There is no change to the maximum floor area ratio of .60 for the combined maximum floor area of the primary residence and ADU. The City can adopt maximum size standards that are more restrictive than SB 1069 provided these standards are not “designed or applied in a manner that burdens the development of ADUs and maximize the potential for ADU development.”

Examples of other cities’ size limits in recent ADU updates:

- Santa Cruz County (2017 update)

- Inside Urban Service Area:

Lot Size	Maximum ADU Size
Under zone district minimum size	10% of net site area; or (for attached conversions) 50% of existing SFD, whichever is greater; up to a max of 640 sf
Meets zone district minimum size	640 sf

- Outside Urban Service Area:

Lot Size	Maximum ADU Size
Under 10,000 sf	640 sf
10,000 sf to < 1 acre	800 sf
1 acre plus	1,200 sf

All conversions on parcels less than 5,000 sf are limited to up to 50% of the existing habitable sq. ft. of primary dwelling, not to exceed 640 sq. ft.

- City of Santa Cruz (2017 Update)
 - Unit size - The floor area of an ADU shall not exceed 10 percent of the lot area up to a maximum of 1,200 sf. The floor area for accessory dwelling units attached to the principal single family dwelling shall not exceed fifty percent (50%) of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot.

Options for maximum size:

Option 1: Draft Standard

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

1. Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet
2. Detached accessory dwelling units: 1,200 square feet.

Option 2: Keep Capitola’s existing standard.

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf
7,501 sf to 9,999 sf	640 sf
10,000 sf plus	800 sf

Option 3: Hybrid of Existing with additional allowance for very large lots:

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

1. The floor area for an Attached ADU shall not exceed fifty percent (50%) of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot.
2. Maximum ADU floor area allowed for lot.

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf
7,501 sf to 9,999 sf	640 sf
10,000 sf to 11,999 sf	800 sf
12,000 sf plus	1,200 sf

Item 3. Fee Waivers for Affordable ADU

Section 17.74.080.A of the draft code allows a fee waiver in exchange for deed restricting ADUs as affordable units rented exclusively to low or very low income households. The deed restriction may be lifted “upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for the building permit.”

Commission Storey requested background on this standard. This is an existing standard carried over into the draft code. Staff researched the original ordinance and found one reference that the fee waiver originated from the City of Santa Cruz ordinance. The City of Santa Cruz ordinance includes this incentive today for low income and very-low income rentals. The program allows owners to remove the restriction in the future with payment of the previously waived fees (Attachment 4). The affordable rental deed restriction option is not required by state law and the City therefore has full discretion to retain, modify, or eliminate this provision.

Item 4. Mobile Homes

Commissioner Storey asked how mobile homes would be treated in Capitola’s ADU ordinance. Within the existing and draft ordinance, mobile homes are prohibited. However, under California Government Code Section 65852.2 (as recently amended), the definition of “Accessory Dwelling Unit” includes manufactured homes.

“Accessory Dwelling Unit” means “an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.” An ADU also includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Since manufactured homes are included within the definition of the term “accessory dwelling units”, the City cannot prohibit manufactured homes as ADUs. As drafted, the City has full discretion to regulate the design of an ADU within §17.74.050.I which states “Design. The design of the accessory dwelling unit shall complement the design of the primary residence by use of the similar exterior wall materials, window type, door and window trim, roofing materials, and roof pitch”.

Item 5. Regional Commercial Purpose Statement

The owners of the Capitola Mall, Merlone Geier, recently contacted staff and requested that the updated code include a clear statement that a future, major mall redevelopment project could be entitled through a separate planning process, including a possible specific plan, planned development, development agreement, or a rezone. Staff consequently revised the Commercial-Regional (C-R) purpose statement to clarify the expectations for future redevelopment projects, as follows:

Section 17.24.030(E) Capitola Mall Redevelopment. While the Capitola Mall site has been zoned Regional Commercial (C-R) as part of the Zoning Code Update, it is expected that major redevelopment of the mall property will require a Rezone, Planned Development, Specific Plan, Development Agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the Mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.

Item 6. Sidewalk Sign Ordinance

Several key design elements are unclear within existing and proposed Village Sidewalk Sign regulations, including materials, shape, area of sign face, and height of sign face. Staff has revised the proposed ordinance to add the specific design details of the BIA sign standards:

1. Sign face shall be made of quality materials such as solid wood, metal, or similar durable and weatherproof materials.
2. Pole shall be a cast iron pole.
3. Base shall be cast iron and round shape (shown in image).
4. Max height of the sign face of 30 inches.
5. Maximum sign area 3.75 sf.

The shape of the BIA design is unique with a curved line at the top and bottom. The current draft code allows variation from the BIA shape with an oval included as acceptable. Staff is requesting discussion and direction on the allowable shape for Village Sidewalk Signs. Should additional shapes be considered, and if so, should the code specify the acceptable shapes? Or, should all sidewalk signs match the shape of the BIA design?

The sidewalk sign ordinance has been updated to include the items listed above in 1 – 5. It was also reorganized to group similar standards such as placement, number of signs, materials and designs, etc. for ease of use. The updated sidewalk ordinance is included as Attachment 5. The BIA approved sign is included as Attachment 6.

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared and will be included in the packet during final recommendation to City Council.

RECOMMENDATION: Accept the staff presentation, provide direction on the 6 remaining items, and recommend that the City Council review the draft then initiate a 60 day public review.

ATTACHMENTS:

1. Planning Commission edits to January 2017 draft
2. Draft Chapter 17.74 Accessory Dwelling Units.pdf
3. Parcel Size by Zone
4. Santa Cruz ADU fee waiver
5. Sidewalk Sign Ordinance
6. BIA Sidewalk Sign
7. Heintz Public Input on Zoning Map
8. Zoning Map

Prepared By: Katie Herlihy
Senior Planner

Planning Commission Requested Modifications		
Section	Page	Change
February 2, 2017		
Zoning Map	Map	502 Beulah – include in Vacation Rental overlay
Zoning Map	Map & 17.40.030	Vacation Rental Use (VR) and Village Residential (VR) are same acronyms. The code removed the term “use” after Vacation Rental. Keep “use” in chapter 17.40.030.
Zoning Map	Map	718 Capitola Avenue zoned MUN should extend all the way back to the hotel property behind it
Zoning Map	Map	Shadow Brook Property and parking lot should be MU-N not CC
Zoning Map	Map	Remove Vacation Rental that is located over the water. Only place Vacation Rental overlay on inset map, removed from primary zoning map. Too cluttered.
Zoning map	Map	Stockton creek should be blue with the sliver of open space by the bridge where there is a small City park.
Environmentally Sensitive Areas Map	Map	Hire consultant to review Environmentally Sensitive Areas Map to ensure accuracy of boundary
February 16, 2017		
17.20.030	20-5	Replace with: <ol style="list-style-type: none"> Up to 33 feet for a gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slope for doors and decks. Projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C. Include image of allowable pitched roof designs.
17.48.020.B	48-2	Reword: “These exceptions may not be combined with other height exceptions, including but not limited to, allowances for additional height in the MU-V zone or for historic structures.”
17.24.020 Table 17.24-1	24-2	Revise: Multi-Family Dwellings in the C-R require CUP Residential Mixed Use. Delete note #7 which states “Residential uses are prohibited on the first story.”
Table 17.24-2	24-4	Revise: Require Conditional Use Permit in C-R for Ground floor, less than 5,000 square feet Require Conditional Use Permit in C-R for Ground floor, 5,000 square feet or more. Permit in C-R located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.
Coastal Commission Edits	Throughout Code	Change references of Local Coastal Act to Local Coastal Plan

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Planning Commission Requested Modifications		
Section	Page	Change
17.48.030 C and D	17.48.030 C and D	Incorporate staff suggestions on modifications to setbacks presented to PC, except <ul style="list-style-type: none"> • Landscape features – 17.48.030.E.10 – change to “Decorative ornamental features up to a maximum height of 6 feet which does not enclose the perimeter of the property” and change minimum distance from Property line to “No Minimum” • Hot Tubs – Min distance from property line – Change Rear to 2 feet. • Under other structures and equipment, remove trash enclosure from moveable objects list
Accessory Dwelling Units		Accessory Dwelling Units that utilize the decreased setbacks and increased FAR cannot remove the ADU and enjoy the benefits of creating a non-conformity. Add to deed restrictions.
Table 17.92-1	Page 92-6	<ul style="list-style-type: none"> • Reword “repair” in third category “exterior repairs and modifications that alter or affect the nonconforming aspect of the structure” Should be demolish and rebuild? Update example to demolish and rebuild . • Last category “recreation of an involuntarily damaged or destroyed structure” add a reference to 19.92.080.D
17.36.060.H.7	Page 36-6	Add “supply and” to new or enlarged business that increases the supply and/or diversity of jobs available” Correct typo - jobs “in” industries
17.40.020.J	Page 40-6	Change to “for 55 years or the natural life of the unit whichever is greater”
17.76.070.D.2	Page 76-19	Change back to 24 inch box tree for tree health.
17.80.090.A.6	Page 80-17	Prohibit Internally illuminated signs in the mixed-use neighborhood.
17.80.100.A	Page 80-17	Remove General Standards. Keep section B for multi-unit properties.
17.80.080.A	Page 80-9	Maximum Area of Auto Dealership sign – require that Planning Commission review above 100 square feet but remove the maximum.
17.80.110 Table 17.80-10	Auto Dealership	Change Maximum Duration to year-round. Add that they have to be maintained in good condition.
17.92.070.B.2.d	92-3	Remove d “the extension will not impair coastal resources”
5000 sf auto space		Check with TESLA that 5,000 sf would support auto showroom

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Planning Commission Requested Modifications		
Section	Page	Change
March 2, 2017		
17.74.040	Page 74-7	Deed restrict must include occupancy standard of 17.74.040.C – the property owner must occupy either the primary or accessory dwelling.
Additional requested edits		
Figure 17.24-3	Page 24-9	Remove 65% minimum from figure.
17.36.080.D.3	Page 36-3	Change engineers to engineer
17.44.030	Page 44-2	Coastal Bluff definition change to “overlooking coastal water”
17.44.030.F	Page 44-4	Remove first sentence “Any area in which ... developments.”
17.44.150.B.6.a AND b	Page 44-2	Change to Local Coastal Plan
Glossary 17.74	Part 3 Glossary	Replace Secondary with Accessory
17.52.030.B.4	52-4	Reword “machines require a Conditional Use permit...”
17.64.	64-1 and 64-4	The title of 17.64.050 should be rearranged say “Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch” Make change is three places. Sections (pg 64-1), Applicability (pg 64-1), and 17.64.050 title (pg 64-4)
17.64.040	64-4	No new development is permitted within the banks riparian corridor along Soquel Creek and Lagoon, except.....
17.74.030.A.1.b	74-2	Typo. Change n to an
17.74.030.A.2.	74-2	Add approval of a Design Permit “and Conditional Use Permit”.
17.76.040.B.2.b AND c	76-8	In b and c, the reference should remove the zero before the 2. Section 17.020.

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Chapter 17.74 – ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose
- 17.74.020 Definitions
- 17.74.030 Required Permits
- 17.74.040 Permitted Location
- 17.74.050 Standards for All Accessory Dwelling Units
- 17.74.060 Standards for Attached and Detached Accessory Dwelling Units
- 17.74.070 Findings
- 17.74.080 Deed Restrictions
- 17.74.090 Incentives



Note: This chapter has been significantly revised to comply with changes to state law adopted by the California Legislature in 2016 concerning local regulation of accessory dwelling units (SB 1069 and AB 2406). Revisions to Capitola's existing accessory dwelling unit regulations required by state law include reducing parking requirements, allowing by right accessory dwelling units contained within the existing space of a home, establishing time limits for the City to act on applications, limiting utility connection requirements, increasing maximum size, and reducing setback requirements.

17.74.010 Purpose

This chapter establishes standards for the location and construction of accessory dwelling units consistent with Government Code Section 65852.2. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit.** “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary single-family residence with exterior access to the accessory dwelling unit provided independent from the primary single-family residence.
- B. Attached Accessory Dwelling Unit.** “Attached accessory dwelling unit” means an accessory dwelling unit that:
 1. Shares at least one common wall with the primary single-family residence;
 2. Is not fully contained within the existing space of the primary single-family residence or an accessory structure; and
 3. Provides exterior access independent from the primary single-family residence.

- C. Detached Accessory Dwelling Unit.** “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with the primary single-family residence.
- D. Internal Accessory Dwelling Unit.** “Internal accessory dwelling unit” means an accessory dwelling unit that:
1. Is fully contained within the existing space of the primary single-family residence or an accessory structure; and
 2. Provides exterior access independent from the primary single-family residence.
- E. Two-story Attached Accessory Dwelling Unit.** “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either two stories of living space attached to the primary single-family residence or located on the second story above the ground floor of the primary single-family residence.
- F. Two-story Detached Accessory Dwelling Unit.** “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either two stories of living space as part of a single accessory dwelling unit or second story living space above a ground floor garage or other accessory structure.

17.74.030 Required Permits

A. Internal Accessory Dwelling Units.

1. **Administrative Permit.** An internal accessory dwelling unit is allowed with an Administrative Permit if:
 - a. The proposed unit complies with Section 17.74.040 (Standards for All Accessory Dwelling Units); and
 - b. The proposed unit is contained within an existing primary single-family residence or accessory structure that complies with the minimum side and rear setback requirements of the applicable zoning district.
2. **Design Permit and Conditional Use Permit.** The Planning Commission may allow an internal accessory dwelling unit located within an existing primary single-family residence or accessory structure that does not comply with the minimum side and rear setback requirements of the applicable zoning district with the approval of a Design Permit.

B. Attached and Detached Accessory Dwelling Units.

1. **Administrative Permit.** Attached and detached accessory dwelling units consistent with Section 17.74.040 (Standards for All Accessory Dwelling Units) and Section 17.74.050 (Standards for Attached and Detached Accessory Dwelling Units) are allowed with an Administrative Permit.
2. **Design Permit and Conditional Use Permit.**

- a. The Planning Commission may approve an attached or detached accessory dwelling units that deviates from the standards in Subsections C (Unit Size) through J (Open Space and Landscaping) of Section 17.74.050 (Standards – Attached and Detached Accessory Dwelling Units) with the approval of a Design Permit and a Conditional Use Permit.
 - b. All two-story attached and detached accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.
- C. Conditional Use Permit Findings.** To approve a Conditional Use Permit for an accessory dwelling unit, the Planning Commission must make all of the findings in Section 17.74.050 (Findings).
- D. Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring an Administrative Permit and approve or deny the application within 120 days after receiving an application.

17.74.040 Standards for All Accessory Dwelling Units

The following standards apply to all types of accessory dwelling units, including attached, detached, and internal accessory dwelling units.

- A. Compliance with Zoning District Standards.** An accessory dwelling unit shall comply with all requirements of the applicable zoning district except as modified in this chapter.
- B. One Primary Residence on Parcel.** An accessory dwelling unit is permitted only when not more than one primary single-family dwelling is present on a parcel or is constructed concurrently with the accessory dwelling unit.
- C. Occupancy.** The property owner must occupy either the primary or accessory dwelling. The Planning Commission may grant an exception to this requirement in the case of unique hardship with the approval of a Conditional Use Permit.
- D. Maximum Number per Parcel.** Only one accessory dwelling unit is allowed on a single parcel.
- E. Parking.**
 - 1. **Internal Accessory Dwelling Units.** Off-street parking in addition to any off-street parking required for the primary residence is not required for an internal accessory dwelling unit.
 - 2. **Attached and Detached Accessory Dwelling Units.**
 - a. Except as provided in Paragraph (c) below, one off-street parking space shall be provided for an attached or detached accessory dwelling unit in addition to any off-street parking required for the primary residence.
 - b. Required off-street parking may be provided as tandem parking on an existing driveway and may be located within minimum required setback areas from front,

side, and rear property lines on the parcel in accordance with Section 17.76.040.B (Parking in Front and Exterior Side Setback Areas).

- c. No off-street parking is required for an attached or detached accessory dwelling unit in the following cases:
 - (1) The accessory dwelling unit is located within one-half mile of a bus transit stop with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (4) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

F. Utility Connections.

1. **General.** An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
2. **Internal Accessory Dwelling Units.** The City shall not require an applicant to install a new or separate utility connection directly between an internal accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
3. **Attached and Detached Accessory Dwelling Units.**
 - a. The City may require a new or separate utility connection directly between an attached or detached accessory dwelling unit and the utility.
 - b. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
4. **Fire Sprinklers.** The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.

17.74.050 Standards for Attached and Detached Accessory Dwelling Units

The following standards apply to attached and detached accessory dwelling units.

- A. **Permitted Location.** Attached and detached accessory dwelling units are permitted only in:
 1. The Single-Family Residential (R-1) zoning district; and

- 2. The Multi-Family Residential (RM) and Neighborhood Mixed Use (MU-N) zoning districts on lot of 5,000 square feet or more occupied by one single-family dwelling.
- B. Minimum Lot Size.** An attached or detached accessory dwelling unit is permitted only on parcels 5,000 square feet or greater.
- C. Unit Size.** The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:
 - 1. Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet.
 - 2. Detached accessory dwelling units: 1,200 square feet.
- D. Maximum Floor Area Ratio.** The combined floor area ratio (FAR) of a lot with a primary residence and an attached or detached accessory dwelling unit shall not exceed 0.60.
- E. Height and Setback Standards.**
 - 1. Height and setbacks standards for attached and detached accessory dwelling units are shown in Table 17.74-2.
 - 2. The Planning Commission may allow a detached accessory dwelling unit to exceed the height limits in Table 17.74-2 to accommodate a roof design that matches special roof features of the primary residence. Such a height exception requires Planning Commission approval of a Design Permit and a Conditional Use Permit.

TABLE 17.74-2: ACCESSORY DWELLING UNIT SETBACK AND HEIGHT STANDARDS

	Type of Accessory Dwelling Unit	
	Detached	Attached
Setbacks, Minimum [2]		
Interior Side	5 ft.	Same as required for primary residence
Exterior Side	Same as required for primary residence	
Rear	<u>One story unit:</u> 8 ft. [3] <u>Two story unit:</u> 10 ft. [3]	
Front	Same as required for primary residence	
Height, Maximum		
One story	<u>One story unit:</u> 15 ft. [1] <u>Two story unit:</u> 22 ft.	Height of primary residence or maximum permitted in zoning district, whichever is less

Attachment: Draft Chapter 17.74 Accessory Dwelling Units.pdf (1796 : Zoning Code Update)

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

F. Two-Story Accessory Dwelling Units. All two-story accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

G. Doors and Windows.

1. The entrance to a detached accessory dwelling unit shall face the interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.
2. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to minimize privacy impacts and maintain access to light and ventilation on adjacent properties.

H. Orientation.

1. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
2. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.

I. Design. The design of the accessory dwelling unit shall complement the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

J. Open Space and Landscaping. Open space and landscaping shall be provided that is usable for both the accessory dwelling unit and the primary residence. Landscaping maintain privacy and provide screening for adjacent properties.

K. Mobile Units. Vehicles and trailers of any kind, with or without wheels, are prohibited as accessory dwelling units.

17.74.060 Findings

To approve a Conditional Use Permit for an accessory dwelling unit, the Planning Commission shall find that:

- A.** The exterior design of the accessory dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- B.** The exterior design is in harmony with, and maintains the scale of, the neighborhood.
- C.** The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
- E. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
- F. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan.
- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

17.74.070 Deed Restrictions

- A. Before obtaining a building permit for an accessory 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 current owner. The deed restriction shall state that:
 - 1. The accessory dwelling unit may not be sold separately.
 - 2. The accessory dwelling unit is restricted to the approved size.
- B. 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 City's approval of the accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

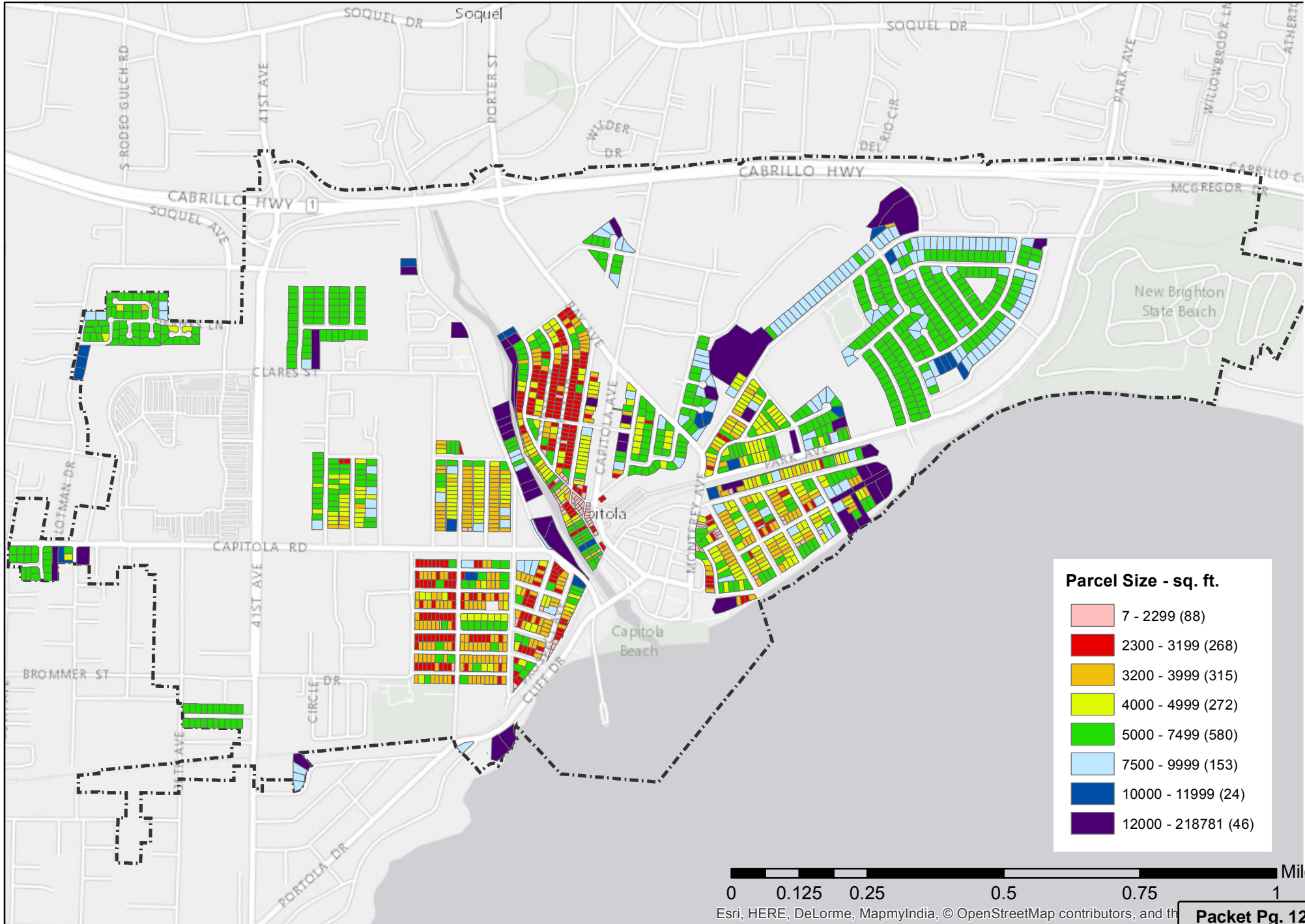
17.74.080 Incentives

A. Fee Waivers for Affordable Units.

- 1. The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.

2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
 3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.
- B. Historic Properties.** The Planning Commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a Historic Resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the Planning Commission shall approve a Conditional Use Permit and find that the exception is necessary to preserve the architectural character of the primary residence.

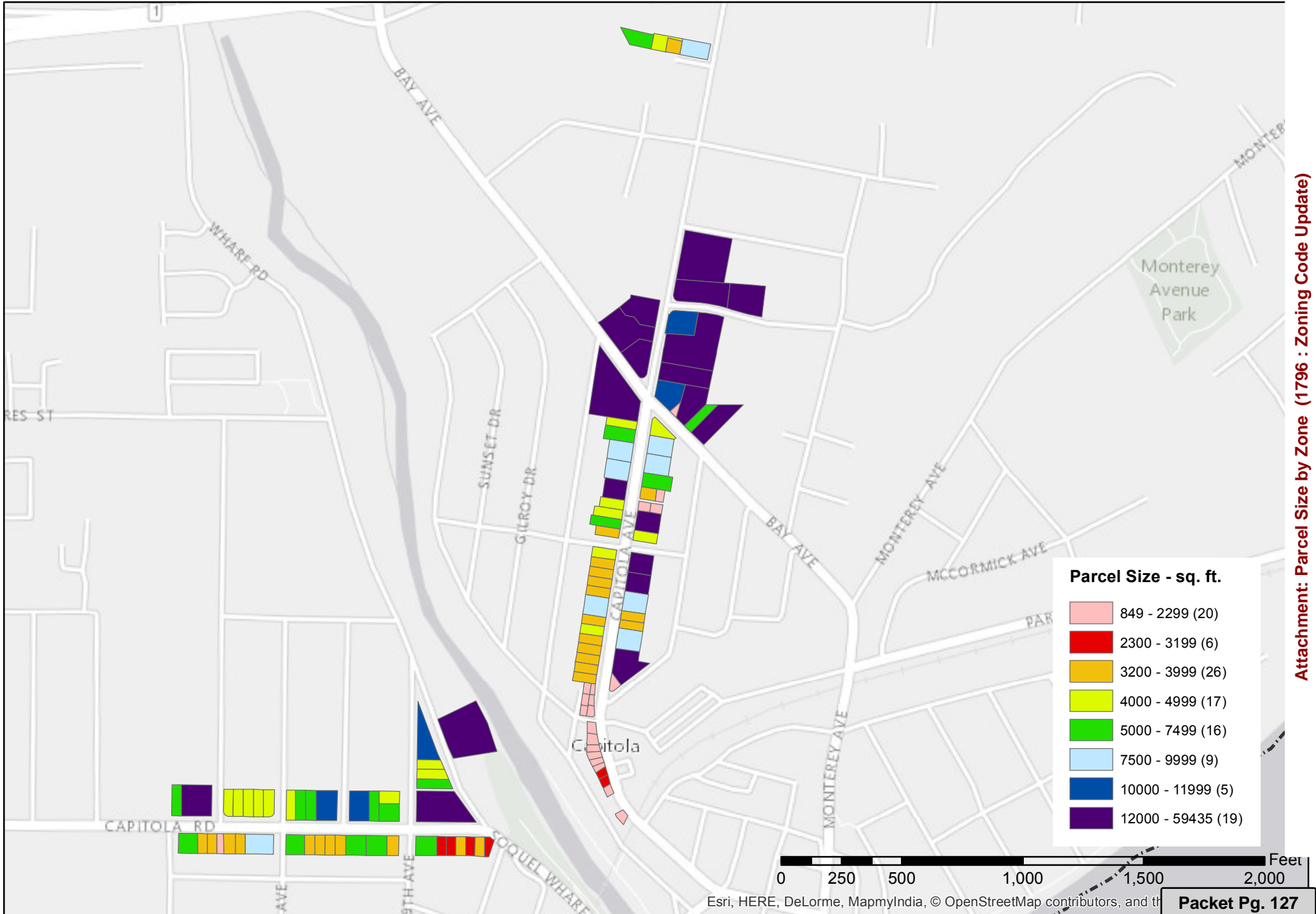
Single Family Residential Parcels



Attachment: Parcel Size by Zone (1796 : Zoning Code Update)



Neighborhood Mixed Use Parcels



Attachment: Parcel Size by Zone (1796 : Zoning Code Update)



ECONOMIC DEVELOPMENT
HOUSING AND COMMUNITY DEVELOPMENT DIVISION
337 LOCUST STREET, SANTA CRUZ, CA 95060 • 831-420-5150 • www.cityofsantacruz.com

**2016
ACCESSORY DWELLING UNITS
FEE WAIVER INFORMATION and APPLICATION**

Various types of City permit fees (see Exhibit "A" attached) may be waived in exchange for a property owner's agreement to restrict a new accessory dwelling unit ("ADU") for rent to a low or very-low income household. More fees are waived in exchange for an agreement to rent to very-low income households as opposed to low income households. *Estimated* 2016 fees for a 500 sq.ft. ADU are approximately \$13,978 (see Exhibit "B" attached). Please note that the list of fees may not be all inclusive. Check with the Building and Safety Division for a specific list of fees that apply to your project.

Prior to receiving a building permit, all ADU owners are required to execute and record an "Accessory Dwelling Unit Affordable Housing Declaration of Covenants and Land Use Restrictions - Fee Waivers". This document regulates the establishment, use and occupancy of the ADU, establishes the maximum allowable income of the tenant household, and the maximum rents that may be charged, based upon the level of affordability (see Exhibit C and D attached for 2016 levels). These restrictions are recorded against the property in perpetuity. Owners submit an annual compliance report to the City certifying the tenant household's income and the rents charged.

Owners wishing to remove the restrictions in the future must pay any previously waived fees.

In order to obtain fee waivers, owners must submit a Fee Waiver Application (attached).

Please note the following:

Under California Labor Code Section 1720(a) prevailing wage requirements apply to any public works project, defined to include any construction project "paid for all or in part out of public funds". Per Section 1720(b)(4) a construction project is paid for in part out of public funds when "fees...are paid, reduced, charged at less than fair market value, waived, or forgiven" by the City.

Accordingly, recipients of ADU fee waivers must require their contractors and sub-contractors to pay state prevailing wage rates to their employees. Fee waiver recipients are required to certify their compliance with this requirement.

For additional information, please contact the City's Housing and Community Development Division at 831-420-5109.

**EXHIBIT "A"
TYPES OF PERMIT FEES WAIVED**

Santa Cruz Municipal Code Section 24.16.300

Only units designated as very-low or low income are eligible for fee waivers. The following list may not include all fees specific to individual projects.

FEE TYPE	VERY-LOW INCOME (0% - 50% of median income)	LOW INCOME (51%-60% of median income)
Planning Application Fee (Only if project is 100% affordable)	X	X
Planning Plan Check Fee (Only if project is 100% affordable)	X	X
Building Permit Fee	X	
Building Plan Check Fee	X	
Parks Fee	X	
Water Connection Fee	X	X
Sewer Connection Fee	X	X
Fire Fee Application & Plan Check	X	
Parking Deficiency Fee (Only if located in the Downtown Parking District)	X	

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

EXHIBIT "B"
ESTIMATED 2016 ADU FEES

(Fees are approximate only and may vary for individual projects. Check with the Building and Safety Division for a list of fees specific to your project.)

FEE TYPE	AMOUNT
Planning Plan Check Fee	\$600.00
Building Permit Fees	\$3,275.00
Building Plan Check Fee	\$650.00
Parks Fee	\$1,500.00
Water System Development Charge	\$6,793.00
Sewer Connection Fee	\$900.00
Fire Fee	\$260.00
Total:	\$13,978.00

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

EXHIBIT "C"

2016
MAXIMUM ALLOWABLE VERY-LOW INCOME (50% AMI) BY HOUSEHOLD SIZE
AND
MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
ACCESSORY DWELLING UNITS
PER RESOLUTION NO. NS-22,856

BASED ON HCD INCOME LIMITS EFFECTIVE MAY 24, 2016¹

<u>VERY- LOW INCOME HOUSEHOLDS</u>		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size - Note 1	\$ 60,900	\$ 69,600
STEP 3 Very Low Income - Note 2 + 3 Maximum Allowable Household Gross Annual Income State HCD	\$ 33,550	\$ 38,350
STEP 4 Divide Step 3 by 12 Maximum Allowable Monthly Income	\$ 2,796	\$ 3,196
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 839	\$ 959

1. California Department of Housing and Community Development (HCD limits) effective May 24, 2016.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with the formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.

EXHIBIT “D”

**2016
 MAXIMUM ALLOWABLE LOW INCOME (60%AMI) BY HOUSEHOLD SIZE
 AND
 MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
 ACCESSORY DWELLING UNITS
 PER RESOLUTION NO. NS-22,856**

BASED ON HCD INCOME LIMITS EFFECTIVE MAY 24, 2016¹

LOW INCOME HOUSEHOLDS		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size--Note 1	\$ 60,900	\$ 69,600
STEP 3 Multiply Step 2 by 60%--Note 2 Maximum Allowable Household Gross Annual Income	\$ 36,540	\$ 41,760
STEP 4 Divide Step 3 by 12--Note 3 Maximum Allowable Monthly Income	\$ 3,045	\$ 3,480
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 914	\$ 1,044

1. California Department of Housing and Community Development (HCD limits) effective May 24, 2016.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

Chapter 17.80 – SIGNS

Sections:

17.80.010	Purpose and Applicability
17.80.020	Definitions
17.80.030	Permit Requirements
17.80.040	Rules of Measurement
17.80.050	Signs Allowed Without Permits
17.80.060	Prohibited Signs
17.80.070	General Sign Standards
17.80.080	Standards for Specific Types of Signs
17.80.090	Design Standards
17.80.100	Residential Signs
17.80.110	Temporary Signs
17.80.120	Adjustment to Sign Standards
17.80.130	Master Sign Program
17.80.140	Nonconforming Signs
17.80.150	Violations and Enforcement

17.80.010 Purpose and Applicability

- A. Purpose.** This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:
1. Support economically viable businesses serving city residents, workers, and visitors.
 2. Allow for signage that identifies businesses in a fair and equitable manner.
 3. Protect and enhance the aesthetic qualities of the city.
 4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
 5. Allow for a simple and streamlined sign permitting process.
- B. Applicability.** This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions

The following definitions apply to this chapter:

- A. Awning Sign.** A sign incorporated into, attached, or painted on an awning.

- B. Awning Face Sign.** A sign located on the sloping plane face of an awning.
- C. Awning Valance Sign.** A sign located on the valance of an awning perpendicular to the ground.
- D. Center Identification Sign.** A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. Construction Site Sign.** An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.
- F. Directory Sign.** An on-premise sign which shows the direction to or location of a customer entrance to a business.
- G. Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
- H. Monument Sign.** An independent, freestanding structure supported on the ground as opposed to being supported on the building.
- I. Projecting Sign.** Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.
- J. Roof Sign.** Any sign that is mounted on a roof or a parapet, of a building.
- K. Sidewalk Sign.** Movable or permanent business identification signs placed in or attached to a public sidewalk.
- L. Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.
- M. Sign Area.** See Section 17.80.040.A (Calculation of Sign Area).
- N. Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.
- O. Sign Face.** The area of a sign where sign copy is placed.
- P. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- Q. Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit Requirements



Note: This sections allows most signs to be approved by the Community Development Director through an Administrative Sign Permit. The existing Zoning Code requires Planning Commission approval for most signs

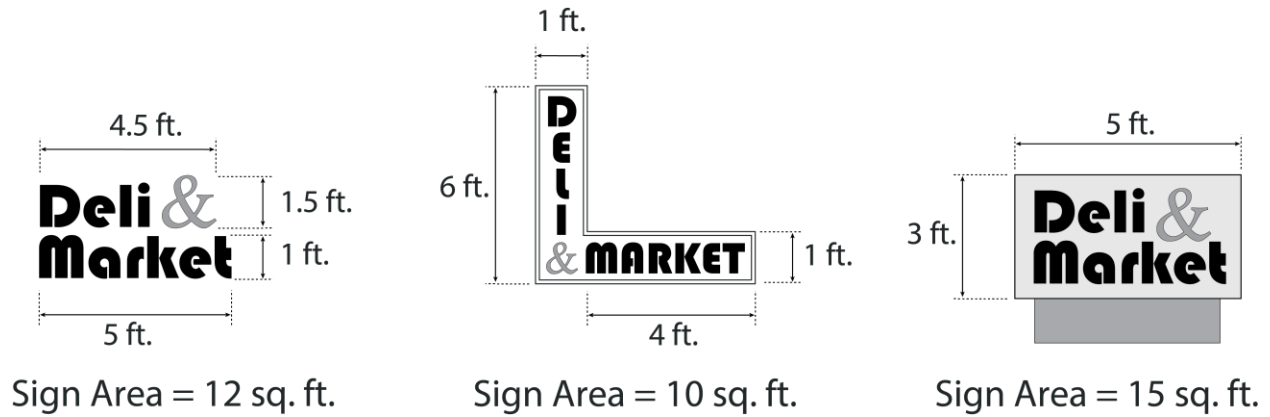
- A. Administrative Sign Permits.** An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:
1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without Permits).
 2. Signs requiring a Sign Permit as identified in Section B below.
- B. Sign Permits.** Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:
1. New signs in the Mixed Use Village (MU-V) zoning district.
 2. Exterior neon signs.
 3. Monument signs for more than four tenants.
 4. Auto dealership signs in the C-R zoning district (Section 17.80.080.A) that are not otherwise allowed with an Administrative Sign Permit.
 5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.120.E).
 6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for Specific Types of Signs)
 7. Master sign programs (Section 17.80.130).
- C. City-Installed Signs.** City-installed signs in all zoning districts do not require a permit.

17.80.040 Rules of Measurement

A. Calculation of Sign Area.

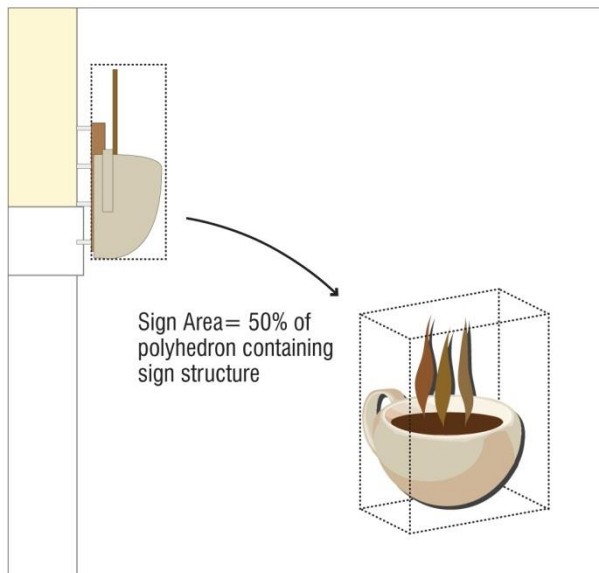
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

FIGURE 17.80-2: NON-PLANER SIGN AREA



B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs Allowed Without Permits



Note: This section expands the type of signs currently allowed without a permit in Section 17.57.030 of the existing Zoning Code.

- A. Types of Signs.** The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:
1. On-site directional signs which do not include commercial messages or images, not to exceed 3 feet in height and 6 square feet in area.
 2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” and other signs of a similar nature.
 3. Flags bearing noncommercial messages or graphic symbols.
 4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
 5. One bulletin board on a parcel occupied by a noncommercial place of public assembly, with a maximum area of 12 square feet.
 6. Political signs during an election period located outside of a public street, path, or right-of-way. Political signs may not exceed 32 square feet per unit.
 7. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
 8. Murals on the exterior of a building that do not advertise a product, business, or service.
 9. Official or legal notices required by a court order or governmental agency.
 10. Signs installed by a governmental agency within the public right-of-way, including signs advertising local nonprofit, civic, or fraternal organizations.
 11. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
 12. Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
 13. Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
 14. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential Signs).
 15. Temporary signs consistent with Section 17.80.110 (Temporary Signs).
 16. Vacation rental signs up to 8.5 inches by 11 inches. Existing rental signs shall be brought into compliance with this standard within one year from [effective date of Zoning Code].

17. Garage sale signs limited to the day of the garage sale.

- B. Building Permit Review.** Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.



Note: Ability to change the face of a sign without approval in Section C below is new to respond to legal requirements for sign regulations to be content neutral.

- C. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.
- D. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

17.80.060 Prohibited Signs



Note: This section expands the types of prohibited signs currently listed in Section 17.57.040 of the existing Zoning Code.

The following signs are prohibited:

- A.** Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
- B.** Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080.K (Sidewalk Signs).
- C.** Roof signs.
- D.** Signs emitting odors, gases, or fluids.
- E.** Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
- F.** Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
- G.** Animated signs, with the exception of clocks and barber poles.
- H.** Signs that emit sound.
- I.** Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
- J.** Signs which flash, blink, change color, or change intensity.
- K.** Beacons.
- L.** Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.

- M. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
- N. Signs adversely affecting traffic control or safety.
- O. Signs containing obscene matter.
- P. Signs with exposed raceways.
- Q. Signs attached to trees.
- R. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
- S. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080.A (Auto Dealership Signs).
- T. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
- U. Signs on public property not placed there by the public entity having the possessory interest in such property.
- V. All other signs not specifically permitted by or exempted from the requirements of this chapter.

17.80.070 General Sign Standards

- A. **Maximum Permitted Sign Area.** Table 17.80-1 identifies the maximum permitted cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

TABLE 17.80-1: SIGN AREA STANDARDS

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU -N	0.5 sq. ft. per linear foot up to 36 sq. ft. max
MU-N, C-R, C-C, I	1 sq. ft. per linear foot up to 50 sq. ft. max
VS, CF, P/OS [1]	As determined through Sign Permit
PD	As determined through the Development Plan

Notes:

Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

- B. Maintenance.** Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.
- C. Building Surface Repair.** When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.
- D. Illumination.**



Note: Limiting internal illumination to lettering, trademark, or logo in paragraph 1 below is new.

1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
 2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
 3. Exposed bulbs are not permitted.
 4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).
- E. Materials and Design.**
1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
 2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.
- F. Location and Placement.**
1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
 2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
 3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. [See Section 17.96.050 \(Intersection Sign Distance\).](#)
- G. Signs in the Public Right-of-Way.**
1. No sign shall be permitted in the public right-of-way, except for:

- a. Signs installed or required by a governmental agency.
 - b. Signs advertising local nonprofit, civic, or fraternal organizations with City Engineer approval.
 - c. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for Specific Types of Signs).
 - d. Sidewalk signs in the Village Mixed Use (MU-V) zoning district consistent with Section 17.80.080.G (Sidewalk Signs).
 - e. Shared auto dealership signs consistent with Section 17.80.080.A (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and Enforcement). The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
 3. [Signs in the public right-of-way may require City approval of an Encroachment Permit.](#)

17.80.080 Standards for Specific Types of Signs

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit [in accordance with Section 17.80.120 \(Adjustment to Sign Standards\)](#).

A. Auto Dealership Signs.

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the C-R zoning district with approval of a Sign Permit subject to the following standards:
 - a. Location: On or adjacent to an auto dealership land use.
 - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
 - c. Maximum Height: At or below roof line.
 - d. Maximum Area: 100 square feet
 - e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.
2. The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.80.110 (Temporary Signs) with the approval of a Sign Permit.

B. Awning Signs.

1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-2: AWNING SIGN STANDARDS

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign Permit Required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for awning signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for awning signs shall be established by the City Council in the Development Plan.

C. Monument Signs.

1. Standards for monument signs in each zoning district are as shown in Table 17.80-3.

TABLE 17.80-3: MONUMENT SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		
I			4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for monument signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for monument signs shall be established by the City Council in the Development Plan.

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign be placed at least 200 feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.80-5.
2. Directory signs may not be legible from adjacent public rights-of-way.
3. Directory signs shall identify the names of the occupant of the building or complex.

TABLE 17.80-5: DIRECTORY SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for directory signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for directory signs shall be established by the City Council in the Development Plan.

F. Wall Signs.

1. Standards for wall signs in each zoning district are as shown in Table 17.80-6.
2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
6. On a corner lot, one wall sign is allowed per street frontage.

TABLE 17.80-6: WALL SIGN STANDARDS

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for wall signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for wall signs shall be established by the City Council in the Development Plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

G. Projecting Signs.

- Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
- Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
- Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
- An encroachment permit must be obtained for all signs projecting over a public right-of-way.
- A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-7: PROJECTING SIGN STANDARDS

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for projecting signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for projecting signs shall be established by the City Council in the Development Plan.

H. Gas and Service Station Signs. ~~All signs associated with gas and service stations shall~~ In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards_.

1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing is permitted.
5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.
3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

TABLE 17.80-8: WINDOW SIGN STANDARDS

Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

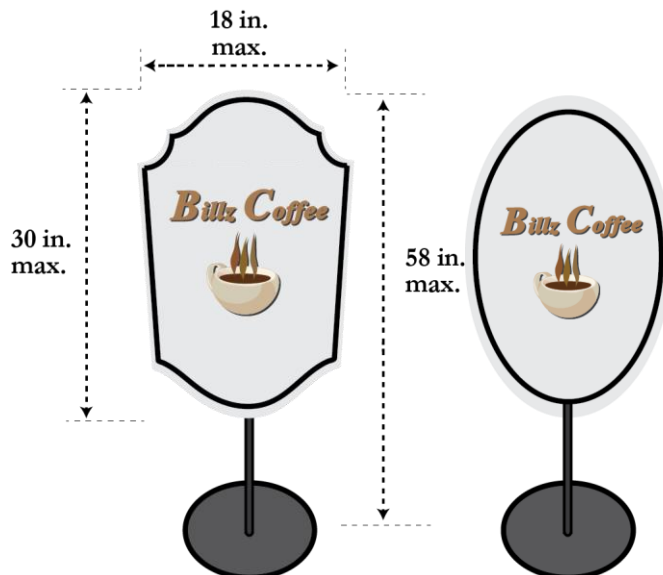
Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established by the City Council in the Development Plan.

K. Sidewalk Signs.

1. **Where Allowed.** Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. **Permits Required.**
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director. *[Option: The shape of the sign face must match the shape shown in Figure 17-80-3.]*
 - b. *Option: The Planning Commission may allow sidewalk signs that deviate from the approved BIA design illustrated in Figure 17-80-3 through the Adjustment to Sign Standards process in Section 17.80.120.*
 - c. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - d. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

FIGURE 17-80-3: SIDEWALK SIGN STANDARDS AND DESIGN CONCEPTS



3. **Dimensions.** Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

Zoning District	Sign Face			Entire Sign
	<u>Maximum Area</u>	Maximum Width	<u>Maximum Height</u>	Maximum Height [1]
MU-V	<u>3.75 sq. ft.</u>	18 in.	<u>30 in.</u>	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign

4. **Number of Signs.**

- a. Only one two-sided sidewalk sign per business establishment with direct access from the sidewalk is permitted.
- b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. **Materials and Design.**

- a. Sidewalk signs shall be attached to a cast iron metal pole. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of cast iron, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Signs faces be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. **Sidewalk Clearance.**

- a. The sidewalk in front of the business must be at least 78 inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. **Separation from Other Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.

8. **Display During Open Hours.** Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. Advertising Multiple Businesses. Individual signs may advertise more than one business.
10. Other Business Signage.
 - a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
 - ~~b.~~ All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.
 - ~~e.b.~~
- ~~11. Multi-tenant developments shall be permitted one sidewalk sign per each common exterior public business entrance.~~
- ~~12. Individual signs may advertise more than one business.~~

17.80.090 Design Standards



Note: Sign standards tailored to individual zoning districts in this section are new.

- A. Design Standards for Mixed Use Zoning Districts.** The following design standards apply to all signs in the MU-V and MU-N zoning districts.
1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
 2. Signs shall be coordinated with the overall façade composition, including ornamental details and other signs on the building to which it is attached.
 3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
 4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
 5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the façade or fixing positions) to protect the original building materials.
 6. Internally illuminated signs are prohibited in the MU-V zoning district. Internally illuminated signs are allowed in the MU-N zoning district only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
 7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
 8. Sign materials and colors shall be compatible with the period and style of building to which it is attached. Sign panels shall avoid the extensive use of primary color or significant areas of white or cream.

9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts.

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential Signs

A. General Standards. Dwelling units may display signs consistent with the following standards:

1. Maximum allowable sign area: 3 square feet per unit.
2. Maximum number of signs: 1 sign.
3. Permitted sign types: Window and wall signs.
4. The height of signs on fences shall not exceed the maximum permitted fence height in the applicable zone.
5. An Administrative Sign Permit is required if the sign requires a building permit; otherwise, no planning permit is required.
6. Illumination from non-ambient light sources is prohibited. Flashing, neon, and exposed bulb signs are prohibited.
7. Any and all protected non-commercial speech is permitted on a residential sign, including garage sale signs, nameplates, identification signs, and warning signs.

8. For home occupations and vacation rentals, one single wall-mounted outdoor sign of not more than 8.5 inches by 11 inches in area is permitted. Existing signs have one year from adoption of the Zoning Code by the City Council to meet this standard.

B. Multi-Unit Properties. In addition to the signs allowed for each dwelling unit, multi-unit properties may display one or more master signs subject to the following requirements:

1. [A master sign program \(17.80.130\) has been approved for the multi-unit property.](#)
2. Maximum allowable sign area: 20 square feet per property.
3. A master sign for a multi-unit property requires an Administrative Sign Permit.

17.80.110 Temporary Signs

A. Permitted Temporary Signs. Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-1 with approval of a Sign Permit.

TABLE 17.80-10 TEMPORARY SIGN STANDARDS

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/ Size	Maximum Duration
Auto Dealership Signs - Flags - Pennants - Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	30 continuous calendar days; no more than 120 days each calendar year
Commercial Banner Signs	Administrative Sign Permit	Non-residential uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs - Non-Residential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; Director may approve extension
Open House or model home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of open house.
Special Event	None	Special events open to the public (e.g., open studio)	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of special event house.
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

Attachment: Sidewalk Sign Ordinance (1796 : Zoning Code Update)

17.80.120 Adjustment to Sign Standards



Note: Ability for the Planning Commission to approve modifications to certain sign standards are new.

This section establishes procedures to allow the Planning Commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

- A. Permit Required.** Adjustments to sign standards allowed by this section requires Planning Commission approval of a Sign Permit.
- B. Permitted Adjustments.** The Planning Commission may allow adjustment to the following sign standards:
1. The type of sign allowed in non-residential zoning districts (e.g., awning signs, monument signs).
 2. Requirements for temporary signs.
 3. The maximum permitted sign area up to a 25 percent increase.
 4. The maximum permitted sign height up to 25 percent increase.
- C. Excluded Adjustments.** The Planning Commission may not use the sign standards adjustment process to approve deviations to the following sign standards:
1. Prohibited Signs (Section 17.80.060).
 2. All general Sign Standards (Section 17.80.070) except maximum permitted sign area (17.80.70.A).
 3. Maximum number of signs allowed per property.
 4. Residential signs (Section 17.80.100).
- D. Findings.** The Planning Commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve Sign Permit applications:
1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
 2. The sign will not adversely impact neighboring properties or the community at large.
 3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
 4. The sign will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
 5. The adjustment will not establish an undesirable precedent.

E. Low Visibility Commercial Properties.

1. In addition to adjustments allowed by subsection A through D above, the Planning Commission may allow additional adjustments to sign standards for low visibility properties in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.
2. Adjustments to sign standards for low visibility properties require Planning Commission approval of a Sign Permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
 - a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
 - b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.80.130 Master Sign Program

- A. **Purpose.** The purpose of the Master Sign Program is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.
- B. **Applicability.** A Master Sign Program is required for multi-family uses with more than one permanent sign proposed, and any non-residential development with four or more tenants.
- C. **Permit Required.** A Master Sign Program requires Planning Commission approval of a Sign Permit.
- D. **Applications.** Applications shall be filed with the Planning Department on the appropriate City forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the Department to clearly and accurately describe the proposed Master Sign Program.

E. Master Sign Program Contents. All Master Sign Programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.



Note: Design standards for master sign programs in Subsection F below which allow variety in the design of individual signs are new.

F. Design Standards.

1. Master Sign Programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of individual signs.
2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow a prohibited signs as identified in Section 17.80.060 (Prohibited Signs).

G. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
3. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

17.80.140 Nonconforming Signs

This section applies to all legally-established signs that do not conform to current requirements in this chapter.

A. Continuation.

1. Except as required by paragraph 2 below, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. A nonconforming sign must be brought into conformance with this chapter if the existing structure is increased beyond 50 percent of the floor area of the existing structure.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.

2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.



Note: Requirements to bring nonconforming signs into compliance in Subsection C below are new.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of 90 days or more.
2. The sign has sustained at least 50-percent damage to its structure.
3. The sign is located on a remodeled building façade.
4. The sign is relocated to a different lot or building.

17.80.150 Violations and Enforcement



Note: This section adds more detailed procedures for the removal of illegal signs currently addressed in Sections 17.57.130 and 140 of the existing Zoning Code.

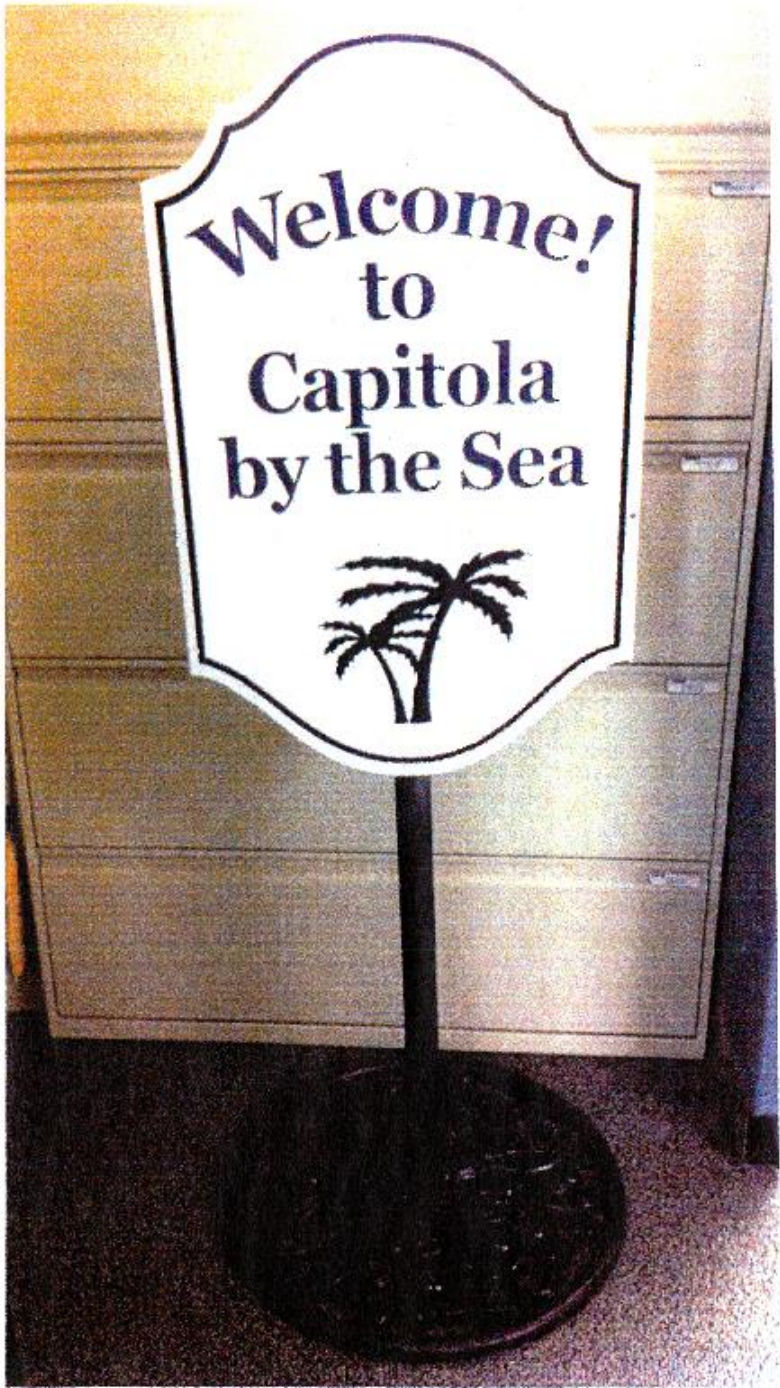
A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
 - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
 - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.

3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.

Copy of the approved BIA sidewalk sign maintained in the planning department of the City of Capitola.



Attachment: BIA Sidewalk Sign (1796 : Zoning Code Update)

Jacob and Alex Heintz

3895 Brommer St.
Capitola, Ca 95062
alexheintz33@yahoo.com

March 28, 2017

Capitola City Council
420 Capitola Ave.
Capitola, Ca 95010

To Whom it May Concern:

We would like to request that the zoning of our property at 3895 Brommer Street be changed from CC (Community Commercial) to RM-H (Multiple-Family High Density).

We are requesting this because we want to be able to make improvements on our property, consistent with the surrounding neighborhood. In this request, it would seem logical to make 3881, 3895, and 3891 all RM-H. The surrounding residences are already RM-H, and 3881 has always had two residences on it. Changing the zoning to RM-H would make it legal conforming.

Please see the attached maps. Thank you for your consideration.

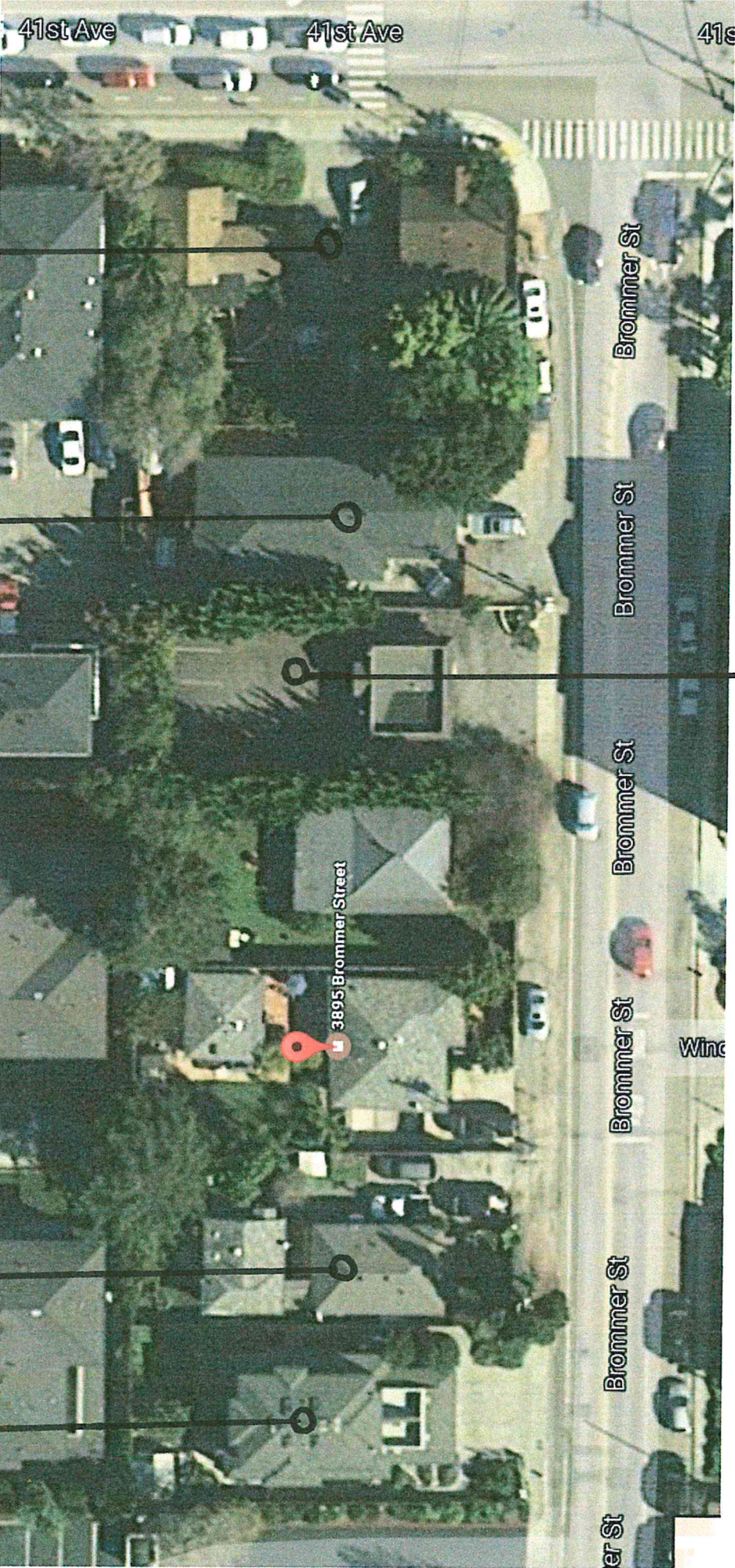
Sincerely,



Jacob Heintz



Alex Heintz



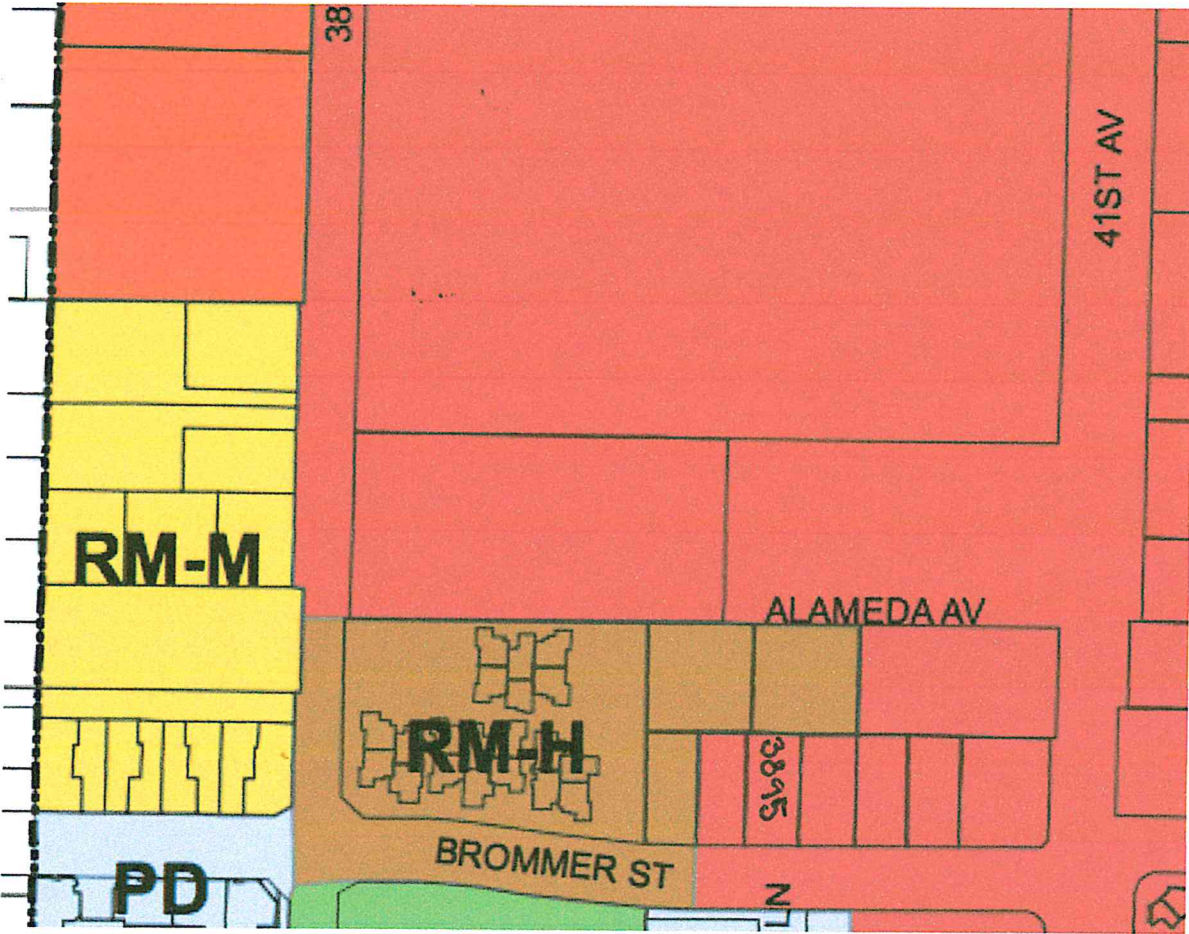
Multiple units

Multiple units

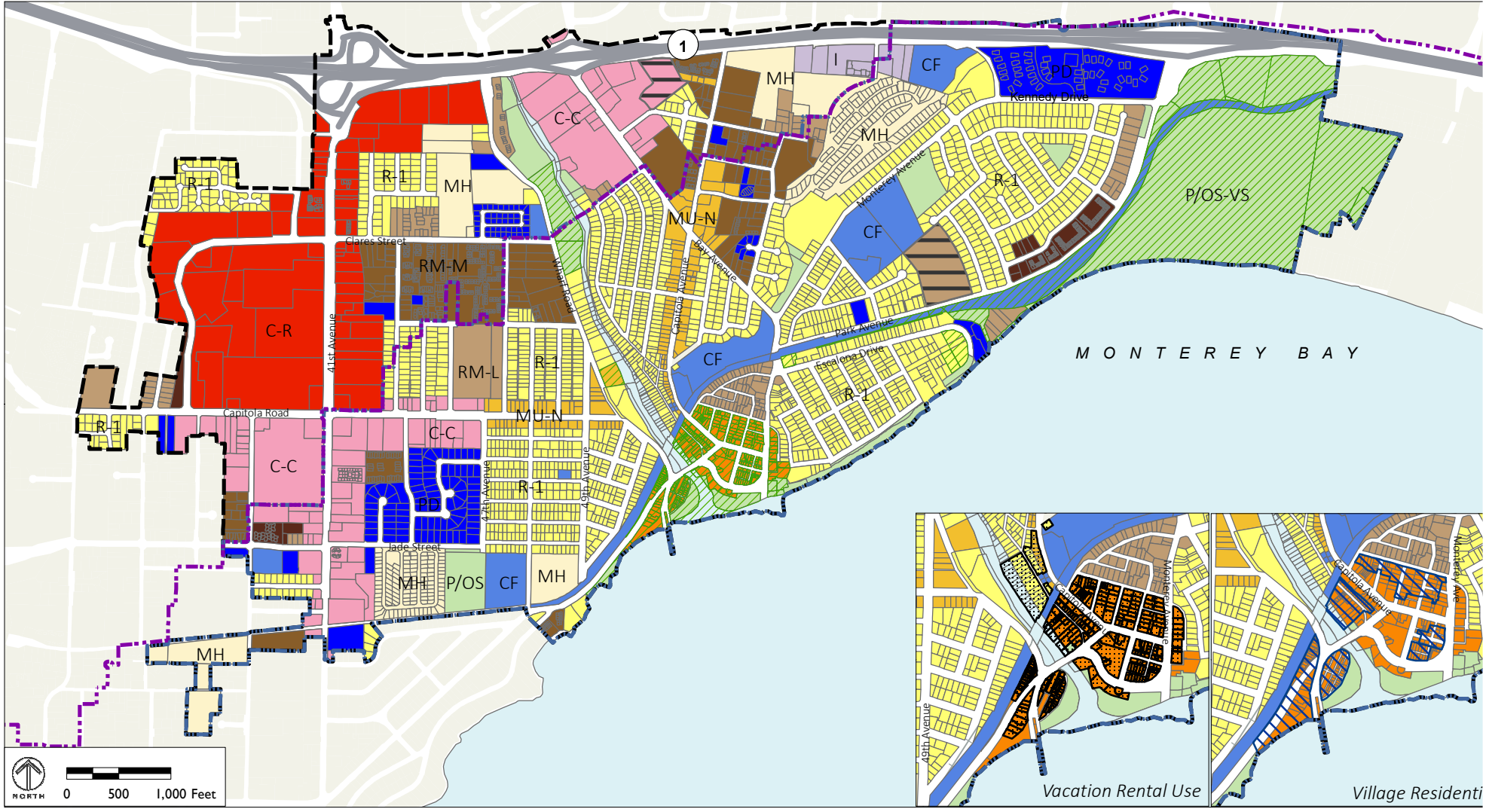
Multiple units

Multiple units

Proposed Development for Multiple units



CITY OF CAPITOL
ZONING CODE UPDATE



Attachment: Zoning Map (1796 : Zoning Code Update)



Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

Other Zoning Districts

- I - Industrial
- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

Overlay Zones*

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

City Limit

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017

*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.