



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, May 3, 2018 – 7:00 PM

Chairperson Sam Storey
Commissioners Linda Smith
 Ed Newman
 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. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Apr 5, 2018 7:00 PM

4. CONSENT CALENDAR

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

A. 110 Capitola Avenue Suite 1 #18-128 APN: 035-185-25

Sign Permit for a new sign for Mia Bella Adonic, a new boutique located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: GI 110 Capitola Ave, LLC

Representative: Kayla & Dee Dee Wilson, Filed: 03.23.2018

5. PUBLIC HEARINGS

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

A. 1350 49th Avenue #18-0050 APN: 034-068-14

Design Permit for a 670-square foot addition to an existing single-family residence with a variance for an encroachment into the side yard setback located at 1350 49th Avenue within the R-1 (Single-Family) 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: Rick Aberle

Representative: Stephen Lang, Filed: 01.26.2018

B. 318 Riverview Avenue #18-0045 APN: 035-172-18

Design Permit for demolition of an existing two-story single-family residence and construction of a new three-story single-family residence which includes a variance request for parking standards and open space located within the C-V (Central Village) 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: JDT Capital LLC

Representative: Derek Van Alstine, Filed: 01.24.2018

C. 2205 Wharf Road #18-0108 APN: 034-141-34

Minor land division to create two lots of record and design permit for a new single-family residence for the property located at 2205 Wharf Road in the RM-LM (Residential Multi-Family – Low-Medium Density) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Christopher Wright

Representative: Dennis Norton, Filed: 03.07.2018

6. DIRECTOR'S REPORT**1. Retail Marijuana Sales in Regional Commercial Zoning District**

Future amendment to the Capitola Zoning Code (Municipal Code Chapter 17) to allow retail cannabis sales within the Regional Commercial Zoning District with a Conditional Use Permit.

The Regional Commercial Zoning District is outside the Coastal Zone and therefore is not subject to Local Coastal Program Certification by the Coastal Commission.

Environmental Determination: Exempt

Property: All property within the Regional Commercial Zone within the City of Capitola

Representative: Katie Herlihy, Community Development Director, City of Capitola

7. COMMISSION COMMUNICATIONS**8. 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.



**FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
Thursday, April 5, 2018
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

All Commissioners were in attendance.

2. NEW BUSINESS

None.

3. ORAL COMMUNICATIONS

None.

A. Additions and Deletions to Agenda

None.

B. Public Comments

None.

C. Commission Comments

Chairperson Storey announced that Community Development Director Grunow was moving on the City of Coronado at the end of the month after five years with the City of Capitola. He thanked Director Grunow. Chairperson Storey also announced that Senior Planner Katie Herlihy will be taking over role of Community Development Director.

Commissioner Welch expressed his appreciation to Director Grunow for his work with the City of Capitola.

Commissioner Smith added her welcome to Senior Planner Herlihy.

Commissioner Westman will hold her comments until later.

D. Staff Comments

Director Grunow: Thank you for the kind words and to express gratitude to each of the Planning Commissioners. Katie will do a great job and keep the continuity.

4. APPROVAL OF MINUTES

A. Approval of draft March 1, 2018, Planning Commission minutes

1. Planning Commission - Regular Meeting - Mar 1, 2018 7:00 PM

Commissioner Westman abstain due to absence at meeting.

Moved by Commissioner Smith, seconded by Commissioner Welch

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Smith, Newman, Welch, Storey
ABSTAIN:	Westman

5. CONSENT CALENDAR

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

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

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

Environmental Determination: Categorical Exemption

Property Owner: Lisa and Mark Garrigues

Representative: Clark E Shultes

CONDITIONS OF APPROVAL

1. The project approval consists of demolition of the existing home and construction of a new 2,152-square-foot single-family residence. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,154 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #18-0085 shall be paid in full.

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

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

Senior Planner Herlihy provided the presentation.
 Chairperson Storey and Commissioner Welch recused themselves due to proximity and the meeting was turned over to Vice Chair Westman .
 Moved by Newman, seconded by Smith with a comment by Commissioner to staff.

RESULT:	APPROVED [3 TO 0]
MOVER:	Edward Newman, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Newman, Westman
RECUSED:	Welch, Storey

6. PUBLIC HEARINGS

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

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

CONDITIONS OF APPROVAL

1. The project approval consists of a new fence on the north and south property lines of 1098 38th Avenue. The fence on the north property line may extend 30-inches in height for the first 30-feet, then extend to six feet of height to the front façade of the main building, and then extend 8-feet in height, with no required lattice, to the rear property line. Along the south property line, the fence may extend 42-inches in height to the front façade of the first mobile home on the adjacent property, then extend to six feet of height to the front façade of the main building on 1098 38th Avenue, and then extend to 8-feet in height, with no required lattice, to the rear property line. A fence permit with an exception to the height and material requirements has been approved within this application.
2. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
3. Prior to issuance of building permit, all Planning fees associated with permit #18-052 shall be paid in full.
4. This permit shall expire 24 months from the date of issuance. The applicant shall have an construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

5. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

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

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

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

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

Senior Planner Herlihy gave the presentation.

Commissioner Newman recused himself and left the dais due to a financial relationship with the applicant .

Christopher _____, spoke on behalf of the representative of _____ for the Central California Alliance for Health.

Commissioner Welch had no real issues with the staff recommendation.

Commissioners Westman and Smith supported the staff recommendation.

Motion by Commissioner Smith, second by Commissioner Westman.

RESULT:	APPROVED [4 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Welch, Westman, Storey
RECUSED:	Newman

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

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

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

Environmental Determination: Categorical Exemption

Property Owner: Michael and Elizabeth Adams

Representative: Dennis Norton Filed: 10/10/17

CONDITIONS OF APPROVAL

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

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

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

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

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

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

FINDINGS

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

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

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

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

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

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

Coastal Findings

D. Findings Required

- 1. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:

- 2. Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
- a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 1725 48th Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 48th Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance

performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 48th Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
- The project is located in a residential area without sensitive habitat areas.

- b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
5. **Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
- 8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city’s architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**
- The project complies with the design guidelines and standards established by the Municipal Code.
- 9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola’s shoreline;**
- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola’s shoreline.
- 10. Demonstrated availability and adequacy of water and sewer services;**
- The project is located on a legal lot of record with available water and sewer services.
- 11. Provisions of minimum water flow rates and fire response times;**
- The project is located a short distance from the Capitola fire department. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
- The project is for the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
- 13. Provision of park dedication, school impact, and other fees as may be required;**
- The project will be required to pay appropriate fees prior to building permit issuance.
- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
- The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
- Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- 18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
- The project is not located in seismic areas, geologically unstable areas, or coastal bluffs. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
- The proposed project is not located along a shoreline.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
- This use is an allowed use consistent with the Single-Family zoning district.
- 22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- 23. Project complies with the Capitola parking permit program as follows:**
- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”

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

Assistant Planner Orbach gave the presentation.
 Commission Newman requested clarification on the loft shown on the plans.
 Chairperson Storey asked why plans show numerous new windows.
 Moved by Commissioner
 Seconded by Commissioner
 Smith one point of clarification garage door moves but what about the siding when the garage door moves.
 Representative Norton reviewed the proposal and responded to the questions from the Planning Commission.
 Commissioner Smith clear approval with those changes of the notations "with loft above," condition 1 also needs correction, and a typo to correct the 640 square feet, and also noting no changes taking place inside the main house.
 She also had a couple of condition questions: #21, add to condition #21 that it cannot be a vacation rental'; condition #22, building inspector also needs to be involved to inspect; concern about it turning into a loft in future ...
 Commissioner Westman in agreement.
 Commissioner Welch addressed the potential historic structures list. Was never mentioned. Is the barn even in the historical context?
 Commissioner Newman discussed historical context.
 Chairperson Storey in agreement in trying to preserve the unit in historical context and standards and conjectural features.
 Commissioner Smith moved approval with corrections and additional language, seconded by Commissioner Welch. Unanimous.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Smith, Newman, Welch, Westman, Storey

- C. 4201 Capitola Road #17-0441 APN: 034-121-36 & 37**
 Tentative Map for a three-lot subdivision, Design Permit for three new single-family homes, Variance request to allow encroachments into side yard setbacks, and demolition of two existing structures located at 4201 Capitola Road within the CN (Neighborhood Commercial) zoning district.
 This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
 Property Owner: Magnolia Tree Investments
 Representative: Matthew Thompson, Architect. Filed: 11.09.2017

FINDINGS

- A. There are no special circumstances applicable to subject property, such as size, shape, topography, location or surroundings, that would deprive the subject**

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

property of privileges enjoyed by other properties in the vicinity and under the same zoning classification.

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

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

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

Assistant Planner Orbach provided the presentation.

Deny the variance and approve the alternative plans submitted on April 5.

Representative Matthew Thompson of Thacher & Thompson Architects, addressed the Planning Commission and provided the background on the proposed project.

Chairperson Storey: roof eaves extend into the required side yard setbacks.

Commissioner Newman: minor concern with the last minute set of plans and the choice of residential.

Westman new zoning regulations would have required

Welch: has no issues without the variance

Smith: wrong project for the location

Storey: was supportive of the variance for the sake of housing

Newman: conditions addressed for a variance but under State law, you must make special findings

Commissioner Newman moved approval the alternate plan, without the variance, seconded by Commissioner Westman.

Roll call vote: 4 ayes to 1 no (Smith)

RESULT:	APPROVED AS AMENDED [4 TO 1]
MOVER:	Edward Newman, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Newman, Welch, Westman, Storey
NAYS:	Smith

7. DIRECTOR'S REPORT

Director Grunow reported that at the next City Council meeting of April 12, 2018, the City Council will consider a marijuana ordinance, seek direction on a framework for a future ordinance and how that would be set-up, including consideration of ballot initiative this November to assess a tax should the Council decide to allow retail sales of marijuana in the city. Director Grunow expressed his thanks to each of the Commissioners.

8. COMMISSION COMMUNICATIONS

None.

9. ADJOURNMENT

Approved by the Planning Commission

Jacqueline Aluffi, Clerk to the Commission

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MAY 3, 2018
 SUBJECT: **110 Capitola Avenue Suite 1 #18-128 APN: 035-185-25**

Sign Permit for a new sign for Mia Bella Adonic, a new boutique located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: GI 110 Capitola Ave, LLC

Representative: Kayla & Dee Dee Wilson Filed: 03.23.2018

APPLICANT PROPOSAL

The application is for one wall sign at the new boutique retail store Mia Bella – Adonic. The property is located at 110 Capitola Avenue Suite #1 in the Central Village (CV) zoning district.

DISCUSSION

Mia Bella - Adonic is a new retail business located at 110 Capitola Avenue Suite #1. The applicant is proposing to install one wall sign over the main window on the front façade of the store. The previous business did not have a wall sign; therefore, a new wall sign requires approval by the Planning Commission.

Wall Sign

The proposed wall sign is 81 inches wide by 25 inches tall. The sign will be comprised of one piece of solid redwood. The company name and logo will be engraved, painted, and sealed on the redwood. Each of the letters will be engraved providing depth within the sign, similar to the neighboring sign at Suite #2. The large raised letters will be two inches from the backing with the smaller font below raised one inch. The sign will be mounted directly to the stucco wall. No illumination is proposed.

The wall sign complies with all the wall sign standards, as outlined in §17.57.070.B and underlined below:

1. Each business shall be permitted only one wall sign.

Staff Analysis: The application includes one wall sign.

2. The size of each individual sign shall not be greater than one square foot of sign area for each one linear foot of business frontage.

Staff analysis: There are 20 linear feet of business frontage. The proposed wall sign is 16.25 square feet.

3. No such sign, including any light box or other structural part, shall project more than twelve inches from the building face.

Staff analysis: The proposed sign is two inches thick and will be attached directly to the building face.

4. Wall signs shall be mounted parallel to the building, unless otherwise approved by the planning commission.

Staff analysis: The sign will be mounted parallel to the building face.

5. No part of any such sign shall extend above the top level of the wall upon or in front of which it is situated. Any such sign which is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight feet. No permanent sign may be erected over any publicly dedicated walkway or street contrary to the building code.

Staff Analysis: The sign is proposed to be mounted directly to the wall above the window and well over the required eight foot minimum for overhead clearance.

6. No such sign shall list the products to be sold or the services to be provided by any business.

Staff Analysis: The sign includes the business logo and company name. It does not advertise any products or services sold.

There are three suites at 110 Capitola Avenue. Suite #2 has a wall sign above the window. The applicant is proposing a similar style sign that will be slightly larger in size. The sign at suite #2 is 24 inches tall by 75 inches wide. The proposed Mia Bella Adonic sign is 25 inches tall by 81 inches wide. Both signs will be located over the large picture windows along the street providing continuity in the appearance from the street.

CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves signs on a commercial property in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission approve the sign permit for application #18-0128, based upon the following findings and conditions:

CONDITIONS

1. The project approval consists of a 81 inch wide by 25 inch tall wall sign at the Mia Bella – Adonic at 110 Capitola Avenue Suite #1. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3rd, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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.

3. Prior to issuance of building permit, all Planning fees associated with permit #18-0128 shall be paid in full.
4. 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.
5. 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
6. 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.
7. 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.
8. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

- A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed signs will secure the purpose of the zoning ordinance and general plan.
- B. The application will maintain the character and integrity of the neighborhood.**
Community Development Department Staff and the Planning Commission have reviewed the signs and determined that the signs maintain the character and integrity of the Central Village.
- C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
The signs are proposed on an existing commercial building in the Central Village. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS:

1. 110 Capitola Avenue Sign Plan
2. 110 Capitola Ave - Multi Tenant Street View

Prepared By: Katie Herlihy
Senior Planner



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Santa Cruz, CA 95060
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Designer: Stephanie Russell
Stephanie Russell
CA State Contractor's Lic. # -
965016
Revision: ??

CUSTOMER

Mia Bella Adonic

SIGN LOCATION

110 Capitola Avenue
Capitola, CA 95010

CONTACT

Dee Dee Wilson
408-731-0114
DWilson@MiaBellaBoutique.com

NOTE: This is an original unpublished drawing, created by Santa Cruz Signs. It is submitted for your personal use in connection with a project being planned for you by Santa Cruz Signs. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied, photographed, exhibited or used in any fashion without the express written permission of Santa Cruz Signs.

The colors shown in this layout are not intended to match customer's final printed product.



Bottom of sign 10' to grade

14 sq. ft.



81" wide x 25" high x 2" thick single-sided sandblasted kiln-dried Western Red Cedar sign.
Text and border raised and painted to match Pantone 121
Natural redwood stain background.



Attachment: 110 Capitola Avenue Sign Plan (110 Capitola Avenue Suite 1)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MAY 3, 2018
 SUBJECT: **1350 49th Avenue #18-0050 APN: 034-068-14**

Design Permit for a 670-square foot addition to an existing single-family residence with a variance for an encroachment into the side yard setback located at 1350 49th Avenue within the R-1 (Single-Family) 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: Rick Aberle
 Representative: Stephen Lang, Filed: 01.26.2018

APPLICANT PROPOSAL

The applicant is proposing to construct an addition, consisting of a one car garage with one bedroom above it and a small room at the base of the new stairway, to an existing, single-story, single-family residence located at 1350 49th Avenue within the R-1 (Single-Family) zoning district. The applicant is requesting a variance for the proposed garage to extend 13 inches into the side yard setback.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on March 28th, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: stated that the applicant is required to update the site plan to show the edge of pavement, verify the existing planter location(s), note that the planters will not be relocated, and note that the existing parking in front of the property will not be removed. Applicant must also clarify if a new driveway approach is proposed and submit a site plan showing the existing, replaced, and proposed square footage of all impervious areas (buildings, covered porches, patios, walkways, and driveways).

Building Inspector, Nelson Membreno: noted that the clearance in the building is fine.

Local Architect, Frank Phanton: liked the design and appreciated where it was located in terms of protecting neighbor's privacy.

Assistant Planner, Matt Orbach: had no comments.

Following the Architectural and Site Review hearing, the applicant provided information that addressed the Public Works questions and concerns.

DEVELOPMENT STANDARDS

With the exception of the side setback encroachment, for which a variance was requested, the proposed project complies with all development standards for the R-1 (Single-Family Residential) zoning district, as outlined in the following table:

R-1 (Single-Family Residential) Zoning District

Development Standards				
Building Height	R-1 Regulation		Proposed	
	25 ft.		22 ft.	
Floor Area Ratio (FAR)				
Lot Size	3,216 sq. ft.			
Maximum Floor Area Ratio	57% (Max: 1,833 sq. ft.)			
First Story Floor Area	1,454 sq. ft.			
Second Story Floor Area	379 sq. ft.			
TOTAL FAR	1,833 sq. ft. (57%)			
Yards (setbacks are measured from the edge of the public right-of-way)				
	R-1 Regulation		Existing	Proposed
Front Yard 1st Story	15 ft.		11 ft. 6 in. Existing Nonconforming	11 ft. 6 in. Existing Nonconforming
Front Yard 2nd Story & Garage	20 ft.		N/A	21 ft 6 in & 26 ft.
Side Yard 1st Story	10% lot width	Lot width: 67 ft 7 in. 6 ft. 9 in. min.	14 ft. (North) 0 ft. (South) Existing Nonconforming	5 ft. 9 in. (North) Variance Requested 0 ft. (South) Existing Nonconforming
Side Yard 2nd Story	15% of width	Lot width: 67 ft 7 in. 10 ft. 2 in. min	N/A	33 ft. 7 in. (South) 10 ft. 11 in. (North)
Rear Yard 1st Story	20% of lot depth	Lot depth: 50 ft. 10 in. 10 ft. 2 in. min.	10 in. Existing Nonconforming	10 in. Existing Nonconforming
Rear Yard 2nd Story	20% of lot depth	Lot depth 50 ft. 10 in. 10 ft. 2 in. min	N/A	10 ft. 2 in.
Encroachments (list all)	Side Setback		13 in. garage encroachment Variance Requested	
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			Required	

in area	
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DISCUSSION

The existing residential development at 1350 49th Avenue is a one-story, nonconforming, single-family home. The applicant is proposing to construct a one-car garage with one bedroom above it on the northern side of the lot. The lot is located in the Jewel Box neighborhood at the intersection of Topaz Street and 49th Avenue. Residential structures in the area include one- and two-story single-family homes and the Surf and Sand Mobile Home Park.

The proposed addition includes a new 226 square foot one-car garage, a 379 square foot second story living space above the garage, and a 61 square foot addition to the first story to accommodate a hallway and the stairwell to the second story. The total new area added to the home is 666 square feet. The second story living space includes a master bedroom, master bath, and closet.

The addition features horizontal wood siding that will be painted Coronado Moss green to match the existing home and has white trim in the eaves. The roof will have composition shingles similar to the roof on the existing structure.

Nonconforming Structure

The existing home is a nonconforming structure due to the home being partially located within side and rear yard setbacks. The proposed project was reviewed by the building official and does not exceed eighty percent of the present fair market value of the structure, as calculated under Capitola Municipal Code (CMC) §17.72.070 "Permissible structural alterations." The proposed addition is a permissible structural alteration to the nonconforming structure.

Variance

The applicant is requesting a variance to allow a 13-inch encroachment into the side setback so that the garage can provide the required 10 foot by 20 foot clear space inside.

Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

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

Staff finds that the following special circumstances are applicable to the subject property:

- A. The lot has a very irregular shape as a four-sided polygon with no parallel sides. Typical lots in the Jewel Box neighborhood are rectangular shaped and approximately 40 feet wide by 80 feet deep. The subject lot is unique in that it is wide but lacks depth. The frontage is 60 feet wide and the side lot lines are 30 feet deep on the south side and 71 feet deep on the north side. The required 15 feet front yard setback and 20 percent rear yard setback result in a very limited allowed building footprint elongated within the center

of the lot. The unique lot shape provides an atypical area in which to locate a rectangular garage.

- B. Most properties in the vicinity and zone in which the property is located are able to accommodate the required 10 foot by 20 foot covered parking space due to the fact that they are regularly shaped. Granting the variance will allow the applicant to enjoy the same privilege as those properties.

CEQA

Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development when the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The proposed project is consistent with the in-fill development exemption and no adverse environmental impacts were discovered by Planning Staff, the Architectural and Site Review Committee, or the Planning Commission during review of the proposed project.

RECOMMENDATION

Staff recommends approval of application #18-0050 for the addition to the single family home, including with a variance to allow a 13-inch encroachment into the side setback, based on the finding and conditions of approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a 666 square foot addition that includes a new 226 square foot one-car garage, a 379 square foot second story living space above the garage, and a 61 square foot addition to the first story to accommodate a hallway and the stairwell to the second story with a variance for the side yard setback at 1350 49th Avenue within the R-1 (Single-Family Residential) zoning district. The maximum Floor Area Ratio for the 3,216 square foot property is 57% (1,833 square feet). The total FAR of the project is 57% with a total of 1,833 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #18-0050 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development

Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

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 construction of a 666 square foot addition with a variance for the side yard setback and the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The project would comply with all other development standards of the Single-Family Residential Zoning District.

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 the construction of a 666 square foot addition with a variance for the side yard setback. The new residence will blend in with the adjacent structures while maintaining the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development meeting the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The project involves a 666 square foot addition to an existing 1,167 square foot, one-story, single-family residence in the R-1 (Single Family) zoning district. The project meets all of the criteria listed above and 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 circumstance applicable to the property is that the subject property is the irregular shape of the lot that prohibits the owner from being able to provide a 10 foot by 20 foot covered parking space within the required setbacks.

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 grant of a variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Most properties in the vicinity and zone in which the property is located are able to accommodate the required 10 foot by 20 foot covered parking space due to the fact that they are regularly shaped. Granting the variance will allow the applicant to enjoy the same privilege as those properties.

COASTAL FINDINGS

D. Findings Required.

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall**

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

- a. **Project Effects on Demand for Access and Recreation.** Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
 - The proposed project is located at 1350 49th Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. **Shoreline Processes.** Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along 49th Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 49th Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
 - The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
 - The project is located on a flat lot.
- c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
- d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

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

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

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

SEC. 30222

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

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

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

SEC. 30223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Project complies with water and energy conservation standards;

- The project is for an addition to 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.

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

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

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

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

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

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

16. Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- 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.

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

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

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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

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

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

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

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

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

ATTACHMENTS:

1. Full Plan Set - 1350 49th Ave
2. Materials Board - 1350 49th Ave

Prepared By: Matt Orbach
Assistant Planner

RICK
ABERLE
1350 49th AVE
CAPITOLA, CA 95009

REGIONAL CONSULTANT
JOHN HOFACRE
ARCHITECT
1350 49th AVE
CAPITOLA, CA 95009
831-426-2468

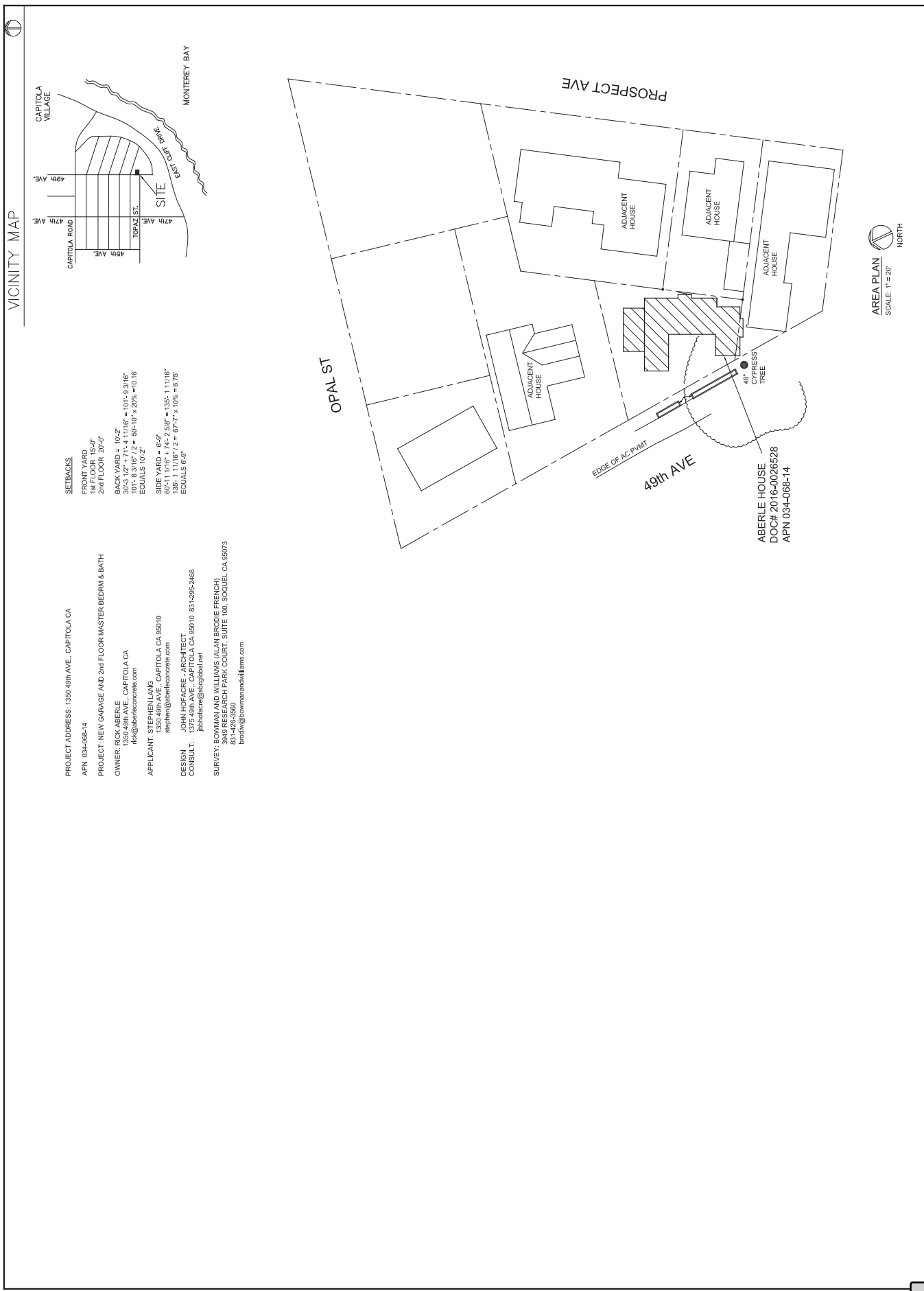
DRAWING DATE
3/7/18

NO.	DESCRIPTION	DATE

ABERLE RESIDENCE ADDITION/REMODEL
1350 49th AVE, CAPITOLA, CA
COVER SHEET & PROJECT DATA

SHEET
1

5.A



RICK
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CAPITOLA, CA 95009

DESIGN CONSULTANT
ARCHITECT
CAPITOLA, CA 95009
831-292-2488

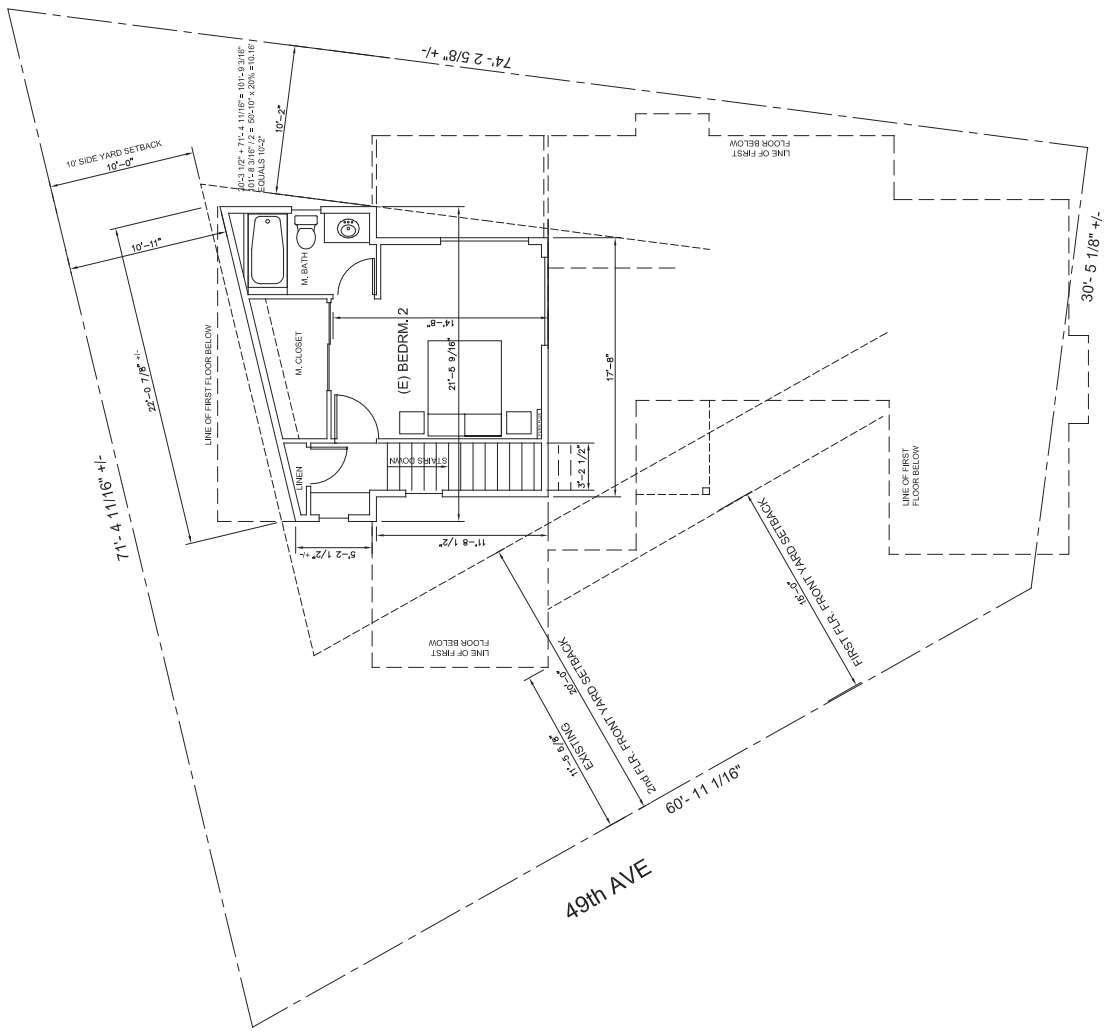
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3/7/18

REVISIONS	No.	DESCRIPTION	DATE

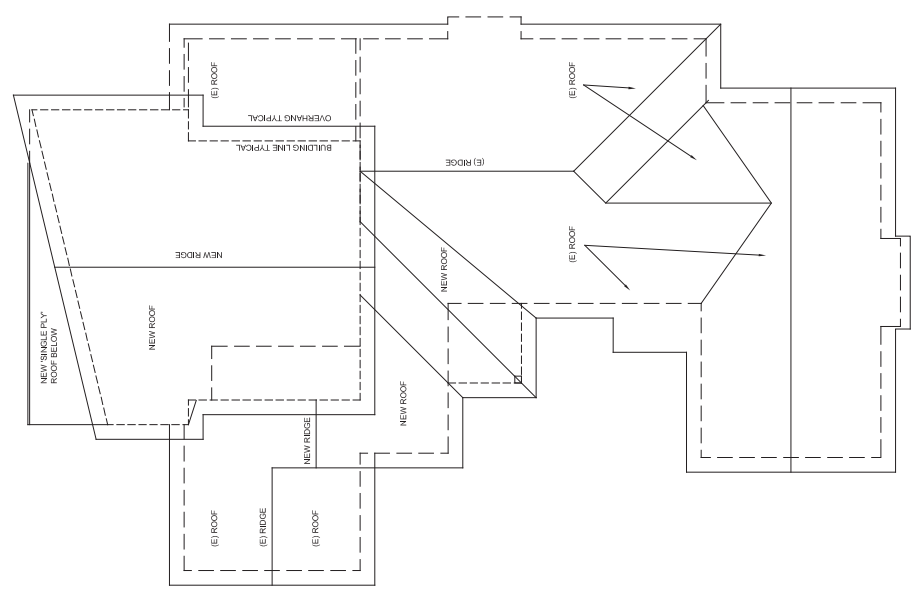
1350 49th AVE, CAPITOLA CA
ABERLE RESIDENCE ADDITION/REMODEL

SHEET
4

5.A

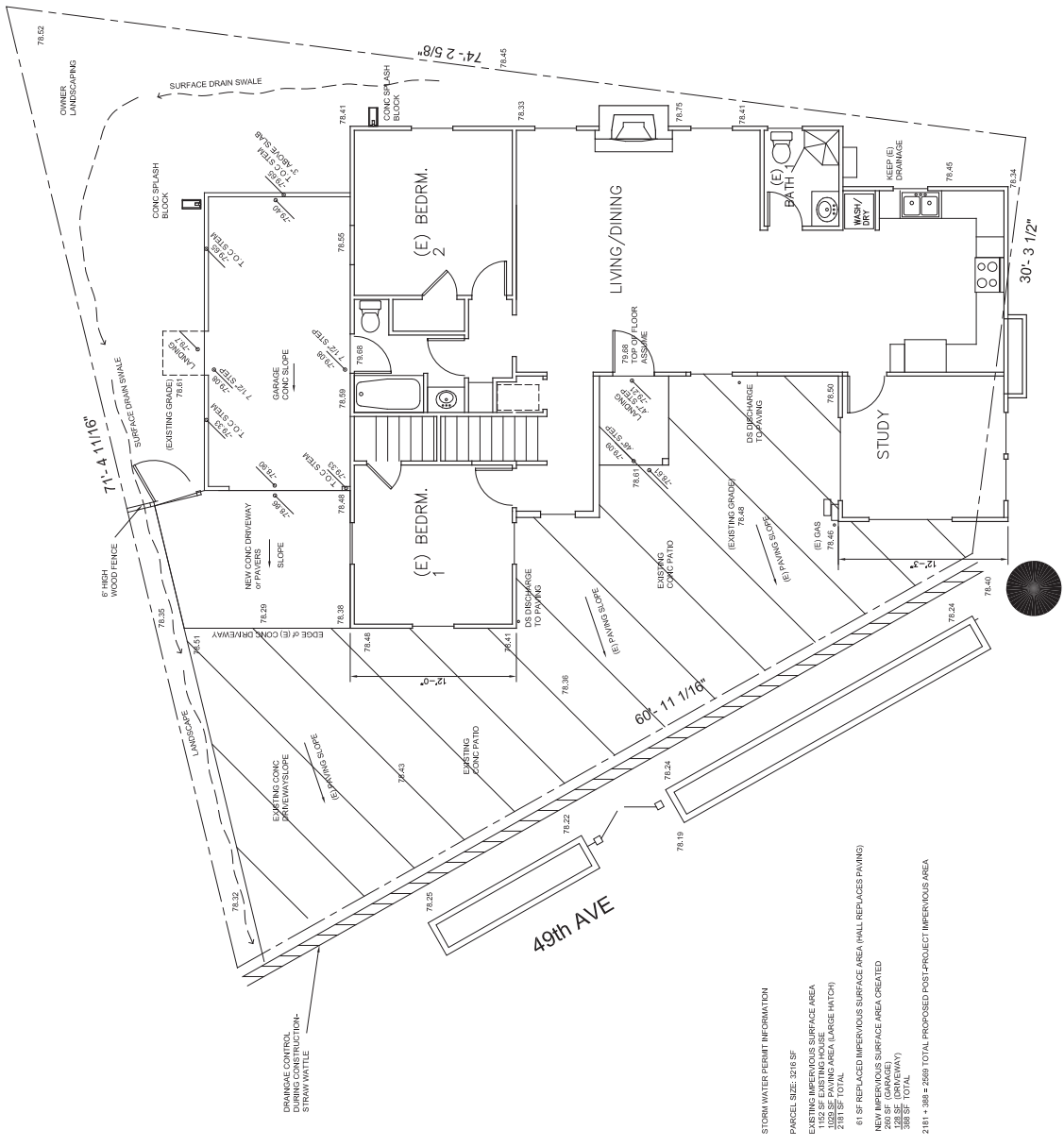


1 SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



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

REVISIONS	No.	DESCRIPTION	DATE
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STORM WATER PERMIT INFORMATION

PARCEL SIZE: 3216 SF
 EXISTING IMPERVIOUS SURFACE AREA: 1026 SF (PAVING AREA, LARGE MATCH)
 2181 SF TOTAL

61 SF REPLACED IMPERVIOUS SURFACE AREA (PALL REPLACES PAVING)
 NEW IMPERVIOUS SURFACE AREA CREATED:
 280 SF (GARAGE)
 280 SF (DRIVEWAY)
 381 SF TOTAL

2181 + 389 = 2569 TOTAL PROPOSED POC PROJECT IMPERVIOUS AREA

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

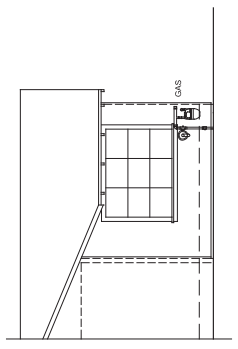
RICK
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CAPITOLA, CA 95009

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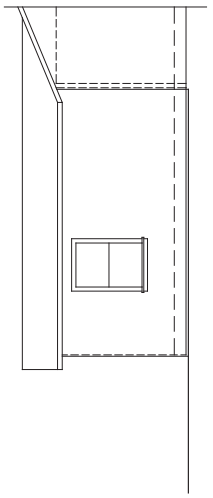
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3/7/18

NO.	DESCRIPTION	DATE

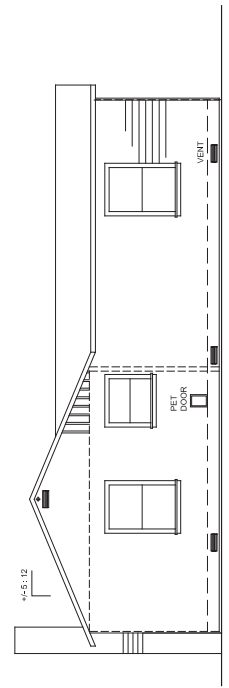
ABERLE RESIDENCE ADDITION/REMODEL
1350 49TH AVE, CAPITOLA CA



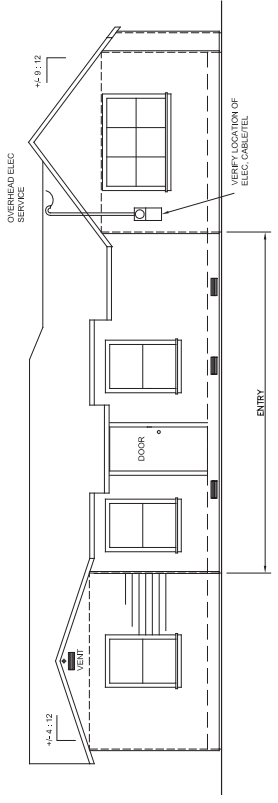
5 NORTH - ENTRY
SCALE: 1/4"=1'-0"



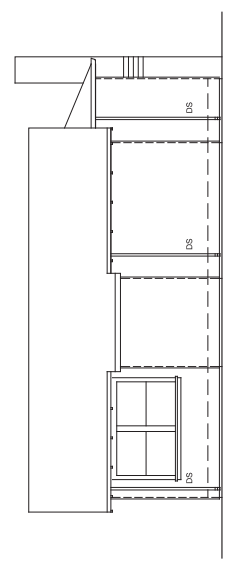
6 SOUTH - ENTRY
SCALE: 1/4"=1'-0"



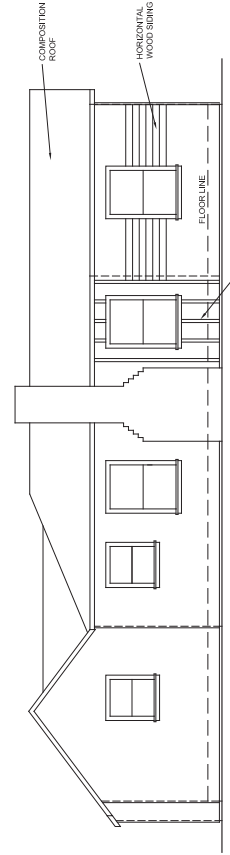
4 NORTH
SCALE: 1/4"=1'-0"



3 WEST - STREET SIDE
SCALE: 1/4"=1'-0"



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



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

EXISTING ELEVATIONS

SHEET 6

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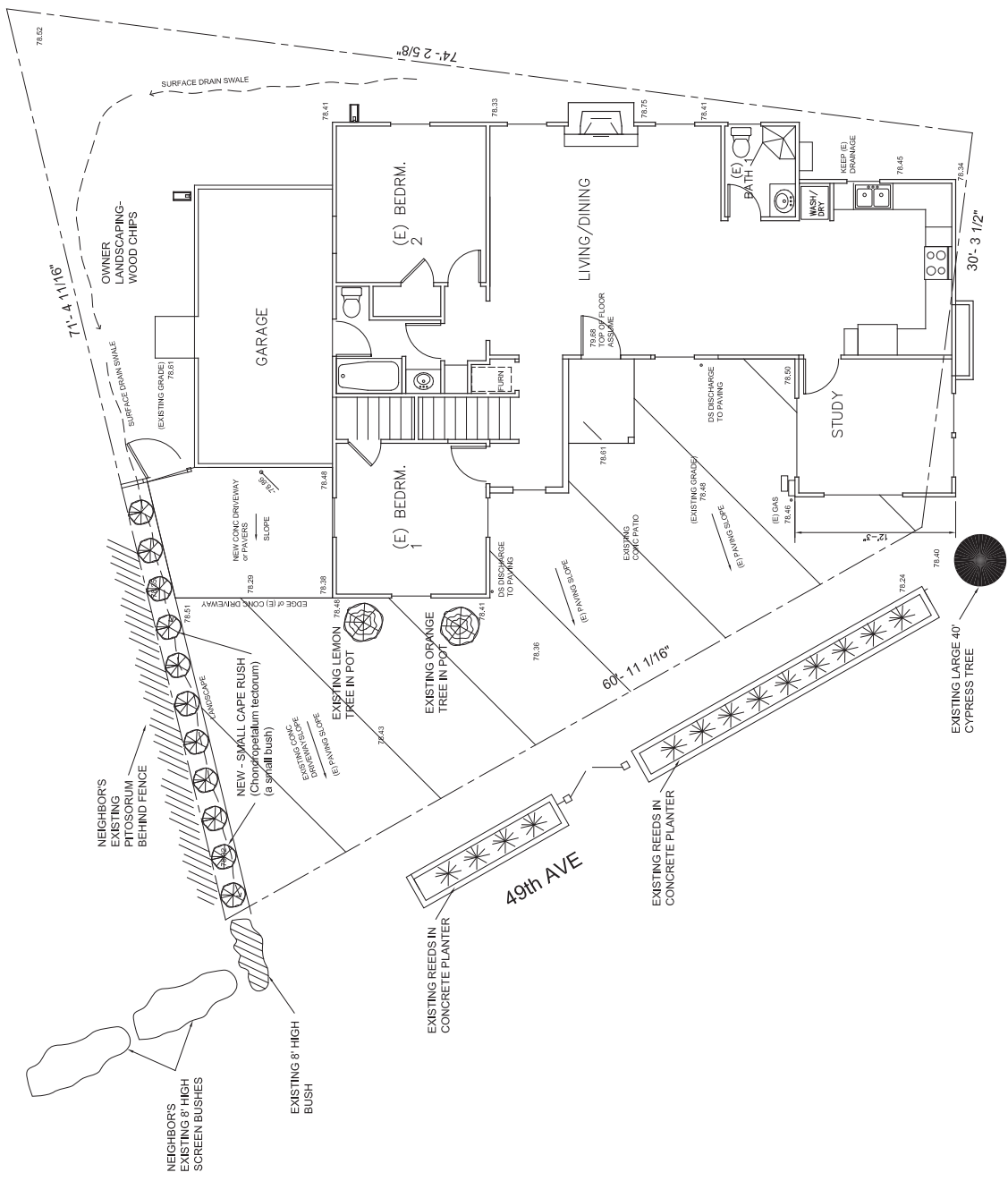
DRAWING DATE
3/7/18

REVISIONS	No.	DESCRIPTION	DATE

1350 49th AVE, CAPITOLA CA
ABERLE RESIDENCE ADDITION/REMODEL

SHEET 8

5.A



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

COMPOSITION ROOF
SIM. TO EXISTING (E)



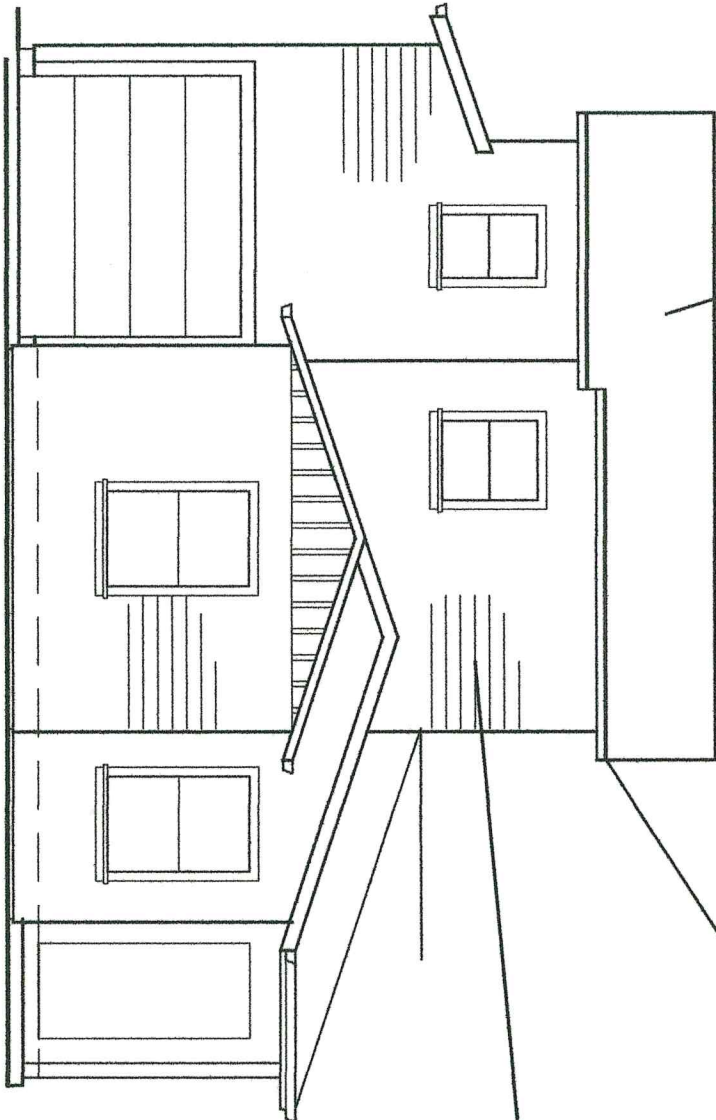
'OGEE' GUTTER
& TRIM/FASCIA
(PAINTED-COLOR)

HLS4202
Frank Lloyd White

WOOD SIDING-SIM (E)
& DOWN SPOUT
PAINTED_ KELLY-MOORE

HLS4218-3
Coronado Moss

WHITE FRAME VINYL
WINDOW SIM. TO (E)



ABERLE ADDITION REMODEL
1750 49th AVE., CAPITOLA CA
APN 034-068-14

JOHN HOFACRE
ARCHITECT
CAPITOLA, CA
1/21/18



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MAY 3, 2018
 SUBJECT: **318 Riverview Avenue #18-0045 APN: 035-172-18**

Design Permit for demolition of an existing two-story single-family residence and construction of a new three-story single-family residence which includes a variance request for parking standards and open space located within the C-V (Central Village) 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: JDT Capital LLC
 Representative: Derek Van Alstine, Filed: 01.24.2018

APPLICANT PROPOSAL

The applicant is proposing to demolish an existing two-story, single-family residence and construct a new three-story, single-family residence at 318 Riverview Avenue within the C-V (Central Village) zoning district. The application includes a variance for the number of required parking spaces, parking space dimensions, and required open space.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on March 28th, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: asked the applicant to identify the storm drains that that downspouts drain to and any roof encroachments into the adjacent easement or the public right-of-way on the plans. Ms. Uharriet also informed the applicant that the flagstone patio shown on the plans would have to be removed because no improvements are allowed in the PG&E easement in the rear alleyway and suggested contacting PG&E regarding any guy lines that are proposed to be relocated.

Building Inspector, Nelson Membreno: informed the applicant the fire sprinklers will be required for this project.

Local Architect, Frank Phanton: had no comments.

Assistant Planner, Matt Orbach: had no comments.

Following the Architectural and Site Review hearing, the applicant submitted revised plans showing the removal of the flagstone patio in the PG&E easement and the location of the storm drains to which the downspouts will drain.

Zoning Review

Development Standards		
Lot Size	737 sq. ft.	
Total Floor Area - Existing	1,127 sq. ft.	
Total Floor Area - Proposed	2,085 sq. ft.	
Building Height	Proposed Height	
CV Regulation – 27 ft.	27 ft.	
Lot Coverage		
Sufficient space for required parking	No. Variance Requested.	
Small lots within Riverview Avenue residential overlay district on north side of Riverview Avenue shall allow 90% development of the lot without any specific setback requirements. 10% open space shall be located in the front part of the lot.	Required Open Space: 10% of lot or 74 sq. ft.	Proposed Open Space: 0% of lot or 0 sq. ft. Variance Requested
Yards		
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.	Required Open Space: 10% of lot or 74 sq. ft.	Proposed Open Space: 0% of lot or 0 sq. ft. Variance Requested
Parking		
	Required	Proposed
Residential (from 2,001 up to 2,600 sq. ft.)	<u>3</u> spaces total <u>1</u> covered <u>2</u> uncovered	<u>2</u> spaces total <u>2</u> covered (both substandard) <u>0</u> uncovered Variance Requested
When a substantial remodel or reconstruction of a building is done for reasons other than fire or natural disaster, parking requirements for the entire structure shall be provided.	Variance Requested	
Underground Utilities – required with 25% increase area	Required.	

DISCUSSION

The applicant is proposing to demolish an existing two-story, single-family residence and construct a new three-story, single-family residence which includes a variance request for parking standards and open space. The property is located in the Riverview Avenue Residential Overlay District and the Old Riverview Historic District in the C-V (Central Village) zoning district. This section of Riverview Avenue, between the railroad trestle and Stockton Avenue, is made up of one, two, and three story single-family homes and condos. It is a dense neighborhood with very little parking, many historic homes, many nonconforming structures, and little or no setbacks between buildings.

The existing two-story residence is 1,127 square feet. The proposed three-story residence is 2,085 square feet. The structure is rectangular in shape with a recessed entry way on the first story and a deck on the stepped third story. The proposed siding is cement plaster on the first story with board and batten on the second and third story. The proposed residence would be compatible with the size and style of structures in the neighborhood. The applicant will present a streetscape of the project at the Planning Commission hearing to show the proposed front elevation relative to the two adjacent structures.

Variance

The applicant is requesting a variance to the number of parking spaces, parking dimensions, and open space standards for the C-V zone. Three spaces are required for the single-family home, one of which must be covered. Interior (covered) spaces are required to be 10 feet by 20 feet clear, as measured from the interior wall surfaces. The application includes two covered spaces that do not comply with the minimum dimension requirements.

Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

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

Parking Standards

Staff finds that the special circumstances applicable to the subject property is the substandard lot size and lot dimensions. The lot is 19 feet wide by 39 ½ feet deep. The applicant is proposing two spaces in tandem. Two twenty-foot-deep spaces in tandem cannot be achieved on the 39 ½ feet lot depth. The applicant is proposing two interior spaces that are 18 feet deep by 10 feet wide.

Residents up to 2,000 square feet in floor area are required to have two parking spaces. The proposed home has a floor area of 2,085 square feet and requires a third parking place. A third parking space cannot be achieved within the lot. Riverview Avenue is challenged with very limited on street parking. Staff has concerns with allowing a variance for the required third parking space due to the impacts to street parking.

Staff researched the previous planning permits for 300 block of Riverview. Attachment 2 includes a summary of staff's findings. Variances for required parking were approved for several other properties on Riverview Avenue, including the adjacent properties at 320 Riverview Ave (2003), 316 Riverview Avenue (2006), and 317 Riverview Avenue (2006). The findings for the variances were based on the fact that the lots are small and that "the granting of the variances would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity" because there are "other lots in the vicinity with similar situations." A variance request for 322 Riverview Avenue was denied, but the Planning Commission required the applicant to pay in-lieu fees for not meeting the parking requirements. In-lieu fees are no longer an option within the zoning code for residential development.

In addition to the current application, the City has received two additional applications with variance requests for parking requirements at 324 and 334 Riverview Avenue that are currently moving through the planning process. Also, on January 18, 2018, the Planning Commission approved a 10 percent addition to the home at 332 Riverview Avenue. The applicant limited the addition to 10 percent of the existing floor area of the home to not trigger the requirement of a third parking space, pursuant to 17.51.015.D. The home at 332 Riverview Drive, with the addition, is 2,369 square feet.

Lot Coverage and Open Space

There is no specific maximum lot coverage in the Riverview Avenue Residential Overlay District of the C-V zone, except that: (1) sufficient space must be provided to satisfy off-street parking and loading area requirements, (2) on the small lots on the north side of Riverview Avenue, ninety percent development is allowed without any setback requirements, and (3) the ten percent open space must be located in the front part of the lot. The proposed project has one hundred percent lot coverage and no open space. However, Staff surveyed the lots on the north side of Riverview Avenue, and none of them provide the required open space at the front of the lot. A records search showed that most of these homes either received variances for the open space requirements or are existing nonconforming.

CEQA

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

RECOMMENDATION

Staff recommends the Planning Commission deny the variance for the third parking space and require the applicant to revise the plans to a maximum floor area of 2,000 square feet for application #18-0045 at 318 Riverview Avenue, in accordance with the following findings.

FINDINGS

A. The application does not secure 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 construction of a new 2,085 square foot three-story single-family residence with a variance for required parking, parking dimensions, and required open space, does not secure the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The project does not comply with the development standards of the Central Village Zoning District.

B. The application will not maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the construction of a new 2,085 square foot three-story single-family residence with a variance for required parking, parking dimensions, and required open space. The new residence does not comply with the development standards of the Central Village Zoning District, so it will not maintain the character and integrity of the neighborhood.

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

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. The project involves a new 2,085 square foot

three-story single-family residence in the Riverview Avenue Residential Overlay District in the C-V (Central Village) zoning district. Staff has not identified any possible environmental impacts associated with the 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 circumstance applicable to the property is that the subject property is a small lot.

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.

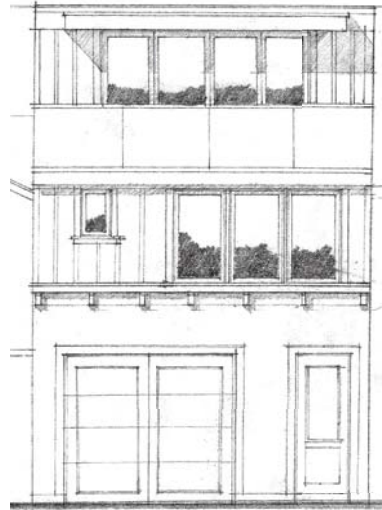
The grant of a variance for the number of parking spaces required would constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

ATTACHMENTS:

1. 318 Riverview Avenue - Full Plan Set
2. Riverview Avenue Parking Analysis
3. Conditions and Findings for Approval

Prepared By: Matt Orbach
Assistant Planner

JDT CAPITAL, LLC



STRUCTURAL DATA					
SETBACKS		REQUIRED	PROPOSED		
FRONT YARD	GARAGE	-	-		
	1st STORY	-	-		
	2nd STORY	-	-		
REAR YARD	1st STORY	-	-		
	2nd STORY	-	-		
SIDE YARD	1st STORY	-	-		
	2nd STORY	-	-		
HEIGHT		27'-0"	26'-10 1/2"		
FLOOR AREA RATIO		LOT SIZE	MAX (100%)	PROPOSED (96%)	
		737 sq.ft.	737 sq.ft.	706 sq.ft.	
	HABITABLE SPACE		FIRST FLOOR COVERED PORCH (SECOND FLOOR DECK)	GARAGE	TOTAL
(P) 1st STORY	110 sq.ft.	-	74 sq.ft.	561 sq.ft.	671 sq.ft.
(P) 2nd STORY	745 sq.ft.	-	N/A	-	745 sq.ft.
(P) 3rd STORY	504 sq.ft.	-	161 sq.ft.	-	665 sq.ft.
(P) TOTAL	1,439 sq.ft.	-	235 (130% > 0%)	561 sq.ft.	2,009 sq.ft.
PARKING		REQUIRED	PROPOSED		
		3 SPACES, ONE OF WHICH MUST BE COVERED	2 COVERED SPACES		
TOTAL		3 SPACES	2 SPACES		

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

BUILDING INFORMATION
PROJECT DESCRIPTION: DEMOLITION OF EXISTING 1+1 27 sq.ft. SINGLE FAMILY AND CONSTRUCTION OF A NEW THREE-STORY, 2,161 sq.ft. SINGLE FAMILY DWELLING WITH ATTACHED GARAGE. VARIANCE APPLICATION FOR (2) 10'-0"x10'-6" PARKING SPACE IN LIEU OF (3) STANDARD SPACES.
PROJECT ADDRESS: 318 RIVERVIEW AVENUE CAPITOLA, CA 95010
PARCEL NUMBER: 035-172-10
ZONING DESIGNATION: CV
OCCUPANCY CLASSIFICATION: R-3
CONSTRUCTION TYPE: TYPE V-B SPRINKLERED
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 IRC, IBC, UMC, UFC, AND 2016 NEC) AS AMENDED BY THE STATE OF CALIFORNIA.

CONTACTS
OWNER: BILLY McNAIR JDT CAPITAL, LLC 1155 CRANE STREET, SUITE 5 MENLO PARK, CA 94025 (650) 962-3366
PROJECT DESIGNERS: DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC. DEREK VAN ALSTINE 1535 SEABRIGHT AVE SUITE 200 SANTA CRUZ, CA 95062 PH: (831) 426-8400 FAX: (831) 426-0446 derek@vanalstine.com
SURVEYOR: ALPHA LAND SURVEYS, INC JEAN PAUL HAPPEE 4444 SCOTT'S VALLEY DR, SUITE 7 SCOTT'S VALLEY, CA 95066 PH: (831) 430-4453

DRAWING INDEX
BUILDING DESIGN
T1 TITLE SHEET
SURVEY
A1 FLOOR PLANS
A2 EXTERIOR ELEVATIONS

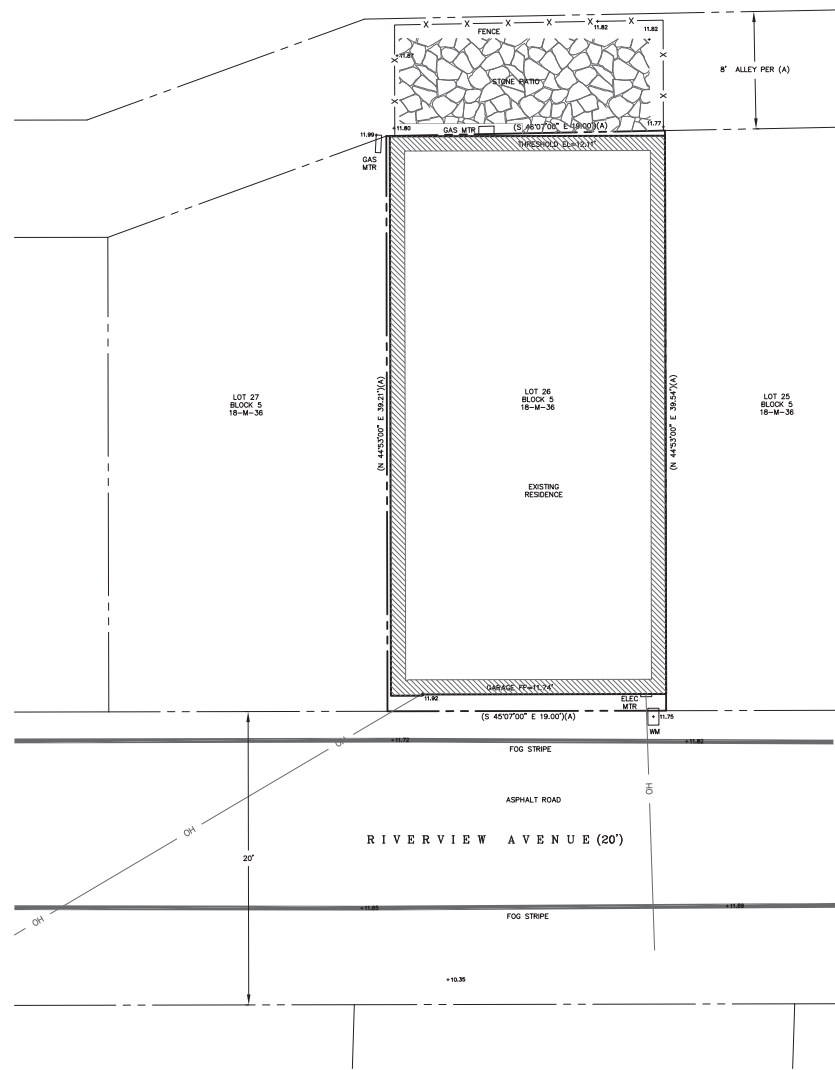
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVE SUITE 200
SANTA CRUZ, CALIFORNIA
95062-3400 PHONE: (831) 426-0446 FAX:

DVRD.
DEREK VAN ALSTINE
DESIGNER
ALL COPYRIGHTS
ARE RESERVED

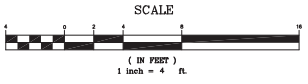
JDT CAPITAL, LLC
318 RIVERVIEW AVE
CAPITOLA, CA 95010

ISSUE DESCRIPTION
035-172-10
NOV. 07, 2017
DESIGN DEVELOPMENT
PLANNING SUBMITTAL JAN. 24, 2018
BUILDING SUBMITTAL
REVISIONS:
PC COMMENTS MAR. 9, 2018
PC COMMENTS APR. 15, 2018

TITLE SHEET
T 1



NOTES
PROPERTY IS IN A FEMA SFHA ZONE



PARCEL DATA:
APN: 035-172-18
AREA: 748 SF ±

REFERENCES:
(A) 18-M-36
(B) 24-PM-15

ELEVATION DATUM:
ELEVATIONS ARE DERIVED FROM THE COUNTY OF SANTA CRUZ BENCHMARK #62, HOLE IN TOP OF MANHOLE AT THE INTERSECTION OF 49TH AND ORAL STREET
EL = 79.45' (NAVD 1988)

NOTES:
A TITLE REPORT WAS NOT PROVIDED FOR THIS SURVEY. EASEMENTS SHOWN, IF ANY, ARE COMPILED FROM RECORD MAPS AND THE CURRENT DEED FOR THE PROPERTY. THERE MAY BE ADDITIONAL EASEMENTS THAT BURDEN OR BENEFIT THE SUBJECT PROPERTY THAT WOULD ONLY BE REVEALED ON A TITLE REPORT.

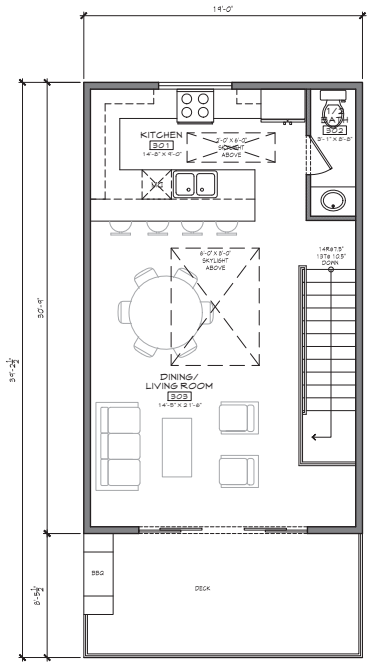


Jean-Paul Happee
JEAN-PAUL HAPPEE, PLS 8807

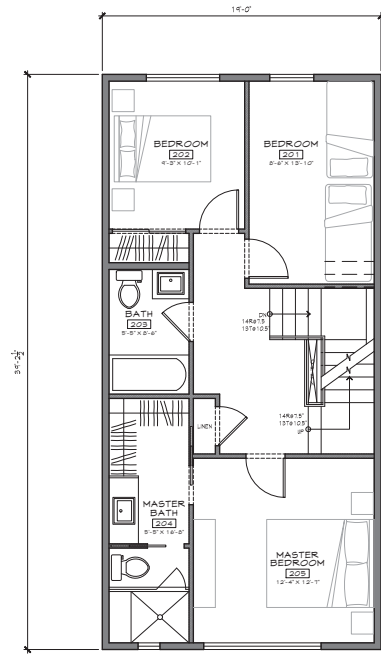
ALPHA LAND SURVEYS, INC.		TOPOGRAPHIC MAP OF 318 RIVERVIEW AVENUE CITY OF CAPITOLA SANTA CRUZ COUNTY	SHEET 1 OF ONE
4444 SCOTT'S VALLEY DR. #7 SCOTT'S VALLEY, CA 95068 (831) 438-4453	P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4453		
1" = 4'	DATE: 3/6/18	JOB#: 2018-023	

Attachment: 318 Riverview Avenue - Full Plan Set (318 Riverview Avenue)

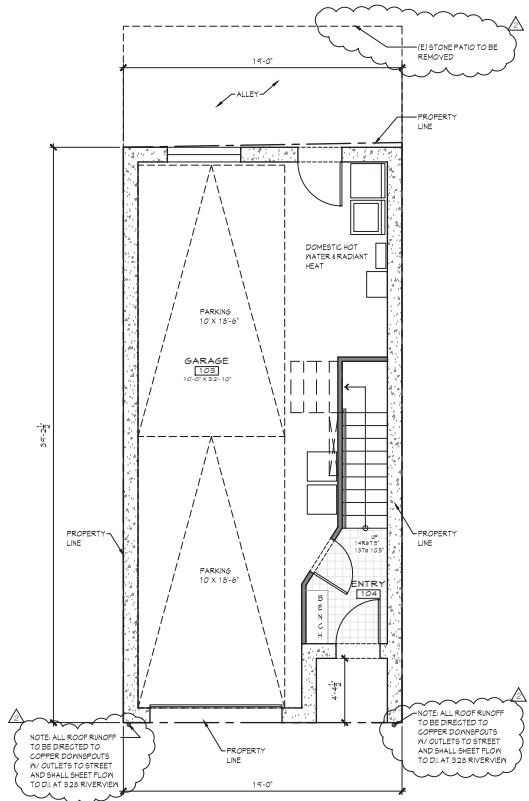
4/18/2018 10:48 AM



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



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



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

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

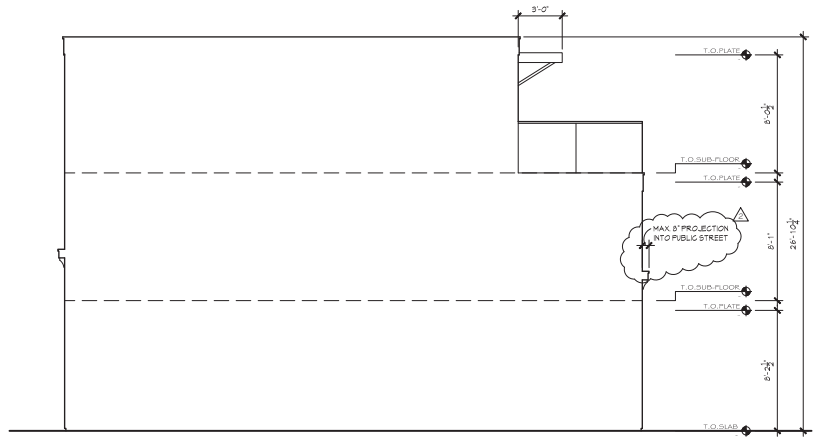
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1333 SHARPTOWN ROAD, SUITE 100, CALICOPIA, CALIFORNIA
91026-3803 PHONE: (951) 242-8488 FAX:

DVRD
DEREK VAN ALSTINE
DESIGN

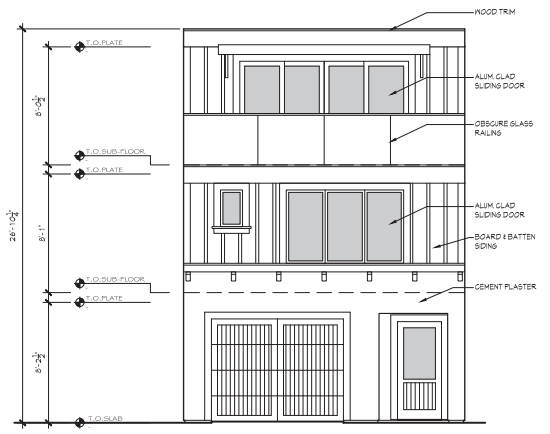
JDT CAPITAL, LLC
318 RIVERVIEW AVE
CAPITOLA, CA 95010

ISSUE DESCRIPTION
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PRELIMINARY DESIGN
NOV. 07, 2017
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
JAN. 24, 2018
BUILDING SUBMITTAL
REVISIONS:
△ PC COMMENTS
MAR. 9, 2018
△ PC COMMENTS
APR. 18, 2018

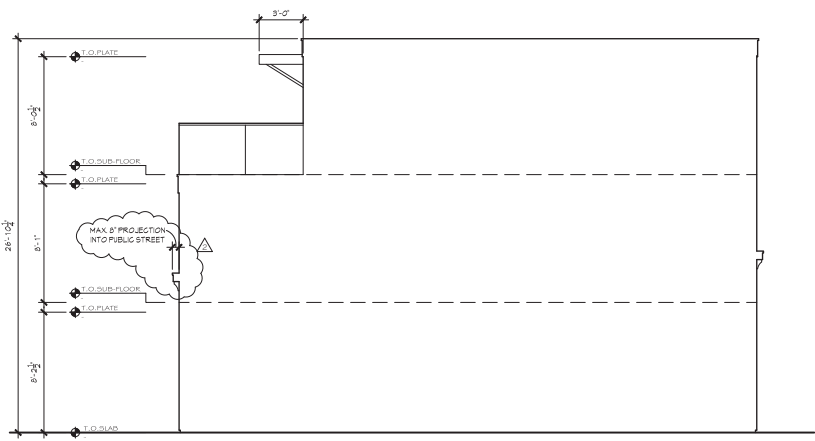
FLOOR PLANS
A1



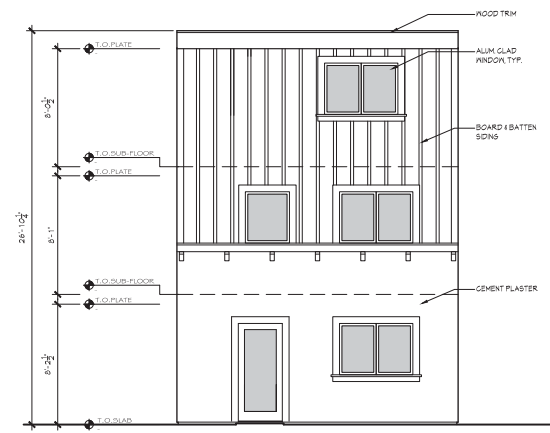
3 WEST ELEVATION
SCALE: 1/4"=1'-0"



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



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



2 NORTH ELEVATION
SCALE: 1/4"=1'-0"

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1333 SEABRIDGE BLVD., SUITE 100, CALICORNIA
92008-5800 PHONE: 858.245.4448 FAX:

DVRD
DEREK VAN ALSTINE
DESIGN INC.

JDT CAPITAL, LLC
318 RIVERVIEW AVE
CAPITOLA, CA 95010

035-1172-18

ISSUE DESCRIPTION
PRELIMINARY DESIGN
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BUILDING SUBMITTAL

REVISIONS:
△ PC COMMENTS
MAR. 9, 2018
△ PC COMMENTS
APR. 18, 2018

EXTERIOR
ELEVATIONS

Riverview Avenue Parking Analysis						
Address	Parking Status	Variance	Variance Rationale	Parking Spaces Provided	Parking Required	Year
304 Riverview Ave	Existing Nonconforming			2 (substandard)		
305 Riverview Ave	Variance	Required Covered Parking	Structure location/ historic preservation	4		2002
306 Riverview Ave	Conforming			3		
310 Riverview Ave	Conforming			2		
311 Riverview Ave	Conforming			7		
312 Riverview Ave	Conforming			2		
314 Riverview Ave	Existing Nonconforming			0		
315 Riverview Ave	Existing Nonconforming			0		
316 Riverview Ave	Variance	Required Parking	Variance better serves the Zoning Ordinance/ Small Lot	1 (substandard)	3	2006
317 Riverview Ave	Existing Nonconforming			0		
317 Riverview Ave #A	Variance	Required Parking	Small Lot/Historic Structure	1	2	2006
318 Riverview Ave	Existing Nonconforming - Variance Requested	Required Parking	Variance better serves Zoning Ordinance/ Small Lot	1		
319 Riverview Ave	Conforming			3		
320 Riverview Ave	Variance	Required Parking	Variance better serves Zoning Ordinance/ Small Lot & Lot Shape	2 (substandard)	3	2003
321 Riverview Ave	Existing Nonconforming			0		
322 Riverview Ave	Variance Denied - In-Lieu Fee Charged	Required Parking	Narrow Lot Width	1	2	2001
323 Riverview Ave	Existing Nonconforming			0		
324 Riverview Ave	Existing Nonconforming - Variance Request Coming			1		
325 Riverview Ave	Conforming			5 (1 substandard)		
326 Riverview Ave	Existing Nonconforming			0		
327 Riverview Ave	Conforming			6		
328 Riverview Ave	Existing Nonconforming			1 (substandard)		
330 Riverview Ave	Existing Nonconforming			1 (substandard)		
332 Riverview Ave	Existing Nonconforming			2	3	
333 Riverview Ave	Conforming			5+		
334 Riverview Ave	Existing Nonconforming - Variance Requested			2		

Attachment: Riverview Avenue Parking Analysis (318 Riverview Avenue)

CONDITIONS OF APPROVAL

1. The project approval consists of the demolition of an existing two-story single-family residence and construction of a new 2,161 square foot three-story single-family residence with a variance for the required parking, parking dimensions, and required open space at 318 Riverview Avenue within the C-V (Central Village) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #18-0045 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements

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

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

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 construction of a new

2,161 square foot three-story single-family residence with a variance for required parking, parking dimensions, and required open space, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The project would comply with all other development standards of the Central Village Zoning District.

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 the construction of a new 2,161 square foot three-story single-family residence with a variance for required parking, parking dimensions, and required open space. The new residence will blend in seamlessly with the adjacent structures while maintaining the character and integrity of the Riverview Avenue neighborhood.

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

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. The project involves a new 2,161 square foot three-story single-family residence in the Riverview Avenue Residential Overlay District in the C-V (Central Village) zoning district. Staff has not identified any possible environmental impacts associated with the 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 circumstance applicable to the property is that the subject property is a small lot.

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 grant of a variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Multiple properties in the vicinity and zone in which the property is located have been granted variances to the parking and open space requirements. Granting the variance will allow the applicant to enjoy the same privilege as those properties.

COASTAL FINDINGS

D. Findings Required.

- 1. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;

- b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
- c. A description of the legitimate governmental interest furthered by any access conditioned required;
- d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:

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

- a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
 - The proposed project is located at 318 Riverview Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to

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

- The proposed project is located along Riverview Avenue. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Riverview Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

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

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

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

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

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
 - The project is located on a flat lot.
- c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
- d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

5. **Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

16. Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- 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.

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

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

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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

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

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

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

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MAY 3, 2018
 SUBJECT: **2205 Wharf Road #18-0108 APN: 034-141-34**

Minor land division to create two lots of record and design permit for a new single-family residence for the property located at 2205 Wharf Road in the RM-LM (Residential Multi-Family – Low-Medium Density) Zoning District. This project is not in the Coastal Zone and does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Christopher Wright
 Representative: Dennis Norton, filed: 3/7/2018

APPLICANT PROPOSAL

The application includes a minor land division to create two lots of record from a single legal lot. The applicant is also seeking a design permit for a new single-family home on the newly created lot located along Wharf Road. There is an existing triplex on the proposed rear lot. The project is located in the RM-L (Multiple-Family Low Density) Zoning District. The property is located outside of the coastal zone and therefore the new zoning code applies to the development.

BACKGROUND

In 2017, the applicant submitted a request for a subdivision and new single family home. The application was approved by the Planning Commission on July 20, 2017. The adjacent property owner appealed the decision on August 2, 2017. The owner subsequently decided to withdraw the application to redesign the subdivision with the lot oriented toward Wharf Road.

On March 7, 2018 the City received a new application for the property with a modified lot configuration. On March 14, 2018, the Architectural and Site Review Committee reviewed the application. The following direction was provided to the applicant:

- Committee Architect, Frank Phanton, commended the applicant on addressing privacy concerns.
- City Public Works representative, Danielle Uharriet, requested updated stormwater calculations from the applicant.
- City Building Inspector, Nelson Membreno, reminded applicant that a new water meter is necessary.

- City Planner, Matt Orbach, requested that the plans be updated to show the second story footprint on the site plan and to update the calculations on the coversheet.

Following the meeting, the applicant provided the requested updates to the public works and planning staff.

DISCUSSION

Subdivision

The applicant is proposing to subdivide the single 19,854 square foot lot into two lots (Attachment 2). The existing parcel is approximately 114 feet wide by approximately 180 feet deep. The existing conditions on the property include a triplex located on the back half of the lot, an emergency egress/access easement for the mobile home park along the driveway, and shared access off Wharf Road through the frontage of the neighboring property to the north. There is a recorded access easement for the shared access point.

The minor subdivision will create two lots of record. Lot A is a panhandle design for the existing triplex at the rear of the lot. Lot B is a rectangular shaped lot at the front of the lot that has been designed to accommodate a new single-family home.

Lot Area and Dimensions

The follow table outlines the lot area and dimension requirements for development in the RM-LM Zoning District relative to the application.

Lot area and Dimensions	
Code Requirements	Proposed
Lot Size: No Minimum	Lot A: 13,287 sq. ft. (triplex)
	Lot B: 6,567 sq. ft. (new single-family)
Lot Width: No Minimum	Lot A: 92 ft.
	Lot B: 79 ft.
Lot Depth: No Minimum	Lot A: 95 ft.
	Lot B: 84 ft.
Site Area Per Dwelling Unit	
RM-LM: 4,400 sf per dwelling unit	Parcel A: Triplex. 13,200 sf minimum for 3 units
	Parcel B: Single-Family. 4,400 sf minimum

Subdivision Design Standards.

Subdivision applications are reviewed for compliance with Chapter 16 of the Municipal Code. The design standards within the subdivision ordinance were amended by City Council in November of 2017. The following analysis includes the underlined updated design standards for lots (§16.24.170) and a staff analysis:

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

Staff Analysis: Within the RM-L zoning district there are not minimum lot depth, lot width, lot size, or shape requirements. There is a requirement for 4,400 square feet minimum site area per dwelling unit. As shown in the table above, the application complies with all zoning regulations.

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

Staff Analysis: Lot B has been designed so the side lot lines are at right angles to the Wharf Road. Lot A is a panhandle shaped lot with the frontage at a right angle to Wharf Road.

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

Staff Analysis: The tentative parcel map does not include the setback lines of the zone. The application includes an existing triplex on parcel A and a single-family home on parcel B that comply with all development standards and design standards, including setbacks, for the multi-family zone. The setbacks for the parcel A reflect the existing development pattern of the structure oriented toward the private road with the front yard to the south, rear yard to the north and side yards to the east and west.

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

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

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

Staff Analysis: Each lot has at least 20 feet of frontage along Wharf Road. Frontage is defined as that portion of a property abutting a street.

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

Staff Analysis: Not applicable.

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

Staff Analysis: Not applicable.

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

Staff Analysis: As mentioned above within standard B, Lot B has been designed so the side lot lines are at right angles to the street. Lot A is a panhandle shaped lot with the access through the shared access agreement, frontage at a right angle from the street, and development on the lot oriented toward the private road with the front yard on the south end.

Development Standards Summary

Development of a single-family home in the RM-LM zone must comply with the development standards of the R-1 zoning district. The following table outlines the development standards of the R-1 zoning district for a property outside the coastal zone relative to the proposed single-family home on Parcel B.

Development Standards		
Building Height	R-1 Regulation	Proposed
	25 ft.	25 ft.
Floor Area Ratio (FAR)		

Lot Size			6,554 sq. ft.
Maximum Floor Area Ratio			48% = Max 3,145 sq. ft.
First Story Floor Area			1,142 sq. ft.
Second Story Floor Area			966 sq. ft.
Parking Calculation FAR			2,108 sq. ft.
Garage Floor Area			436 sq. ft.
TOTAL FAR			2,544 sq. ft.
Yards			
	R-1 Regulation		Proposed
Front Yard 1st Story	15 ft.		17 ft. 7 in.
Front Yard 2nd Story & Garage	20 ft.		20 ft. 1 in.
Side Yard 1st Story	10% lot width	Lot width 79 ft 7 ft. min.	10 ft.
Side Yard 2nd Story	15% of lot width	10.5 ft.	14 ft.
Rear Yard 1st Story	20% of lot depth	Lot depth 85 ft 17 ft. min.	17 ft.
Parking			
	Required		Proposed
Residential (from 2,001 up to 2,600 sq. ft.)	3 spaces total 1 covered		3 spaces total 2 covered 1 uncovered
Underground Utilities: required with 25% increase in area			Required

In establishing a minor land division, the existing structure onsite should remain in compliance with the development standards with the introduction of the new lots. The triplex located on Parcel A, complies with all development standard of the RM-LM (Multi-family Low Density) zoning district including height, lot coverage, setbacks, landscaping, open space, and parking requirements of the zone (Attachment 3). The owner removed a portion of an existing deck in the side yard to comply with the setback standards.

Design Permit

2205 Wharf Road is in the Multi-Family, Low Density (RM-LM) zoning district. The street has a mix of housing types including single-family homes, secondary dwelling units, multi-family dwellings, and mobile homes. The proposed single-family home will complement the existing land uses in the nearby vicinity. Currently, there is one existing triplex on lot A. The structure is not listed on the 2005 City of Capitola Historic Structures List or the 1986 Capitola Architectural Survey.

There is a significant change in grade along the property frontage. The driveway will be repositioned slightly to accommodate Lot B, but overall follows the existing alignment across the front of the property then creating a wider curve at the corner to follow the side lot line to the existing triplex on the rear lot.

The new single-family home is a two-story residence with articulation in the massing between the first and second floors. The home will be finished with stained wood shingle siding and white wood trim. A 12-inch white belly band is proposed to visually separate the two stories. All windows and doors will have a four-inch trim. The new home will have a paver walkway leading to a redwood deck by the entrance and a paver patio in the backyard.

There are six mature trees on the site. The owner is proposing to remove two trees due to proximity of the trees to the new home, one deodar cedar and one apple tree. The owner plans to plant four white crape myrtle, multi-trunk trees between the driveway and the home.

The landscape plan includes additional planting around the periphery of the property including a mix of grasses, perennials, and shrubs. Boulders will be placed within the landscape area in front of the new single-family home. A new six-foot-high fence is proposed along the rear property line.

Curb, Gutter, and Sidewalk. Capitola Municipal Code 12.04.170 requires the construction of curb, gutter, and sidewalk on development projects except in areas deemed sidewalk exempt by the City. This property is not located in a sidewalk exempt area. Currently, there is a full sidewalk on the east side of Wharf Road and one single segment of sidewalk connecting to a crosswalk in front of Woolsey Court. There are 3 active development applications along Wharf Road between Clares Street and the City boundary. The Public Works Director reviewed the three submittals and recommended that staff condition the applications to require a deferred sidewalk agreement due to the necessary in-depth analysis that must be done prior to construction and prioritization by City Council. A condition of approval is included that requires the owner enter into a deferred sidewalk agreement with the City to ensure construction of curb, gutter, and sidewalk at a future date.

Access Easement. There is a private easement for driveway access granted from 2225 Wharf Road to 2205 Wharf Road for the existing driveway that was recorded in 1987 (Attachment 4). 2205 Wharf Road currently utilizes the easement for access. Use and enforcement of the easement is a civil matter which does not involve the City of Capitola.

Soquel Creek Water District. The Soquel Creek Water District granted a conditional Will Serve Letter for the project (Attachment 5).

Sewer. The Santa Cruz County Sanitation District provided a letter confirming the sewer service is available for the proposed development through an existing 1966 easement that connects to a sewer line under the adjacent mobile home park (Attachment 6). The applicant also received a letter from Loma Vista Estates acknowledging that the project would not be connecting to the Loma Vista sewer line (Attachment 7).

Driveway access and safety. The applicant hired a traffic engineer to review the driveway access for adequate site distance and safety (Attachment 9). Sight distance was identified as adequate for the existing driveway. The study identifies that right turning vehicles existing the driveway to head south on Wharf Road cannot complete the turn without using the entire northbound Wharf Road travel lane. The engineer noted that the topography of the site precludes widening or realigning the driveway approach at Wharf Road to be more standard. To mitigate the turning issue, the engineer recommended eliminating right hand turns out of the driveway through the installation of a "No Right Turn" sign on the driveway. Also, to improve visibility, replacement the existing two-foot diameter convex mirror with a three-foot diameter convex mirror was also suggested. The two recommendations of the traffic engineer have been included as required improvements in the conditions of approval.

CEQA REVIEW

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #18-0108 based on the following Conditions and Findings for Approval.

1. The project approval consists of design permit for a new single family home and a minor land division at 2205 Wharf Road. The new single-family home in the RM-L zone is reviewed for compliance with the R-1 (single family) zoning district development standards. The maximum Floor Area Ratio for the 6,567 square-foot property is 48% (3,152 square feet). The total FAR of the project is 2,544 square-feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project consists of the subdivision of a 19,854 square foot lot into two lots. The minor land division will create two lots with shared driveway access. The tentative map identifies the front lot as Parcel B and the rear lot as Parcel A. Parcel A will be 13,299 square feet and Parcel B 6,554 square feet.
3. Prior to recordation of the final parcel map, a maintenance agreement and access easement for the shared driveway shall be recorded and referenced on the parcel map. The access easement must be reviewed and approved by the City attorney prior to recordation.
4. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities for the new single-family home on Parcel B shall be underground to the nearest utility pole.
5. 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.
6. 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.
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. 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 #16-041 shall be paid in full.

10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan (BMPs), shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16.100 Construction Site Storm Water Runoff Control. All improvements shall be installed prior to the start of construction and shall be maintained throughout project duration.
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. 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).
15. 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), e.g. installing a rain barrel, disconnecting downspouts and directing drainage into landscaping, utilizing pervious paving materials.
16. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan.
17. The Applicant shall prepare and submit a parcel map showing the original parcel and the parcels being created by the subdivision, with pertinent supporting data, said map shall be filed with the Public Works Department with the appropriate review fees for review. Said parcel map shall be prepared by a licensed land surveyor or a registered civil engineer who shall be responsible for responding to comments until the map is acceptable to the Department of Public Works.
18. All plans and profiles of improvements shall be approved by the Director of Public Works prior to the filing of the final map, and the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
19. Prior to final recording of the final parcel map, either all street and utility improvements, as required by the Public Works Department (i.e. curbs, gutters, sidewalks, paving, etc.) shall be completed or a bond shall be posted with the Public Works Department to secure construction of such street and utility improvements.

20. Prior to the recordation of the parcel map, the applicant shall submit new legal descriptions for the three lots for review by the Community Development Director.
21. 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
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. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
24. 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.
25. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
26. Install a "No Right Turn" (Caltrans Manual on Uniform Traffic Control Devices (CAMUTCD) Standard R3-1) sign on the driveway to prohibit right turn exits. The exact placement should be determined in consultation with the Capitola Public Works Department.
27. Replace the existing two-foot diameter convex mirror with a three-foot diameter convex mirror.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff and the Planning Commission have reviewed the project. The minor land division, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan. The new single-family home complies with requirements of the zoning district
- B. **The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

The minor land division was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

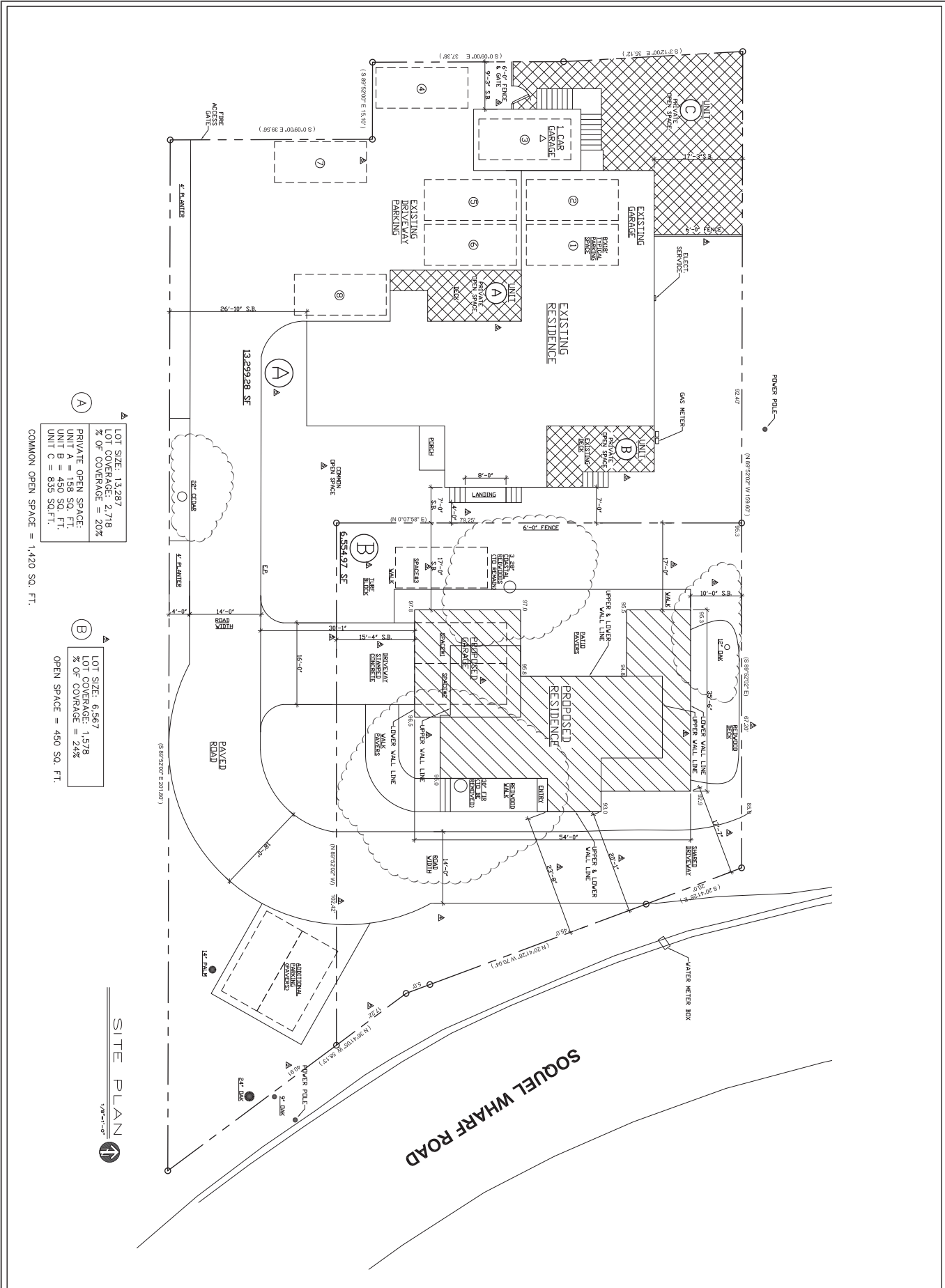
D. The application will maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the design of the single-family home. The structures fit within the built environment of the neighborhood. The neighborhood is characterized by a mix of residential densities including single family homes, secondary structures, multi-family homes, apartments, and mobile homes.

ATTACHMENTS:

1. 2205 Wharf Road Plans
2. Parcel A Triplex Development Standards of RM-L
3. 2205 Wharf Road Tentative Map.
4. 2205 Wharf Access Easement
5. 2205 Wharf Soquel Creek Water District Will serve letter
6. SCC Sanitation District Letter
7. Loma Vista Response letter
8. 2205 Wharf Road Line of Sight and Safety Analysis

Prepared By: Katie Herlihy
Senior Planner



(A)

LOT SIZE: 13,287
 % OF COVERAGE: 2.718
 PRIVATE OPEN SPACE: 158 SQ. FT.
 UNIT A = 450 SQ. FT.
 UNIT B = 450 SQ. FT.
 UNIT C = 835 SQ. FT.

(B)

LOT SIZE: 6,567
 % OF COVERAGE: 1.578
 PRIVATE OPEN SPACE: 158 SQ. FT.
 UNIT A = 450 SQ. FT.
 UNIT B = 450 SQ. FT.
 UNIT C = 835 SQ. FT.

(C)

LOT SIZE: 13,287
 % OF COVERAGE: 2.718
 PRIVATE OPEN SPACE: 158 SQ. FT.
 UNIT A = 450 SQ. FT.
 UNIT B = 450 SQ. FT.
 UNIT C = 835 SQ. FT.

COMMON OPEN SPACE = 1,420 SQ. FT.

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

DATE: 02/19/16

JOB NO.: WHARF

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

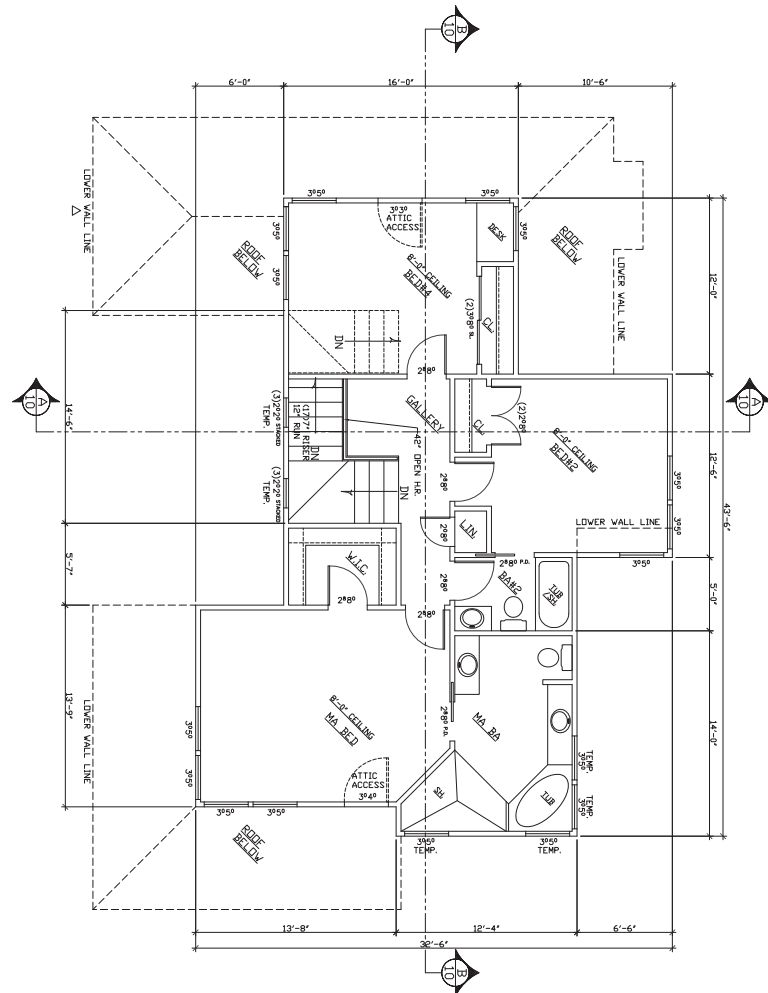
DRWING: CG

SITE PLAN

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

WRIGHT RESIDENCE
 2205 SOQUEL WHARF RD
 CAPITOLA, CA 95010
 APN 034-141-34

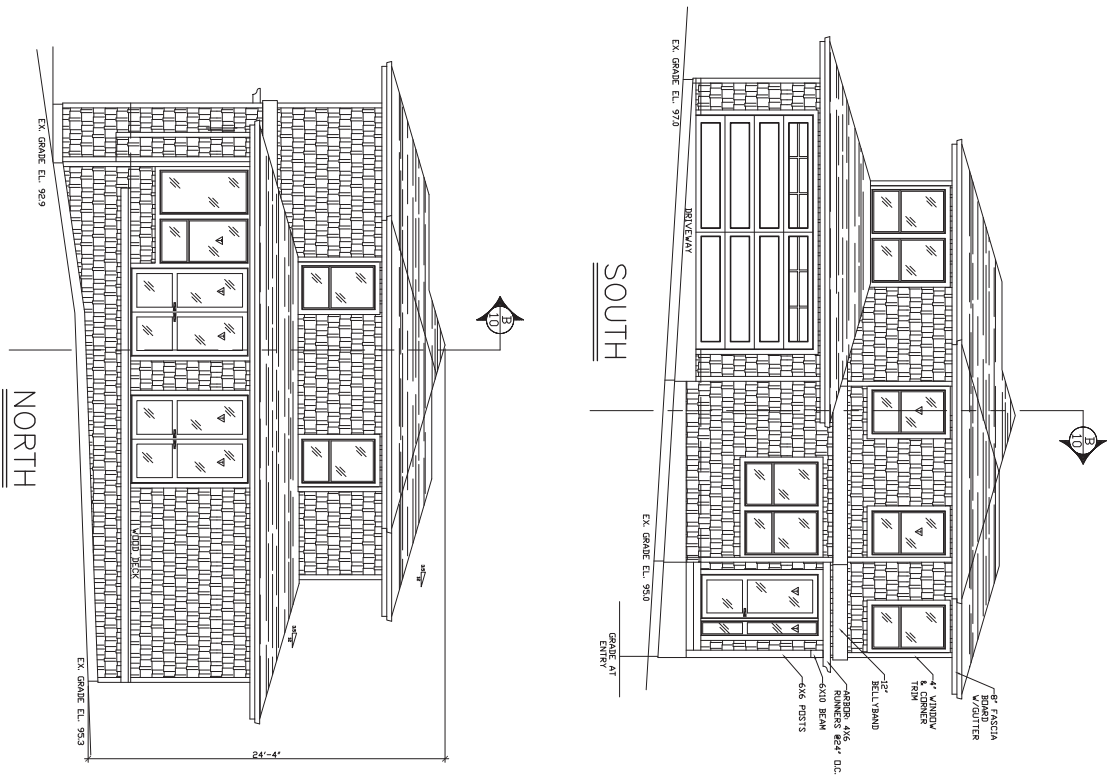
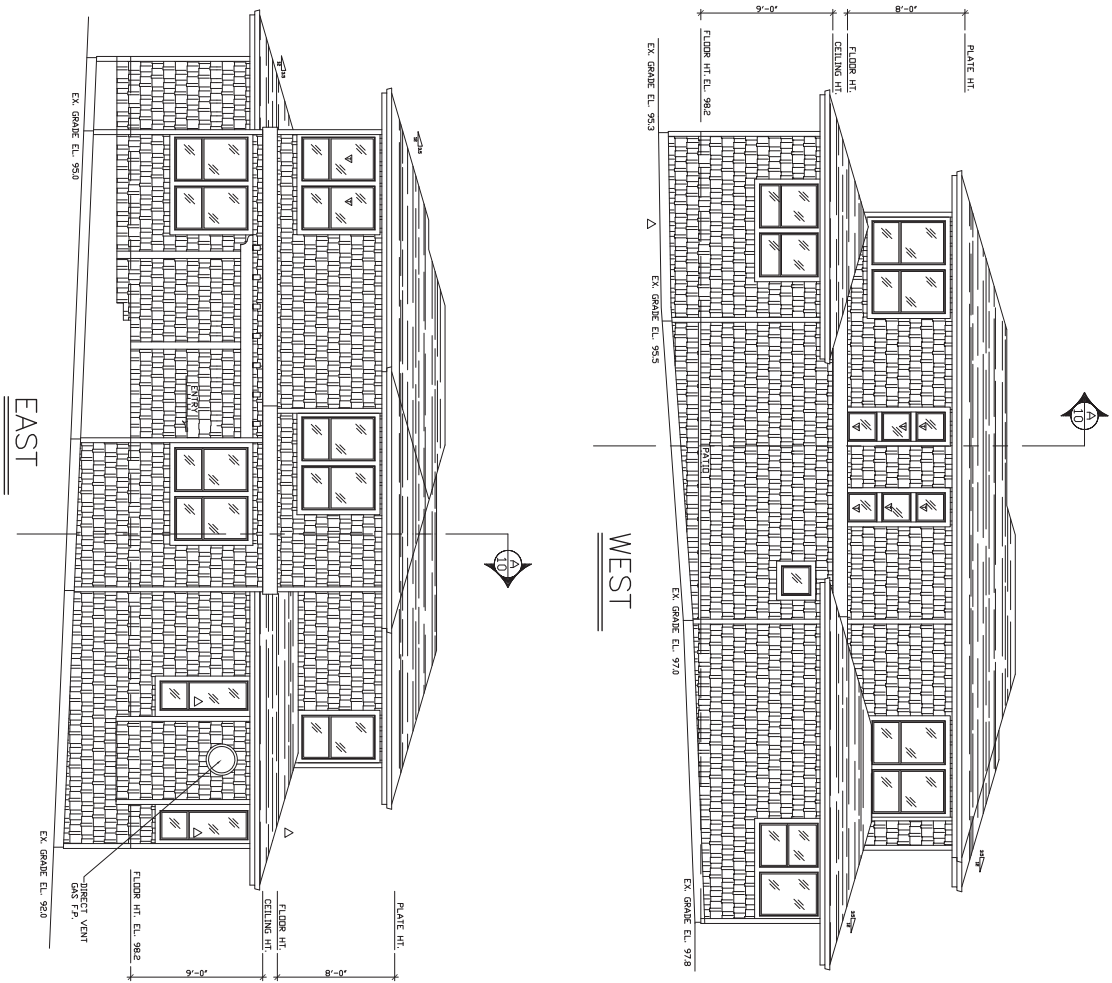
NO.	DATE	DESCRIPTION
1	02/19/16	ISSUED FOR PERMITS
2	02/19/16	ISSUED FOR PERMITS
3	02/19/16	ISSUED FOR PERMITS
4	02/19/16	ISSUED FOR PERMITS
5	02/19/16	ISSUED FOR PERMITS
6	02/19/16	ISSUED FOR PERMITS
7	02/19/16	ISSUED FOR PERMITS
8	02/19/16	ISSUED FOR PERMITS
9	02/19/16	ISSUED FOR PERMITS
10	02/19/16	ISSUED FOR PERMITS



UPPER LEVEL
UPPER LIVING = 9'5.5"

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

SHEET OF 4 5 SHEETS	DATE 01/27/16	JOB NO. WHARF B	SCALE 1/4" = 1'-0"	DRAWN GG	LOT B PROPOSED 2ND FLOOR PLAN	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA RD. CAPITOLA, CA. 95010 831 476 2616 FAX: 476 2616	WRIGHT RESIDENCE 2205 SOQUEL WHARF RD CAPITOLA, CA 95010 APN 034-141-34	REVISIONS NO. DESCRIPTION 1 2/27/16	APPROVED DENNIS NORTON 2205 SOQUEL WHARF RD CAPITOLA, CA 95010
								BR NO.	NO.

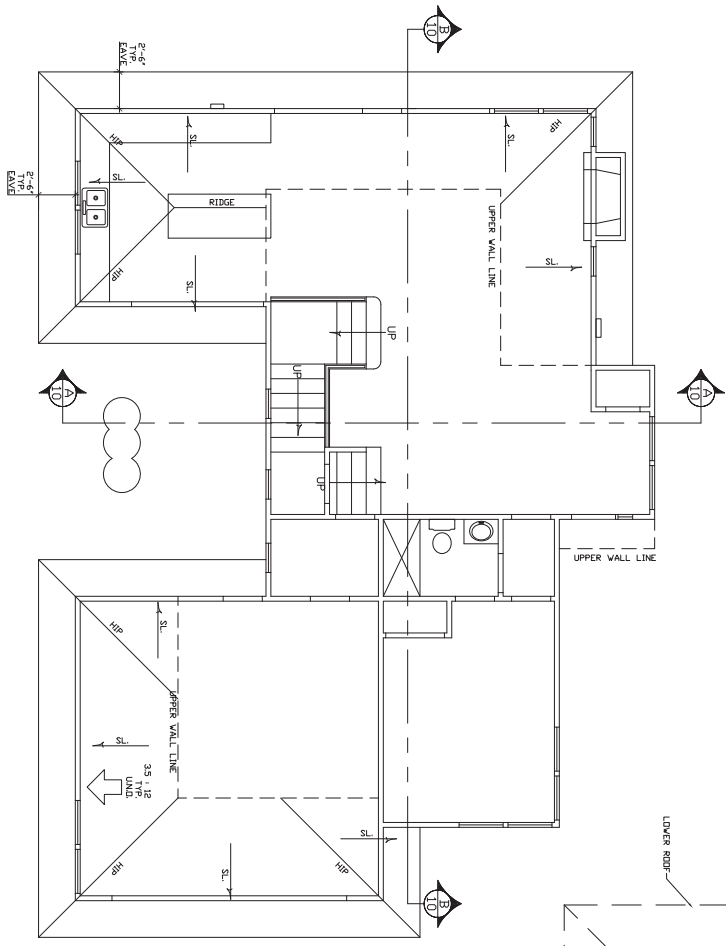


ELEVATIONS
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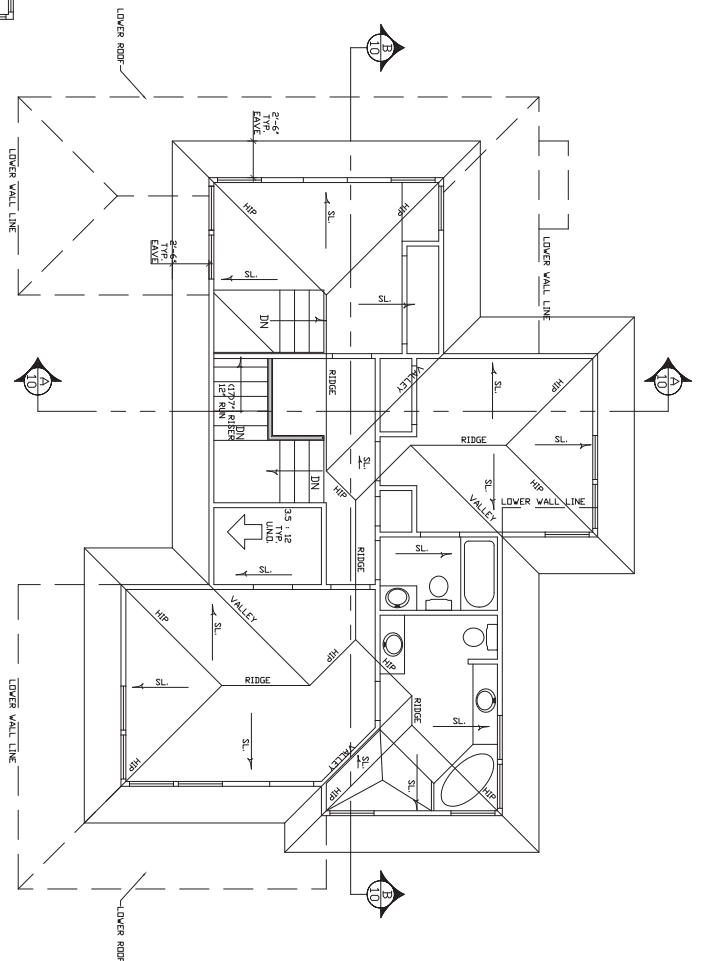
NOTE: ▽ = TEMPERED GLASS

<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>CHK.</th> </tr> <tr> <td>1</td> <td>09/02/17</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> </tr> </table>	NO.	DATE	BY	CHK.	1	09/02/17			2				3				4				<p>OWNER: DENNIS NORTON 2205 SOQUEL WHARF RD CAPITOLA, CA 95010</p>	<p>7</p>	<p>LOT B 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>WRIGHT RESIDENCE 2205 SOQUEL WHARF RD CAPITOLA, CA 95010 APN 034-141-34</p>
NO.	DATE	BY	CHK.																						
1	09/02/17																								
2																									
3																									
4																									

LOWER LEVEL ROOF PLAN



UPPER LEVEL ROOF PLAN



ROOF PLAN

1/4"=1'-0"



8
SHEETS

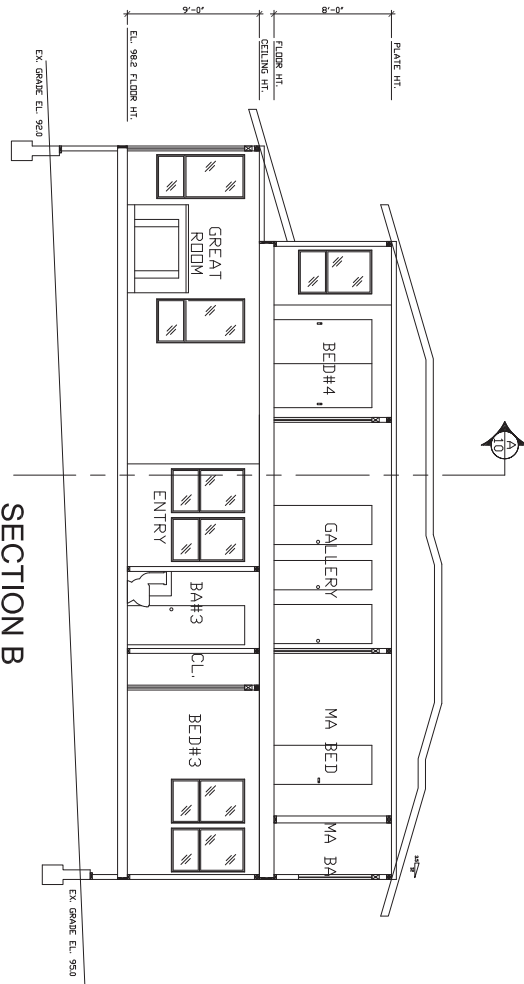
DATE: 01/04/16
SCALE: WHARF B

LOT B
ROOF PLANS

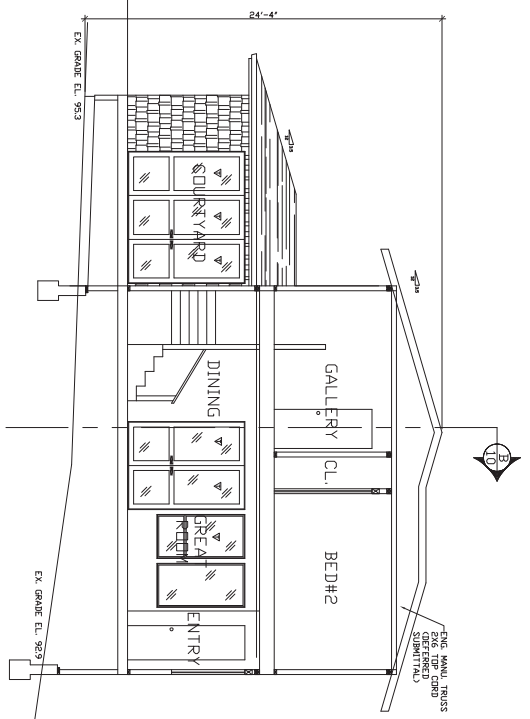
DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING
712 C CAPITOLA AV. CAPITOLA, CA 95010 · 831 476 2616
FAX: 476 2616

WRIGHT RESIDENCE
2205 SOQUEL WHARF RD
CAPITOLA, CA 95010
APN 034-141-34

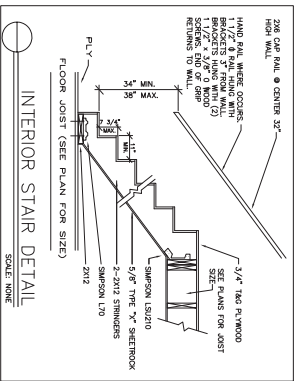
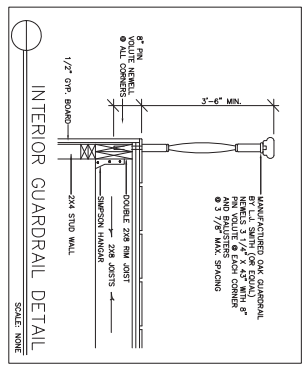
REVISIONS	BY	DATE



SECTION B



SECTION A



SECTIONS
1/4"=1'-0"

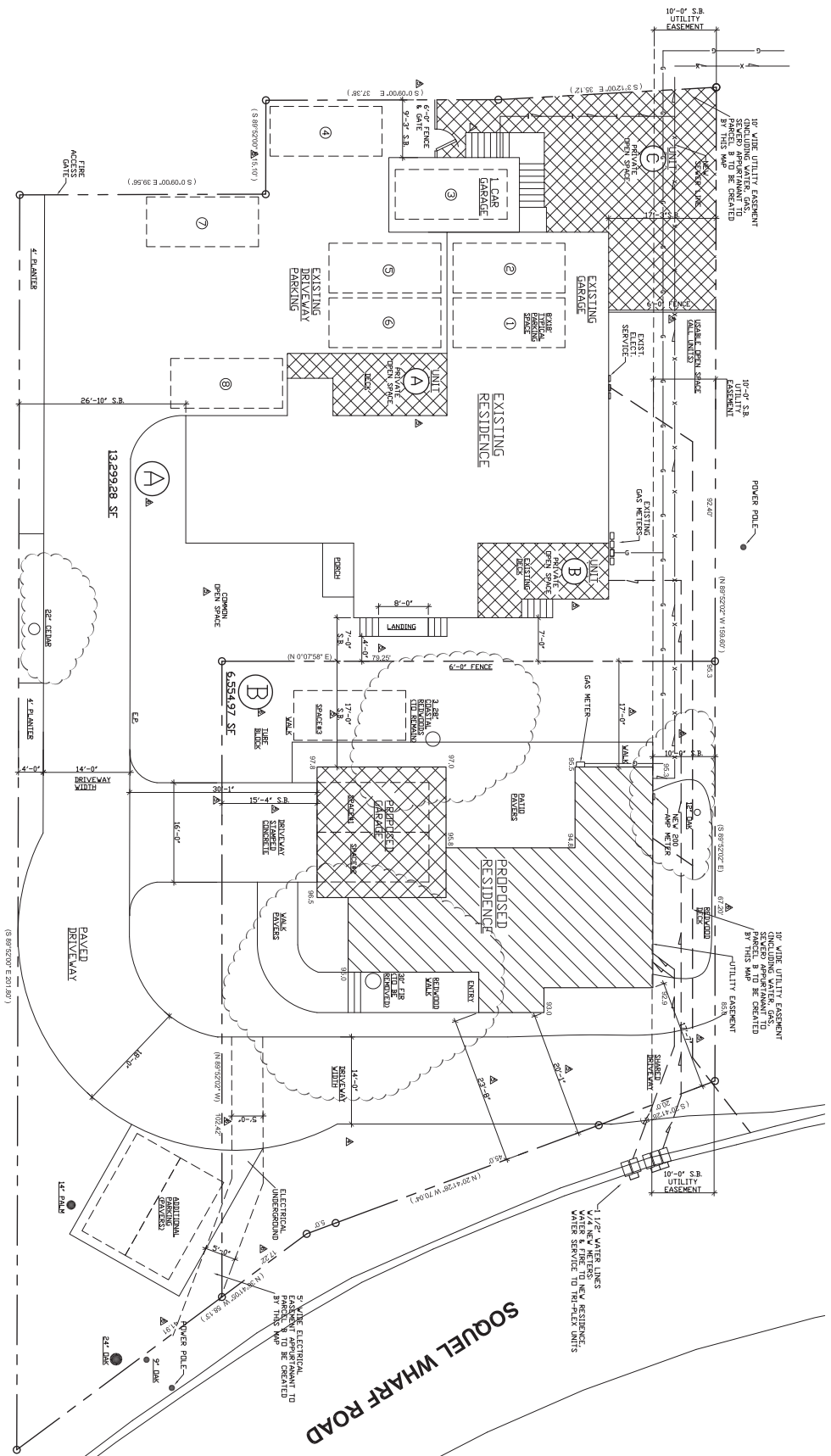
REVISIONS	BY	DATE

WRIGHT RESIDENCE
2205 SOQUEL WHARF RD
CAPITOLA, CA 95010
APN 034-141-34

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

SECTIONS

DATE: 08/03/16
SCALE: WHARF B
SHEET: 10
OF 9 SHEETS



SITE PLAN



1/8" = 1'-0"

DATE: 02/19/16

JOB NO: WHARF

DRWING: CG

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

DATE: 02/19/16

JOB NO: WHARF

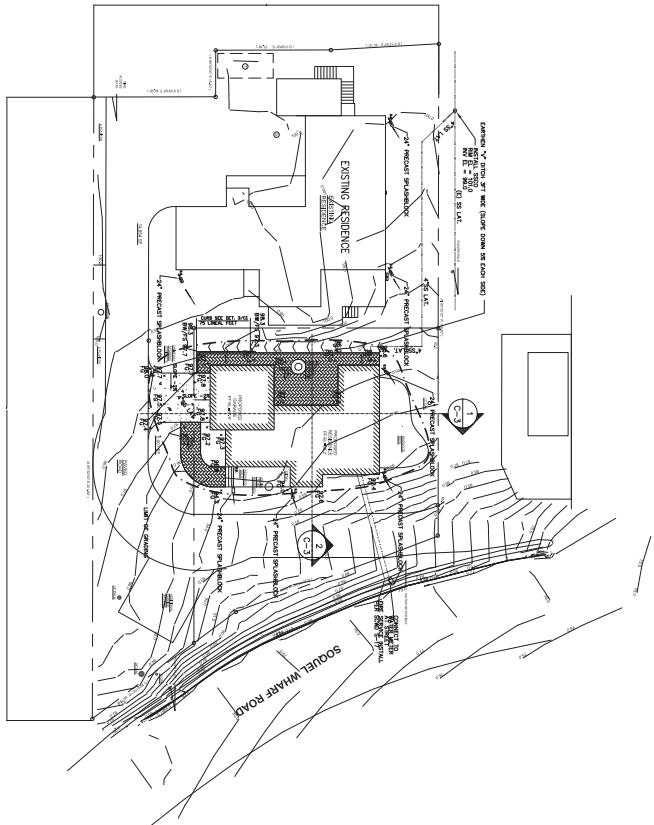
DRWING: CG

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

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
712 C CAPITOLA AV • CAPITOLA, CA 95010 • 831 476 2616
FAX: 426 2616

WRIGHT RESIDENCE
2205 SOQUEL WHARF RD
CAPITOLA, CA 95010
APN 034-141-34

NO.	DATE	DESCRIPTION
1	02/19/16	ISSUED FOR PERMITS
2	02/19/16	REVISED PER COMMENTS
3	02/19/16	REVISED PER COMMENTS
4	02/19/16	REVISED PER COMMENTS
5	02/19/16	REVISED PER COMMENTS



ESTIMATED EARTHWORK VOLUMES:

AREA	EXCAVATION
RESIDENCE	(20) CU YARDS
NET EXPORT	20 CU YARDS

EARTHWORK VOLUMES SHOWN ARE TO SATISFY PERMIT REQUIREMENTS ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES. ACTUAL EARTHWORK VOLUMES RESPONSIBILITY TO CALCULATE EARTHWORK VOLUMES PRIOR TO CONSTRUCTION.

IMPERVIOUS SURFACES:

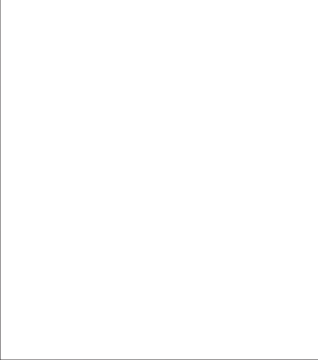
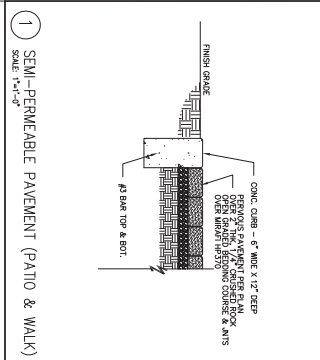
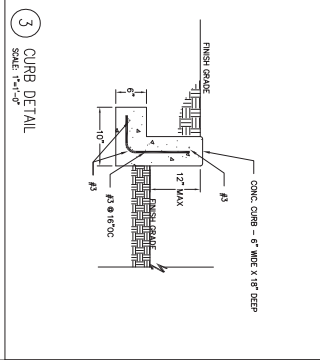
TOTAL SITE AREA =	5494 SF	0.13 AC
EXISTING IMPERVIOUS SURFACES =	0 SF	0 AC
PROPOSED IMPERVIOUS SURFACES =	2726 SF	0.062 AC
EXISTING SEMI-IMPERVIOUS SURFACES =	0 SF	0.0 AC
PROPOSED SEMI-IMPERVIOUS SURFACES =	729 SF	0.017 AC

(WALV/PATIO)

SANITARY SEWER FLOW

DIAMETER TO PROPOSED TYPICAL PIPE SIZE	FLOW RATE (GPD)
6"	1689 gpm
8"	2533 gpm

NOTES:
1. SEE PERFORMANCE OF ANY LAND IS TO HAVE PLACE PRIOR TO HOUSING & FIRE CONSTRUCTION SETTING ON-SITE WITH ROBERT LOVELAND ENVIRONMENTAL PLANNER (831) 454-3163



- LEGEND**
- EDGE OF DRIVEWAY
 - LIMIT OF GRADING
 - PROPOSED PERVIOUS CONCRETE
 - PROPOSED SEMI-PERMEABLE PAVEMENT
 - DIRECTION OF SLOPE
 - PROPOSED SANITARY SEPTIC LINE
 - PROPOSED 1" DIA DOMESTIC WATER LINE
 - PROPOSED FIRE WATER LINE

- ABBREVIATIONS**
- AC ASPHALT CONCRETE
 - BY BOTTOM OF WALL
 - CONC CONCRETE
 - CSO DOWN SLOUT
 - SS SANITARY SEWER
 - TV TOP OF WALL



DATE	04/25/18
SCALE	N/A
DRAWN	KFB
CDS	16/02/23
SHEET	C1
OF SHEETS	5

WRIGHT RESIDENCE

2205 SOQUEL WHARF ROAD
CAPITOLA, CA
APN 034-141-34

GRADING, DRAINAGE & UTILITIES

1/8"=1'-0"

BAIRD
STRUCTURAL
DESIGN, INC.

NEW SPOKES OF CARE
1000 COLLEGE
SANTA MONICA, CA 90404
831-861-0564

Existing Triplex on Lot A and Development Standards or RM-L Zone

Site Area per dwelling unit		
Lot Size	Parcel A: 13,299	
Minimum area per unit: 4,400 sf	4,400 sf per unit	
Triplex	13,200 sf minimum	
Development Standards		
Height	30 ft.	23 ft.
Lot Coverage	40% (5,941 sq. ft.)	2,718 sf.
Front yard, First story	15 ft.	26 ft.
Front yard, Garage	20 ft.	68 ft.
Front Yard, Second Story	15 ft. + 2% of lot depth	25 ft.
Side Yard, First story	10% of lot width (9 ft. minimum)	9 ft.
Side Yard, Second story	12% of lot width (11 ft. minimum)	n/a
Encroachments	Decks may encroach 2 ft.	Deck encroaches 2 ft.
Landscaping and Open Space		
Landscaping: Screen planting and additional landscaping shall be encouraged in all yard areas to insure privacy for all residents.	The private open space for each unit is defined by either a fence or a deck.	
Usable open space: Not less than 50% of the required rear yard shall be developed as usable open space, fully landscaped and accessible to the residents of the structure on the site. The least dimension of this usable open space shall be fifteen feet. Fully developed roof terraces and roof gardens shall be allowed to provide up to one-half the area of usable open space.	The rear yard is shared usable open space for use by all tenants.	
Private open space: Minimum private open space in the form of screened terraces, decks or balconies shall be provided as follows: 1. Not less than fifty percent of dwelling units shall be provided with individual open space; 2. Each private open space shall have a minimum area of forty-eight square feet, with a least dimension of four feet.	All units have private open space.	
Parking		
	Required	Proposed
Triplex	<u>2</u> spaces per unit <u>1</u> covered <u>1</u> uncovered	<u>10</u> spaces total <u>3</u> covered <u>7</u> uncovered
Garage and Accessory Bldg.		
Garage	Complies	
Accessory Building	N/A	
Underground Utilities: required with 25% increase in area	N/A	

VOL. 4231 PAGE 290

RECORDING REQUESTED BY
REDDING TITLE COMPANY

AND WHEN RECORDED MAIL TO
Mr. and Mrs. Peter A. Taylor
2225 Wharf Road
Soquel, California
95073

MAIL TAX STATEMENTS TO
Same As Above

065929

OCT 5 1987
San

GRANT DEED

APN 034-141-27

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 247.50 pd.
(XXX) computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale
(XXY) Unincorporated area: () City of .. and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
JAMES ROGER HOLMAN and BARBARA D. HOLMAN, His Wife

hereby GRANT(S) to PETER A. TAYLOR AND MELODY D. TAYLOR, HUSBAND AND WIFE AS COMMUNITY PROPERTY

the following described real property in the
County of Santa Cruz State of California

PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: ...September 29, 1987.

STATE OF CALIFORNIA
COUNTY OF Santa Cruz } ss

On Oct. 1, 1987 before me, the undersigned, a Notary Public in and for said State, personally appeared James Roger Holman Barbara D. Holman personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that they executed the same

WITNESS my hand and official seal

Signature *[Signature]*

OFFICIAL SEAL
M. GOMEZ
Notary Public-California
PRINCIPAL OF FEE IN
SANTA CRUZ COUNTY
My Commission Expires May 14 1988

This form furnished by REDDING TITLE COMPANY

Form No. 801788-SW

Attachment: 2205 Wharf Access Easement (2205 Wharf Road)

PARCEL pm41

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ESCROW NO. 801788 SW

EXHIBIT "A"

The land referred to herein is described as follows:

SITUATED IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL "B" OF THE PARCEL MAP, IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, PER THE MAP FILED FEBRUARY 21, 1978 IN BOOK 28, PAGE 41 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL TWO:

AN EASEMENT FOR DRIVEWAY ACCESS ALONG AN EXISTING ROAD ACROSS THE FOLLOWING DESCRIBED LAND:

BEING A PORTION OF PARCEL B, RECORDED IN VOLUME 28, PAGE 41 OF PARCEL MAPS, IN THE CITY OF CAPITOLA, SANTA CRUZ COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE NORTH 20° 49' WEST 1.83 FEET; THENCE NORTH 9° 12' WEST 40.00 FEET; THENCE SOUTH 4° 06' 15" WEST 41.28 FEET; THENCE SOUTH 89° 52' 02" EAST 10 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:

THE RIGHT TO USE THE FOLLOWING DESCRIBED EXISTING DRIVEWAY:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE NORTH 5° EAST 65.00 FEET, MORE OR LESS TO SOQUEL WHARF ROAD.

APN: 034-141-27

Attachment: 2205 Wharf Access Easement (2205 Wharf Road)

Board of Directors

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

Ron Duncan, *General Manager*

January 20, 2017

Christopher Wright
2205 Wharf Road
Capitola, CA 95010

SUBJECT: Unconditional Water Service Application for Residential Development at 2205 Wharf Road, APN 034-141-34 (addition of third unit)

Dear Mr. Wright:

In response to the subject application, the Board of Directors of the Soquel Creek Water District (SqCWD) at their regular meeting of January 17, 2017 voted to grant your apartment project an Unconditional Will Serve Letter based upon your compliance with SqCWD submittal requirements and satisfying Water Demand Offsets.

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

Additionally, final installation of your water service is dependent upon payment of all remaining fees and compliance with all previously identified requirements, including those specified in your Conditional Will Serve Letter. At your convenience, please contact Conservation staff at (831)475-8500, x146 to schedule an on-site verification appointment.

In order to finalize water service to your project, you will need to enter into a written agreement with the District. Please note that the District no longer performs the installation part of your water service, as this is now the applicant's responsibility. You are responsible for hiring a pre-approved Contractor to perform the installation, including obtaining any necessary encroachment permit. The aforementioned agreement will itemize construction inspection costs associated with your Contractor installing the water service, meter drop-in fees, and water capacity fees as applicable. Prior to setting a meter, SqCWD Conservation Staff will need to perform an on-site verification of compliance. Should you have any questions about this process or require assistance, please contact Conservation staff or Engineering staff at (831) 475-8500.

Sincerely,
SOQUEL CREEK WATER DISTRICT



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



Santa Cruz County Sanitation District

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060-4073
 (831) 454-2180 FAX (831) 454-2089 TDD/TTY- CALL 711

JOHN J. PRESLEIGH, DISTRICT ENGINEER

January 23, 2017

MR. CHRISTOPHER WRIGHT
 130 GREYSTONE CT.
 SANTA CRUZ, CA 95062

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE
 FOR THE FOLLOWING PROPOSED DEVELOPMENT

APN: 034-141-34 APPLICATION NO.: N/A

PARCEL ADDRESS: 2205 WHARF ROAD, CAPITOLA

PROJECT DESCRIPTION: DIVIDE THE EXISTING PARCEL, LEAVING THE
 EXISTING RESIDENTIAL TRIPLEX ON THE NEW
 WESTERN PARCEL AND BUILDING A NEW SINGLE FAMILY
 RESIDENCE ON THE NEW EASTERN PARCEL.

Dear Mr. Wright:

We've received and reviewed your inquiry regarding sewer service availability for the subject parcel(s). You have indicated your interest in connecting to the existing private sewer line at the southwestern corner of parcel 034-141-27. You have provided copies (attached) of deeds of easement (recorded 8/10/66) and a map showing those easements for a sewer line through the adjacent mobile home park. You have provided a letter (1/5/17) from the mobile home park board documenting their acknowledgment that the sewer line in question is not being used by the mobile home park. Based on these documents, it appears as if you have the right to use the existing sewer line through the mobile home park. Further, the grant deeds provided do not appear to limit the number of residences on your property that may use the existing private sewer line. Therefore, it appears as if you are not restricted by terms of the easements from adding an addition residence onto your existing parcel. While it is not for us to determine whether your 1966 easements would extend to a second and separate parcel, it nonetheless seems reasonable that the addition of one more residence to the existing private line would not overburden that easement. Finally, there is currently sufficient capacity in the public sewer mains in Trotter Street and Preakness Avenue for the subject development.

Based on this we have concluded that sewer service is available for your proposed additional residence.

No downstream capacity problem or other issue is known at this time. However, downstream sewer requirements will again be studied at time of Planning Permit review, at which time the District reserves the right to add or modify downstream sewer requirements.

This notice is valid for one year from the date of this letter. If, after this time frame, this project has not yet received approval from the Planning Department, then this determination of availability will be considered to have expired and will no longer be valid.

Attachment: SCC Sanitation District Letter (2205 Wharf Road)

MR. CHRISTOPHER WRIGHT
PAGE 2


Also, for your reference, we have attached a list of common items required during the review of sanitation projects.

Thank you for your inquiry. If you have any questions, please call Robert Hamblen at (831) 454-2100

Yours truly,

JOHN J. PRESLEIGH
District Engineer

By:


Kent Edler
Sanitation Engineer

BH:tlp/490

Attachment: SCC Sanitation District Letter (2205 Wharf Road)

Common Items Required During the Review of Sanitation Projects

What to show on the drawings: When you begin the design process, please show:

On the plot/site/utility plan:

1. Location of any **existing** on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer on the site (plot) plan.
2. Location of any **proposed** on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer on the site (plot) plan.

Place a note, "*Existing*" or "*(E)*", on each existing item that is to be removed.

Place a note, "*To be removed*", on each existing item that is to be removed.

Place a note, "*New*" or "*(N)*", on each item that is to be new.

On a floor plan:

1. All plumbing fixtures both existing and new (label "*(E)*" or "*(N)*") on a floor plan of the entire building. Completely describe all plumbing fixtures according to table T-702.1 of the California Plumbing Code.

(Sanitation District Code sections 7.04.040 and 7.04.430)

Design and Construction Standards

The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition.

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

New Connection

If the proposed plans will involve one or more new sewer connections, we must issue a new sewer connection permit for each new connection. The final connection charges can be determined only after the District and, as needed, other Department of Public Works divisions have reviewed and approved the final engineered sewer improvement plans. (Sanitation District Code section 7.04.410)

Tentative, parcel, or final map required

When any new tentative, parcel, or final map is required, please show the following on the improvement plans:

1. All adjacent or impacted roads and easements,
2. All on- and off-site sewer improvements needed to provide service to each lot or unit proposed. The plans must conform to the County's "Design Criteria."

Multi-unit development with a private collector line

It appears as if the development will utilize an existing private collector line traversing a separately owned parcel. That collector line will serve several separate units and parcels, which will be individually and separately owned. Prior to any land split or building permit, the applicant must establish responsibility for maintenance, repair, and, if needed, replacement of that off-site private collector line. Responsibility can take any form found acceptable to the District Engineer. A common form used for this is that of a homeowners' association.

If a home owners' association is formed, please reference this homeowner's association directly on the improvement plans, tentative map, final map, as well as in the Association's recorded CC&R's. Please record those CC&Rs, and provide a copy of the recorded documents, with proof of recordation, to the District prior to the filing of the final map.

Backflow prevention device

A backflow preventive device may be required. While this determination is often made "in the field" at the time of installation, if you are engaging a surveyor, civil engineer, or knowledgeable contractor, this is nothing to prevent you from making that determination while in the design process. (Sanitation District Code section 7.04.100 and 7.04.375.A.4)

Pre-escrow or Pre-transfer Cleanout and Overflow devices

If approved cleanout and overflow devices have not yet been installed, then prior to close of escrow, approved cleanout and overflow devices must be installed at the owners sole cost, and be inspected by District Inspector. (Sanitation District Code section 7.04.375.A.4.c)

Pre-escrow plumber's inspection of existing lateral

If the development will involve the reuse of an existing sewer lateral for a residential use, if the existing buildings or structures on this parcel that are connected to a sewer main were constructed more than 20 years before the date of sale, and if the private sewer system has not been inspected within the past two years, then, before the close of escrow, the property seller shall have the sanitary sewer system inspected and certified by a licensed plumber to be in good working order and free of obstructions and breaks. Testing and any repair shall be the responsibility of the seller, nontransferable to the owner. Repairs shall be made to any damaged or deteriorated pipe, misalignment of pipe segments, leaking pipes, root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows, and inadequate maintenance of lift stations. You must obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector (no charge) prior to backfilling of pipe or structure.

(Sanitation District Code section 7.04.375.A.3 Private Sanitary Sewer System Repair)

LOMA VISTA ESTATES

PO Box 489
Capitola, CA 95010-0489

January 5, 2017


Mr. Christopher Wright
150 Greystone Ct.
Santa Cruz, CA 95062

RE: Loma Vista Estates/Sewer Line

Dear Mr. Wright:

We are in receipt of a letter dated December 3, 2016 that you dropped off yesterday at the office of Shoreline Property Management. We do not see the need for Loma Vista Estates to grant you any permission to connect to a sewer line that is not owned or used by Loma Vista Estates.

Sincerely,


Pat Trimble, Secretary
Loma Vista Estates Owners Association, Inc.

cc: Board of Directors
Catherine Philipovitch, Attorney-at-Law
Diane Rossi, Shoreline Property Management

Keith Higgins

Traffic Engineer

March 5, 2018

Christopher Wright
150 Greystone Court
Santa Cruz, CA 95062

Re: 2205 Wharf Road Residential Driveway Operations Evaluation, Capitola, California

Dear Christopher:

As you requested, this is an analysis to confirm that acceptable traffic operations will occur at the existing driveway intersection serving 2205 Wharf Road in Capitola, California with the addition of a third home on the existing driveway.

The scope of work includes the following tasks.

1. The City of Capitola was contacted to determine the specific traffic operations issues that they want to be addressed.
2. Sight distance at the driveway was reviewed.
3. The project site was visited to observe traffic operations and to physically perform left and right turns into and out of the driveway to verify the adequacy of the existing driveway configuration.

A. Existing Conditions

Wharf Road has an uphill grade in the southerly direction of about 3.5%. The speed limit on Wharf Road is 25 miles per hour. Bike lanes are provided in both directions. A sidewalk is provided along the east side of the road. A painted crosswalk with flashing warning signs and in-pavement lighting that is activated by pedestrian push buttons is provided about 300 feet to the south. The existing horizontal curve can accommodate a travel speed of about 30 miles per hour.

The driveway serving 2205 Wharf Road is located on the west side of Wharf Road approximately one-fourth mile north of Clares Avenue. The driveway currently serves a single-family residence and a triplex.

The driveway alignment generally is at about a 10-degree angle with Wharf Road. It intersects Wharf Road tangentially on the outside of a 275-foot horizontal curve. This is a non-standard condition. By comparison, virtually every federal, state and local roadway design guideline recommends streets and driveways to intersect at as close to a 90-degree angle as possible. The steep terrain at this location along Wharf Road precludes providing a more perpendicular angle than what is provided. Other driveways along Wharf Road have similar configurations.

2205 Wharf Road
March 5, 2018

The driveway has an uphill grade in the southerly direction of about 16% between Wharf Road and the existing residences. This steepness is considered by most public agencies to be acceptable. The vertical curvature also appears acceptable.

There apparently is no accident history associated with this driveway, although it has served the two residences for at least 50 years. According to the City of Capitola Public Works Department, the neighbor who shares this driveway has indicated there have been near misses.

There is also an on-site intersection of the main driveway with the driveway serving the next-door neighbor. Sight distance is limited at this on-site location by an existing fence along the property line separating the two properties. A 2-foot diameter convex mirror has been placed to assist the next-door neighbor to better observe vehicles exiting 2205 Wharf Road. The driveway has very low travel speeds (10 miles per hour or less). The location is on private property, which reduces the possibility of theft, graffiti, vandalism or other interference with the mirror function. It is therefore a reasonable means of remediation of the sight distance limitation.

B. Existing Driveway Sight Distance

Sight distance to the north from the driveway is unimpeded and is at least 400 feet along a straight section of Wharf Road. This can accommodate over 45 miles per hour. There is no sight distance deficiency to the north.

Sight distance to the south is about 252 feet. It is limited by the 275-foot radius horizontal curve. The provided sight distance accommodates travel speeds of about 35 miles per hour. This is greater than the comfortable travel speed around the curve of 30 miles per hour. Sight distance from the driveway is therefore adequate.

Sight distance between northbound vehicles waiting to turn left into the driveway and northbound vehicles approaching from behind is about 220 feet, which accommodates travel speeds of 32 miles per hour. This is marginally adequate for northbound traffic to observe vehicles stopped in the northbound travel lane.

Sight distance is therefore adequate for the existing driveway.

C. Existing Driveway Geometrics

Vehicles entering and exiting the driveway from and to the north have no difficulty. The severe skew facilitates these movements.

The severe skew of the existing driveway limits the ability of northbound left turn vehicles to enter the site. However, the width from the face of the existing wooden retaining wall along the west edge of the driveway to the edge of the edge of the Wharf Road pavement is about 46 feet. This will accommodate nearly all passenger cars and most pickup trucks without having to make a backup maneuver. This is marginally adequate.

Right turning vehicles exiting the driveway to head south on Wharf Road cannot complete the turn without using the entire northbound Wharf Road travel lane. Vehicles must enter Wharf Road up to the centerline stripe, then proceed to complete a three-point turn similar to a U-turn movement in order to continue southbound on Wharf Road. The mitigating factor for this movement is that sight distance is marginally adequate for exiting vehicles

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to identify gaps in the 30-mile-per-hour northbound traffic to enter the northbound travel lane. Nevertheless, this movement is undesirable and should be limited and preferably eliminated.

D. Impact of Proposed Home

The addition of a new home will not qualitatively change the traffic operations at the existing driveway. The elements of the driveway design including its standard features will not decline to a deficient condition. The non-standard feature, which is associated with the inability to make a right turn exit movement from the driveway onto southbound Wharf Road is already deficient. Its deficiency is unrelated to the addition of traffic from a single home.

E. Recommendations

The topography precludes widening or realigning the driveway approach at Wharf Road to be more standard. Therefore, a driveway realignment is not possible. Alternatively, the following improvements are recommended.

1. Install a "No Right Turn" (Caltrans Manual on Uniform Traffic Control Devices (CAMUTCD) Standard R3-1) sign on the driveway to prohibit right turn exits. The exact placement should be determined in consultation with the Capitola Public Works Department.
2. Replace the existing two-foot diameter convex mirror with a three-foot diameter convex mirror.

If you have any questions regarding the contents of this proposal or need additional information, please do not hesitate to contact me at your convenience. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

Keith B. Higgins

Keith B. Higgins, PE, TE



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MAY 3, 2018

SUBJECT: **Retail Marijuana Sales in Regional Commercial Zoning District**

Future amendment to the Capitola Zoning Code (Municipal Code Chapter 17) to allow retail cannabis sales within the Regional Commercial Zoning District with a Conditional Use Permit.

The Regional Commercial Zoning District is outside the Coastal Zone and therefore is not subject to Local Coastal Program Certification by the Coastal Commission.

Environmental Determination: Exempt

Property: All property within the Regional Commercial Zone within the City of Capitola

Representative: Katie Herlihy, Community Development Director, City of Capitola

BACKGROUND

The City Council adopted Urgency Ordinance No. 989 on January 9, 2014, to prohibit commercial cultivation and processing of medical marijuana within the City of Capitola. In 2016, California voters approved Proposition 64 which decriminalized the possession, use, and sale of recreational marijuana for adults 21 or older and authorized the recreational sale of marijuana beginning on January 1, 2018.

On March 9, 2017, the City Council held a public hearing to consider the 2014 ordinance in light of Proposition 64. Citing concerns with the lack of state regulations and guidance on commercial marijuana activities, the Council ultimately adopted an amended ordinance to ban all commercial marijuana uses, except for laboratory testing facilities. The City Council also directed staff to schedule a review of the ordinance once state regulations were adopted for commercial marijuana activities.

The City Council reviewed the ordinance on February 8, 2018, and expressed support to retain current prohibitions on manufacturing, cultivation, and recreational delivery services. The Council also directed staff to return with additional information and recommendations to allow limited retail sales exclusively in the Regional Commercial zoning district.

On April 12, 2018, the City Council directed staff to move forward with drafting amended ordinances for retail cannabis sales within the Regional Commercial zoning district. The ordinance will be contingent on a ballot initiative for a local cannabis tax. Staff will work with the City Attorney to craft the ordinances so they would only go into effect if a ballot measure passed in November 2018.

DISCUSSION

To allow retail marijuana sales in the City, the recently adopted zoning code must be amended to establish retail marijuana sales as a conditionally allowed use type and to include appropriate conditions and performance standards to minimize land use conflicts. Based on previous Council direction and a review of best practices applied by other California agencies, staff recommends the following zoning parameters for retail marijuana sales establishments:

- Limit uses to the CR (Regional Commercial) zoning district, which is an approximately 2,800-foot long area along 41st Avenue between Capitola Road and Highway 1.
- Establish a 1,000-foot minimum path of travel (buffer) distance between schools and churches, and a minimum 500-foot buffer distance between retailers.
- Require retailers to be in a location with independent access. A permit would not be issued for a location that shares an entryway with another business.
- Require retailers to obtain a revocable Conditional Use Permit and maintain a current Cannabis Retailing permit, as outlined below.

Cannabis Retailing Permit

In conjunction with the conditional use permit, staff also recommends the establishment of a new municipal code section that requires a separate Cannabis Retailing Permit maintained by the Police Department. The regulations for a Cannabis Retailing Permit would be outside the zoning code; therefore, the permit ordinance is not under the purview of the Planning Commission. Such permits would require renewal on a periodic basis, and incorporate best-practice physical security and retailing measures. In addition, the ordinance would:

- Allow a maximum of one, two, or three Cannabis Retailing Permits.
- Establish a competitive, merit-based permit issuance system that accounts for legal cannabis retail experience, civil and criminal records, operations and security plans, and residency. The Council may also include criteria to promote minority- or woman-owned businesses, employee wages/benefits, or other factors.
- Permits would not be transferable to other business operators and would not run with the property.
- Require operators to undergo periodic review by the Police and Community Development Departments. If the retailer has serious or multiple violations, the Police Chief and/or Community Development Director may suspend or revoke the Cannabis Retailing Permit.
- Prohibit specific products that are attractive to children or youth and products with packaging or labeling that is attractive to children or youth.
- Incorporate and require compliance with conditional use permit requirements.

Process

On June 7, 2018, staff will bring a draft ordinance to Planning Commission for recommendation to City Council. The draft ordinance will amend the CR zoning district to add retail cannabis sales to the land use table with the requirement of a conditional use permit and add specific standards for separation, buffers, independent access, and a valid cannabis retail permit. Upon recommendation by the Planning Commission, the City Council will begin review of the zoning ordinance, as well as amendments to Municipal Code Chapter 9.61 (Marijuana Sales, Processing and Cultivation); a new chapter for Cannabis Retail License; a tax ordinance, and an amendment to the fee schedule.

The first reading of the retail cannabis ordinance must occur by the June 28th City Council

meeting to meet the ballot measure deadline. The ordinance will be contingent on a ballot initiative for a local cannabis tax. The ordinance will be crafted so retail cannabis sales would only go into effect if a ballot measure is passed by Capitola residents in November 2018.

CEQA

This project is categorically exempt under Section 15061 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves retail sales of cannabis in an existing regional commercial zoning district. The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possible adverse environmental impacts were discovered during ordinance review by Planning Staff as the retail use will occur in a zone where retail use has been principally permitted.

RECOMMENDATION

Staff recommends that the Planning Commission accept the presentation and provide feedback on zoning parameters for future retail marijuana sales.

CONDITIONS OF APPROVAL

FINDINGS

Prepared By: Katie Herlihy
Senior Planner