



AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, JUNE 2, 2011
7:00 P.M. – CITY HALL COMMUNITY ROOM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Newman, Routh, Smith and Vice-Chairperson Graves

Absent: Chairperson Ortiz

Staff: Community Development Director Johnson

Senior Planner Bane

Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda.

All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. May 5, 2011 Regular Planning Commission Meeting

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.

NONE

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. 1255 41ST AVENUE

#11-042

APN: 036-611-01

Amendment to an existing hotel Conditional Use Permit (Fairfield Inn & Suites) to allow for the sale and dispensing of alcoholic beverages for consumption upon the premises in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Aspromonte Inns, LLC, filed 4/21/11

B. 1820 43rd AVENUE

#11-048

APN: 034-122-32

Design Permit for a first and second floor addition to an existing one-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Jeff McNeil, filed 4/28/11

Representative: Derek Van Alstine

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, July 7, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred thirty six dollar (\$136.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. 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 at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MAY 5, 2011
7:00 P.M. – COUNCIL CHAMBERS**

Chairperson Ortiz called the Regular Meeting of the Capitola Planning Commission to order at 7:02 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Graves, Newman, Routh, Smith and Chairperson Ortiz
Staff: Community Development Director Johnson
Senior Planner Bane
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - NONE
- B. Public Comments - NONE
- C. Commission Comments - NONE
- D. Staff Comments - NONE

3. APPROVAL OF MINUTES

- A. April 7, 2011 Regular Planning Commission Meeting

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER GRAVES TO APPROVE THE APRIL 7, 2011 MINUTES WITH THE FOLLOWING CHANGES:

Commissioner Graves: Page 12, paragraph 6: "...He suggested an additional condition to maintain or replace the landscaping when it fails or begins to show significant signs of wear and tear." Page 15, paragraph 5: "Jill ~~Ealy~~ Ealy, representative from an adjacent business, stated her concerns about the potential of a line of customers interfering with Zelda's deck entrance. Ms. ~~Ealy~~ Ealy was interested in seeking City approval for a take-out window at Zelda's."

Chairperson Ortiz: Page 14, paragraph 10: "~~Chairperson Ortiz stated that although the proposed use will be supporting the surrounding commercial businesses, she was not supportive of a non-retail business in the commercial district. The commercial district should be planned for the long term. She agreed that this type of use would bring in additional business to surrounding stores and restaurants, she felt strongly about Capitola's commercial area. Capitola is a small community with its' own police department, planning department, city hall and recreation department. It takes a lot of money to run the city and the only reason we still have these services in Capitola is because of 41st Avenue.~~

Clares Street was developed to expand Capitola's retail base. We don't receive a lot of property taxes and sales tax makes up a majority of our revenue. She was not in favor of putting a medical use in a prime retail space.

Although there are other uses on 41st Avenue and Clares Street, this particular site was built for retail and changing the use to a medical facility would have a direct impact on Pier 1 and the other businesses in the area. There have been studies done proving that when retail begins to change it may be a slow process, but it will eventually impact a much larger area.

So, although she is sympathetic to the applicant’s services and the need for them she doesn’t want us to take it for granted that we have our own police department and other services. We don’t have to rely on the county when we want to build our homes or remodel our homes. We can come right down here and deal with people who are in our own community. This is a very expensive community to run."

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NONE. ABSTAIN: COMMISSIONER ROUTH.

4. CONSENT CALENDAR

A. 105 FANMAR WAY #11-023 APN: 035-163-38
 Design Permit to demolish a residential duplex and construct a new two-story single-family residence in the RM-LM (Multiple-Family Residence Low Medium Density) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Steve and Lori Johnson, filed 3/2/11
 Representative: Cove Britton, Matson Britton Architects

Senior Planner Bane presented the staff report. He recommended that the following condition be added to the project: “The applicant shall not disconnect or block any active sanity sewer line found during construction, and shall immediately report such discovery to the Santa Cruz County Sanitation District.”

Commissioner Routh stated that the design is compatible with the neighborhood and suggested an additional condition to protect the two trees during construction.

Commissioner Newman questioned what staff considers as a satisfactory permeable type material?

Senior Planner Bane responded that the condition is broadly interpreted to encourage applicants to utilize various material options.

The public hearing was opened.

Cove Britton, architect, spoke in support of the application.

The public hearing was closed.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #11-023 WITH THE FOLLOWING AMENDED CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of demolition of a duplex and construction a new 2,263 square foot two-story single-family structure with an attached garage at 105 Fanmar Way.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.

3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. The applicant shall insure proper drainage flow along Fanmar Way to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
9. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
10. The driveway shall be made of a permeable type material.
11. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
12. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
13. The applicant shall not disconnect or block any active sanity sewer line found during construction, and shall immediately report such discovery to the Santa Cruz County Sanitation District.
14. All existing trees shall be protected during construction and shall be preserved post construction. If, at a later time, the property owner wishes to remove the trees, then he shall apply for a tree permit from the Community Development Department. If the tree permit is granted, then the replacement trees shall be replaced pursuant to the City's adopted tree ordinance.

FINDINGS

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

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

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

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

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

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

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

B. 101 GRAND AVENUE**#11-035****APN: 036-114-12**

Coastal Permit to replace a portion of the existing foundation system for the Crest Apartment building in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Papken DerTorrosian, filed 4/6/11

Representative: Dennis Norton

Commissioner Graves commented that the cliff appears to be sloughing off quickly. He suggested that Public Works review the site and the plans prior to the completion of pipe installation project.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER SMITH TO APPROVE PROJECT APPLICATION #11-035 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the reinforcement and enhancement of a portion of the existing foundation along the south and east perimeter of the Crest Apartment complex at 101 Grand Avenue. The project will supplement a shallow conventional spread footing with a foundation system of underpinning piers and concrete beams.
2. Construction will be limited to the hours of 8am to 5pm Monday through Friday, and 9am to 4pm Saturdays.
3. A temporary fence or matting shall be installed at the top of the slope below the area of proposed work to prevent any excavated soils from spilling downhill.
4. Following construction, erosion control (seeding/matting/mulching) shall be applied to any disturbed soils.

5. The applicant shall obtain an encroachment permit for temporary staging of equipment on Grand Avenue.
6. The applicant shall notice the neighbors within 100' of the project a minimum of seven days prior to the start of construction. The notice shall describe the project and include the proposed dates of construction, construction times, and contact information should issues arise.
7. A review of the project's impacts on the surrounding landscaping and vegetation shall take place six (6) months after completion. If additional landscaping is determined to be necessary by the Community Development Director, the applicant shall prepare a landscape plan to be approved by the Director. Upon approval of the landscape plan, planting of the necessary areas shall take place by the applicant.
8. A hold harmless agreement shall be signed and recorded by all participating parties in the project. A copy of the recorded agreement shall be submitted to the Community Development Department prior to issuance of the building permit.

FINDINGS

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

Planning Department Staff and the Planning Commission have reviewed the project. The project 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 15301(d) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves restoration or rehabilitation of a deteriorated or damaged structure to meet current standards of public health and safety.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

5. PUBLIC HEARINGS

- A. 1955 41st AVENUE, SUITE A-4 #11-037 APN: 034-261-15, -53**
 Conditional Use Permit for a restaurant use (Yogurtland) with outdoor seating in the CC (Community Commercial) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: JFG Capitola Winfield Partners, filed 4/13/11
 Representative: N2YL, dba Yogurtland

Senior Planner Bane presented the staff report.

The public hearing was opened.

Kevin and Brian Dueck, spoke in support of the application.

The public hearing was closed.

Commissioner Graves stated that the outdoor seating at the adjacent businesses seem to be limited to two tables and six chairs. There are too many tables and chairs in the outdoor seating area, then the sidewalk bill become congested. He suggested that staff research the permitted number of tables and chairs for the adjacent businesses and apply the same number to the applicant.

Chairperson Ortiz suggested an additional condition, similar to the garbage condition for Chipotle's, to address the common garbage situation.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #11-037 WITH THE FOLLOWING AMENDED CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a restaurant (*Yogurtland*) within an existing vacant commercial space located at 1955 41st Avenue, Suite A-4. The permit approval includes outdoor seating.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 9:00 a.m. – 10:00 p.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department. Proposed signage shall be consistent with the approved sign program.
6. The applicant shall obtain a business license prior to operating the business.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
8. The trash shall be contained within the designated dumpster area

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CC Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of Zoning District. Conditions of approval have been included to ensure that the use of the restaurant is consistent with the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the restaurant use and modifications to the building conform with the

applicable provisions of the Zoning Ordinance and *41st Avenue Area Design Guidelines*, and therefore maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

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

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

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. DIRECTOR'S REPORT

Community Development Director Johnson provided the Commission a status update on the following items: General Plan Update; Bay Avenue Stakeholders meeting was held on Wednesday, May 4th; Grand Opening of the Bay Avenue Senior Housing Project will be held on June 10th; Fairfield Inn is in the final phase of construction with and anticipated opening in early June 2011; staff will be proposing standard conditions and finding for all development projects reviewed by the Planning Commission; noticing of upcoming agenda items will continue to be sent via email list.

7. COMMISSION COMMUNICATIONS

Commissioner Newman commented that the GPAC will be discussing how to incorporate more diverse participation in General Plan process at their next meeting to be held on May 18, 2011. Commissioner Graves commented on the Rispin workshop held Wednesday, May 4th.

Chairperson Ortiz commented that several development applications have been utilizing the code section pertaining to front porches that do not count toward floor area ratio. She requested that staff review the sections and clarify the intent and interpretation of the code section. She noted that several applications have not included landscape plans and that all development applications should be submitting landscape plans for review and approval.

The Commission discussed what types of items should be placed on the consent agenda verses the public hearings. Commissioner Newman stated that previous Commissions had concurred that if projects met all the ordinance requirements and there were no variances requested, then projects were placed on the consent agenda, but the issue should be considered by the current Commission.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:51 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, June 2, 2011 at 7:00 p.m., in the City Hall Community Room, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on June 2, 2011

Danielle Uharriet, Minute Clerk

“Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment’s overnight transient occupancy guests or their invitees. This license is normally issued to “suite-type” hotels and motels, which exercise the license privileges for guests’ “complimentary” happy hour. Minors are allowed on the premises.”

RECOMMENDATION

Staff recommends that the Planning Commission approve application #11-042, subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval (#11-042) consists of an amendment to an existing hotel (Fairfield Inn & Suites by Marriot) Conditional Use Permit to allow the sale of beer, wine and distilled spirits at 1255 41st Avenue.
2. The applicant shall submit an application for Public Convenience and Necessity per Capitola Administrative Policy.
3. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

Previous Conditions from Application #08-054:

5. The project approval consists of demolition an existing church building and associated facilities and construction of an 84-room, 3-story hotel and associated facilities.
6. Any significant modifications to the size or exterior appearance of the approved design must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission. An increase greater than 6” in height to the approved plans shall constitute a significant alteration to the structure.
7. If any upgrade modifications to the plans are desired by the applicant (i.e. windows, materials, colors, etc.), the changes may be approved by the Planning Department. Other changes may require Planning Commission approval.
8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
9. Use of the pool facility shall be prohibited between the hours of 11PM and 7AM.
10. Delivery hours shall be limited to 8AM – 8PM to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during deliveries.
11. Final building plans shall include an 8’ high acoustically-effective barrier along the eastern and southern sides of the swimming pool area to be constructed in a manner consistent with

specifications in the acoustical report by Edward L. Pack Associates (April 7, 2009) to reduce exterior noise exposure to acceptable levels.

12. First floor windows facing the residents to the south shall be frosted or opaque to provide privacy to the neighboring residents.
13. Exterior grade sound absorptive panels shall be installed on the entire south, west and north chiller yard walls in accordance with specifications in the acoustical report by Edward L. Pack Associates (April 7, 2009).
14. The following measures shall be implemented during construction:
 - Hours of construction shall be per City Ordinance in effect at the start of construction.
 - Require proper maintenance of construction equipment.
 - Require all stockpiling and vehicle staging areas and stationary noise-generating construction equipment to be located as far as possible from nearby residences as practicable.
 - As part of construction specifications, require all equipment to be kept in good repair and fitted with superior quality mufflers. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
 - Require the contractor to assure that mobile noise-generating equipment and machinery are shut off when not in use.
15. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
16. Final building plans shall indicate that the trash enclosure will be made of a sturdy solid masonry material, with trash receptacles screened from view and compatible with the color and materials of the project. The enclosure shall be maintained to provide a clean and sanitary area.
17. All lighting shall be shielded and directed on to the hotel property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.
18. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
19. An 8' high concrete block wall (measured from project finished grade) will be constructed along the southern property line adjacent to residential properties. The wall may be constructed after the foundation/podium portion of the construction is completed, but the wall must be completed prior to commencing 1st floor framing.
20. Prior to issuance of a building permit, any necessary encroachment permit shall be obtained from the Public Works Director.
21. All curbs, gutters and sidewalks damaged during construction shall be improved to the satisfaction of the Public Works Department prior to final occupancy.

22. Prior to issuance of building permits, the applicant shall contribute to the City of Capitola their fair share of construction costs associated with restriping the westbound Capitola Road approach to 41st Avenue to provide one left-turn, one shared left/through lane and one shared through/right-turn lane. The payment amount shall be determined by the City Public Works Director.
23. A physical barrier on the centerline of Brommer Street shall be installed to the satisfaction of the Public Works Director to prohibit left turn movements between Brommer Street and the project driveway.
24. The utilities shall be underground to the nearest utility pole. Underground utility vaults shall be located in a paved surface area outside of the landscaped area.
25. The applicant shall comply with all requirements of the Santa Cruz City Water District regarding landscape irrigation and/or water fixture requirements, as well as any infrastructure improvements. Final building plans shall be reviewed and approved by the District prior to issuance of building permits.
26. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized.
27. The applicant shall enter into a landscape maintenance agreement and a cash deposit of \$2,000.00 shall be retained by the City to cover costs of replacing or maintaining landscaping for a period of three (3) years after project completion.
28. A complete set of final building plans shall be submitted to the Central Fire District for clearance prior to issuance of a building permit.
29. Require implementation of "Best Management" construction practices to control dust and PM₁₀ emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - Water all active construction areas at least twice daily;
 - Prohibit all grading activities during periods of high winds (over 15 mph);
 - Cover all trucks hauling dirt, sand or loose materials.
 - Cover or water stockpiles of debris, soil and other materials which can become windblown;
 - Install wheel washers at the entrance to construction sites for all existing trucks;
 - Sweep streets if visible soil material is carried out from the construction site;
 - Apply chemical soil stabilizers on inactive construction sites;
 - Plant vegetative ground cover in disturbed areas as soon as possible.
30. The applicant shall submit a construction plan for approval prior to building permit issuance. The plan shall include, but not be limited to, identifying construction hours, access to the site, contractor parking locations, office trailer locations, material storage, etc.
31. The applicant shall be required to demonstrate that a 15% canopy coverage will be provided as required by the City's "Community Tree and Forest Management" regulations.

32. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.
33. The applicant shall prepare a geotechnical investigation and implement all recommendations regarding seismic and foundation design.
34. The applicant shall pay the appropriate fees in compliance with Chapter 2.58: Funding the Public Art Program; for non-residential projects with a total building permit valuation of at least two hundred fifty thousand dollars, excluding land acquisition.
35. Trees planted along the southern property line shall be of a size no lesser than 24" box.
36. Use of the trash compactor shall be limited to the hours between 8AM and 8PM.
37. No deliveries shall be permitted to the rear of the property (northwest corner). All deliveries shall be made to the underground parking area or to the front (41st Avenue) of the hotel.
38. Hotel employees shall enter the trash enclosure from the parking garage.
39. The sidewalk along 41st Avenue shall be a minimum of 8' in width.
40. The applicant shall redesign the west elevation to provide more articulation and external design elements. Revisions shall be reviewed and approved by the Community Development Department prior to building permit issuance.

FINDINGS

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

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

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed sale of alcohol within the confines of the hotel use will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

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

The proposed project involves an amendment to an existing use permit with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Letter from the applicant, dated April 14, 2011
Attachment B – Floor plans indicating lounge area

April 14, 2011

Aspromonte Inn, LLC
60 Oak Knoll Drive
Santa Cruz, CA 95060

City Of Capitola
420 Capitola Avenue
Capitola, CA 95010

To Whom It May Concern:


As owners of the new Fairfield Inn & Suites by Marriott at 1255 41st Avenue, we are applying for a Type 70 Liquor License from the Department of Alcoholic Beverage Control:

ON SALE GENERAL - RESTRICTIVE SERVICE - *Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. Minors are allowed on the premises.*

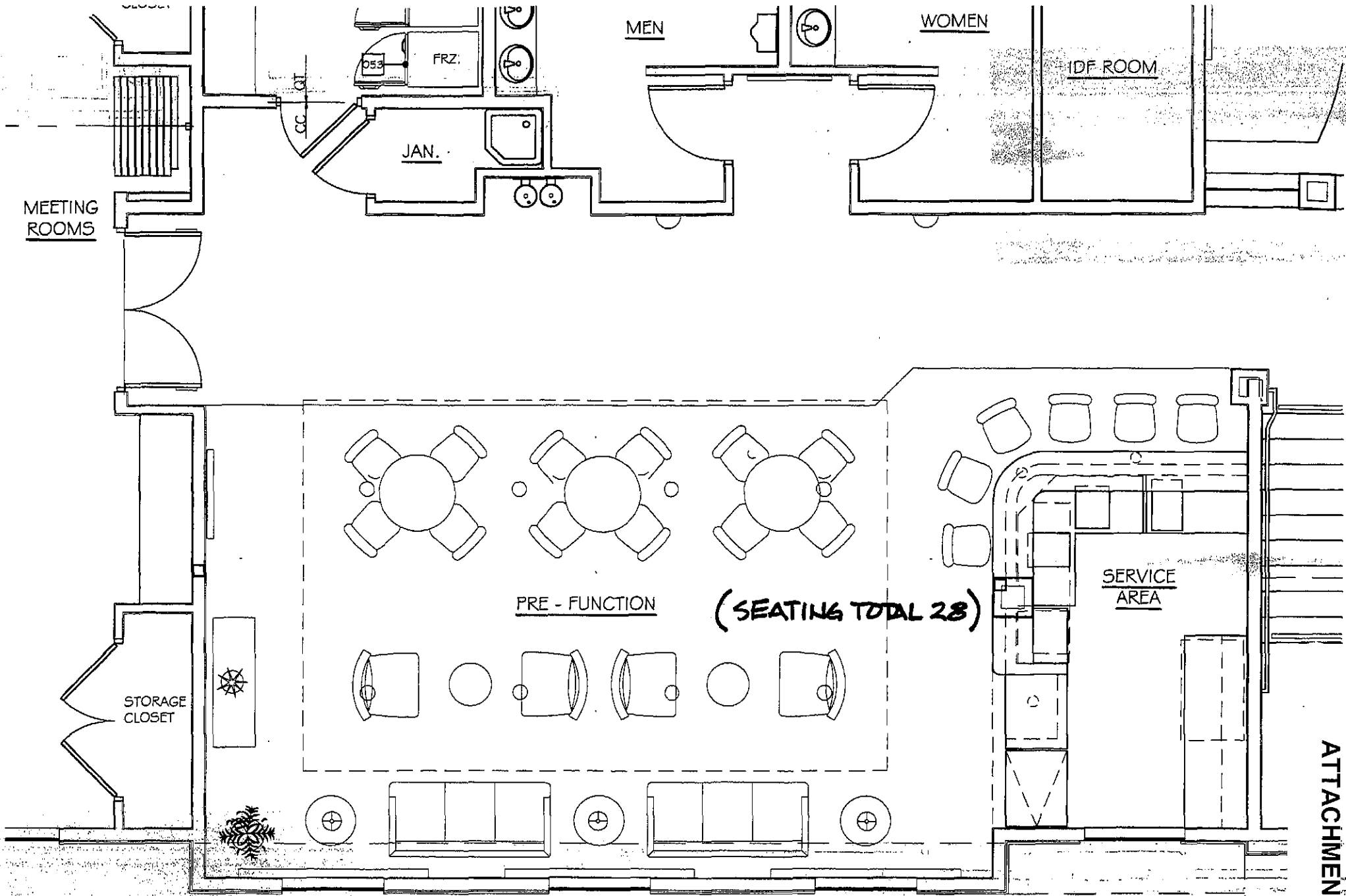
The hotel was designed and approved with a bar to the side of the reception desk, in a room that acts both as a lounge and pre-function area for meetings. The bar will be equipped to serve wine, bottled beer, soft drinks, juices, coffee and teas. Hotel patrons will be able to consume their beverage anywhere on the premises of the hotel.

We respectfully request that the City of Capitola amend the conditional use permit for this hotel to allow the sale and consumption of alcohol.

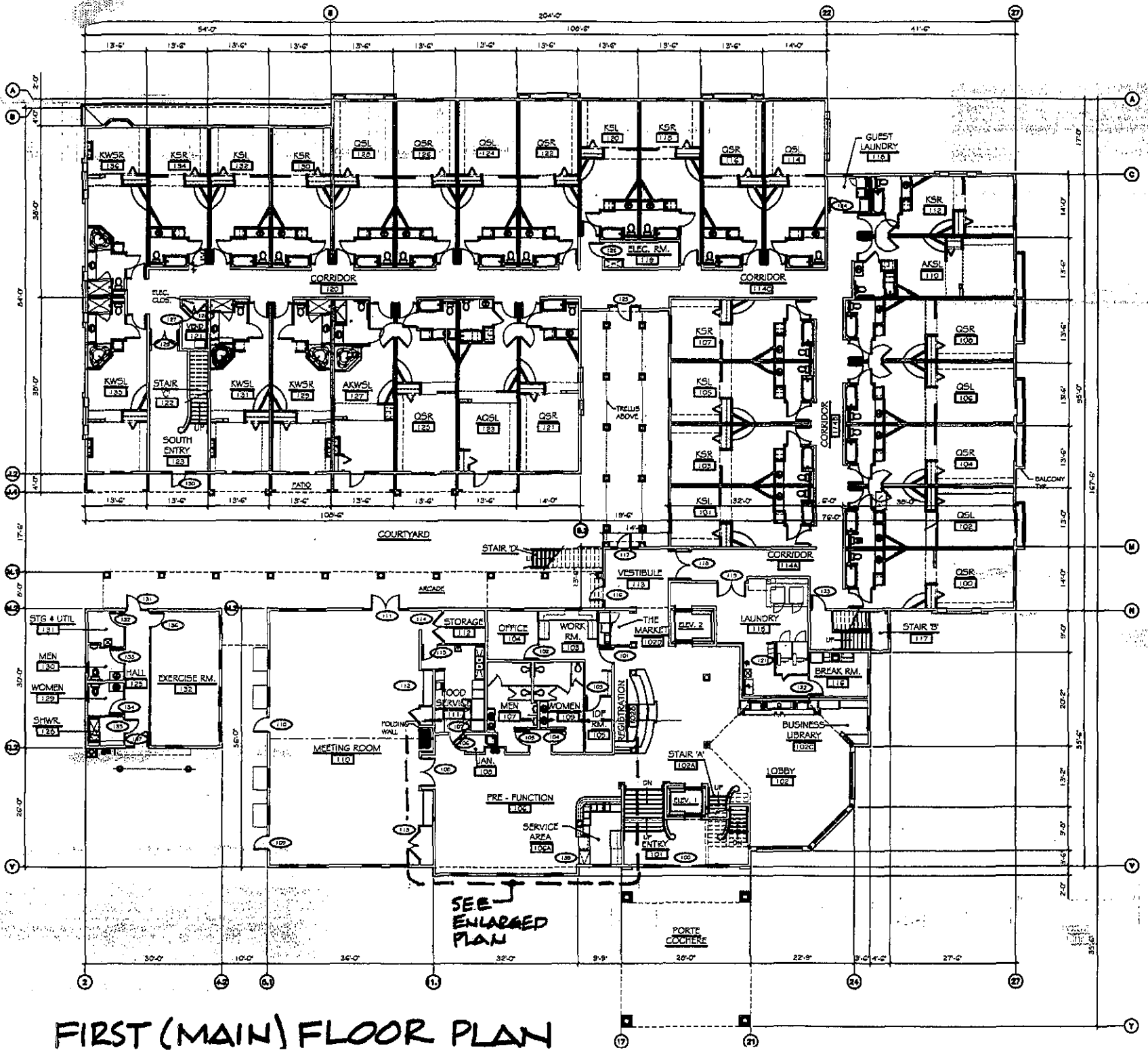
Regards,



Dan Aspromonte
Managing Member of Aspromonte Inns, LLC
831-234-3909 cell



LOUNGE AREA WITH FURNITURE & SEATING



FIRST (MAIN) FLOOR PLAN



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 26, 2011 (AGENDA: JUNE 2, 2011)

SUBJECT: **1820 43rd AVENUE** **#11-048** **APN: 034-122-32**
 Design Permit for a first and second floor addition to an existing one-story single-family residence in the R-1 (Single-Family Residence) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Jeff McNeil, filed 4/28/11
 Representative: Derek Van Alstine

APPLICANT'S PROPOSAL

The applicant is proposing a significant remodel to an existing one-story single-family residence, including a 35 square foot first floor addition and a new 1,022 square foot second story at 1820 43rd Avenue in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<u>STRUCTURAL DATA</u>					
<u>SETBACKS</u>		Required	Existing	Proposed	
Front Yard					
	Driveway	20'	21'	21'	
	1 st Story	15'	45'	40'-10"	
	2 nd Story	20'	n/a	40'-10"	
Rear Yard					
	1 st Story	21'	21'-6"	21'-6"	
	2 nd Story	21'	n/a	21'-6"	
Side Yard					
	1 st Story	4' (l) & (r)	7'-9" (l) & 6' (r)	7'-9" (l) & 6' (r)	
	2 nd Story	6' (l) & (r)	n/a	7'-9" (l) & 6' (r)	
<u>HEIGHT</u>		25'	17'	24'	
<u>FLOOR AREA RATIO</u>		Lot Size	MAX (53%)	Existing (27%)	Proposed (53%)
		4,200 sq. ft	2,226 sq. ft.	1,120 sq. ft	2,197 sq. ft.

	Habitable Space	First Floor Deck or Porch	Second Floor Deck	Garage	Total
Existing First Story	865 sq. ft.	66 sq. ft.*	n/a	255 sq. ft.	1,120 sq. ft.
Proposed					
	Habitable Space	First Floor Deck or Porch	Second Floor Deck	Garage	Total
Proposed First Story	900 sq. ft.	120 sq. ft.*	n/a	275 sq. ft.	1,175 sq. ft.
Proposed Second Story	1,022 sq. ft.	-	n/a	n/a	1,022 sq. ft.
Proposed TOTAL	1,922 sq. ft.	0 sq. ft.	n/a	275 sq. ft.	2,197 sq. ft.
PARKING					
	Required		Existing	Proposed	
	3 spaces, one of which must be covered		2 spaces	1 uncovered space 1 covered	
Total	3 spaces		2 spaces	2 spaces	

* There is a credit of 150 sq. ft. for first floor covered porches. Therefore, only 42 square feet of first floor deck counts toward the project's FAR.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On May 25, 2011, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phanton complimented the design of the house, and suggested that the north facing master bedroom window be raised in height in order to maintain privacy for the neighboring backyard. This could be accomplished by moving the bed wall.
- Building Official Mark Wheeler described the building permit process, including green building, fire sprinkler and survey requirements.
- Senior Planner Bane noted that an additional parking space would be required. The applicant has since addressed the requirement by adding a compact space adjacent to the existing standard space.

DISCUSSION

The project consists of a major remodel within the existing structure, including a 35 square foot addition to the first floor connecting the main house to the detached garage, as well as a new 1,022 square foot second floor addition. The new second level will consist of three bedrooms and two bathrooms. Exterior materials include a mix of stucco, cement shingle siding, vinyl windows with painted wood trim, and asphalt shingle roof. A color and materials board will be available for review at the Planning Commission meeting. The project conforms to the R-1 district development standards, including height, setback, parking and FAR requirements. The existing landscape shall remain.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #11-048 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a significant remodel to an existing one-story single-family residence, including a 35 square foot first floor addition and a new 1,022 square foot second story at 1820 43rd Avenue.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. No trees or significant amount of landscaping is to be removed. If any trees, large shrubs or significant landscaping is to be removed as a result of the project, the applicant shall provide a landscape plan to be submitted with the building permit application. The plan shall include the quantity, or specific number of plants for each plant type, their container size, special planting requirements and spacing between plants, subject to the approval of the Community Development Director.
4. Construction hours shall be limited to Monday through Friday 7:30am to 9pm., Saturday 9:00am to 4:00pm, and prohibited on Sundays.
5. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
6. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
7. An encroachment permit shall be acquired for any work performed in the right-of-way.
8. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.

FINDINGS

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

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

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

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

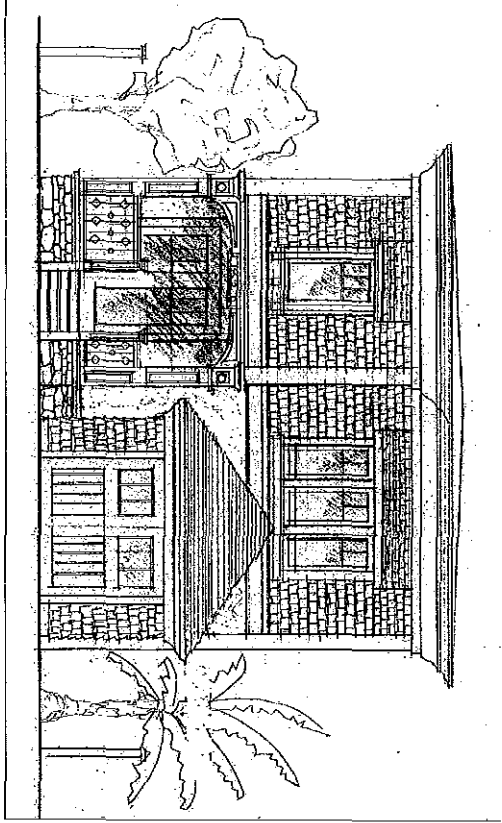
- C. **This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a one-story single-family residence that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project

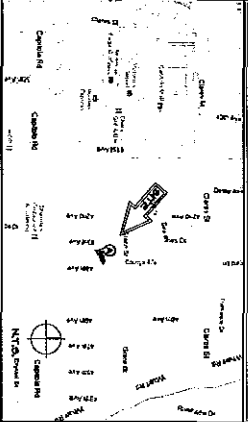
Report Prepared By: Ryan Bane
Senior Planner

Attachment A - Project Plans

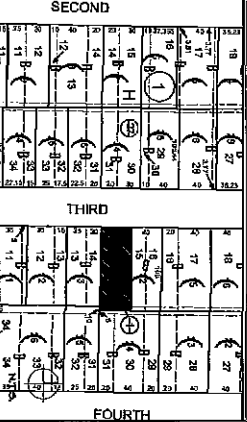
McNEIL RESIDENCE



VICINITY MAP



PARCEL MAP



BUILDING INFORMATION SUMMARY

PROJECT DESCRIPTION:
 ADDITION TO EXISTING THREE STORY 225 SQ FT SINGLE FAMILY DWELLING INCLUDING 38 NEW SQUARE FEET OF PORCH AND NEW 1,582 SQ FT SECOND STORY.

PROJECT ADDRESS:
 1820 43RD AVE
 CAPITOLA, CA 95010

PARCEL NUMBER:
 034-12-232

OCCUPANCY TYPE:
 R-3

SETBACK INFORMATION:
 FRONT YARD 15'-0" SIDE YARD 5'-0" REAR YARD 20'-0"

LOT AREA:
 4,300 SQ. FT.

FLOOR AREA CALCULATIONS:

EXISTING	PROPOSED	NET CHANGE
645 SQ. FT.	800 SQ. FT.	155 SQ. FT.
0 SQ. FT.	1,022 SQ. FT.	1,022 SQ. FT.
255 SQ. FT.	275 SQ. FT.	20 SQ. FT.
1,120 SQ. FT.	2,197 SQ. FT.	1,077 SQ. FT.

FLOOR AREA RATIO ALLOWED:
 52% = 2,236 SQ. FT.

FLOOR AREA RATIO PROPOSED:
 52.3% = 2,197 SQ. FT.

PARKING (PROVIDED):
 1 COVERED AND 1 UNCOVERED

CODE NOTE:
 THESE PLANS CONFORM TO THE 2007 CALIF. BLDG. CODE, 2007 CALIF. 2007 CALIF. AND 2000 ENERGY CODE. THE 2007 CALIF. BLDG. CODE, 2007 CALIF. AND 2000 ENERGY CODE ARE ADAPTED BY THE STATE OF CALIFORNIA.

CONTACTS

OWNER:
 JEFF AND KATE MCNEIL
 1820 43RD AVE
 CAPITOLA, CA 95010
 (831) 452-0754

PROJECT DESIGNER:
 DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
 716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
 SANTA CRUZ, CA 95062
 TEL: (831) 452-0400
 FAX: (831) 452-0400
 dvan@rvadrd.com

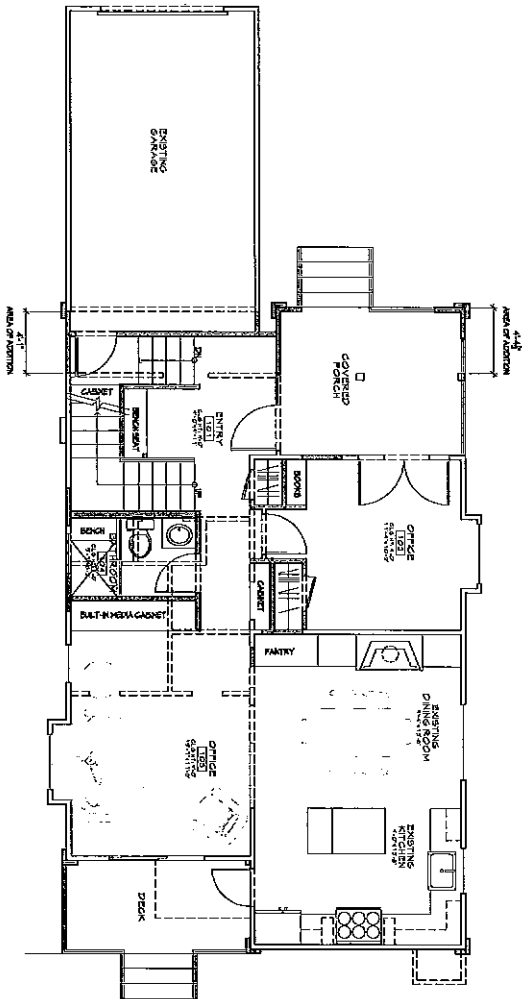
DRAWING INDEX

- BUILDING DESIGN
- T1 TITLE SHEET
- T2 STREETSCAPE
- A1 SITE PLAN
- A2 EXISTING / DEMOLITION PLAN
- A3 PROPOSED FLOOR PLANS
- A4 EXTERIOR ELEVATIONS

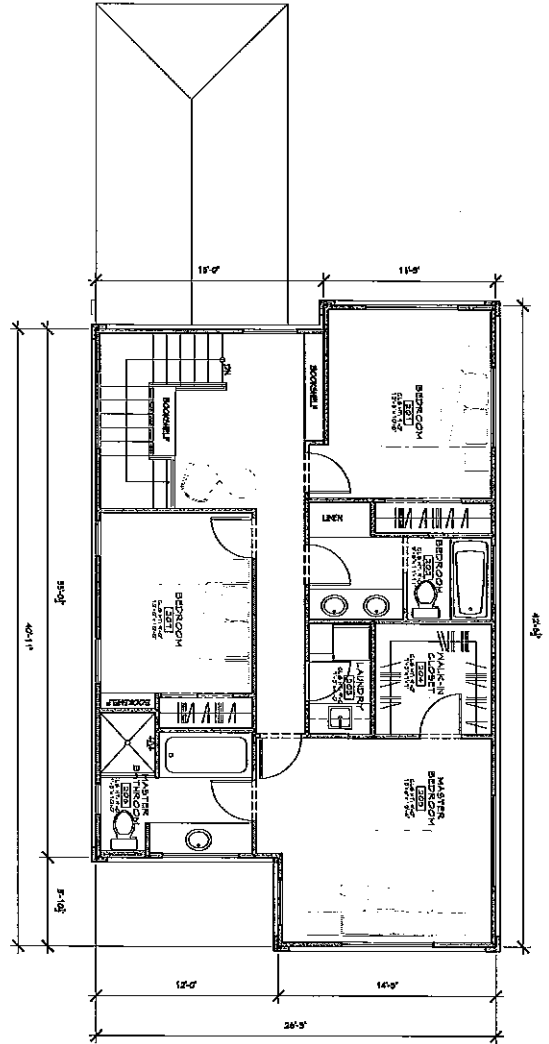
DEREK VAN ALSTINE RESIDENTIAL DESIGN INC.
 716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
 (831) 452-0400 PHONE (831) 452-0400 FAX

MCNEIL RESIDENCE
 1820 43RD AVENUE
 CAPITOLA, CA 95010

034-12-232
 1820 43RD AVE
 CAPITOLA, CA 95010
 08/15/2011
 248 27 50 1



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



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

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- NEW 5/8" STUCCO WALL
- NEW 2\"/> STUCCO WALL

PROJECT: MCNEIL RESIDENCE
DATE: 4/28/2011
DRAWN BY: DVA
CHECKED BY: DVA
SCALE: AS SHOWN

MCNEIL RESIDENCE
1820 43rd AVENUE
CAPITOLA, CA 95010

DVRD
DESIGN
ARCHITECTURE

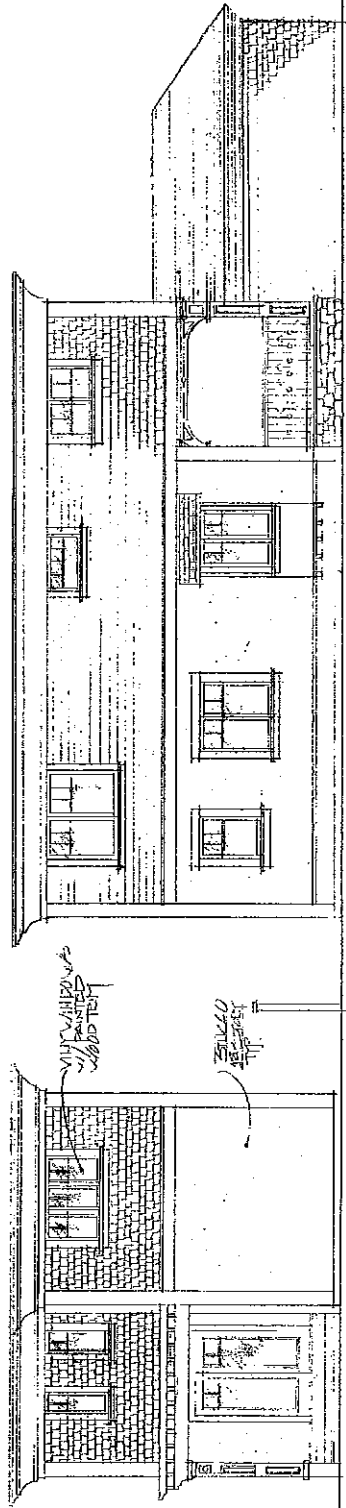
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(531) 426-5460 PHONE (531) 426-5466 FAX

DATE	
BY	
CHECKED	
APPROVED	
SCALE	
PROJECT	
NO.	

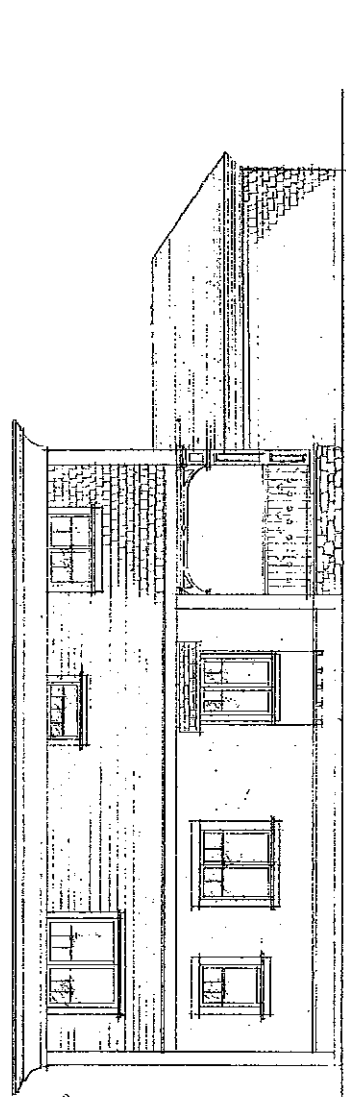
WENDEL RESIDENCE REMODEL

DATE 9/27/11
 DRAWN BY X/21
 CHECKED BY
 APPROVED BY
 SCALE
 PROJECT
 NO.

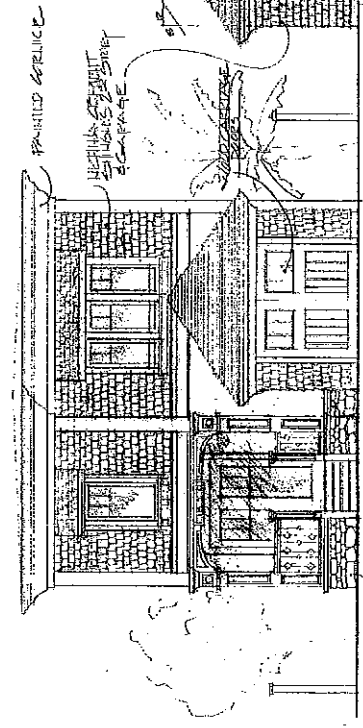
A4



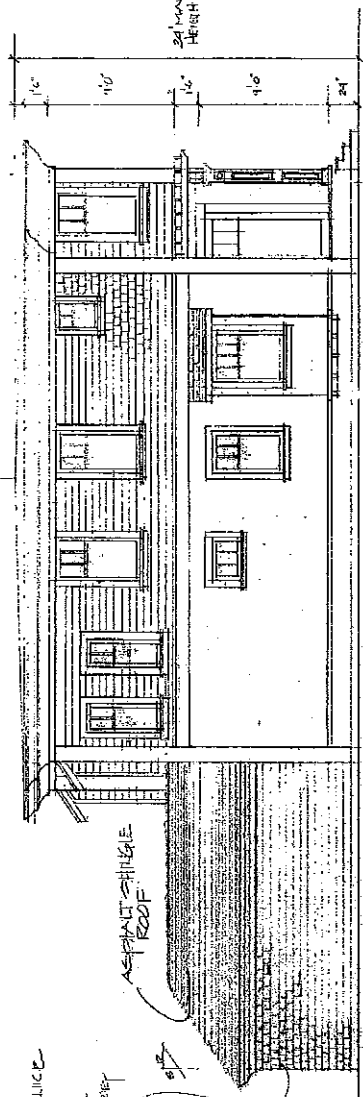
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION