



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, July 20, 2017 – 7:00 PM

Chairperson Ed Newman
Commissioners Sam Storey
Linda Smith
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

A. Planning Commission - Regular Meeting - May 4, 2017

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. Capitola Mall Redevelopment - Request to Continue to September 7, 2017

B. 212 Monterey Avenue #16-111 APN: 035-261-11

Design Permit application for an exterior remodel and addition of 304 square feet to an existing two-story multi-family residential building, located in the CV (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: Joe Mingione

Representative: Derek Van Alstine, filed: 5/31/16

C. 4100 Auto Plaza Drive #17-026 APN: 034-141-29

Design Permit and Conditional Use Permit for a carwash and Sign Permit for a monument sign at the existing Subaru dealership in the Community Commercial (CC) zoning district.

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

Environmental Determination: Categorical Exemption
Property Owner: Santa Cruz Seaside Company
Representative: Peter Bagnall, filed 3/3/2017

D. 614 Capitola Avenue #17-080 APN: 035-302-06

Conditional Use Permit to convert an existing mixed-use building to multi-family residence, located in the CN (Neighborhood Commercial) zoning district.

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

Environmental Determination: Categorical Exemption
Property Owner: William & Mary Ivison
Representative: William & Mary Ivison, filed: 5/23/17

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. 5055 Jewel Street #17-015 034-043-09

Design Permit for a first-floor addition and construction of a new second floor to an existing one-story residence with variance requests to parking and driveway dimensions, located in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption
Property Owner: Jeff Luchetti
Representative: Frank Phanton, filed: 2/8/17

B. 2205 Wharf Road #16-041 APN: 034-141-34

Minor land division to create two lots of record, design permit for a new single-family residence, and variance to lot design standards 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: 3/14/16

6. DIRECTOR'S REPORT

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.



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MAY 4, 2017
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Request to continue Item 4.B. was heard under Public Hearings

B. Public Comments – None

C. Commission Comments

Commissioner Storey, in his role as Commission representative, provided an update from the last Art and Cultural Commission meeting regarding the rail in front of Bella Roma on Capitola Avenue.

D. Staff Comments – None

3. APPROVAL OF MINUTES

A. Planning Commission - Special Meeting – Feb. 16, 2017 6:00 PM

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

B. Planning Commission - Regular Meeting - March 2, 2017 7:00 PM

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

4. CONSENT CALENDAR

A. Revised Environmentally Sensitive Habitat Area Map

Revised Environmentally Sensitive Habitat Area Map for the Comprehensive Zoning Code update (Municipal Code Chapter 17).

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

Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.
 Representative: Katie Herlihy, Senior Planner, City of Capitola

Commissioner Storey pulled item from Consent Calendar for discussion and was heard after Public Hearings

MOTION: Approve Revised Environmentally Sensitive Habitat Map

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

B. 2205 Wharf Road #16-041 APN: 034-141-34

Minor land division to create two lots of record and a design permit for a new Single-Family Residence for a property located 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: 3/14/16

MOTION: Continue to next regular Planning Commission meeting on June 1, 2017

RESULT:	CONTINUED [UNANIMOUS]	Next: 6/1/2017 7:00 PM
MOVER:	Susan Westman, Commissioner	
SECONDER:	TJ Welch, Commissioner	
AYES:	Newman, Smith, Storey, Welch, Westman	

5. PUBLIC HEARINGS

A. 1649 41st Avenue #16-224 APN: 034-151-09

Design Permit to replace the existing convenience store with a new 2,573 sf convenience store and sign permit with variance for two new wall signs at the Shell gas station, located in the CC (Community Commercial) zoning district.

This project is not in the Coastal Zone and does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Peninsula Petroleum, LLC
 Representative: M. J. Castelo, filed: 12/19/16

Senior Planner Herlihy provided the staff report. Don Johnson from Peninsula Petroleum addressed the Commission to request that it approve the variance as the project is well under the sign size specified for the building proposed. He explained that the “Great Goods” sign is the brand of the convenience store and consumers can identify it by the brand.

MOTION: Deny variance without prejudice and approve Design Permit with the following amended conditions:

CONDITIONS

1. The project approval consists of construction of a 2,573 square-foot convenience store. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 4, 2017, except as modified through conditions imposed by the Planning Commission during the hearing. The applicant was denied a variance for a wall sign. There is currently one wall sign on the car wash and two Shell logo wall signs on the canopy. The applicant may remove existing wall signs in order to install wall sign(s) on the convenience store as long as the site complies with the maximum allowance of two wall signs for the site and the wall sign is relative to the size and materials proposed in the application. Any significant change in the proposed sign size shall be approved by Planning Commission.
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, all Planning fees associated with permit #16-224 shall be paid in full.
7. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz Water District, and Central Fire Protection District.
8. 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.
9. 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).
10. 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.

11. 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.
12. 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
13. 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.
14. 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.
15. 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.
16. 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.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

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 application and determined that the proposed expansion of the convenience store may be granted a design permit within the CC Zoning District. The proposed structure complies with the development standards of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with 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 proposed design and determined that the use complies with the applicable provisions of the Zoning Ordinance 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 convenience store is within an existing commercial development, the Shell Gas Station. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

D. A variance has been denied because there are no special circumstances applicable to subject property, including size, shape, topography, location or surroundings, that the strict application of this title is not found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

There are no special circumstances applicable to the subject property that the strict application of the wall sign regulations that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. However, there are two examples of gas stations in the vicinity (Chevron and Coast) that have multiple wall signs on the canopy, additional wall signs on the store, and a monument sign along the frontage.

E. 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.

The grant of a variance would not constitute a grant of special privileges inconsistent with the limitation upon other properties (Chevron and Coast) in the vicinity and zone in which the Shell station is situated.

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

B. 212 Monterey Avenue #16-111 035-261-11

Design Permit application for an exterior remodel and addition of 304 square feet to an existing two-story multi-family residential building, with a variance request to height, located in the CV (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: Joe Mingione

Representative: Derek Van Alstine, filed: 5/31/16

Assistant Planner Safty provided the staff report. Applicant's representative Derek Van Alstine responded to the Commission urging it to approve the project with the variance. He addressed the concerns of Steve Ross, who lives in the house in the back, to be included as part of the record. Mr. Ross's concerns included the following: 1) that the roof not become useable as a deck; 2) the lighting on the building, which is currently

non-directional and stays on too long; and, 3) he also had concerns regarding the amount and collection of garbage. In addition, Mr. Van Alstine explained that the parking spaces that are proposed are far greater and more useable than what is there now. They are proposing five spaces and at a more appropriate angle to the street.

MOTION: Continue the application to next regular Planning Commission meeting of June 1, 2017, and directed applicant to install orange netting at the proposed roof height prior to the next meeting.

RESULT:	CONTINUED [4 TO 1]	Next: 6/1/2017 7:00 PM
MOVER:	Sam Storey, Commissioner	
SECONDER:	Susan Westman, Commissioner	
AYES:	Newman, Smith, Storey, Westman	
NAYS:	Welch	

C. 4530 Garnet Street #16-157 034-034-02

Design Permit application for a remodel and 497 square foot addition to an existing single-family residence located in the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
Property Owner: Clark Cochran
Representative: Dennis Norton, filed: 8/15/16

Assistant Planner Safty provided an overview of the project. Representative Dennis Norton and owner Susan Cochran addressed some of the concerns over the conditions of approval and uses. The Planning Commission concurred with removing language regrading accessory dwelling unit.

MOTION: Approve the project with the following amended conditions:

CONDITIONS OF APPROVAL

1. The project approval consists of a remodel and addition to an existing one-story residence at 4530 Garnet Street. The existing kitchen in the detached accessory structure will be removed from the accessory structure. ~~There shall be no sleeping quarters within the accessory structure.~~ The project consists of a 497-square foot addition to an existing 550-square foot residence and 376-square foot detached accessory structure. The maximum Floor Area Ratio for the 3,200-square foot property is 57% (1,824 square feet). The total FAR of the project is 44% with a total of 1,423 square feet of floor area, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 4th, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.

4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. The detached accessory structure may not be used as a secondary dwelling unit. The detached accessory structure is prohibited from having a kitchen., gas line, 220 electric plug, and a sink drain size over one and one-half inches in diameter. ~~If any of these features currently exist in the accessory structure, the building plans must identify the existing features being removed at time of building permit submittal.~~
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended. The landscaping may not displace either of the two required uncovered parking spaces.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-157 shall be paid in full.
9. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
10. 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.
11. Prior to issuance of building permits, the building plans must show that the existing secondary driveway approach (eastern property edge) be removed and replaced with a standard City curb which meets state accessibility requirements.
12. 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.
13. 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.
14. 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).
15. 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.

16. 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. The removed curb cut requires an encroachment permit which must be completed prior to certificate of occupancy.
17. 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
18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. 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.
20. 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.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

FINDINGS

- A. **The 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 addition complies with the development standards of the Single-Family District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodel and addition. The exterior of the home will be updated completely with board and batt siding and a new roof. The project will maintain the character and integrity of the neighborhood.

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

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet. This project involves the remodel and 497 square foot addition to an existing residence and removal of an existing kitchen from a detached accessory structure within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

D. Capitola Mall Redevelopment - Request to Continue to June 1, 2017

ACTION: Commission consensus to continue to next Planning Commission meeting on June 1, 2017

6. DIRECTOR'S REPORT

Director Grunow provided an update to the Planning Commission on the Zoning Code update, the code enforcement efforts in the Village, and the free energy efficiency upgrade program, which would be funded through our CDBG allocation.

7. COMMISSION COMMUNICATIONS

None.

8. ADJOURNMENT



STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: JULY 20, 2017
SUBJECT: **Capitola Mall Redevelopment - Request to Continue to September 7, 2017**

Prepared By: Katie Herlihy
Senior Planner



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JULY 20, 2017

SUBJECT: **212 Monterey Avenue #16-111 APN: 035-261-11**

Design Permit application for an exterior remodel and addition of 304 square feet to an existing two-story multi-family residential building, located in the CV (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: Joe Mingione

Representative: Derek Van Alstine, filed: 5/31/16

APPLICANT PROPOSAL

The application is for a complete exterior remodel and an addition to an existing, two-story fourplex. The proposal includes replacing decks and the exterior stairwell on the rear of the building, adding 304-square feet to the southernmost second-story unit, and adding a decorative molding to the existing roof parapet wall. The property is in the CV (Central Village) zoning district. The applicant has redesigned the proposal so that the height of the existing building will not be increased and therefore the height variance has been removed from the application.

BACKGROUND

On May 4th, 2017, the Planning Commission reviewed the original application which included a variance to height standards. The applicant was proposing to build a new two-foot decorative molding above the existing roofline. The existing building is 31 feet at its highest point, which is over the maximum 27-foot height limit for structures in the CV zone. The original application proposed to increase the non-conforming building height by an additional two feet. The Planning Commission voted 4:1 to continue the application to a future hearing date due to concerns with the proposed height variance. The Commissioners asked the applicant to submit height comparisons of other buildings within the Central Village to prove that the granting of the height variance would not constitute a special privilege. The Planning Commission also requested that two-feet of orange netting be installed on the existing building prior to the next hearing so that the public can see the impact of the proposed height variance.

On June 23rd, 2017, the applicant submitted revised plans which removed the height variance request. The May 4th, 2017 staff report, plans, and additional materials for 212 Monterey Avenue are included as Attachment 3 for reference.

DISCUSSION

To address the concerns of the Planning Commission and surrounding property owners, the applicant removed the height variance request. Instead of adding the two-foot cornice molding above the existing over-height roofline, the applicant has incorporated the decorative molding into the existing parapet. The revised plans do not increase the height of the existing building, thus removing the variance request.

On additional change was made to extend a wall below one of the false balcony overhangs to the sidewalk. The plans previously proposed five bollards along the front facade under the northern-most false balcony overhang. The bollards were included in the plans due to public safety concerns of the false balcony overhang extending one-foot closer to the public sidewalk and being just six-feet tall at its lowest point. After discussion with the Public Works Director and Planning Staff, the applicant has removed the bollard area from the proposal and replaced it with a solid wall. The solid wall would be completely within property lines and not increase the internal floor area. The wall would be finished in a tan stucco color to match the rest of the proposal.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area. This project involves the addition of 304 square feet to an existing two-story fourplex in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-111, based on the findings and conditions of approval.

CONDITIONS OF APPROVAL

1. The project approval is for an exterior remodel and addition to an existing, two-story fourplex at 212 Monterey Avenue. The project consists of a complete exterior remodel, 304 square foot bedroom addition on the second floor, and deck and stair replacements at the rear of the building. The existing building height will not be increased with this proposal. There is no maximum lot coverage or setback requirements in the CV (Central Village) zoning district as long as parking and landscaping standards are met. The 304-square foot addition constitutes a 9.8% FAR increase and therefore current parking standards do not need to be brought into compliance. The project complies with the landscaping requirement. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 20th, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall show dripline irrigation and shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
7. Prior to issuance of building permit, all Planning fees associated with permit #16-111 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 or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
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 shielded and placed out of public view on non-collection days.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The addition and remodel project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for an exterior remodel and bedroom addition to an existing two-story fourplex. The proposed remodel and addition, with the conditions imposed, will 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 subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area. This project involves the addition of 304 square feet to an existing two-story fourplex in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. Project Plans
2. Non-Conforming Calculation
3. 5-4-17 PC Staff Report and Attachments

Prepared By: Ryan Safty
Assistant Planner

CAPITOLA VISTAS



VICINITY MAP



PARCEL MAP



PROJECT DATA

PARKING	EXISTING	PROPOSED
	(3) 4' X 10' SPACES (2) 4' X 14'-6" SPACES	(3) 4' X 10' SPACES (2) 8' X 16' COMPACT SPACES
TOTAL	5 SPACES	5 SPACES
IMPERVIOUS AREA:	SEE SHEET A2 FOR CALCULATIONS	
PARCEL SIZE:	4,804 SQ. FT.	
SQ. FOOTAGES:		
EXISTING 4 UNIT RESIDENTIAL BUILDING:		
EXISTING LOWER LEVEL	1,556 SQ. FT.	
EXISTING UPPER LEVEL	1,526 SQ. FT.	
TOTAL EXISTING	3,082 SQ. FT.	
PROPOSED UPPER LEVEL RECONSTRUCTION:		
COVERED OR UNCOVERED UPPER FLOOR DECKS (4) PORCHES (4) COVERED EXTERIOR OVERLAP	304 SQ. FT.	
PORTION OF (E) COVERED UPPER FLOOR BALCONY TO REMAIN	149 SQ. FT.	
PORTION OF (E) COVERED UPPER FLOOR BALCONY TO BE REMOVED:	[-115 SQ. FT.]	
(E) COVERED ENTRY STAIRS (4) RAMPS TO BE REMOVED:	[-105 SQ. FT.]	
(N) COVERED ENTRY STAIRS (4) RAMPS	120 SQ. FT.	
(E) UNCOVERED DECKS TO BE REMOVED:	[-362 SQ. FT.]	
(N) UNCOVERED DECKS:	356 SQ. FT.	
(N) NORTH SIDE UPPER LEVEL OVERHANGS GREATER THAN 18"	3 SQ. FT.	

BUILDING INFORMATION

PROJECT DESCRIPTION:
REMODEL & ADDITION TO AN EXISTING 2 STORY RESIDENTIAL FOUR-FLEX UNIT REMODEL TO INCLUDE NEW CLAY TILE ENTRY PORCH ROOF STRUCTURE, NEW WINDOWS & DOORS, NEW GORGE TRIM, NEW STUCCO HOLDINGS, NEW THROUGH IRON RAILINGS AT NEW TALLER BALCONIES & NEW TIE ASBESTOS, NEW 304 SQ FT UPPER LEVEL BEDROOM ADDITION, NEW DECK TO REPLACE EXISTING.

PROJECT ADDRESS:
212 MONTEREY AVENUE
CAPITOLA, CA 95010

PARCEL NUMBER:
059221111

ZONING DESIGNATION:
CV CENTRAL VILLAGE

OCCUPANCY CLASSIFICATION:
R2

CONSTRUCTION TYPE:
V-B

CONTACTS

OWNER:
JESSIE ANNINGONE
215 3RD AVENUE
SANTA CRUZ, CA 95062
(831) 742-2810

PROJECT DESIGNER:
DEREK VAN ALSTINE RESIDENTIAL DESIGN INC.
155 SEABRIGHT AVENUE, SUITE 200, SANTA CRUZ, CALIFORNIA
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www.robakdesigngroup.com

LANDSCAPE ARCHITECT:
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ELLEN GOOPER
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FAX: (831) 742-8448

GENERAL CONTRACTOR:
INDIA BILLEN
1100 HANF STREET SUITE 103B
WATSONVILLE, CA 95076
PH: (831) 742-8448

SUBMITTAL REVIEW ENGINEER:
MICHAEL BRUCE
845 WOOD COURT
SANTA CRUZ, CA 95062
PH: (831) 478-7440

DRAWING INDEX

SHEET	TITLE
SHEET T1	TITLE SHEET
SHEET A1	SITE PLAN, GRADE LEVEL FLOOR PLAN
SHEET A2	EXISTING & PROPOSED IMPERVIOUS PLANS
SHEET A3	FLOOR PLANS
SHEET A4	EXISTING & PROPOSED ROOF PLANS
SHEET A5	EXISTING & PROPOSED EXTERIOR ELEVATIONS
SHEET A6	EXISTING & PROPOSED EXTERIOR ELEVATIONS
SHEET A7	EXISTING & PROPOSED EXTERIOR ELEVATIONS
SHEET L1	PLANTING PLAN

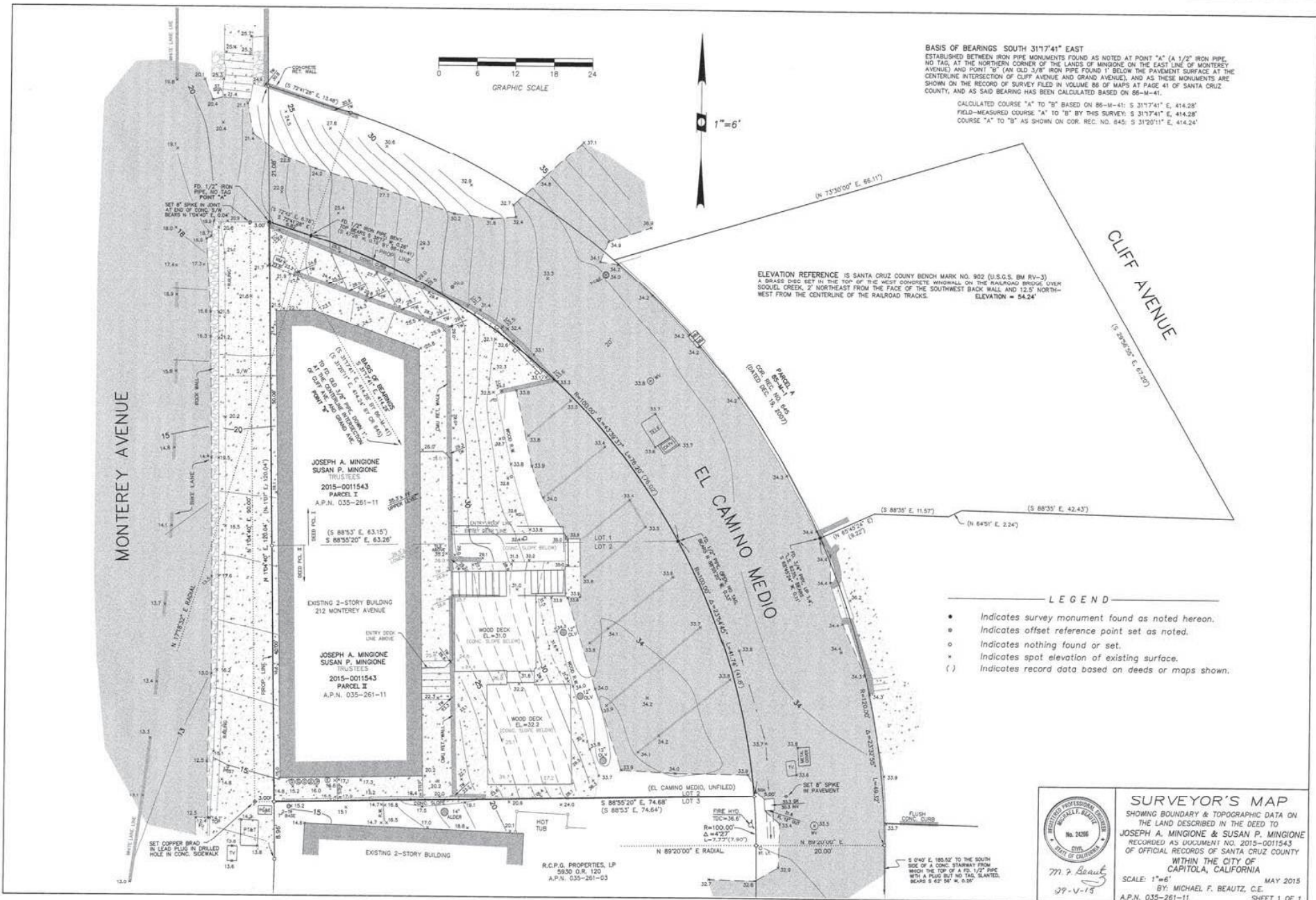
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CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

095-261-111
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
2/24/18
BUILDING SUBMITTAL
REVISIONS:
4/23/17
6/25/17
8/22/17
TITLE SHEET
T 1

Attachment: Project Plans (1922 : 212 Monterey Avenue)



BASIS OF BEARINGS SOUTH 31°17'41" EAST
 ESTABLISHED BETWEEN IRON PIPE MONUMENTS FOUND AS NOTED AT POINT "A" (A 1/2" IRON PIPE, NO TAG, AT THE NORTHERN CORNER OF THE LANDS OF MINGIONE ON THE EAST LINE OF MONTEREY AVENUE) AND POINT "B" (AN OLD 3/8" IRON PIPE FOUND 1' BELOW THE PAVEMENT SURFACE AT THE CENTERLINE INTERSECTION OF CLIFF AVENUE AND GRAND AVENUE), AND AS THESE MONUMENTS ARE SHOWN ON THE RECORD OF SURVEY FILED IN VOLUME 88 OF MAPS AT PAGE 41 OF SANTA CRUZ COUNTY, AND AS SAID BEARING HAS BEEN CALCULATED BASED ON 86-4-41.

CALCULATED COURSE "A" TO "B" BASED ON 86-4-41: S 31°17'41" E, 414.28'
 FIELD-MEASURED COURSE "A" TO "B" BY THIS SURVEY: S 31°17'41" E, 414.28'
 COURSE "A" TO "B" AS SHOWN ON COR. REC. NO. 845: S 31°20'11" E, 414.24'

ELEVATION REFERENCE IS SANTA CRUZ COUNTY BENCH MARK NO. 902 (U.S.G.S. BM RV-3) A BRASS DISC SET IN THE TOP OF THE WEST CONCRETE MINORWALL ON THE RAILROAD BRIDGE OVER SQUEL CREEK, 2' NORTHEAST FROM THE FACE OF THE SOUTHWEST BACK WALL AND 12.5' NORTHWEST FROM THE CENTERLINE OF THE RAILROAD TRACKS. ELEVATION = 54.24'

- LEGEND**
- Indicates survey monument found as noted hereon.
 - Indicates offset reference point set as noted.
 - Indicates nothing found or set.
 - × Indicates spot elevation of existing surface.
 - () Indicates record data based on deeds or maps shown.

M. F. Beautz
29-V-15

SURVEYOR'S MAP
 SHOWING BOUNDARY & TOPOGRAPHIC DATA ON THE LAND DESCRIBED IN THE DEED TO JOSEPH A. MINGIONE & SUSAN P. MINGIONE RECORDED AS DOCUMENT NO. 2015-0011543 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY WITHIN THE CITY OF CAPITOLA, CALIFORNIA

SCALE: 1"=6'
 BY: MICHAEL F. BEAUTZ, C.E.
 A.P.N. 035-261-11 SHEET 1 OF 1

Attachment: Project Plans (1922 : 212 Monterey Avenue)

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
155 SEABRIGHT AVENUE SUITE 200, SAINT CRUZ, CALIFORNIA
818.458.0100 FAX: 818.458.0101

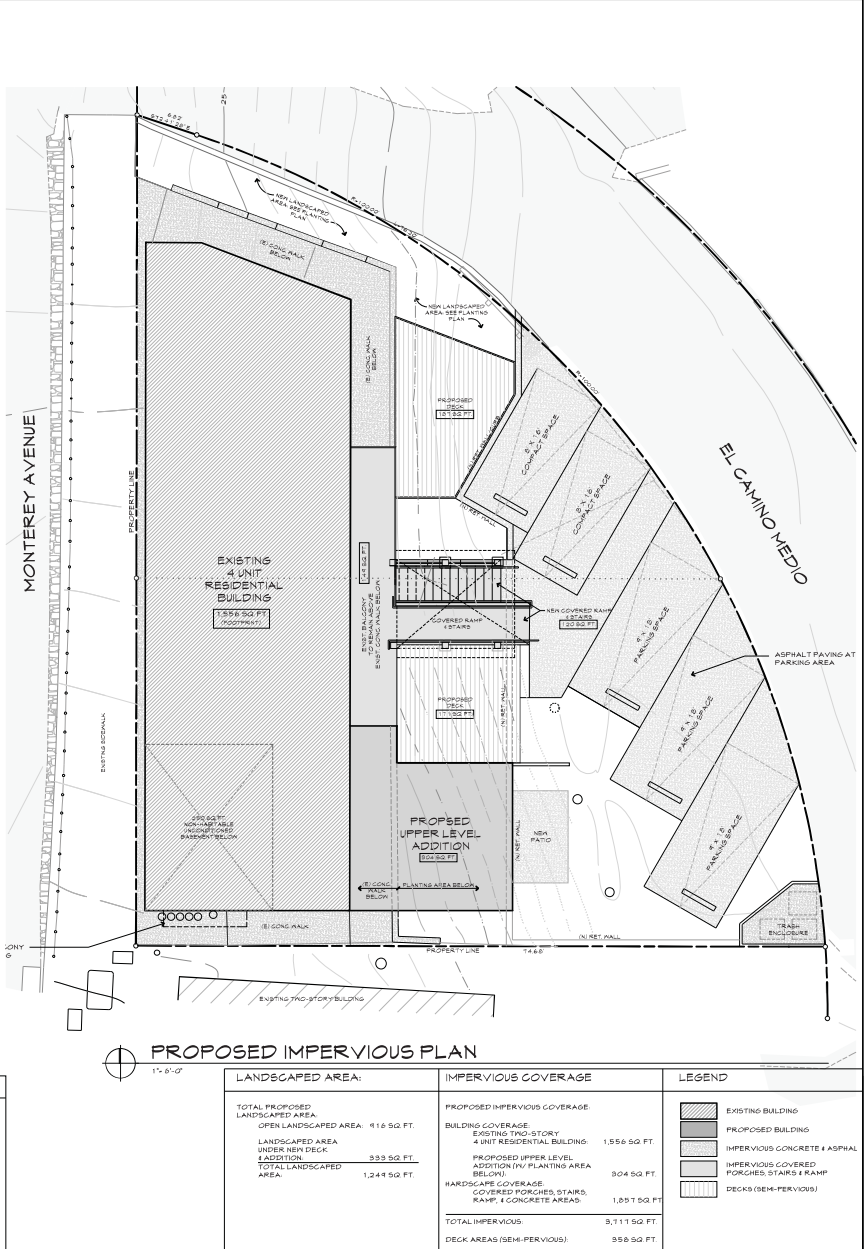
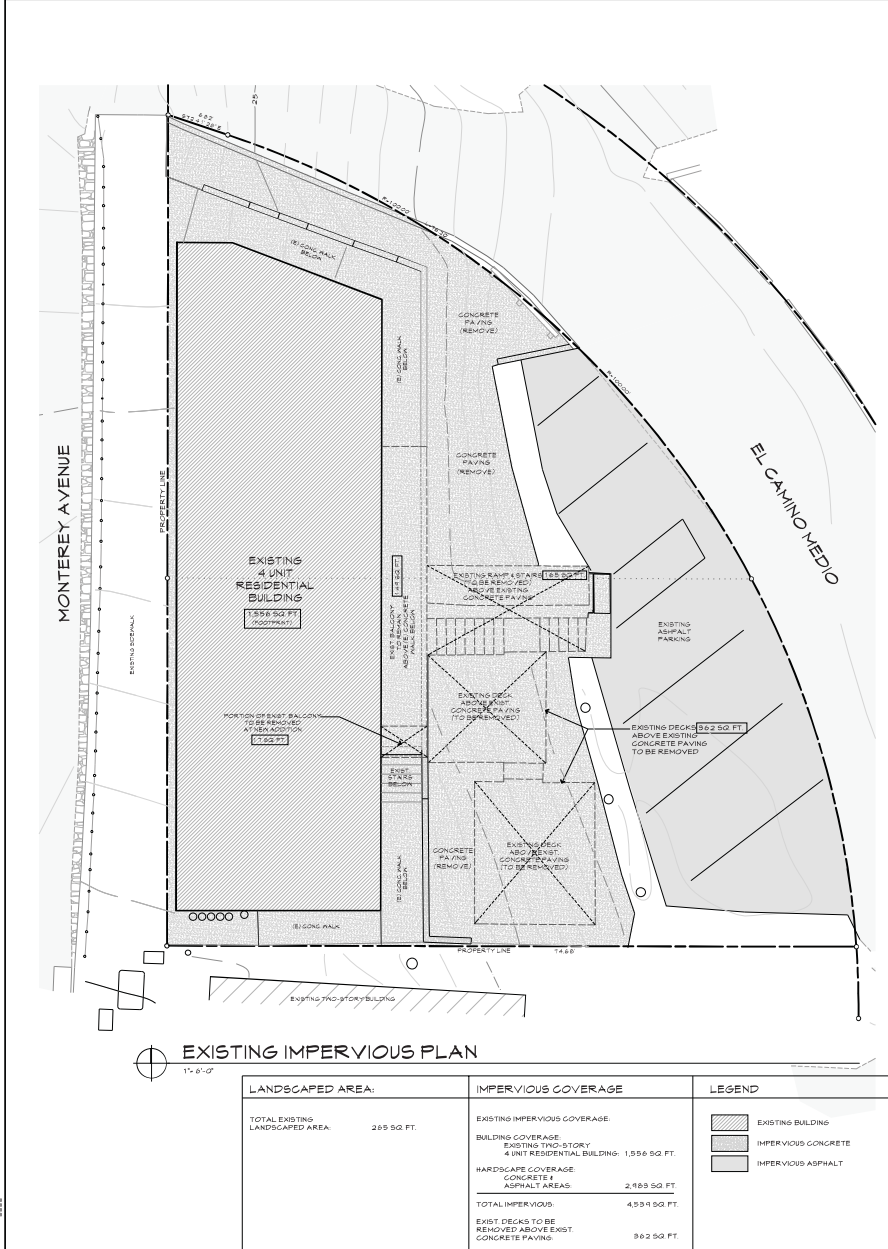
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RESIDENTIAL DESIGN INC.

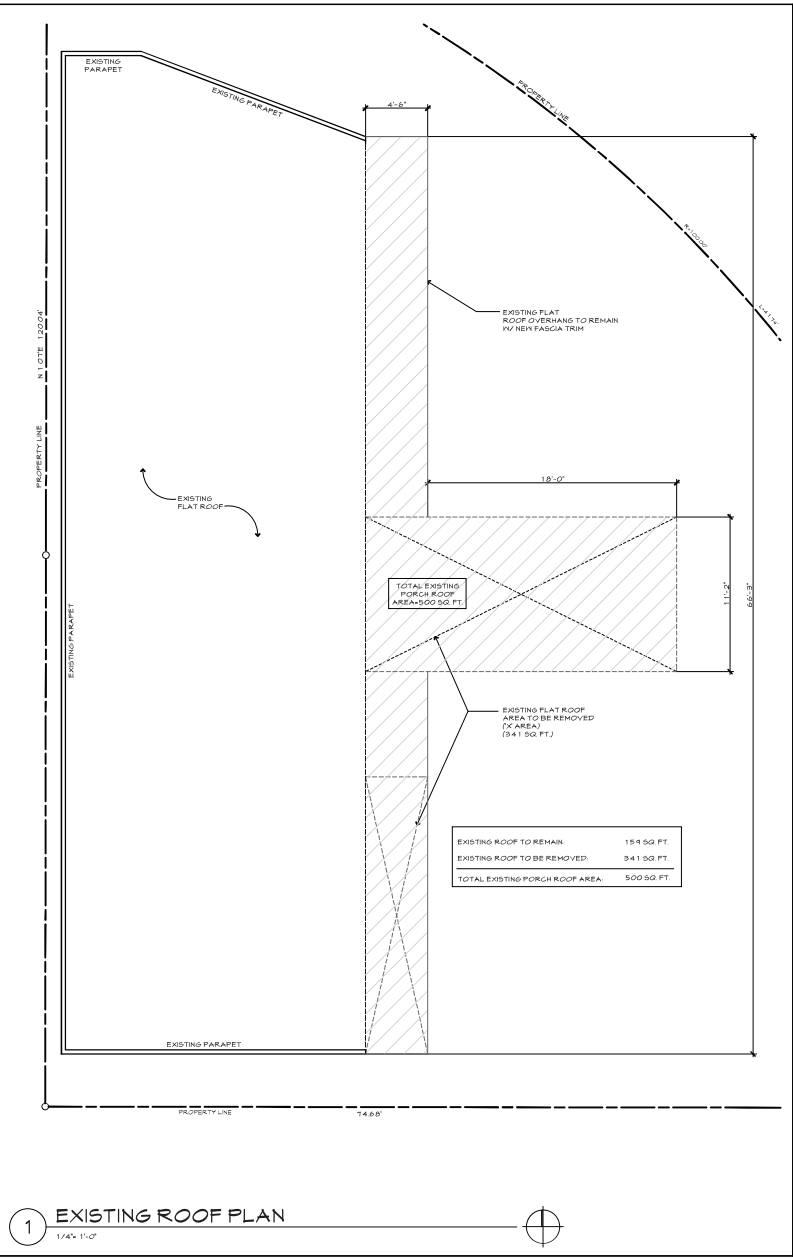
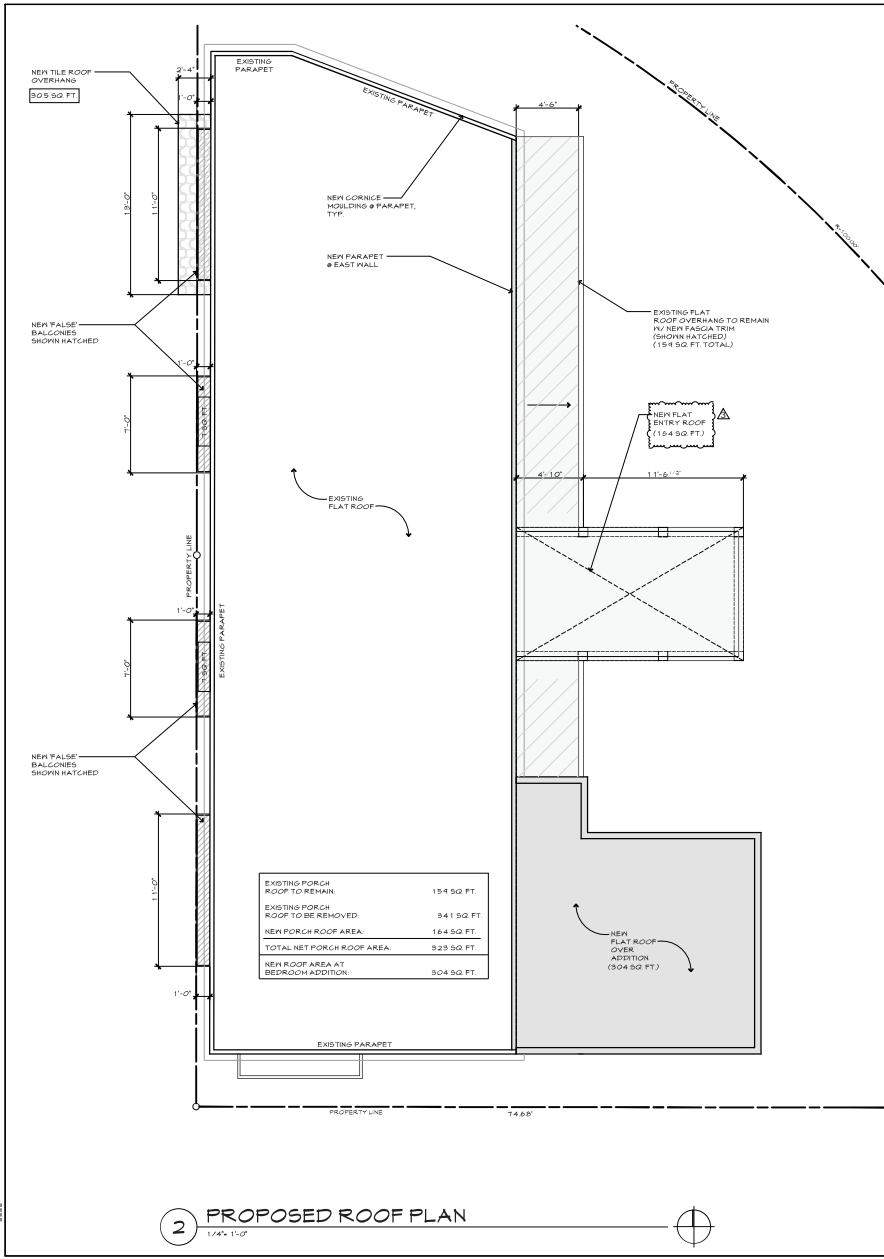
CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

095-261-11
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTAL 2/24/18
BUILDING SUBMITTAL 10/11/18
REVISIONS
▲ 4/3/17
▲ 4/25/17
▲ 6/22/17

IMPervious PLAN
A2

Attachment: Project Plans (1922 : 212 Monterey Avenue)





DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVENUE SUITE 200, SAINT PAUL, CALIFORNIA
94068-4070 PHONE: 877-368-6474 FAX: 415-368-6474

DVRD
DEREK VAN ALSTINE
REGISTERED ARCHITECT
NO. 10000

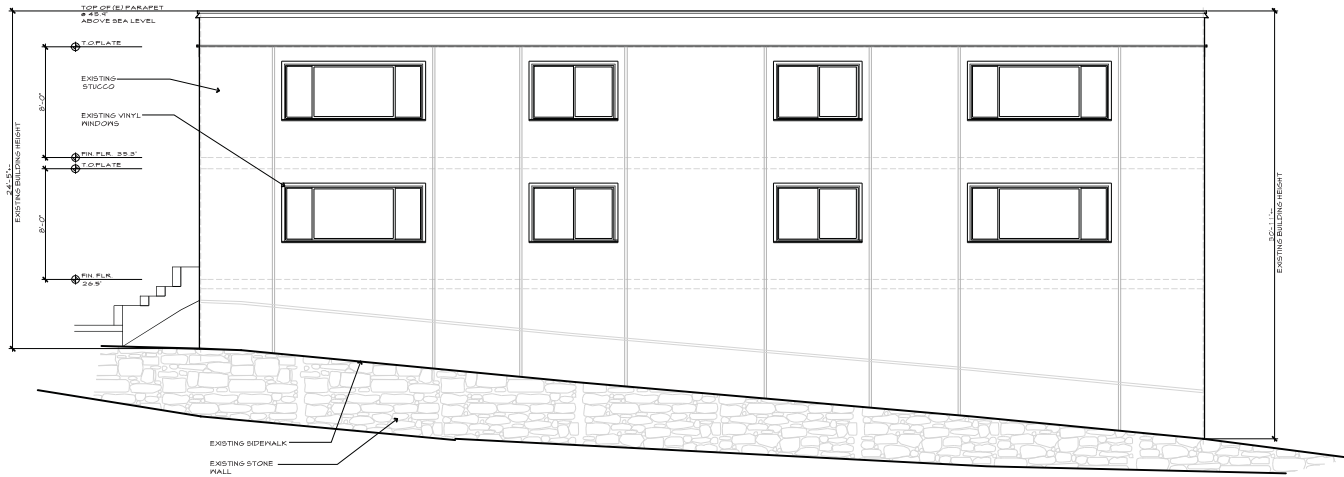
CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

095-261-11
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DESIGN DEVELOPMENT
PLANNING SUBMITTAL
2/24/11
11/11/11
BUILDING SUBMITTAL

REVISIONS
A 4/23/11
A 4/25/11
A 6/22/11

ROOF PLANS
A4

Attachment: Project Plans (1922 : 212 Monterey Avenue)



1 EXISTING WEST ELEVATION
1/4" = 1'-0"
AVERAGE EXISTING BUILDING HEIGHT = 25.5'



2 PROPOSED WEST ELEVATION
1/4" = 1'-0"

DEREK VAN ALSTINE
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155 SEABRIGHT AVENUE SUITE 200, SAINT CRUZ, CALIFORNIA
818.458.8748

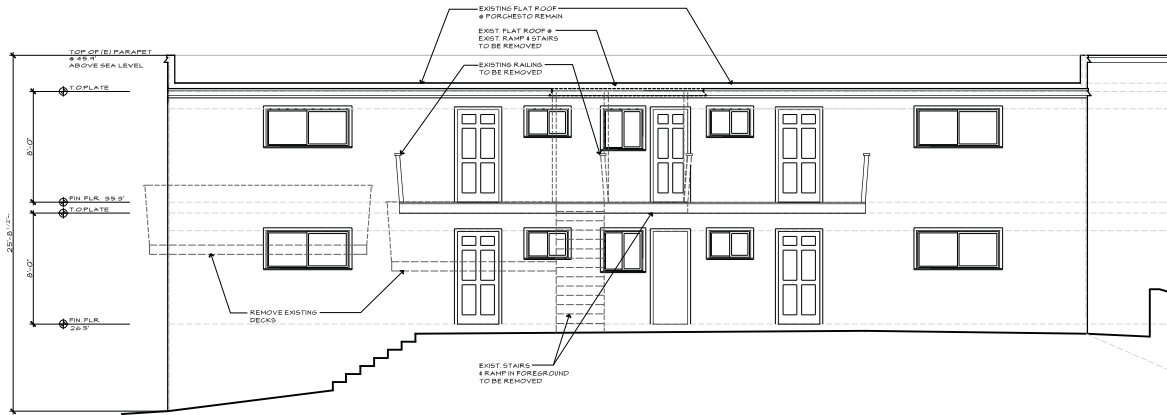
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DEREK VAN ALSTINE
1555086

CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

085-261-11
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
2/24/18
BUILDING SUBMITTAL
REVISIONS:
▲ 4/3/17
▲ 4/25/17
▲ 6/22/17

EXTRAOR.
ELEVATIONS
A5

Attachment: Project Plans (1922 : 212 Monterey Avenue)



1 EXISTING EAST ELEVATION
1/4" = 1'-0"



2 PROPOSED EAST ELEVATION
1/4" = 1'-0"

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
155 SEABRIGHT AVENUE SUITE 200, SAINT CRUZ, CALIFORNIA
818/468-0170

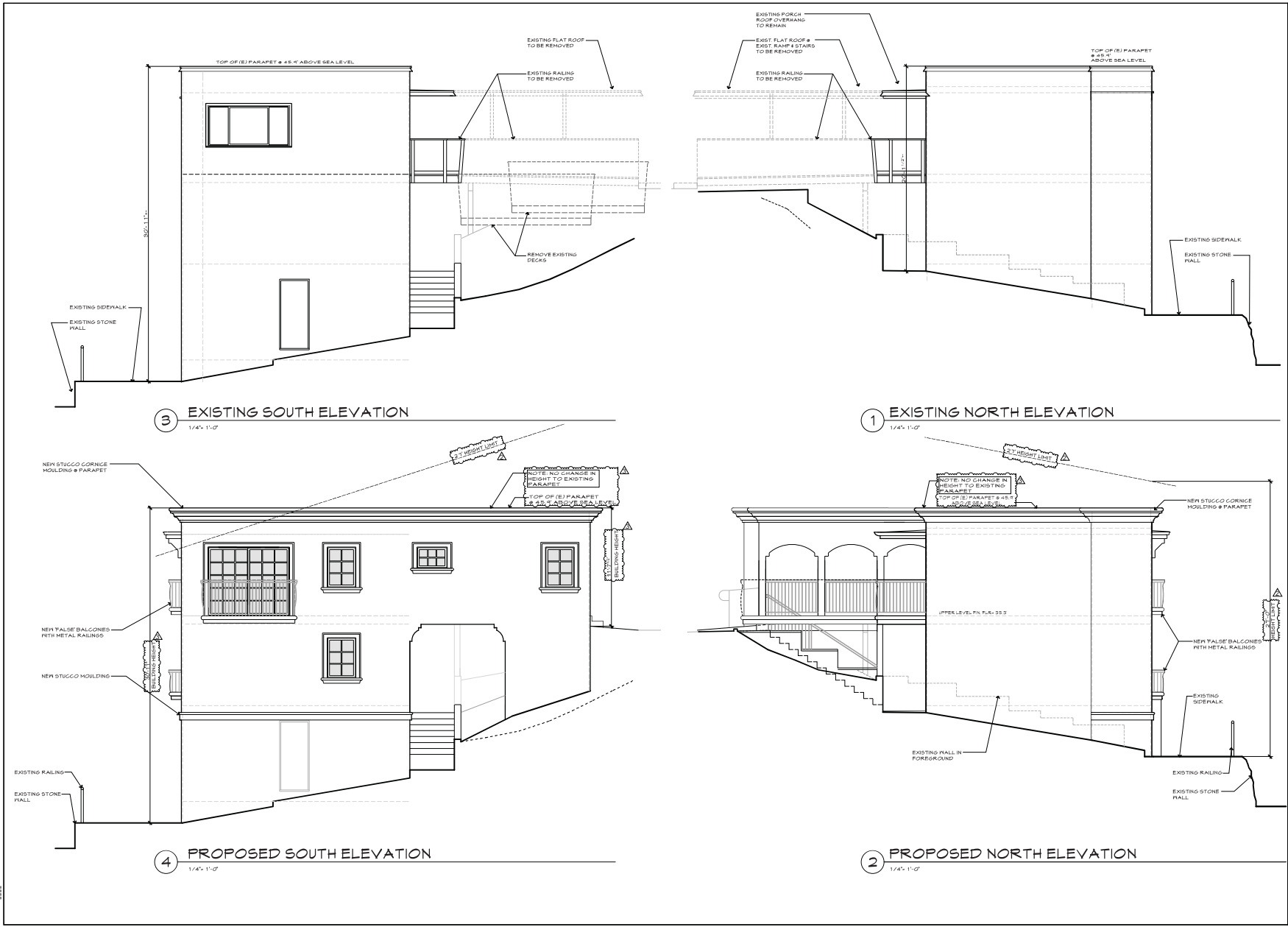
DVRD
DEREK VAN ALSTINE
1555688

CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

095-261-11
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
2/24/18
BUILDING SUBMITTAL
11/13/18
REVISIONS
4/2/11
4/25/11
6/22/11

EXTRAOR.
ELEVATIONS
A6

Attachment: Project Plans (1922 : 212 Monterey Avenue)



DEREK VAN ALSTINE
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DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.

CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

095-261-11	ISSUE DESCRIPTION
	SCHEMATIC DESIGN
	DESIGN DEVELOPMENT
	PLANNING SUBMITTAL
2/24/11	PLANNING SUBMITTAL
4/23/11	REVISIONS
4/25/11	REVISIONS
6/22/11	REVISIONS
	EXTRAOR. ELEVATION

A7

Attachment: Project Plans (1922 : 212 Monterey Avenue)

Existing Non-Conforming Worksheet
212 Monterey Avenue



Existing Building Costs

Existing Residence	3,082 sq. ft. \$200.00 / sq. ft.	\$616,400.00
Existing Decks	511 sq. ft. \$25.00 / sq. ft.	\$12,775.00
<u>Total Existing Value</u>		<u>\$629,175.00</u>
80% of Total Existing Value		\$503,340.00

New Construction

New Living Space	304 sq. ft. \$200.00 / sq. ft.	\$60,800.00
New Deck/Porch	358 sq. ft. \$25.00 / sq. ft.	\$8,950.00
New Stairs/Walkway	120 sq. ft. \$50.00 / sq. ft.	\$6,000.00
<u>Total New Construction</u>		<u>\$75,750.00</u>

Remodel Costs (50% of "new construction" costs)

Remodel Conditioned Space	52 sq. ft. \$100 / sq. ft.	ADDITIONAL REMODEL AREA WILL RESULT IN ANOTHER COST EVAL. & FURTHER APPROVAL	\$5,200.00
Replacement Windows/Stucco			\$75,000.00
Basement Slab	225 sq. ft. \$100 / sq. ft.		\$22,500.00
Retaining Walls & Parking Stalls			\$150,000.00
<u>Total Interior Remodel</u>			<u>\$252,700.00</u>

Total Construction / Remodel Cost: **\$328,450.00** 52%

APPROVED

Signed 

Date 7/13/17

Permit No. _____

Attachment: Non-Conforming Calculation (1922 : 212 Monterey Avenue)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MAY 4, 2017
 SUBJECT: **212 Monterey Avenue #16-111 035-261-11**

Design Permit application for an exterior remodel and addition of 304 square feet to an existing two-story multi-family residential building, with a variance request to height, located in the CV (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: Joe Mingione

Representative: Derek Van Alstine, filed: 5/31/16

APPLICANT PROPOSAL

The application is for a complete exterior remodel and minor addition to an existing, two-story fourplex. The proposal includes replacing decks and the exterior stairwell on the rear of the building, adding 304-square feet to the southernmost second-story unit, and extending the existing parapet wall higher with a new decorative molding. The proposal includes a variance request to the 27-foot height limit in the CV zone.

BACKGROUND

On June 22, 2016, the Architectural and Site Review Committee reviewed the original application which included a 300-square foot commercial unit on the ground floor. Most of the committee's comments were related to the new commercial unit on the ground floor. Following the hearing, the applicant removed the proposed commercial unit due to the challenges it created. The Architectural and Site Review Committee provided the following comments related to the proposed exterior remodel and residential addition:

Public Works Representative, Danielle Uharriet: directed the applicant to specify the proposed material for the parking spaces and to submit a site drainage plan.

Building Official, Brian Van Son: did not have any major concerns with the proposal.

Local Architect, Frank Phanton: supported the upgraded design to the building.

Landscape Architect, Megan Bishop: had no comments on the landscape design.

City Planner, Ryan Safty: required that the applicant submit revised plans which show existing and proposed parking dimensions, and directed the applicant to either reduce the building height to comply with code limitations or to apply for a variance to the height standards.

Following the Architectural and Site Review Committee hearing, the applicant submitted revised plans which addressed the concerns of the committee and a variance request to height limitations.

ZONING SUMMARY

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

CV (Central Village) Zoning District

Coastal			
Is project within Coastal Zone?		YES	
Is project within Coastal Appeal Zone?		YES	
Use			
Is property in Residential Overlay District?		NO	
Existing Use	First Floor	Residential	
	Second Floor	Residential	
Proposed Use	First Floor	Residential	
	Second Floor	Residential	
First floor commercial uses shall not be converted to residential uses.		Complies	
Is use on 1st floor Principal Permitted or CUP?		Principal Permitted	
Is use on 2nd floor Principal Permitted or CUP?		Principal Permitted	
Development Standards			
Central Village Design Guidelines apply to all development in the CV district.			
List Applicable Guidelines			Compliance
SITE PLANNING			
A-1: design compatible to surrounding character of the village			YES
B-1: screen trash and storage areas			YES
B-2: parking at rear and screened from front view			YES
D-2: include ADA parking and ramps			YES
D-3: vehicles should not back out onto street			YES
E-1: exterior fixtures should be consistent with overall building design			YES
BUILDING DESIGN			
A-1: design for small-scale, finely detailed, pedestrian-oriented use			YES
A-2: exterior building design on all elevations shall achieve harmony			YES
A-3: building should create design elements which provide a pedestrian feeling			YES
D-1: window design must be incorporated into building design			YES
LANDSCAPING: integral part of project design, and adjacent to parking areas			YES
Building Height	CV Regulation:	Existing:	Proposed:
	27 ft.	31 ft.	33 ft. - VARIANCE
Setbacks		Setbacks are not required within the CV zone.	
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 480 sq. ft.	Proposed Open Space: Approximately 15% of lot.
Lot Coverage		No maximum lot coverage, except sufficient space shall be provide for required parking.	
Parking			
	Required	Proposed	
Apartments / Condominiums 1 covered and 1.5 uncovered for each unit	10 spaces total 4 covered 6 uncovered	Legal non-conforming 5 spaces total – all uncovered	
Current parking requirements must be satisfied with an increase greater than 10% of the existing floor area.		9.8% FAR increase – no additional parking required	
Basement area that exceeds 250 sq. ft. shall be used towards the parking requirement calculations.		250 sq. ft. basement – does not count towards parking	
Underground Utilities – required with 25% increase area	Not required		

DISCUSSION

The subject property is located within the eastern edge of the Central Village zoning district, adjacent to the Depot Hill residential neighborhood. The subject property fronts Monterey Avenue, with vehicular access to the rear off El Camino Medio. Monterey Avenue serves as one of the main thoroughfares into the village and beach area, making the property visually significant. As with Monterey Avenue, the property slopes down to the south; the northern edge of the property is over six feet higher than the southern edge. The property also slopes down to the west, with a 12-foot difference in grade between the front and rear property lines.

The subject property contains an existing, two-story, 3,082 square foot multi-family residence with four units. The first floor and second floor each have two residential units, and below the first floor is existing non-habitable crawl space. The existing building ranges from 20.5 feet to 31 feet in height, with the southwestern corner being the highest point. The zoning code limits building height in the CV zone to 27-feet in height; therefore, the existing building is non-conforming in height.

Design Permit

The applicant is proposing a second-story bedroom addition, a small basement area, and a complete exterior remodel to the existing four-plex. Specifically, the applicant is proposing to add 304 square feet to the back of the southernmost second-story unit. The proposed upper level addition would be located at the same three-foot 10-inch side setback as the existing building and would not be visible from Monterey Avenue. Additionally, the applicant is proposing to reconfigure 250 square feet of the existing non-habitable bottom-floor crawl space into a non-habitable basement area. The proposed reconfigured basement area would be under 251 square feet and thus would not count towards the total square footage calculation and would not affect required on-site parking (§17.21.100).

The applicant is proposing to upgrade the front of the building (facing Monterey Avenue) by replacing the existing vinyl windows with aluminum clad windows with false balconies, metal railings, and new tile roof overhangs over two of the second-story windows. The applicant proposes adding two feet of cornice molding along the entire roof line, as well as a matching

stucco molding band between the crawl space and first-floor to break up the massing of the building. Along the crawl space wall, the applicant is proposing a bollard architectural feature to extend below the false balcony to the north, two new screened decorative openings, and a new window along the proposed basement area. In addition, the applicant is proposing a 65-square foot tile accent piece centered on the front face of the building.

Along the back of the building, the applicant is proposing to remove and replace the existing deck, porch, and exterior stairwell. Due to the significant grade change, the rear parking area is level with the second-story units. The existing stairs and walkway area, used to access the bottom floor units from the parking lot, would be removed and replaced. The new stairs and walkway would introduce metal railings and be covered by a gabled clay-tile roof, matching the tile roof overhangs and metal railings of the false balconies on the front. The applicant is proposing new windows and doors along the rear of the building, as well as new windows and a functioning balcony near the addition area on the south-side second floor. The proposed design changes to the existing building would add architectural detail to make the building more visually appealing and compatible with the surrounding area.

Parking

The existing development at 212 Monterey Avenue has five uncovered parking spaces on-site, two of which are undersized. The four-unit residential building is required by code to have 10 on-site spaces, four of which must be covered. Per the code, current parking standards must be met for residential structures which increase their floor area by more than 10 percent. The proposed 304 square foot addition would constitute a 9.8 percent floor area addition; therefore, current parking standards do not need to be met. The applicant is proposing to reconfigure the parking area to provide five uncovered parking spaces: three full-size and two compact.

Landscaping

The applicant is proposing to upgrade and add to the rear landscaping area. The existing property has a small landscaped area along the rear of the property, with shrubs lining the parking spaces, and three existing olive trees. The applicant is proposing to remove one of the olive trees, preserve the other two, and plant three new Japanese Maple trees, several different types of shrubs, perennials, and groundcovers along the rear of the property and below the second-floor decks and walkway. The proposed landscaping would comply with the minimum 10 percent lot area code requirement.

VARIANCE

The applicant is requesting a variance to the maximum building height within the CV zoning district. Pursuant to section 17.66.090 of the municipal code, the Planning Commission, based on the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property and where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity.

The applicant is requesting a variance to the maximum 27-foot height limit to add an architectural element to the roof line in order to enhance the overall design of the building. Specifically, the applicant is proposing to install two feet of stucco cornice molding to the existing parapet roof. The proposed cornice addition would increase the existing over-height roof line by an additional two-feet. Section 17.81.070 of the Capitola Municipal Code allows exceptions to height limitations for roof structures used to house equipment required to operate the building, however the proposed cornice addition would not fall under this exception because it is not an equipment enclosure. The applicant states in the variance request that the variance would not constitute a special privilege due to the building already being over-height, the

proposed roof design matches the style of the overall design, and that no additional shadow will be cast on neighboring properties (Attachment 2).

Attachment 3 highlights the area of the proposed cornice molding that would not comply with the 27-foot height requirement. Due to the sloping property, the building height varies throughout the property. Roughly one-half of the proposed finished building would comply with height requirements (north-eastern side), while the other half would extend beyond the 27-foot height requirement (south-western side). The new bedroom addition on the south-eastern corner would comply with the 27-foot height limit.

Although the proposed two-foot stucco cornice extension to the existing parapet roof would be a nice design upgrade to the existing building, staff is unable to make findings to support the variance request. The existing building is already over-height. Neighboring properties along Monterey Avenue meet height limits while being similarly located on sloping topography. A variance to further extend beyond the height limit would constitute a special privilege inconsistent with what was allowed on surrounding properties. The applicant can remove the proposed cornice addition on the roof top, or incorporate the cornice molding into the existing building instead of extending above the existing parapet, and thus remove the variance request. The Planning Commission may condition the project, requiring that plans be revised at time of building permit to restrict the building from being raised above the existing building height (Condition #6).

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area. This project involves the addition of 304 square feet to an existing two-story fourplex in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-111, with the denial of the height variance, based on the findings and conditions.

CONDITIONS OF APPROVAL

1. The project approval is for an exterior remodel and addition to the existing, two-story fourplex at 212 Monterey Avenue. The project consists of a complete exterior remodel, 304 square foot bedroom addition on the second floor, and deck and stair replacements at the rear of the building. There is no maximum lot coverage or setback requirements in the CV (Central Village) zoning district as long as parking and landscaping standards are met. The 304-square foot addition constitutes a 9.8% FAR increase and therefore current parking standards do not need to be brought into compliance. The project complies with the landscaping requirement. The existing building exceeds the 27-foot height limit in the CV zoning district. The project includes denial of a variance to further extend the non-conforming building height. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 4th, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be

consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.

3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. The variance request to maximum building height was denied by Planning Commission at the May 4th, 2017 hearing. At time of building permit submittal, the plans must show that the building will not exceed the existing height of 24-foot 8-inches on the northern edge and 31-foot two-inches on the southern edge.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall show dripline irrigation and 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.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-111 shall be paid in full.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel 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 or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
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 shielded and placed out of public view on non-collection days.

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The addition and remodel project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for an exterior remodel and bedroom addition to an existing two-story fourplex. The proposed remodel and addition, with the conditions imposed, will 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 subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area. This project involves the addition of 304 square feet to an existing two-story fourplex in the CV (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title is not found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

There are not special circumstances applicable to the property that deprive the subject property of privileges enjoyed by others. Although the property is located on sloping topography, this is not a special circumstance only applicable to the subject property. The existing building is over-height. The neighboring properties on both sides of Monterey Avenue are also located on sloping topography and must meet height limitations for the CV (Central Village) zone.

- E. **The grant of a variance would 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.**

Although the property is located on a sloping lot, a variance to height would constitute the grant of a special privilege. The neighboring properties on both sides of Monterey Avenue are also located on sloping topography and must meet height limitations for the CV (Central Village) zone. Additionally, the building is already over-height. This request would further the existing non-conforming height.

COASTAL FINDINGS

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

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

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

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects

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

- The proposed project is located at 212 Monterey Avenue. The home is located adjacent to a public sidewalk which connects to the coast, but the project will not affect the accessibility of the sidewalk.

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

- The proposed project is located along Monterey Avenue. The home is located adjacent to a public sidewalk which connects to the coast, but the project will not affect the accessibility of the sidewalk.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not history of public use on the subject lot.

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

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

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

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

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

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

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

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

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

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and

manner or character of public access use must address the following factors, as applicable:

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

- The project is located on a residential lot.

b. Topographic constraints of the development site;

- The project is located on a sloping lot, which vehicular access to the rear off El Camino Medio.

c. Recreational needs of the public;

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

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

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

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

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

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

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

SEC. 30222

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

- The project involves the remodel and addition of four residential dwelling units 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 remodel and addition of four residential dwelling units 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 remodel and addition of four residential dwelling units on a residential lot of record.

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

- The project involves the remodel and addition to an existing fourplex multi-family residential building. The subject property contains 5 on-site parking spaces, which does not meet code requirements. However, due to the addition area being under 10% of the existing floor area, current parking standards do not need to be met.

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

- The project complies with the design guidelines and standards established by the Municipal Code. A variance to height has been denied.

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

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

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

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

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

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

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

- The project is for a remodel and minor addition to a four unit, multi-family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

required;

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

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

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

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

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

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

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

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

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

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

- Geologic/engineering reports are required at time of building permit submittal. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

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

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

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Central Village (CV) zoning

district.

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

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

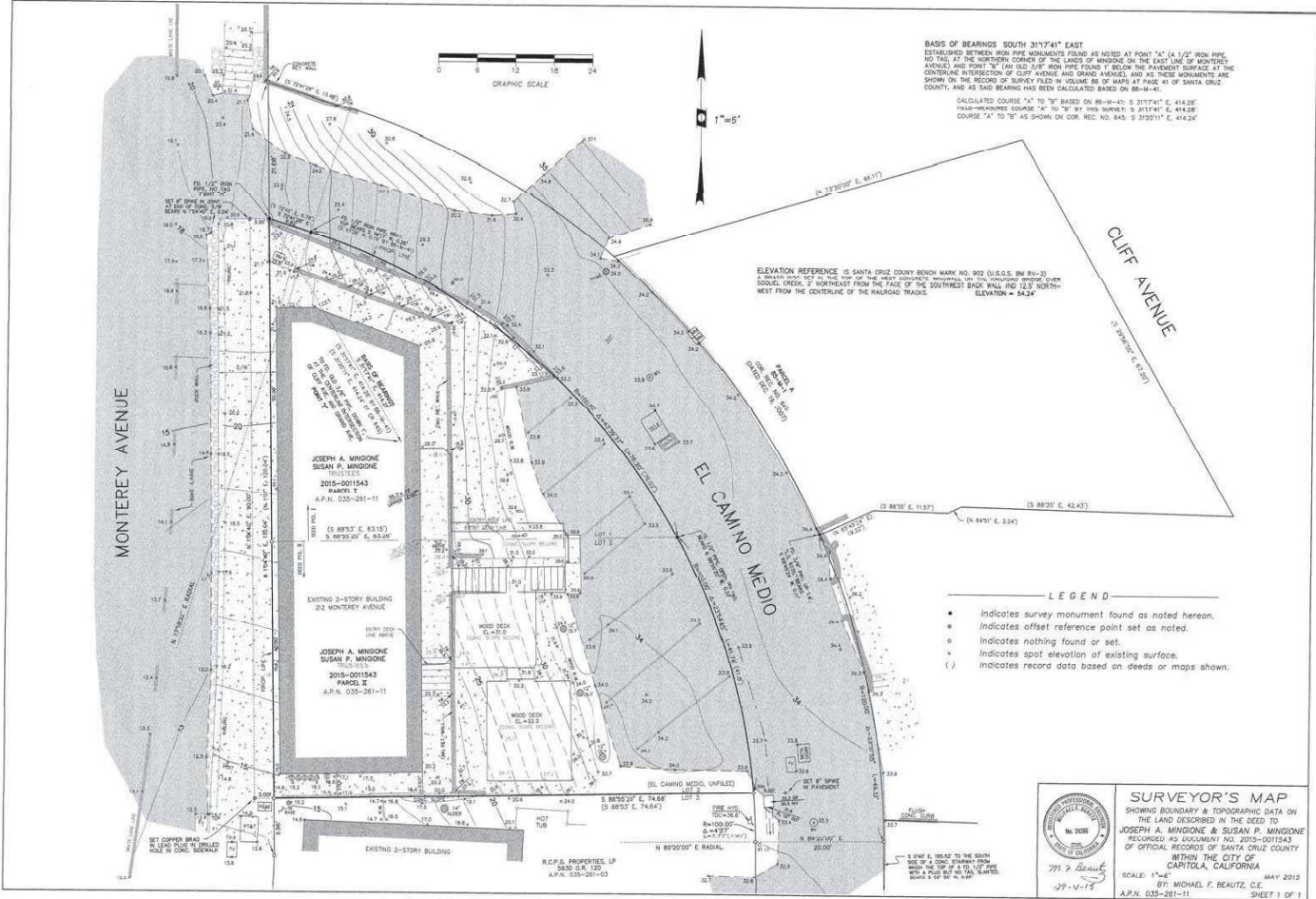
(D) (23) Project complies with the Capitola parking permit program as follows:

The project site is located within the Village Permit Area; however, the project complies with the zoning code for on-site parking.

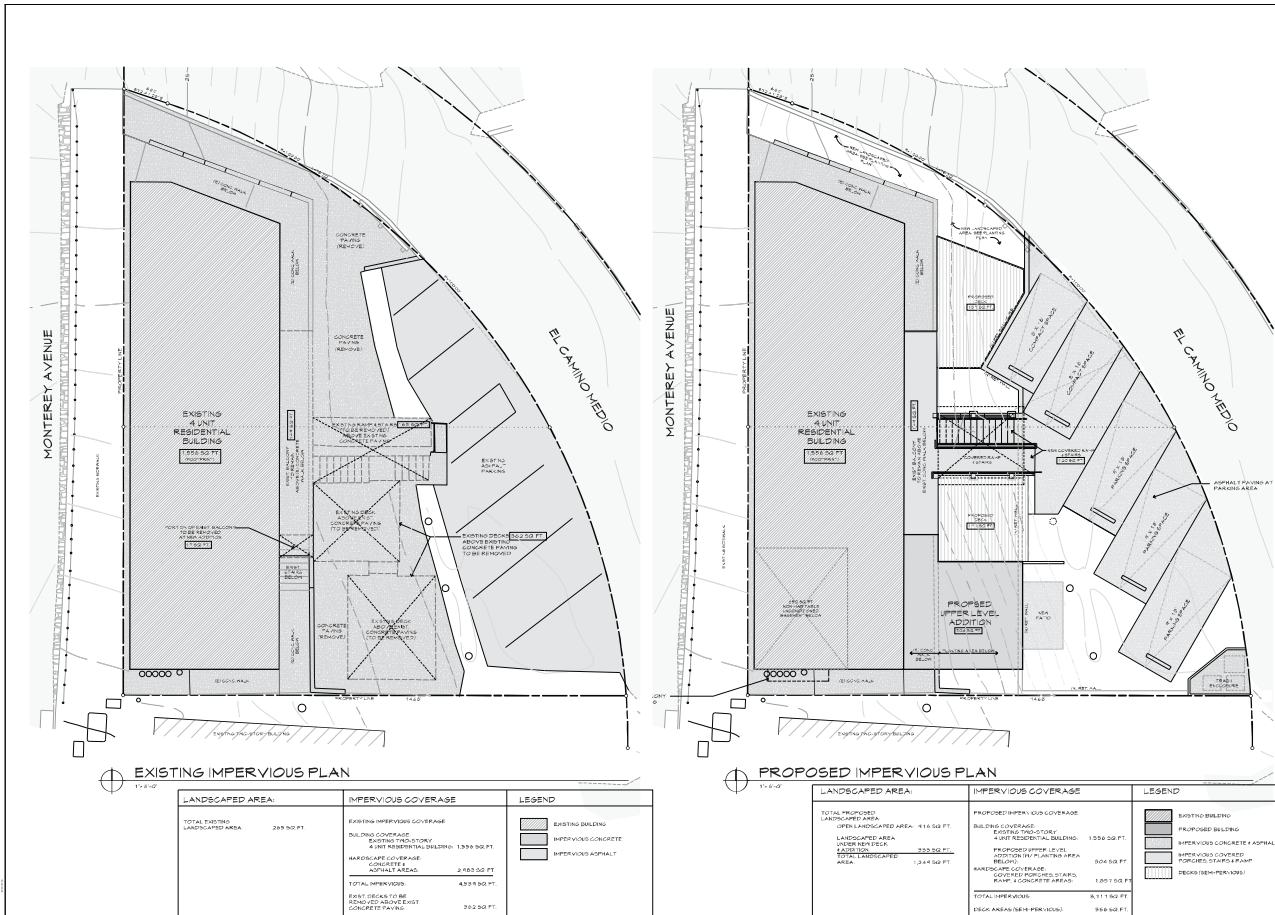
ATTACHMENTS:

1. Project Plans
2. Variance Request
3. Proposed Roof Height Graphic

Prepared By: Ryan Safty
Assistant Planner



Attachment: Proriet Plans (1837 - 212 Monterey Avenue) Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



EXISTING IMPERVIOUS PLAN
1"=50'

LANDSCAPED AREA:	IMPERVIOUS COVERAGE	LEGEND
TOTAL EXISTING LANDSCAPED AREA: 249,790 FT ²	EXISTING IMPERVIOUS COVERAGE	[Hatched Box] EXISTING BUILDING
	BUILDING COVERAGE	[Hatched Box] IMPERVIOUS CONCRETE
	EXISTING TROUBLE-4 UNIT RESIDENTIAL BUILDING: 1,839,900 FT ²	[Hatched Box] IMPERVIOUS ASPHALT
	LANDSCAPE COVERAGE	
	CONCRETE: 2,983,550 FT ²	
	TOTAL IMPERVIOUS: 4,823,450 FT ²	
	PERCENT IMPERVIOUS: 19.7%	
	PERCENT IMPERVIOUS HOT CONCRETE PAVEMENT: 26.2%	

PROPOSED IMPERVIOUS PLAN
1"=50'

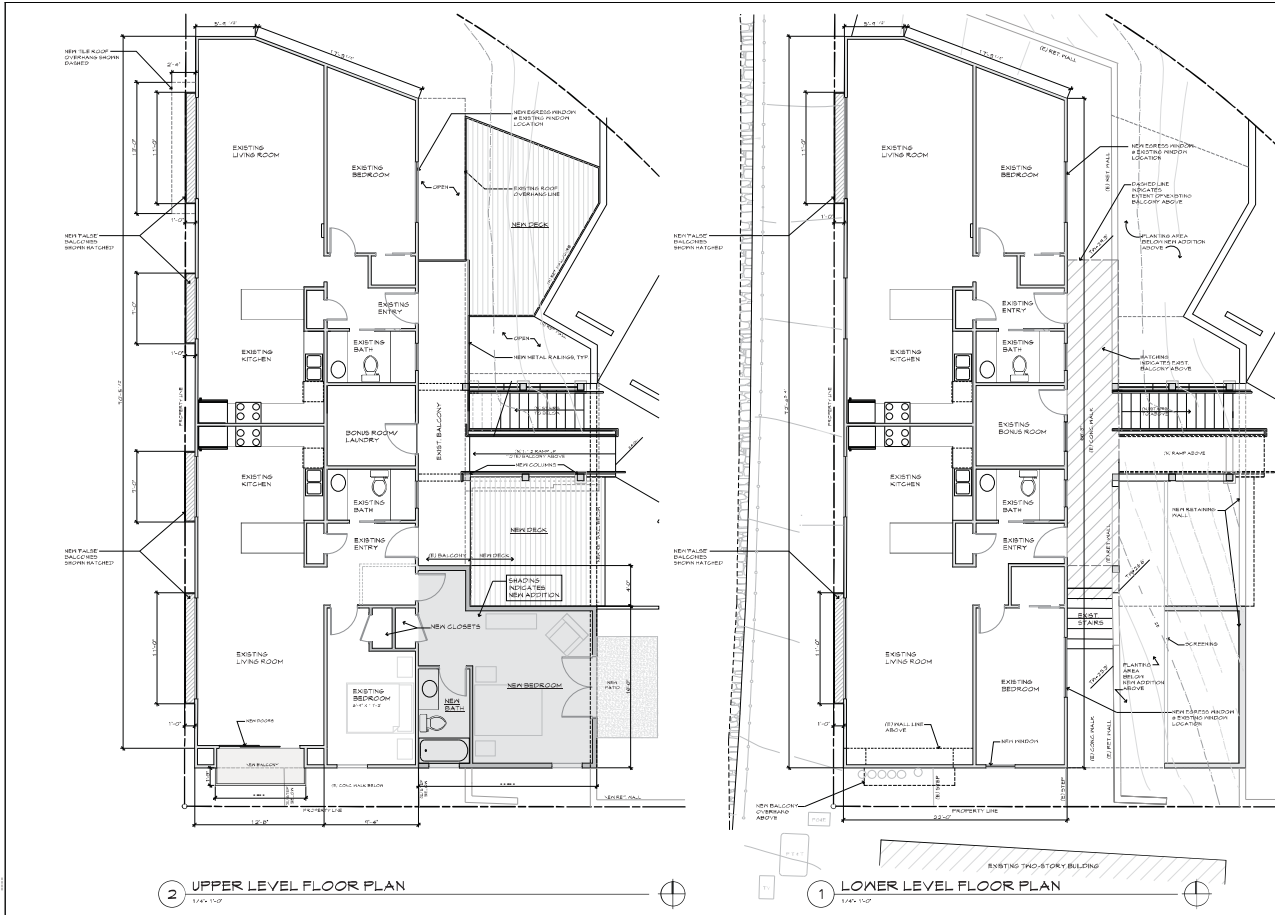
LANDSCAPED AREA:	IMPERVIOUS COVERAGE	LEGEND
TOTAL PROPOSED LANDSCAPED AREA: 416,550 FT ²	PROPOSED IMPERVIOUS COVERAGE	[Hatched Box] EXISTING BUILDING
	BUILDING COVERAGE	[Hatched Box] PROPOSED BUILDING
	EXISTING TROUBLE-4 UNIT RESIDENTIAL BUILDING: 1,839,900 FT ²	[Hatched Box] IMPERVIOUS CONCRETE & ASPHALT
	LANDSCAPE COVERAGE	[Hatched Box] IMPERVIOUS COVERED TERRACES, STAIRS, RAMP
	CONCRETE: 2,983,550 FT ²	[Hatched Box] DECKS (DECK PERIMETERS)
	TOTAL IMPERVIOUS: 4,811,950 FT ²	
	PERCENT IMPERVIOUS: 19.7%	
	PERCENT IMPERVIOUS HOT CONCRETE PAVEMENT: 26.2%	

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SITE PLAN
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Attachment: Project Plans (1837 - 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



2 UPPER LEVEL FLOOR PLAN
1/8" = 1'-0"

1 LOWER LEVEL FLOOR PLAN
1/8" = 1'-0"

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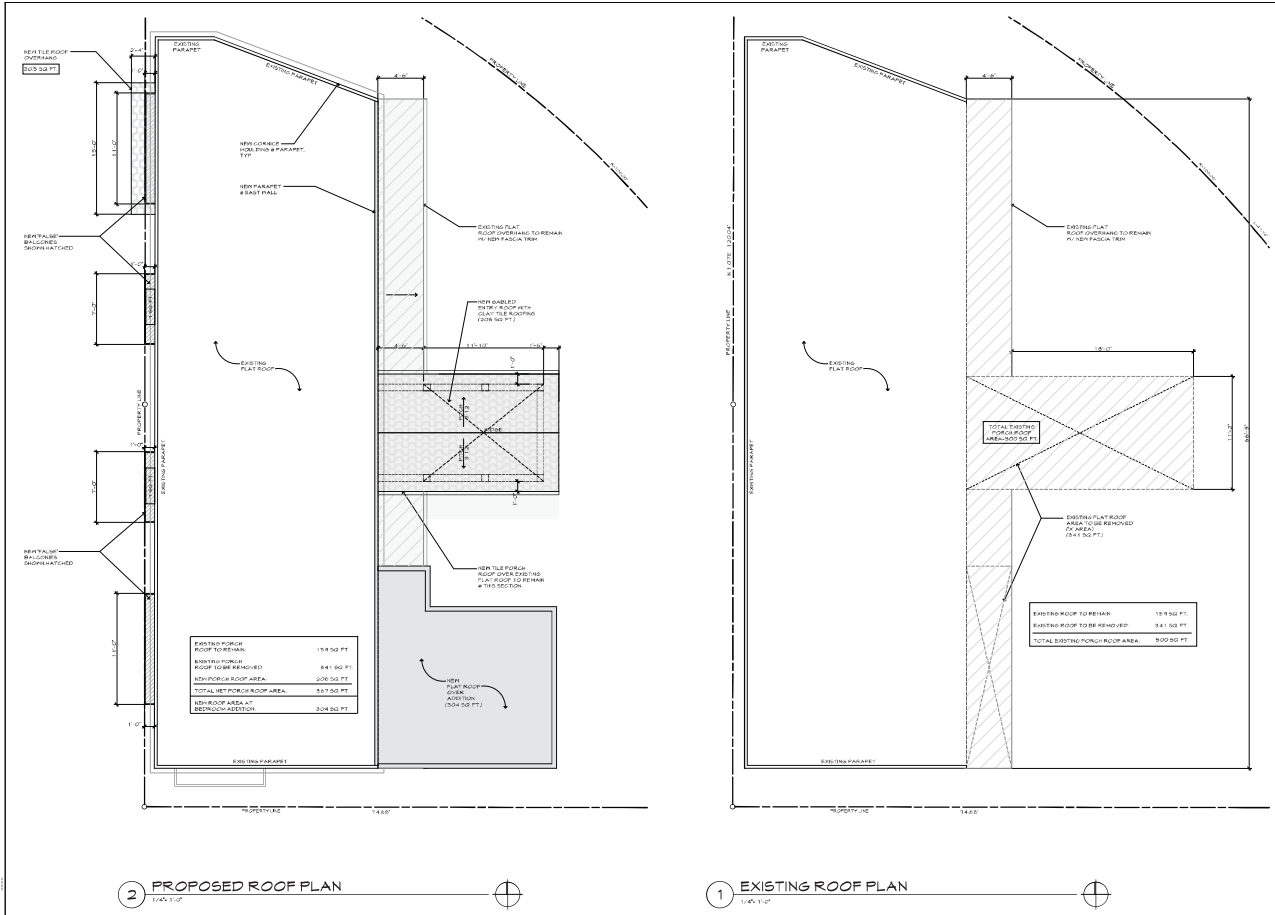
PROJECT: 5-4-17 PC STAFF REPORT AND ATTACHMENTS (1922 : 212 MONTEREY AVENUE)

DATE: 11/17/17

FLOOR PLAN

A3

Attachment: Project Plans (1837 - 212 Monterey Avenue)
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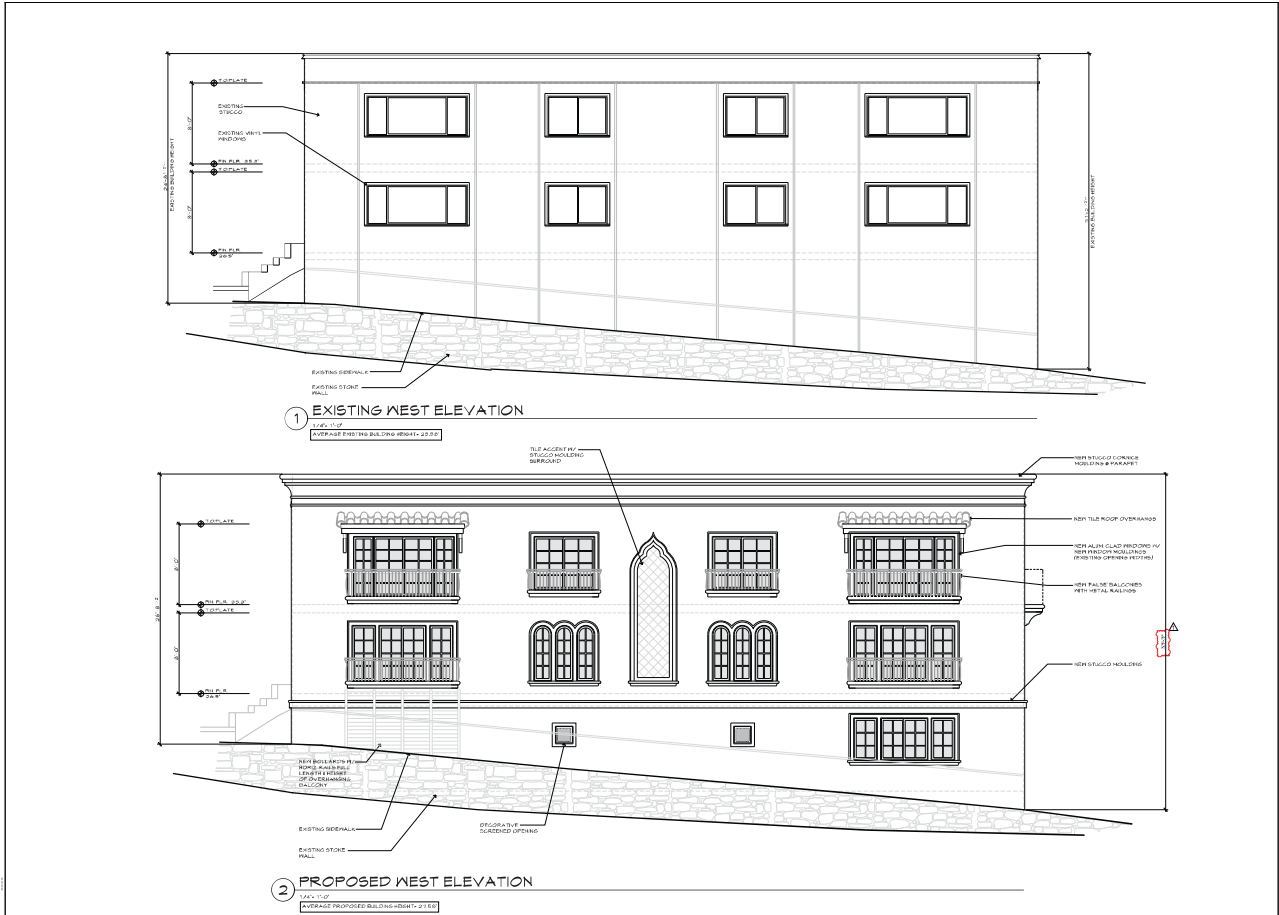
CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

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SHEET 05/17 OF 40
PROJECT: 150000
SHEET: 05/17
REVISIONS:
DATE: 12/12/17
PROJECT: 150000
SHEET: 05/17

ROOF PLANS

A4

Attachment: Project Plans (1837 - 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



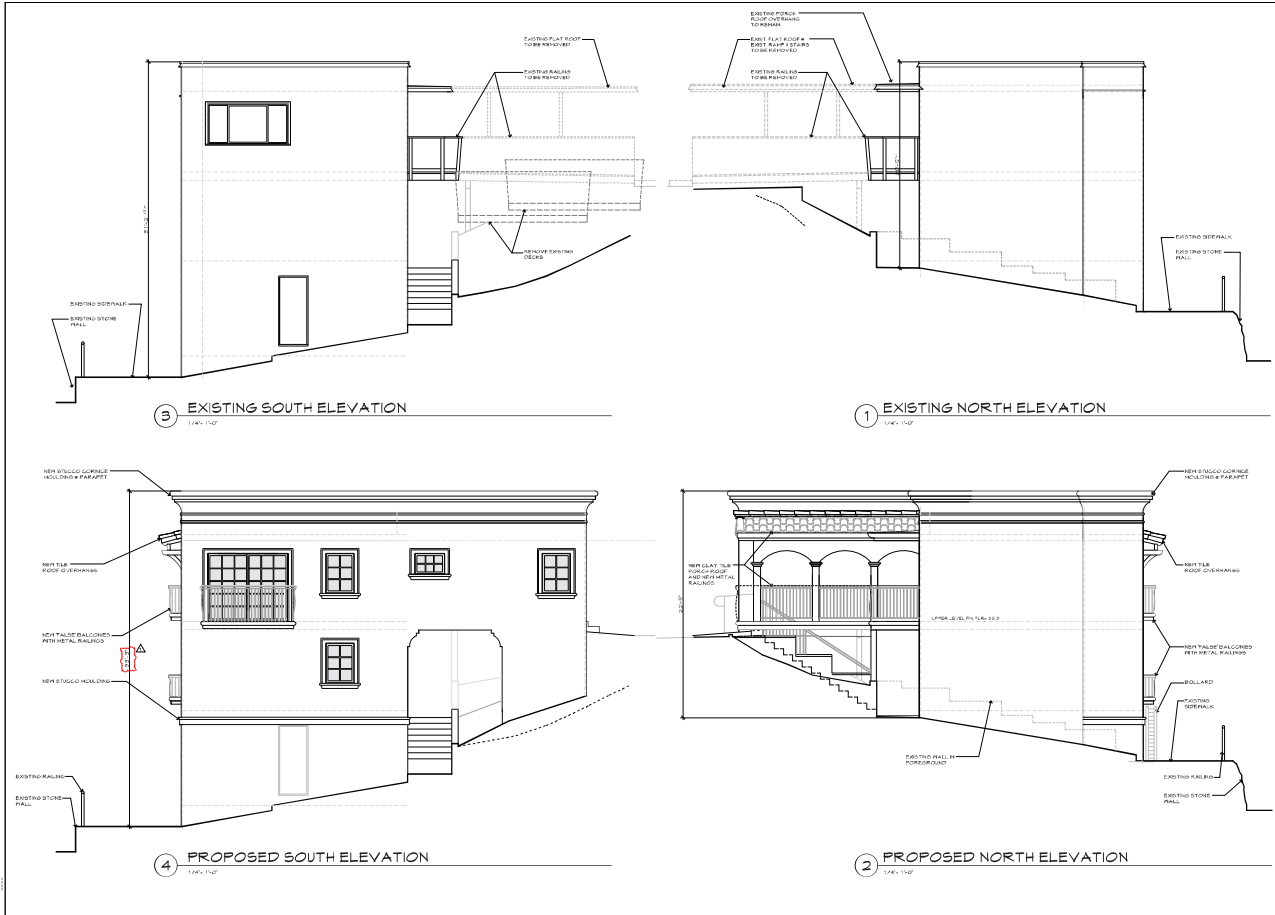
DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.
 1035 SEABROOK AVENUE SUITE 100, SAN JOSE, CALIFORNIA
 95128-3500
 408.253.8888
 WWW.DVAD.COM

CAPITOLA VISTAS
 212 MONTEREY AVENUE
 CAPITOLA, CA 95010

DATE	05/25/2018
DESIGNER	STEVE WORTH
PROJECT	PROJECT 1
REVISIONS	
NO.	DESCRIPTION
1	REVISED PER COMMENTS
2	REVISED PER COMMENTS
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Attachment: Project Plans (1837 - 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1837 - 212 Monterey Avenue)



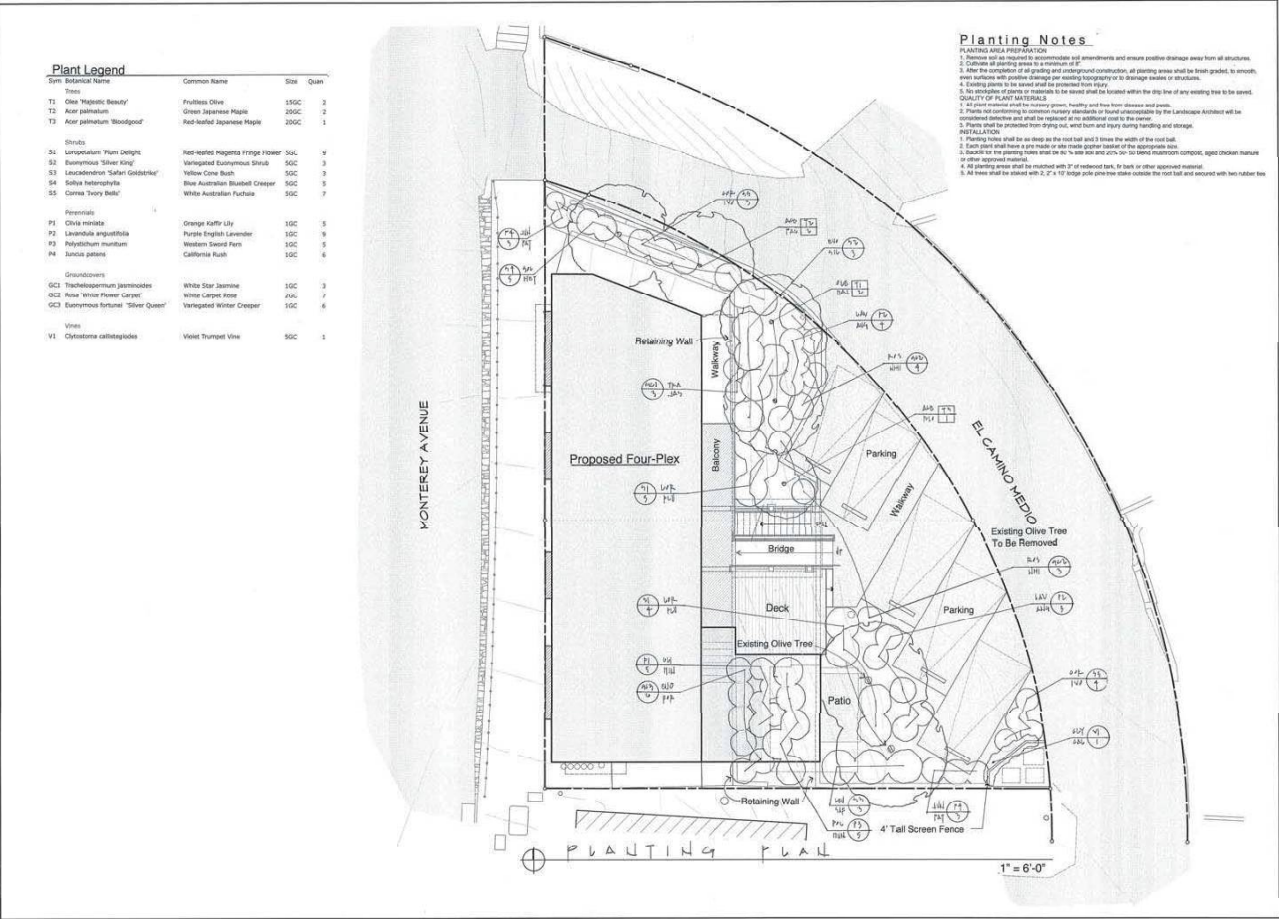
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1035 SEABROOK AVENUE SUITE 100, SAN ANTONIO, CALIFORNIA
95035-2811
PH: 831.224.1111
WWW.DVAD.COM

CAPITOLA VISTAS
212 MONTEREY AVENUE
CAPITOLA, CA 95010

PROJECT NO. 1722
DATE: 05/17/17

A7

Attachment: Project Plans (1837 - 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



Plant Legend

Sym	Botanical Name	Common Name	Size	Quan
Trees				
T1	Olea 'Happich Beauty'	Frillless Olive	150C	2
T2	Acacia salicifolia	Green Japanese Holly	250C	2
T3	Acacia salicifolia 'Bloodgood'	Red-leafed Japanese Holly	200C	1
Shrubs				
S1	Leucophaea 'Yum Delight'	Ice-cream poppetta Fringe Flower	50C	4
S2	Euonymus 'Silver King'	Variiegated Euonymus Shrub	50C	3
S3	Laurodenia 'Saker Goldbecker'	Yellow Olive Bush	50C	3
S4	Sollya heterophylla	Blue Australian Bluebell Creeper	50C	5
S5	Cornus 'Terry Belle'	White Australian Fuchsia	50C	7
Perennials				
P1	Olea miniata	Orange Kaffir Lily	10C	5
P2	Lavandula angustifolia	Purple English Lavender	10C	9
P3	Polystichum muratum	Western Sword Fern	10C	5
P4	Sanicula patens	California Bush	10C	6
Groundcovers				
G1	Thalictrum aquilegifolium	White Star Jasmine	10C	3
G2	Alcea 'White Flower Carpet'	White Carpet Rose	10C	7
G3	Euonymus fortunei 'Silver Queen'	Variiegated Winter Creeper	10C	6
Vines				
V1	Cytisoma californica	White Trumpet Vine	50C	1

Planting Notes

PLANTING AREA PREPARATION

- Remove all soil required to accommodate soil amendments and ensure positive drainage away from all structures.
- Remove all soil required to accommodate soil amendments and ensure positive drainage away from all structures.
- Remove all soil required to accommodate soil amendments and ensure positive drainage away from all structures.
- Remove all soil required to accommodate soil amendments and ensure positive drainage away from all structures.
- Remove all soil required to accommodate soil amendments and ensure positive drainage away from all structures.

QUALITY OF PLANT MATERIALS

- All plant material must be locally grown, healthy and free from disease and pests.
- All plant material must be locally grown, healthy and free from disease and pests.
- All plant material must be locally grown, healthy and free from disease and pests.
- All plant material must be locally grown, healthy and free from disease and pests.
- All plant material must be locally grown, healthy and free from disease and pests.

INSTALLATION

- Planting holes shall be as deep as the root ball and 3 times the width of the root ball.
- Plant shall have a granular or water table greater than the appropriate soil.
- Backfill the planting holes with the 1/2" water table and 1/2" soil or other approved material.
- All planting areas shall be mulched with 2" of redwood bark, 1/2" bark or other approved material.
- All trees shall be staked with 2" x 4" stakes and stakes shall be placed within the root ball and secured with two rubber ties.

Planting Plan

MINGIONE FOUR-PLEX
212 MONTEREY AVENUE
CANTOLA, CA 95010

Elton Cooper
Landscape Architect
831-426-6845
Ca. Lic. #207

2019-20-1-1-1
DATE DESCRPTION
SYMBOLS/QUANTITIES
OWNER DEVELOPER
PLANNING/ARCHITECT
REVISIONS

12/14/16

L1

Attachment: Project Plans (1837 - 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



CITY OF CAPITOLA
VARIANCE APPLICATION FORM

RECEIVED
APR -3 2017
CITY OF CAPITOLA

4.B.3
5.B.2

VARIANCE SUMMARY

Please explain your Variance request and the development standards which you would like to modify:

REQUESTING A VARIANCE TO THE MAXIMUM BUILDING HEIGHT
REQUIREMENT.

REQUIRED FINDINGS

Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, topography, and/or a historic structure. Attach additional pages as necessary.

- 1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

DUE TO THE TOPOGRAPHY OF THE SITE, THE EXISTING STRUCTURE IS
OVER THE HEIGHT LIMIT ON THE SOUTH SIDE OF THE STRUCTURE.

- 2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

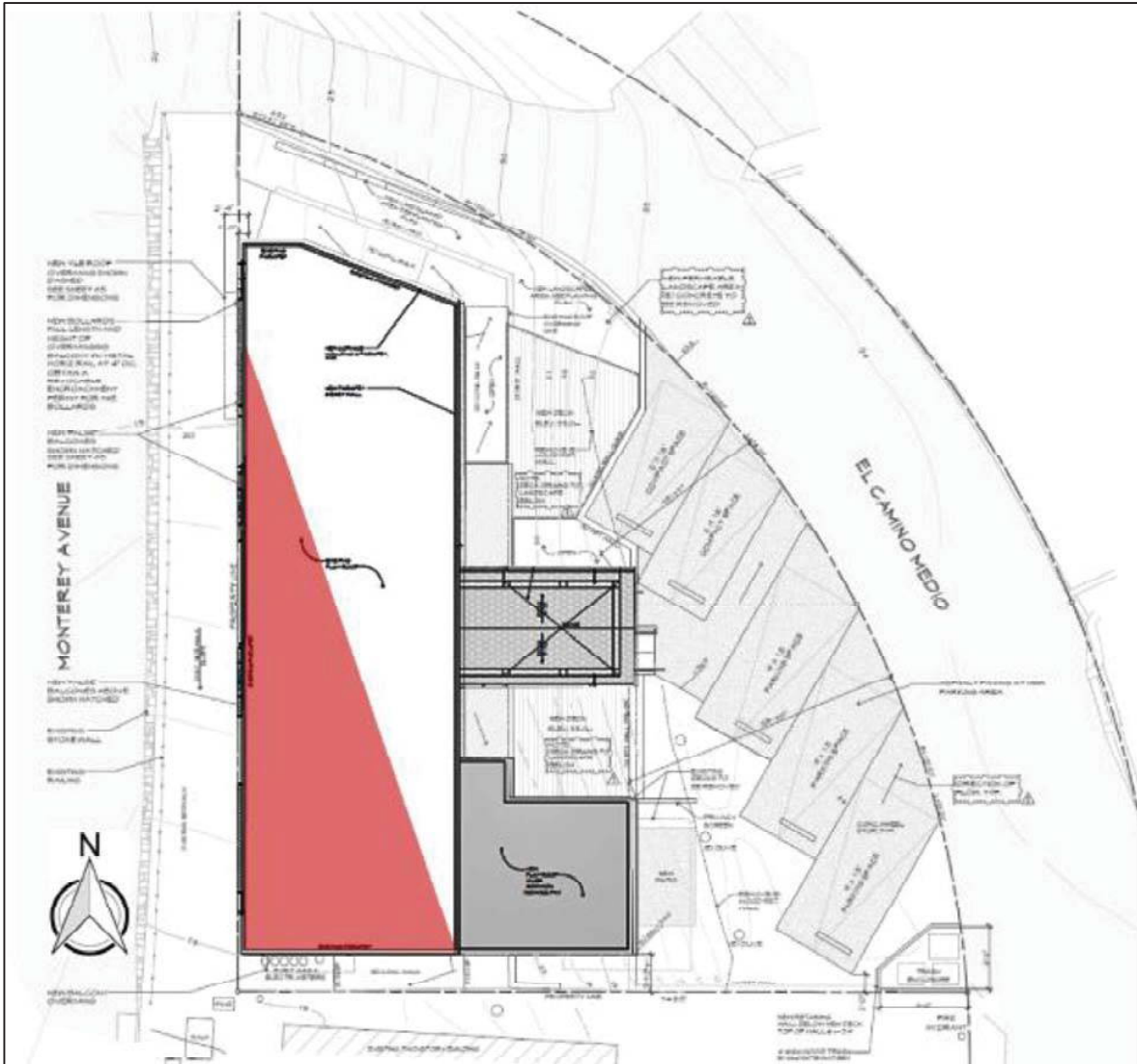
THE PROPOSED DESIGN ADDS A CORNICE TO THE PARAPET CONSISTENT
WITH THE STYLE OF THE DESIGN. NO ADDITIONAL SHADOW WILL BE
CAST ON NEIGHBORING PROPERTY.

SIGNATURE  DATE 3.28.17

Attachment: Variance Request (1837 : 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)

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= Proposed roof area greater than 27'

Attachment: Proposed Roof Height Graphic (1837 : 212 Monterey Avenue)
Attachment: 5-4-17 PC Staff Report and Attachments (1922 : 212 Monterey Avenue)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 20, 2017
 SUBJECT: **4100 Auto Plaza Drive #17-026 APN: 034-141-29**

Design Permit and Conditional Use Permit for a carwash and Sign Permit for a monument sign at the existing Subaru dealership in the Community Commercial (CC) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Santa Cruz Seaside Company

Representative: Peter Bagnall, filed 3/3/2017

APPLICANT PROPOSAL

The current application is for a new carwash building and an enlarged monument sign at the 4100 Autoplaza Drive. The proposed carwash is an accessory use to the existing Subaru dealership. Auto dealerships require a conditional use permit in the CC (Community Commercial) zoning district, therefore the carwash building requires a conditional use permit. A design permit is required for the new structure and a sign permit for the monument sign.

BACKGROUND

On September 1, 2016, the Planning Commission granted a design permit and sign permit for a remodel of the Subaru Dealership including a new entry way, with an ADA access ramp and iconic tower, façade upgrades, and updated signs throughout.

On March 3, 2017, the current application was submitted to the City. The applicant is seeking to add a new carwash and update the monument sign.

On May 10, 2017, the application was reviewed by the Architectural and Site Review committee. The following recommendations were made:

Local Architect, Frank Phanton: Not present.

Local Landscape Architect: Position vacant.

Public Works, Danielle Uharriet: Provided the applicant with standard conditions of approval for storm water and informed the applicant that approval by County sanitation will be required at building permit review.

Building Official, Brian Van Son: Requested that the application show pedestrian circulation and safety mitigation for the proposed ramp.

Senior Planner, Katie Herlihy: Recommended that the façade of the carwash relate to the dealership design, the plan be updated to show the landscaping requirement of 5 percent is in compliance, and the applicant opt for the decreased noise package for the carwash blowers.

Following the Arch and Site meeting, the applicant submitted updated plans which modified the top rows of cement block on the car wash to be smooth and painted to match the dealership. The plans were updated to show the landscaping requirement is in compliance and that the quietest blower option is proposed.

DISCUSSION

Development Standards of CC Zone

The following table outlines the development standards for the CC zoning district relative to the proposed car wash.

Development Standards	Proposed
Height: 40 ft	16 ft
Front Yard: Landscaped areas of front yards shall be set back 15 feet.	Existing landscaping area ranges from 8 to 20 feet along Auto Plaza Drive.
Side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide	36 ft side yard 120 ft rear yard
Front yards and corner lot side yards shall not be used for required parking facilities.	Front yard landscaping exists. Site is auto dealership so goods are parked outside in parking lot.
Parking	Proposed
1 space per 300 sf retail, office, and personal service. 23,645 total retail and office space = 78 parking spaces	217 spaces currently 68 customer spaces 9 display spaces removed 3 service spaces removed 3 vehicle display spaces removed 205 Total remaining spaces.
Landscaping. Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards	7,986 sf 6.5%
Underground Utilities – required with 25% increase area	N/A

Conditional Use Permit

Auto dealerships require a conditional use permit in the CC (Community Commercial) zoning district, therefore the carwash building requires a conditional use permit. Pursuant to section 17.60.030, in considering an application for a conditional use, the Planning Commission shall

give due regard to the nature and condition of all adjacent uses and structures. In issuing a conditional use permit, the Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation for the particular use, as may be necessary for the protection of the adjacent properties and in the public interest. Also, in approving a use permit, the Commission may include such conditions as they deem reasonable and necessary under the circumstances to preserve the integrity and character of the district.

The proposed car wash will have impacts to on-site circulation and parking. Site circulation is being improved to create a new connection behind the dealership for car to access a ramp between the display area and the service area. The new site circulation (ramp) and carwash will have an impact on the total number of parking spaces on the site. The carwash will displace six display parking spaces and three service parking spaces. The ramp will remove a small portion internal landscaping and three vehicle display spaces. A total of twelve parking spaces will be removed from the site.

The site has a total of 205 remaining parking spaces that are utilized for a mix of customer parking, display, and maintenance. Also, the Subaru dealership leases the adjacent site at 4000 Autoplaza Drive located on the corner of Autoplaza Drive and Gross Road Extension. The parking utilized on the neighboring property has not been included in parking calculations for this application.

A carwash is typically associated with noise impacts. The Subaru dealership is located adjacent to a Toyota dealership that has a carwash, backs up to self-storage units, and fronts along a frontage road to Route 1. The use is appropriate within the character of the district and will not have an impact on the adjacent uses. The applicant indicated they will install the quietest dryer package available to decrease the impacts of noise on the site.

Design Permit

The proposed new carwash is a very basic design to enclose the utilitarian carwash system. The 16 feet high walls will be composed of split-faced CMU in a finished gray color. The top four rows of CMU block will be smooth faced painted Silver and Blue to match the dealership building. The doors are open grill roll-up doors. The doors will remain open throughout the day when the carwash is in use and locked nightly.

Signs

In 2016, the Subaru Dealership was issued a sign permit to update all the existing signs at the dealership, as well as install a new Subaru logo sign on the new icon tower by the entryway. The 2016 permit included replacing the existing monument sign with a new sign face. The existing sign is four feet eight inches tall by ten feet wide. No change to the shape or size of the sign were proposed in the 2016 application.

Within the current application, the applicant is requesting to remove the existing monument sign and install a new sign that complies with their corporate sign standards. The proposed sign is eight feet ten inches tall by ten feet two inches wide. The proposed sign exceeds the maximum monument sign height of eight feet. The sign area for the proposed monument sign is 64.3 square feet, four feet over the code limit of 60 square feet.

Pursuant to 17.57.090, the applicant is requesting an exception to the monument sign standard due to the commercial site location in geographically constrained areas. The code allows the Planning Commission to allow special signage when a commercial site that has low visibility due to geographic challenges including being located on a dead-end street like Auto Plaza Drive.

The Planning Commission may approve additional signage or variations to sign standards upon making the following findings:

1. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
2. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

The proposed signs are appropriate along Auto Plaza Drive due to the unique land use and location on a dead end street. The monument sign will not have a significant adverse effect on the character and integrity of the surrounding area as the parcels are much larger than typical commercial properties. The neighboring Toyota dealership has an eight feet high by eight feet wide monument sign, and received an exception for an addition wall sign due to being located in a geographically constrained area.

CEQA REVIEW

This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves a new accessory structure at an existing commercial automotive dealership. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #17-026 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a Conditional Use Permit, Design Permit, and a Sign Permit for carwash and new monument sign at the existing Subaru car dealership building at 4100 Auto Plaza Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 20, 2017, except as modified through conditions imposed by the Planning Commission during the hearing
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit # 17-026 shall be paid in full.
7. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, the appropriate Water District, and Central Fire Protection District.
8. 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.
9. 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).
10. 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.
11. 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.
12. 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
13. 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.
14. 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.
15. 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.

16. 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.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
18. In any case where the conditions to the granting of a permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the Planning Commission may revoke the permit.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the CC (Community Commercial) Zoning District. 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 Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the CC (Community Commercial) Zoning District and 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 15303(e) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303 of the CEQA Guidelines exempts accessory structures for an existing commercial use. No adverse environmental impacts were discovered during review of the proposed project

- D. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.**

The allowance of a larger monument is appropriate for the auto dealership site. The site is located on a dead-end street with low visibility.

- E. **The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.**

The special signage will complement the character and integrity of Auto Plaza Drive.

ATTACHMENTS:

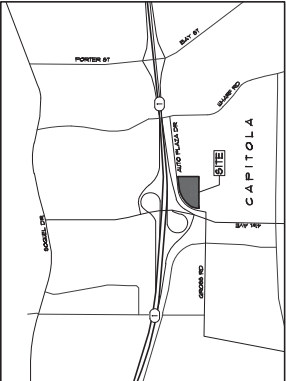
1. Car Wash Plan
2. Color Elevation
3. Subaru Sign Plan

Prepared By: Katie Herlihy
Senior Planner

WILLIAM S. BAGNALL ARCHITECTS INC.
 ARCHITECTURE & PLANNING
 125 Mission Street, Santa Cruz, California (831) 428-4977

PROPOSED CAR WASH
 SANTA CRUZ SUBARU
 4100 AUTO PLAZA DRIVE CAPITOLA, CALIFORNIA
 PROJECT DATA & PROPOSED SITE PLAN

DATE: 02/24/11
 JOB: #624
 REVISIONS:
 1. PLANNING UPDATES
 2. PLANNING UPDATES
 3. PLANNING UPDATES
 4. PLANNING UPDATES
 SHEET: A1
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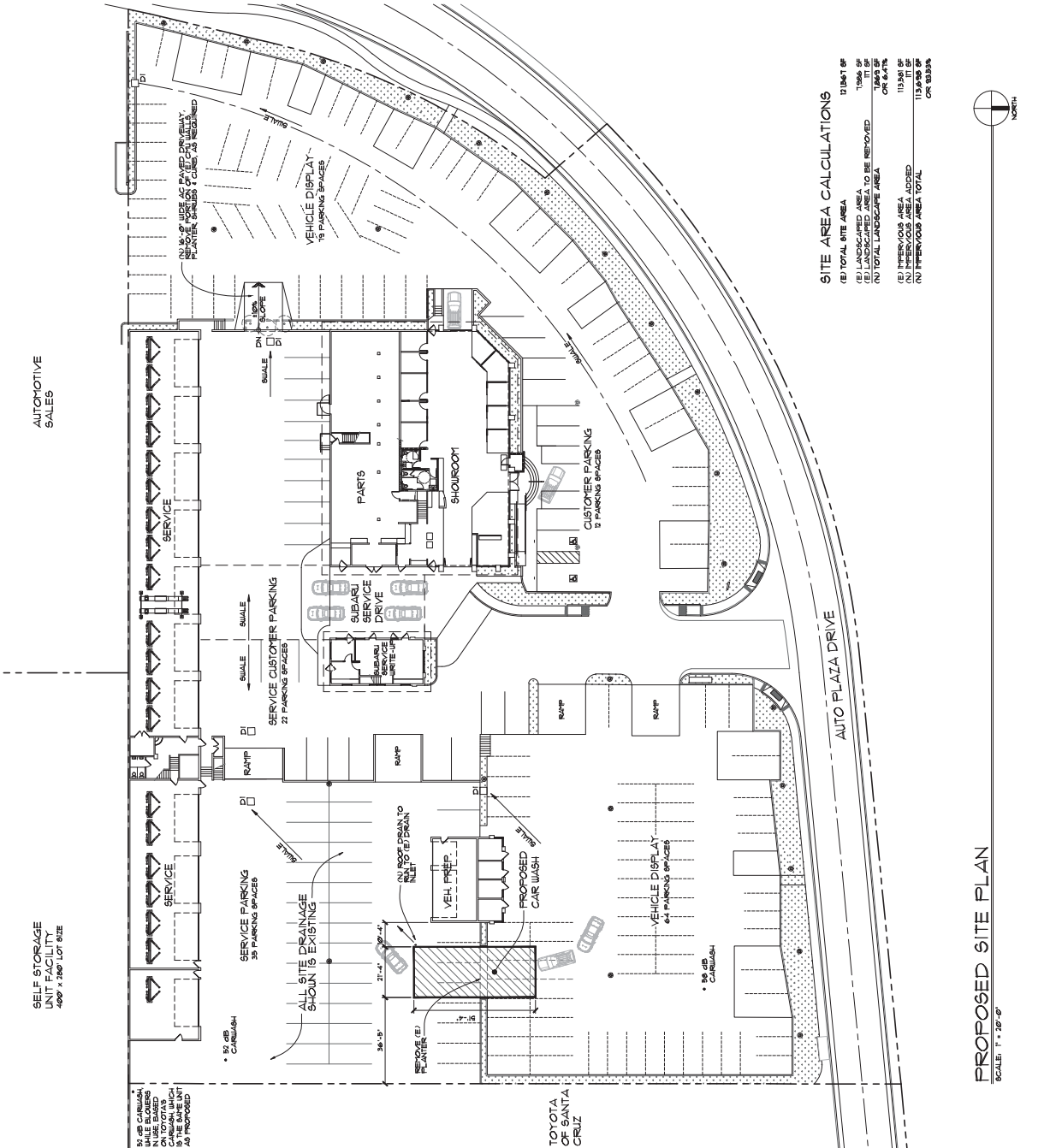


VICINITY MAP
 SCALE: N.T.S.

PROJECT DATA
 COMPANY: W.S. BAGNALL ARCHITECTS INC.
 CONSTRUCTION TYPE: TYPE I/II, TYPE I/III
 BUILDING AREAS:
 (E) 1ST FLOOR BOGARDY PARTS BUILDING: 1396 SF
 (E) 2ND FLOOR BOGARDY PARTS BUILDING: 1396 SF
 (E) SERVICE WRITE UP BUILDING: 1800 SF
 (E) SERVICE BUILDING: 3000 SF
 (E) SERVICE BUILDING: 2296 SF
 TOTAL AREA: 10288 SF
 (N) CAR WASH BUILDING: 11348 SF
 NEW TOTAL AREA: 23648 SF
 SITE AREA: 11348 SF
 SITE COVERAGE: 18% = 23648 SF / 131841 SF = 0.1845

PARKING REQUIREMENTS:
 PARKING PROVIDED:
 TOTAL EXISTING SPACES: 204 SPACES
 EXISTING SPACES TO BE REMOVED: 22 SPACES
 NEW TOTAL SPACES: 182 SPACES
 ACCESSIBLE PARKING PROVIDED:
 ACCESSIBLE PARKING SPACES: 2 SPACES

PROJECT DESCRIPTION:
 PROPOSED AUTOMATIC DRIVE-THRU CAR WASH. WORK TO INCLUDE: THE CONSTRUCTION OF A 1098 SF CAR WASH BUILDING, PROPOSED TO BE CONSTRUCTED TO THE SOUTH OF THE EXISTING BOGARDY PARTS BUILDING. THE PARTIAL REMOVAL OF 22 EXISTING SPACES TO MAKE WAY FOR THE CAR WASH BUILDING AND THE SERVICE WRITE UP BUILDING. LANDSCAPE PLANTER, INCLUDING SEVERAL PROBLEMATICS TREES.



SITE AREA CALCULATIONS

(E) TOTAL SITE AREA	121841 SF
(E) LANDSCAPED AREA	1396 SF
(E) LANDSCAPED AREA TO BE REMOVED	1800 SF
(E) TOTAL LANDSCAPED AREA	2196 SF
(N) TOTAL LANDSCAPE AREA	11348 SF
(E) INTERIOR AREA - LOBBY	11348 SF
(N) INTERIOR AREA TOTAL	11348 SF
(N) INTERIOR AREA TOTAL	OR 83.83%



PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"

Attachment: Car Wash Plan (1857 : 4100 Auto Plaza Drive)

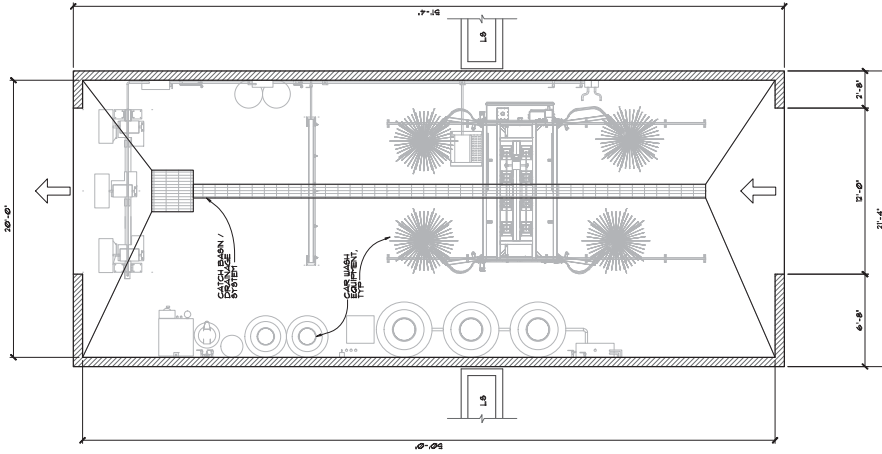
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AMERICAN INSTITUTE OF ARCHITECTS
ARCHITECTURE & PLANNING
125 Mission Street, Santa Cruz, California (831) 426-4977

PROPOSED CAR WASH
SANTA CRUZ SUBARU
4100 AUTO PLAZA DRIVE CAPITOLA, CALIFORNIA
PROPOSED CAR WASH PLANS

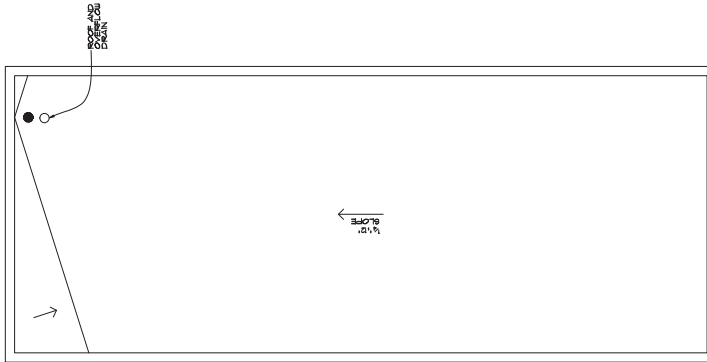
DATE 02/24/11
JOB #624

REVISIONS
2/27/11 PLANNING UPDATES
3/1/11 PLANNING UPDATES
3/22/11 PLANNING UPDATES

SHEET A2
OF 01



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



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

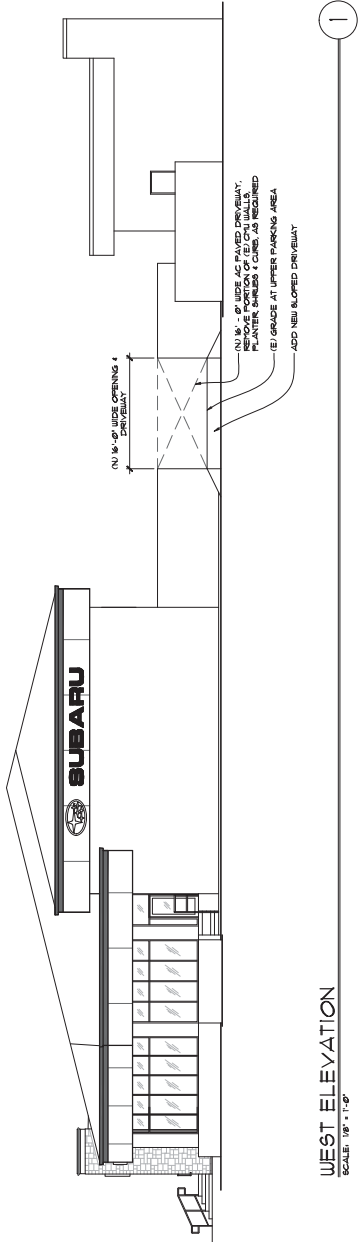
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ARCHITECTURE & PLANNING
125 Mission Street, Santa Cruz, California (831) 426-4977

PROPOSED CAR WASH
SANTA CRUZ SUBARU
4100 AUTO PLAZA DRIVE CAPITOLA, CALIFORNIA
PROPOSED DRIVEWAY ELEVATION

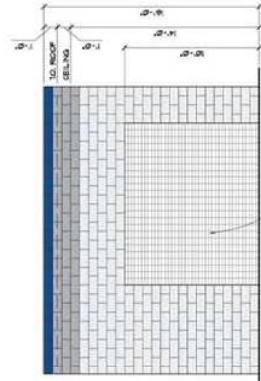
DATE 07/24/17
JOB #674

REVISIONS
4/2/17
5/2/17
5/22/17


SHEET A4
OF




<p>WILLIAM S. BAGNALL ARCHITECTS INC. ARCHITECTURE & PLANNING 125 Mission Street, Santa Cruz, California (951) 429-4977</p>	<p>PROPOSED CAR WASH EXT ELEVATIONS 4100 AUTO PLAZA DRIVE CAPITOLA, CALIFORNIA SANTA CRUZ SUBARU PROPOSED CAR WASH</p>
<p>DATE: 02/24/17 JOB: #524 REVISIONS:</p>	<p>SHEET: OF:</p>



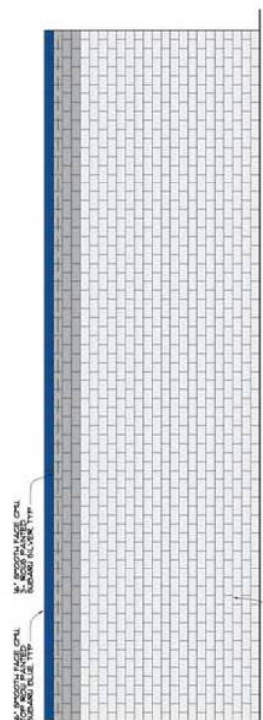
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



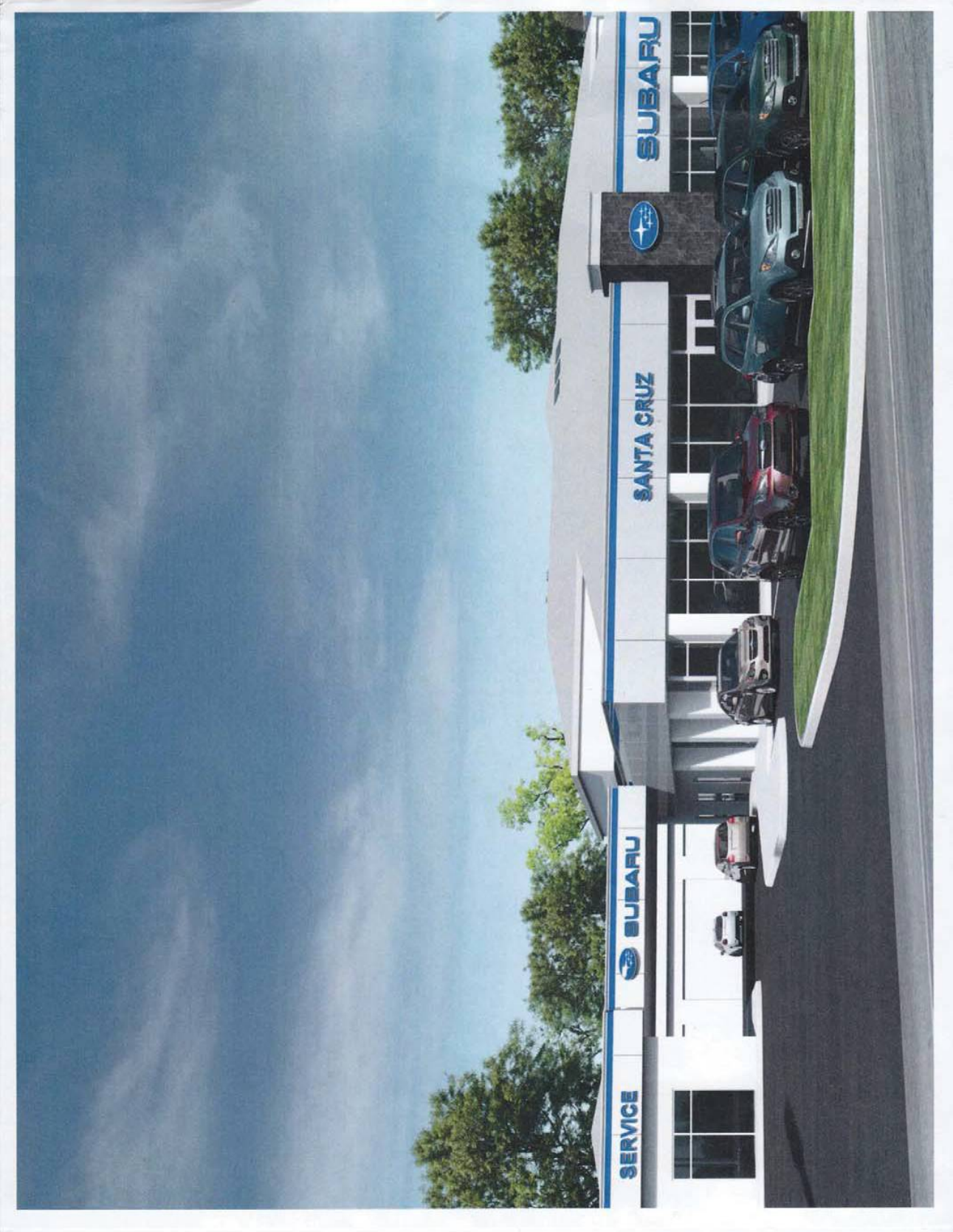
WEST ELEVATION
SCALE: 1/4" = 1'-0"



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



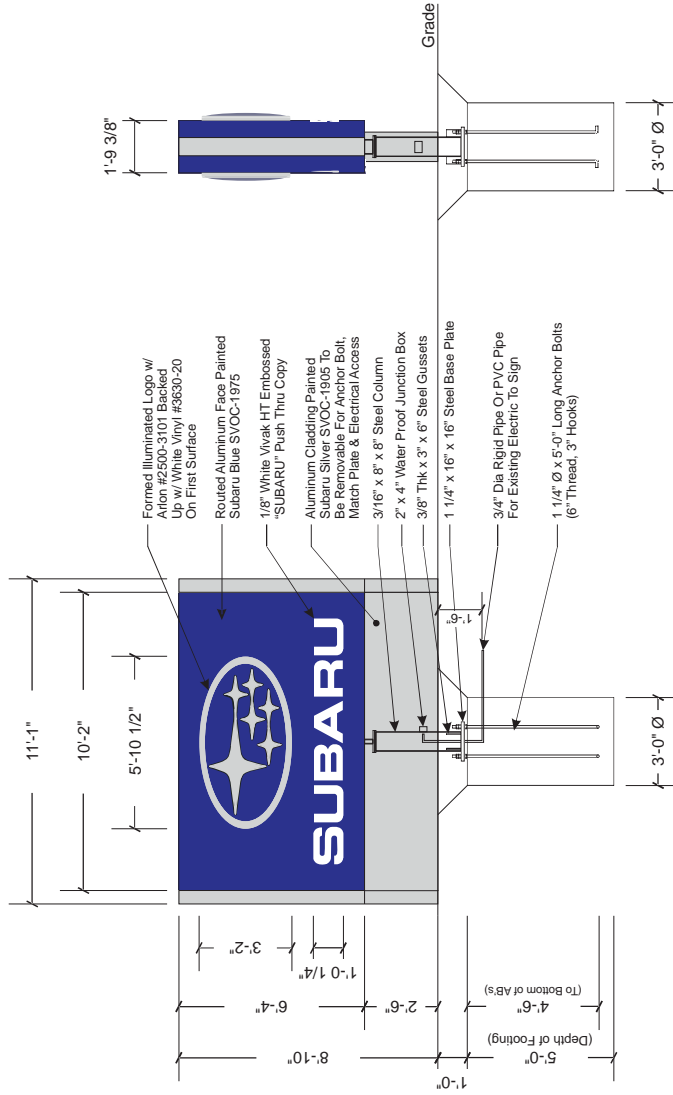
EAST ELEVATION
SCALE: 1/4" = 1'-0"



Attachment: Color Elevation (1857 : 4100 Auto Plaza Drive)

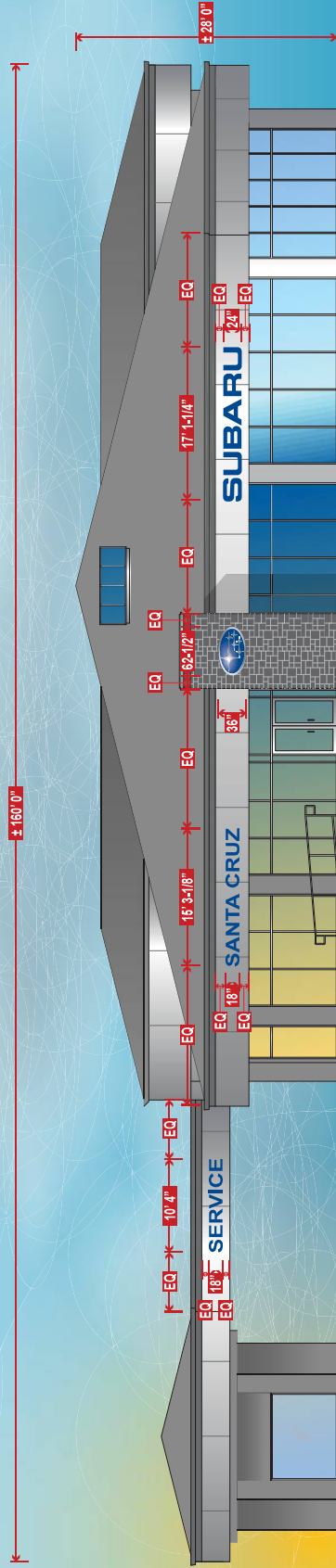
N01 M65 Double Faced Illuminated Monument - 8' 10" x 11' 1" w (15.6 Sq Ft)

Existing



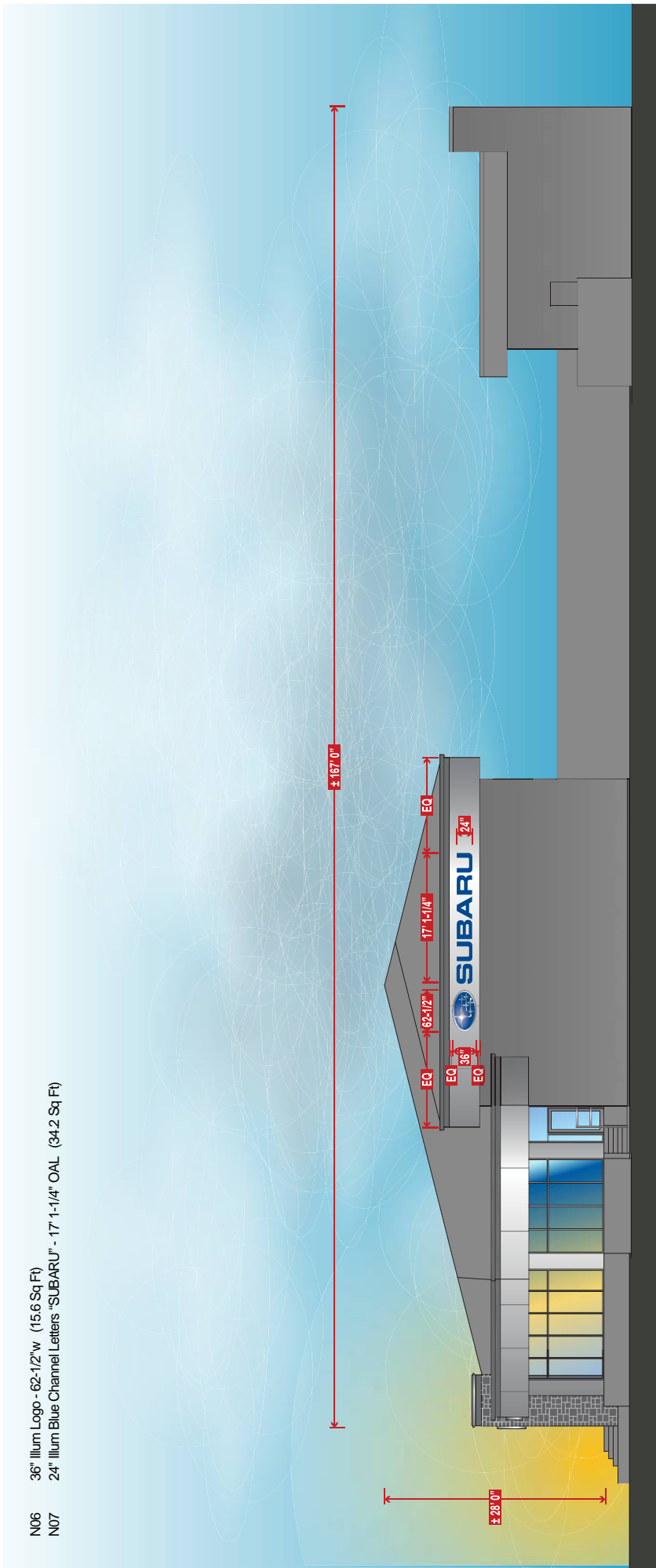
<p>PHILADELPHIASIGN BRINGING THE WORLD'S BRANDS TO LIFE</p>	TITLE	Subaru	DWG BY	AFR	DATE	01.26.17	REVISION	Added dimensions to N01	BY	JPH
	ADDRESS	SUB14560 Subaru of Santa Cruz 4100 Auto Plaza Drive Capitola, CA 95010		DWG NUM	B72234	SHEET	2			
<p>707 WEST SPRING GARDEN ST • PALMYRA, NJ • 08065 • P: 856-939-4460 • F: 856-939-8849 • WEB: http://www.philadelphiaign.com</p>										

- N02 36" Illum Logo - 62-1/2" w (15.6 Sq Ft)
- N03 24" Illum Blue Channel Letters "SUBARU" - 17' 1-1/4" OAL (34.2 Sq Ft)
- N04 18" Illum Blue Channel Letters "SANTA CRUZ" - 15' 3-1/8" OAL (22.9 Sq Ft)
- N05 18" Illum Blue Channel Letters "SERVICE" - 10' 4" OAL (15.5 Sq Ft)



	TITLE	Subaru	DWG BY	AFR	DATE	01.26.17	REVISION	Added dimensions to N01	BY	JPH
	ADDRESS	SUB14560 Subaru of Santa Cruz 4100 Auto Plaza Drive Capitola, CA 95010	DWG NUM	B72234	SHEET	3	<small>THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.A.S.A. IF YOU ARE NOT THE ORIGINAL USER IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY P.A.S.A., PLEASE CONTACT P.A.S.A. IMMEDIATELY. YOUR PERMISSION IS NOT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY MANNER.</small>			

N06 36" Illum Logo - 62-1/2" w (15.6 Sq Ft)
 N07 24" Illum Blue Channel Letters "SUBARU" - 17' 1-1/4" OAL (34.2 Sq Ft)

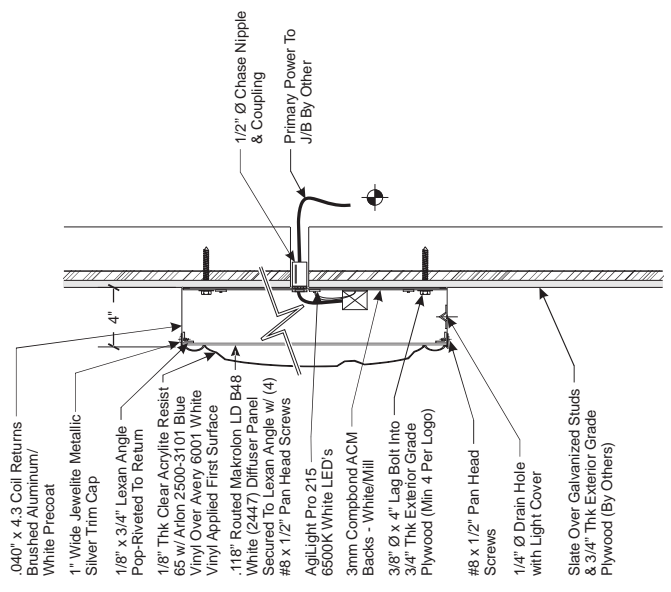


	TITLE	Subaru	DWG BY	AFR	DATE	01.26.17	REVISION	Added dimensions to N01	BY	JPH
	ADDRESS	SUB14560 Subaru of Santa Cruz 4100 Auto Plaza Drive Capitola, CA 95010	DWG NUM	B72234	SHEET	4	<small>THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.A.S.A. IF YOU ARE NOT THE ORIGINAL USER, PLEASE CONTACT THE USER IMMEDIATELY. THIS DRAWING IS NOT TO BE USED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PHILADELPHIA SIGN.</small>			

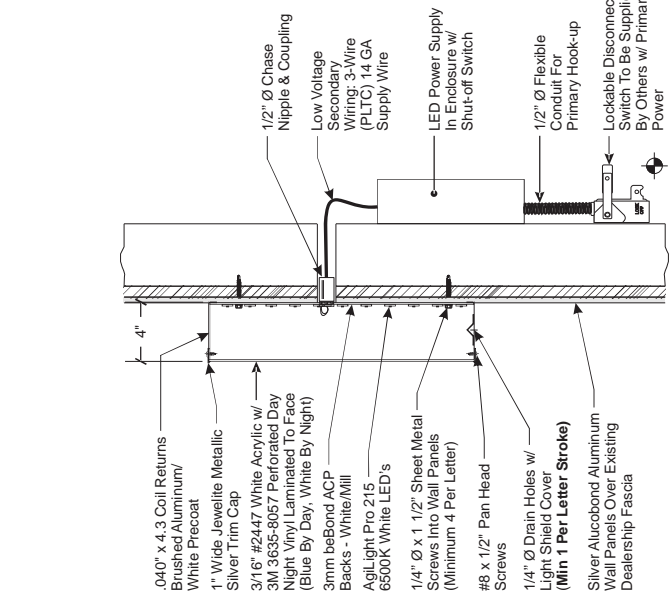


001 006 - 24" ILLUM CHANNEL LETTERS
Scale: 1/2" = 1' 0"

001 006 - 36" ILLUM LOGO
Scale: 1/2" = 1' 0"



LOGO CROSS SECTION
SCALE: 1 1/2" = 1'-0"



LETTER CROSS SECTION
SCALE: 1 1/2" = 1'-0"

ELECTRICAL LOAD
3.0 Amps @ 120 Volts
ELECTRICAL REQ'MTS
(1) 20 Amp/120 Volt Circuit

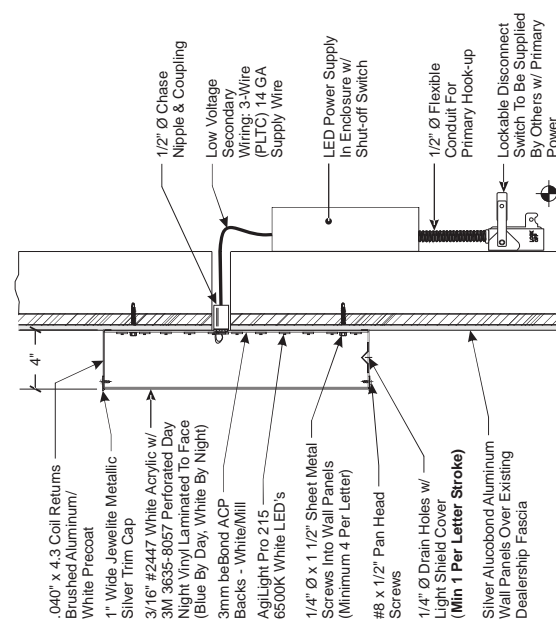
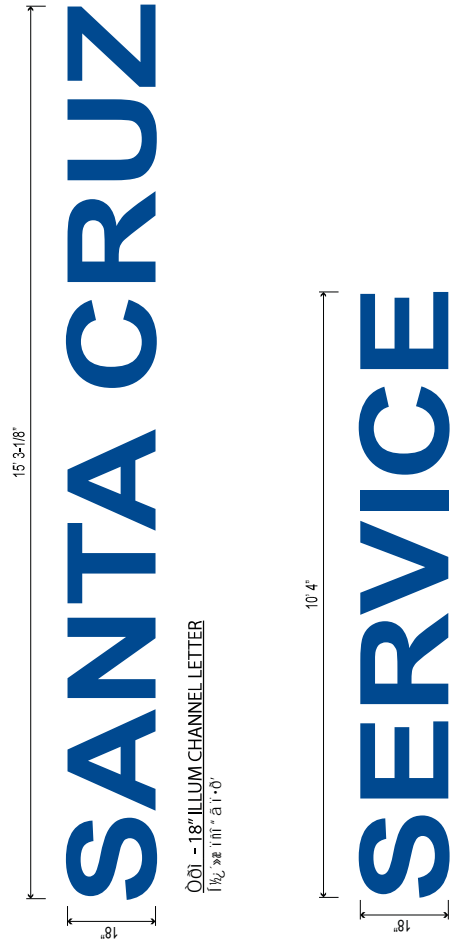
STANDARD LETTER NOTES:
1. Sufficient Primary Circuit In Vicinity Of Sign By Others.
2. Letter To Letter Wiring & Final Primary Hook-up By Sign Installer, Where Allowed By Local Codes.
3. Sign Shall Be U.L. Listed.
4. Mounting Hardware By Sign Installer.
5. Full Size Drilling Template Furnished With Sign.
6. This Sign has been Designed with the Criteria as set forth in the IBC 2003 & IBC 2006. The Design Meets or Exceeds those Requirements for the Geographical Location in Which It Is to be Erected.

ELECTRICAL LOAD
2.0 Amps @ 120 Volts
ELECTRICAL REQ'MTS
(1) 20 Amp/120 Volt Circuit

STANDARD WALL SIGN NOTES:
1. Sufficient Primary Circuit In Vicinity Of Sign By Others.
2. Final Primary Hook-up By Sign Installer, Where Allowed By Local Codes.
3. Sign Shall Be U.L. Listed.
4. Mounting Hardware By Sign Installer.

	TITLE	Subaru	DWG BY	AFR	DATE	01.26.17	REVISION	Added dimensions to N01
	ADDRESS	SUB14560 Subaru of Santa Cruz 4100 Auto Plaza Drive Capitola, CA 95010	DWG NUM	B72234	DATE	06/28/17	REVISION	Added dimensions to N01
			SHEET	5				

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LETTER CROSS SECTION
SCALE: 1 1/2" = 1'-0"

STANDARD LETTER NOTES:

1. Sufficient Primary Circuit in Vicinity Of Sign By Others.
2. Letter To Letter Wiring And Final Primary Hook-up By Sign Installer, Where Allowed By Local Codes.
3. Sign Shall Be U.L. Listed.
4. Mounting Hardware By Sign Installer.
5. Full Size Drilling Template Furnished With Sign.

ELECTRICAL LOAD
2.0 Amps @ 120 Volts
ELECTRICAL REQ MTS
(1) 20 Amp/120 Volt Circuit

	TITLE: Subaru ADDRESS: SUB14560 Subaru of Santa Cruz 4100 Auto Plaza Drive Capitola, CA 95010	DWG BY: AFR	DATE: 01.26.17	REVISION: Added dimensions to 101	BY: JPH
		DWG NUM: B72234	DATE: 08.28.17		
		SHEET: 6			

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STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 20, 2017
 SUBJECT: **614 Capitola Avenue#17-080** **APN: 035-302-06**

Conditional Use Permit to convert an existing mixed-use building to multi-family residence, located in the CN (Neighborhood Commercial) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
 Property Owner: William & Mary Ivison
 Representative: William & Mary Ivison, filed: 5/23/17

APPLICANT PROPOSAL

The current application is for a conditional use permit (CUP) to convert an existing residential/commercial mixed-use building to a multi-family residential use at 614 Capitola Avenue. No changes to the exterior of the building or site are proposed. The property is located in the CN (Neighborhood Commercial) zoning district.

BACKGROUND

The property at 614 Capitola Avenue has two separate units. Unit A, the front unit, is unique in that it is a residence with an office. The unit has a full kitchen and sleeping quarters, therefore it is considered a residential unit within the zoning code. Unit B has been utilized as a dentist office which recently closed. The owner of the mixed-use building has not been able to secure another office tenant and would like to convert the space into a residential unit. By changing the office to a residential office, the land use of the property will be categorized as multi-family residential.

ANALYSIS

Multi-family residential uses in the CN zoning district require a CUP. The applicant is not proposing to modify the exterior of the building or site, so a design permit is not required.

Conditional Use Permit

Pursuant to section 17.60.030, in considering an application for a conditional use, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. In issuing a conditional use permit, the Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation for the particular use, as may be necessary for the protection of the adjacent properties and in the public interest. Also, in approving a use permit, the Commission may include such conditions as they deem

reasonable and necessary under the circumstances to preserve the integrity and character of the district.

Parking

Unit A is located within the front half of the building and is a residence with office space. The unit is a residential unit in which a portion of the residence is utilized as an accounting office. The unit is 899 square feet; 480 of which is utilized as office space. For Unit A, two parking spaces are required for the residential unit (one covered) and an additional two spaces are required for the office space.

Unit B is located on the back half of the building. The requested conversion from a dental office to a residential unit will decrease the intensity of the use within Unit B. A dental office requires five parking spaces per doctor. The unit is 800 square feet. A multi-family residential use with two units is required to have two spaces per unit one of which is covered. The parking demand for the property will be decreased by 3 spaces with the proposed conversion. Required parking for the entire property is six spaces. There are a total of nine uncovered spaces on the site. The applicant is not required to provide covered parking because non-complying residential parking must be brought into compliance when a structure is expanded by 10 percent or more of the existing floor area. The applicant is not increasing the floor area of the structure.

Staff does not foresee any negative impacts from the proposed conversion due to the decrease in the intensity of the use. Condition of approval number four, requires six onsite parking spaces due to the unique existing mixed office/residential use of Unit A. No other specific conditions of approval for mitigation of the use are proposed as the proposed conversion will have a little to no impact on the surrounding neighbors.

CEQA REVIEW

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 existing structure with an existing commercial use converting to a residential use. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #17-080 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a Conditional Use Permit to convert a mixed-use building to a multi-family residential use at 614 Capitola Avenue. Unit A is unique in that it is residential unit with an office use integrated into the unit. Unit B will be solely a residential use. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 20, 1017, 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. A minimum of six onsite parking spaces are required for the property. Unit A requires four parking spaces and Unit B requires two spaces.
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, all Planning fees associated with permit # 17-026 shall be paid in full.
7. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, the appropriate Water District, and Central Fire Protection District.
8. 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
9. 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.
10. 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.
11. 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.
12. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
13. In any case where the conditions to the granting of a permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty

calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the Planning Commission may revoke the permit.

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 all reviewed the project. No exterior changes to the exterior of the building are proposed that would influence the development standards of the CN (Neighborhood Commercial) Zoning District. The conversion of a mixed use to a multi-family residential use requires approval of 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 Department Staff and the Planning Commission have all reviewed the project. A multifamily residential use with two units will maintain the character and integrity of the CN (Neighborhood Commercial) zoning district. The proposed use is less intense than the existing dentist office. 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.**

Section 15301 of the CEQA Guidelines exempts a conversion of a use within an existing structure from office to residential. No adverse environmental impacts were discovered during review of the proposed project

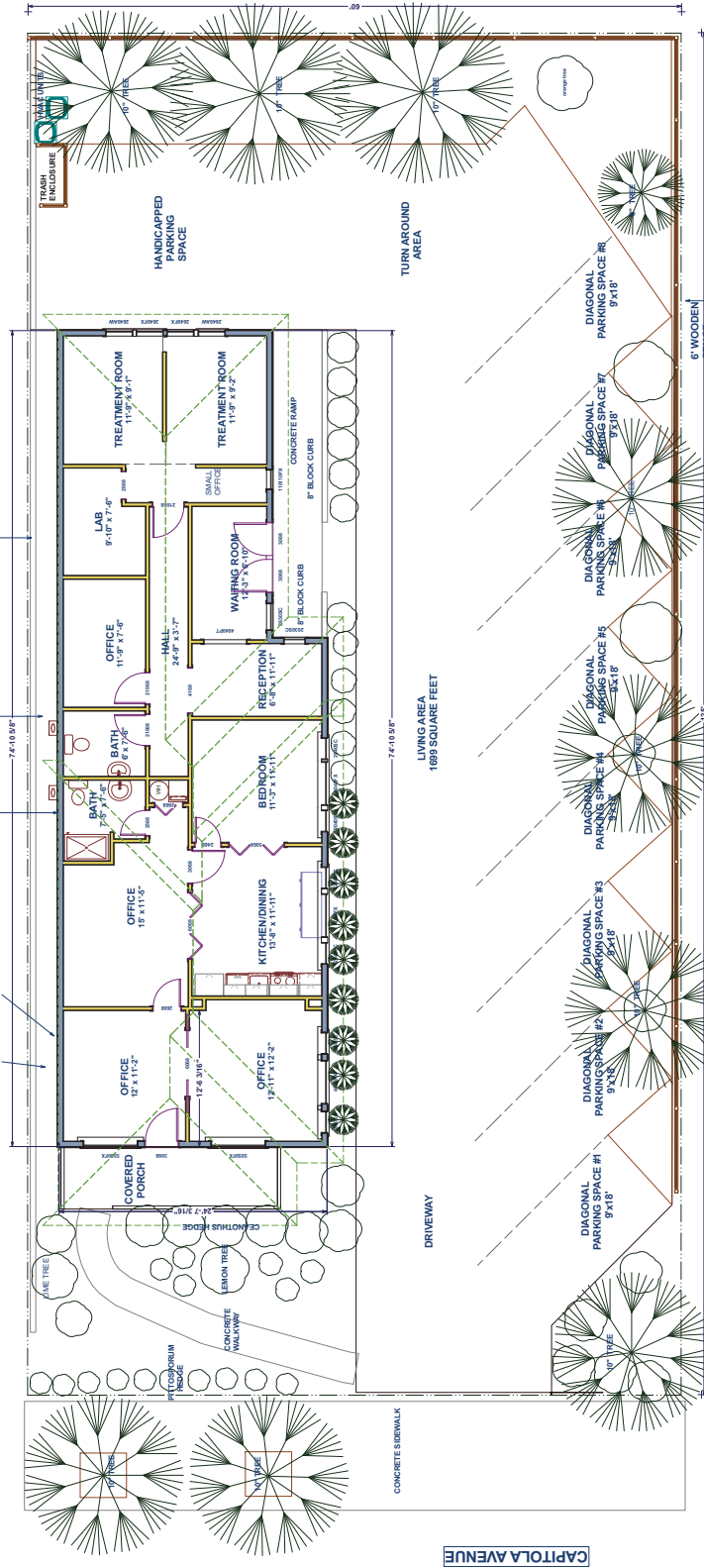
ATTACHMENTS:

1. 614 Capitola Avenue Plans

Prepared By: Katie Herlihy
Senior Planner

**AS EXISTING
SITE PLAN**

1/8" = 1'-0"



<p>PROPOSAL: CONVERSION OF "B" SPACE MEDICAL OFFICE TO 2BDR/1BA APARTMENT. ALL MATERIALS AND COLORS TO MATCH EXISTING. EXISTING LANDSCAPING TO REMAIN AS IS. EXISTING "A" UNIT MIXED USE OFFICE/ 1BDR APARTMENT TO REMAIN AS IS. FOR OWNER 5/22/17</p>	<p>PROJECT DATA CURRENT USE: TOTAL EXISTING 1699 SQUARE FEET "A" UNIT 899 SQUARE FEET MIXED USE OFFICE/1BDR APARTMENT "B" UNIT 800 SQUARE FEET MEDICAL OFFICE TOTAL 1699 SQUARE FEET NO. CHANGES TO EXISTING FOOTPRINT CURRENT PARKING 8 DIAGONAL SPACES AND 1 HANDICAPPED SPACE-ALL UNCOVERED</p>	<p>APN 035-302-06 614 CAPITOLA AVE CAPITOLA, CA 95010 CN ZONING AREA OWNERS: BILL AND MARY IVISON 831-462-4049 bill@vis-entcpa.com</p>
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STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 20, 2017
 SUBJECT: **5055 Jewel Street #17-015 034-043-09**

Design Permit for a first-floor addition and construction of a new second floor to an existing one-story residence with variance requests to parking and driveway dimensions, located in the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
 Property Owner: Jeff Luchetti
 Representative: Frank Phanton, filed: 2/8/17

APPLICANT PROPOSAL

The application is for a remodel and addition to an existing, one-story, single-family residence located in the R-1 (Single-Family Residential) zoning district. The proposal includes a 179 square foot addition to the front of the existing residence, and a new 473 square foot second-story. The existing detached garage at the rear of the property is non-conforming due to its size and location. The applicant is requesting a variance to the minimum dimensions for covered parking and driveway aprons.

BACKGROUND

On April 12th, 2017, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: informed the applicant that an encroachment permit is required prior to any work in the City right-of-way.

Building Official, Brian Van Son: informed the applicant that a soils engineering and a geotechnical report will be required for the second story proposal at time of building permit submittal.

Local Architects, Dan Townsend and Dan Gomez: appreciated the design, especially the stair-tower design on the front of the building, and expressed support to maintain the detached garage in its current non-conforming location.

City Planner, Ryan Safty: directed the applicant to revise the site plan to show one, full-sized uncovered parking space within the existing driveway, and that a variance will be required to allow the existing, undersized detached garage to constitute a legal covered parking space.

Following the Architectural and Site Review Committee hearing, the applicant submitted revised plans which addressed the concerns of the committee. The applicant chose to apply for a variance to parking rather than design a full-sized covered parking space.

ZONING SUMMARY

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

R-1 (Single Family Residential) Zoning District

Coastal		
Is project within Coastal Zone?		Yes
Is project within Coastal Appeal Zone?		No
If exempt, list applicable exemption.		§ C.M.C. 17.46.050
Use		
Existing Use		Single-Family
Proposed Use		Single-Family
Principal Permitted or CUP?		Principal Permitted
Development Standards		
Building Height	R-1 Regulation	Proposed
	25'-0"	24'-0"
Floor Area Ratio (FAR)		
Lot Size		3,200 sq. ft.
Maximum Floor Area Ratio		57% (Max 1,824 sq. ft.)
Existing First Story Floor Area		984 sq. ft.
New First Story Floor Area		179 sq. ft.
New Second Story Floor Area		473 sq. ft.
Existing Detached Garage Area (-100 sq. ft. FAR exemption allowance for ancillary area)		188 sq. ft. (218 sq. ft. - 30 sq. ft. ancillary)
TOTAL FAR		1,824 sq. ft.
Yards (setbacks are measured from the edge of the public right-of-way)		
	R-1 Regulation	Proposed
Front Yard 1st Story	15 feet	18 ft. from right-of-way
Front Yard 2nd Story	20 feet	24 ft. from right-of-way
Side Yard 1st Story	10% lot width Lot width 40 4 ft. min.	4 ft. from property line – West 9 ft. from property line - East
Side Yard 2nd Story	15% of width Lot width 40 6 ft. min	6 ft. from property line – West 8 ft. from property line - East
Rear Yard 1st Story	20% of lot depth Lot depth 80 16 ft. min.	16 ft. from property line
Rear Yard 2nd Story	20% of lot depth Lot depth 80 16 ft. min	36 ft. from property line
Detached Garage	8' minimum from rear yard	0.5 ft. from property line **
	3' minimum from side yard	0.1 ft. from property line **
	40' minimum from front yard	62 ft. from property line
Encroachments (list all)	Existing detached garage is non-conforming in that it does not meet rear or sideyard setbacks. Proposed trellis entryway legally encroaches three feet into	

	the 15-foot front yard setback.	
Parking		
	Required	Proposed
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total 1 covered 1 uncovered	2 spaces total 1 covered (undersized) Variance Requested 1 uncovered (9' x 18')
Garage and Accessory Bldg.	Complies with Standards?	List non-compliance
Garage	No	Existing garage does not meet rear or sideyard setbacks and is undersized.
Underground Utilities: required with 25% increase in area		YES, required

** Denotes existing non-conformity

DISCUSSION

The subject property is located along Jewel Street within the R-1 zoning district. The property is flat and regularly shaped. The existing 984 square foot, single-story residence has a detached garage along the rear of the property, with a concrete driveway connecting to Jewel Street. The detached garage is considered non-conforming due to garage’s location not complying with side and rear setback requirements and minimum covered parking dimensions.

Design Permit

The applicant is proposing to expand the front of the existing residence by 179 square feet. The applicant is also proposing a 473 square foot second-story, which would be located above the front half of the existing residence and would extend one foot over the eastern edge of the first-floor. The proposed new staircase would be positioned along the front of the home, setback six feet from the front facade of the building.

The proposed home would use a mix of vertical board and batten and wooden shingle siding. The front of the residence would have a trellis-covered porch connected to the front living room. The applicant is also proposing a second-story tower feature along the front of the home for the internal staircase. The four-foot wide tower feature would have a gabled roof and wooden shingle siding.

Parking

The existing residence at 5055 Jewel Street has a detached garage at the rear of the property which is accessed by a 62-foot long driveway. The driveway is slightly over nine feet in width at the front of the property, but decreases to under nine feet along the side of the home. The subject property is in a sidewalk exempt area, therefore uncovered parking spaces must be a minimum of nine feet by 18 feet. The existing property contains one full-sized uncovered parking space in front of the driveway. The detached garage is undersized and does not meet dimension standards for a covered parking space. Covered parking spaces are required to be a minimum of 10 feet by 20 feet while the garage is 12 feet by 18 feet. Additionally, the detached garage is non-conforming in that it does not comply with the required three foot side yard setback and eight foot rear yard setback. The existing non-conforming garage can remain (§17.72.070) since the applicant has provided evidence that the proposed improvements will not exceed 80% of the existing valuation of the structures (Attachment 3).

The proposed 1,824 square foot residence is required to have two on-site parking spaces, one of which must be covered. The applicant is proposing to maintain the existing driveway

configuration and detached garage, which only constitutes one uncovered parking space per code. In addition to the one-legally sized uncovered parking space, the property has one undersized covered-space in the detached garage, and two undersized uncovered spaces in tandem in front of the garage. Driveways serving rear yard garages are required to be a minimum of 11 feet in width within the front setback: nine feet for paved driveway and two feet for a landscape strip. The existing driveway extends all the way to the side property line and is only nine feet in width. The applicant is requesting a variance to the minimum dimensions for covered parking and driveway widths.

Landscaping

In addition to the driveway and detached garage, the applicant is proposing to maintain the existing landscaping in the front of the property. The existing front yard tree and shrubs would be preserved. The applicant is also proposing new groundcover throughout the property.

VARIANCE

The applicant is requesting a variance to the minimum dimensions for covered parking and driveway width. Pursuant to section 17.66.090 of the municipal code, the Planning Commission, based on the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity and when the grant of the variance would not constitute a grant of special privilege inconsistent with limitation on other properties in the vicinity and zone.

The applicant has requested a variance to the minimum covered parking size dimensions to maintain the existing driveway and detached garage configuration. The applicant provided a written request for the variance, explaining that there is no option to bring the undersized detached garage into conformance without a variance (Attachment 2). Extending the garage an additional two feet in the front would further increase the existing non-conforming side yard setback. Additionally, the existing detached garage is separated from the main residence by approximately three feet, which is the minimum separation allowed between detached garages and other structures (§17.15.140). Extending the front of the detached garage an additional two feet would decrease the separation from the main unit and would create a new non-conformity. The applicant's variance request also states that the only alternative to the parking variance would be to build an attached garage at the front of the residence, which they argue would be less in keeping with the character of the neighborhood than preserving the detached garage. Lastly, the applicant reasons that although the parking spaces would be slightly undersized, the variance would increase off-street parking.

The proposal also requests a variance to minimum driveway width dimensions. Driveways serving rear-yard garages must be 11 feet in width, with nine feet of paved driveway and two feet of landscaping between the driveway and side property line (§17.51.130). The existing driveway is roughly nine feet in width and is paved up to the side property line. The applicant is requesting a variance from the minimum driveway width dimensions, specifically the two-foot landscape requirement, to be able to maintain the existing location of the residence, driveway, and detached garage. Incorporating two feet of landscaping along the side property line would require the applicant to remove two feet from the eastern edge of the existing residence, and require that two feet of the existing concrete driveway be removed and replaced with landscaping.

Although staff has no objections to allowing the undersized garage to continue to provide required covered parking, staff cannot identify any unique circumstance associated with the property to make variance findings. The property is regularly shaped (40 feet by 80 feet), flat,

and of standard size for the Jewel Box neighborhood. However, as noted in the variance request, several properties in the vicinity have detached garages at the back of the property which do not meet setbacks and may be undersized. In this regard, allowing the undersized garage to provide covered parking would not be inconsistent with privileges currently enjoyed by others in the vicinity.

Additionally, staff has no objections to reducing driveway width dimensions in order to allow the existing driveway to remain. Several neighboring properties do not comply with minimum driveway dimension or the landscape requirement, therefore the variance to driveway width would not be inconsistent with privileges currently enjoyed by other in the vicinity. However, staff cannot identify any unique circumstances associated with the property to make variance findings. There are no special circumstances applicable to the property as it is regularly shaped and flat. There is nothing prohibiting the applicant from redesigning the project to comply with zoning code requirements.

Based on strict interpretation of variance law, staff cannot make findings to support either variance request. Staff recommends denial of both the variance requests and thus denial of the proposal. Staff has included conditions of approval in Attachment 3 in the event the Planning Commission makes findings to approve the variance requests.

CEQA

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

RECOMMENDATION

Staff recommends the Planning Commission review the application and **deny** project application #17-015, due to the recommended denial of variance requests for covered parking dimensions and the driveway landscape requirement, based on the findings of denial.

FINDINGS

- A. **The application, subject to the conditions imposed, 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 variance requests to covered parking and driveway dimensions for the addition and remodel project have been denied. The proposed project and variances would not secure the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- 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 a remodel and addition to an existing single-story residence. The proposed project, and associated variances, would constitute a special privilege and would not maintain the character and integrity of the residential neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15303(a) of the CEQA Guidelines exempts a single-family residence within a residential zone. This project involves a remodel and addition to an existing single-family

residence within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project. However, the project has been denied due to the variance requests.

- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title is not found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;** There are not special circumstances applicable to the property that deprive the subject property of privileges enjoyed by others. The subject property is regularly shaped, of standard size for the neighborhood, and flat.
- E. **The grant of a variance would 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.** Although several neighboring property owners contain detached garages and do not have comply with driveway dimensions, the granting of a variance here would constitute a special privilege. New applications for remodels and additions in the neighborhood would be required to comply with these regulations.

ATTACHMENTS:

1. Project Plans
2. Variance Request
3. Draft Conditions of Approval - If Variances Approved

Prepared By: Ryan Safty
Assistant Planner

Revisions	By

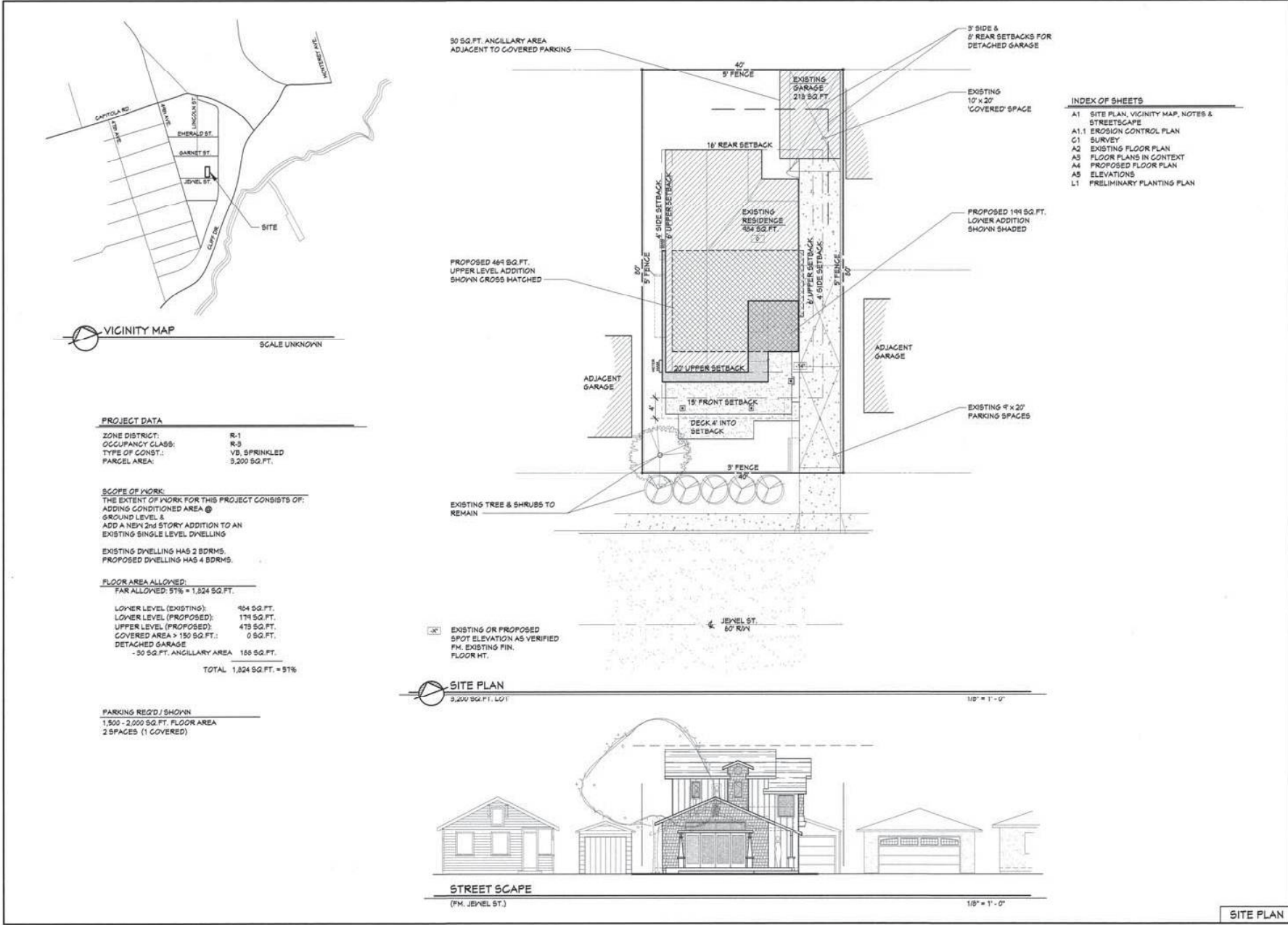
Prepared by:
Enviroprotects
 Environmental
 1840 41st Ave., Ste. 102 #141, Capitola, CA 95018 475-5841 Enviroprotects.com

APN 034 043 047

PROPOSED NEW ADDITION FOR:
LUCCHETTI RESIDENCE
 5055 JEWEL ST.
 CAPITOLA, CA 95010

Date: 04/14/16
 Scale: AS NOTED
 Drawn: duMont
 Job: LUCCHETTI
 Sheet: **A1**
 of 6 Sheets

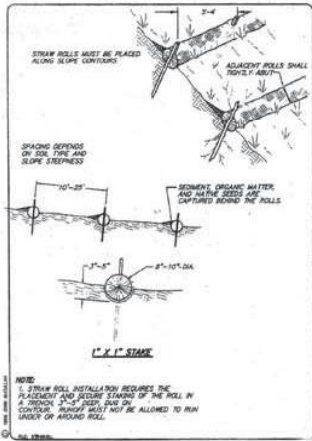
Attachment: Project Plans (1925 : 5055 Jewel Street)



SITE PLAN

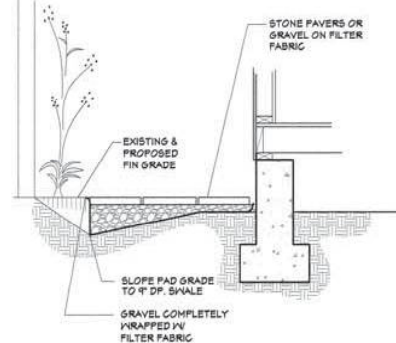
EROSION CONTROL NOTES:

1. STOCKPILE DISTURBED TOPSOIL AND REDISTRIBUTE AROUND THE FINISHED SITE ON CUT SLOPES AS SEED BASE.
2. DISTURB ONLY THOSE AREAS UNDER CONSTRUCTION. DO NOT LEAVE SOIL UNPROTECTED DURING HEAVY RAIN.
3. RE-SEED ALL DISTURBED AREA WITH S.C. COUNTY EROSION CONTROL MIX OR SEED MIX AS FOLLOWS:
 BLANCO BROME: 1/2 # PER 1000 S.F.
 ROSE CLOVER: 1/8 # PER 1000 S.F.
 ANNUAL BLUEGRASS: 1/4 # PER 1000 S.F.
 FERTILIZE SEEDINGS WITH 16-20-0 AMMONIUM PHOSPHATE IV SULPHUR
4. BETWEEN OCTOBER 15 AND APRIL 15 EXPOSED SOIL SHALL BE PROTECTED AT ALL TIMES. DURING CONSTRUCTION SUCH PROTECTION MAY CONSIST OF MULCHING AND/OR PLANTING OF NATIVE VEGETATION OF ADEQUATE DENSITY. BEFORE COMPLETION OF THE PROJECT ANY EXPOSED SOIL ON DISTURBED SLOPES SHALL BE PERMANENTLY PROTECTED FROM EROSION.



NOTE:
 1. STRAW ROLL INSTALLATION REQUIRES THE ALIGNMENT AND SECURE STAKING OF THE ROLL IN A MANNER THAT IT WILL HOLD IN PLACE UNDER ALL WEATHER CONDITIONS. ROLLS MUST NOT BE ALLOWED TO RUN UNDER OR AROUND SOIL.

A STRAW ROLLS
 UNKNOWN



B BIOSWALE
 1" = 1'-0"

RETENTION BASIN & OVERFLOW TO EXISTING NATURAL DRAINAGE PATH
 ALL DOWNSPOUTS TERMINATE @ CONC. SPLASHBLOCK TO 1" WIDE x 3" DP. x 4" LONG RETENTION BASIN OF 3/4" Ø GRAVEL IN FILTER FABRIC ALL AROUND TYP.

ALL NEW FINISH GRADING SLOPES AROUND FM STRUCTURES @ 1/4"/FT. MIN.

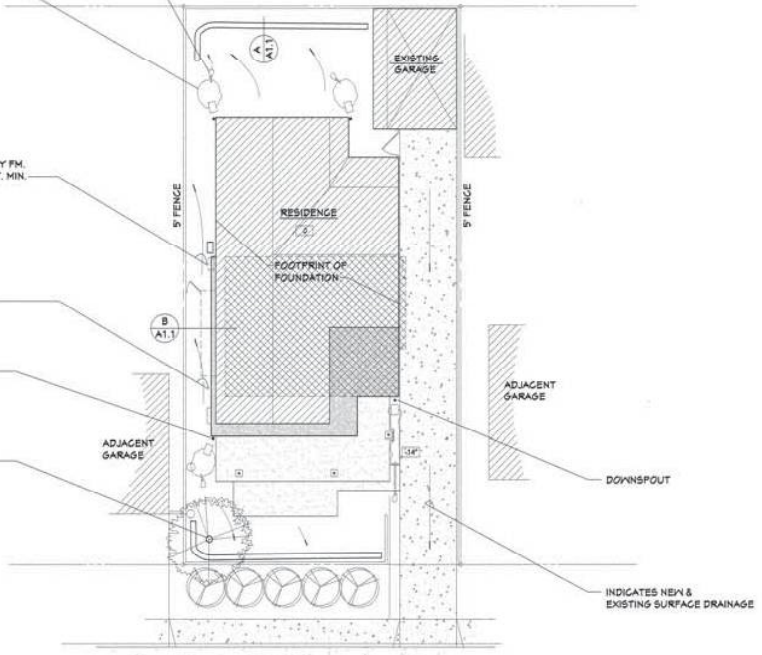
36" LONG BIO SWALE SEE B AT.1

DOWNSPOUT

EXISTING TREE TO REMAIN

EXISTING OR PROPOSED SPOT ELEVATION AS VERIFIED FM. EXISTING FIN. FLOOR HT.

GRADING/ DRAINAGE/ EROSION CONTROL PLAN



IMPERVIOUS SURFACE STUDY:

EXISTING	PROPOSED
BLDGs. 1,188 SQ.FT.	BLDGs. 1,387 SQ.FT.
PAVING 555 SQ.FT.	PAVING 195 SQ.FT.
TOTAL 1,743 SQ.FT.	TOTAL 1,582 SQ.FT.
	PROPOSED 400 SQ.FT. INCREASE IN IMPERVIOUS AREA

1/8" = 1'-0"

EROSION CONTROL

Revisions	By

Prepared by:
Enviroprotects
 Frank Pineson, Architect (C 28415)
 1540 41st Ave., Ste. 102 #114, Capitola, CA 95019 475-5841 Enviroprotects.com

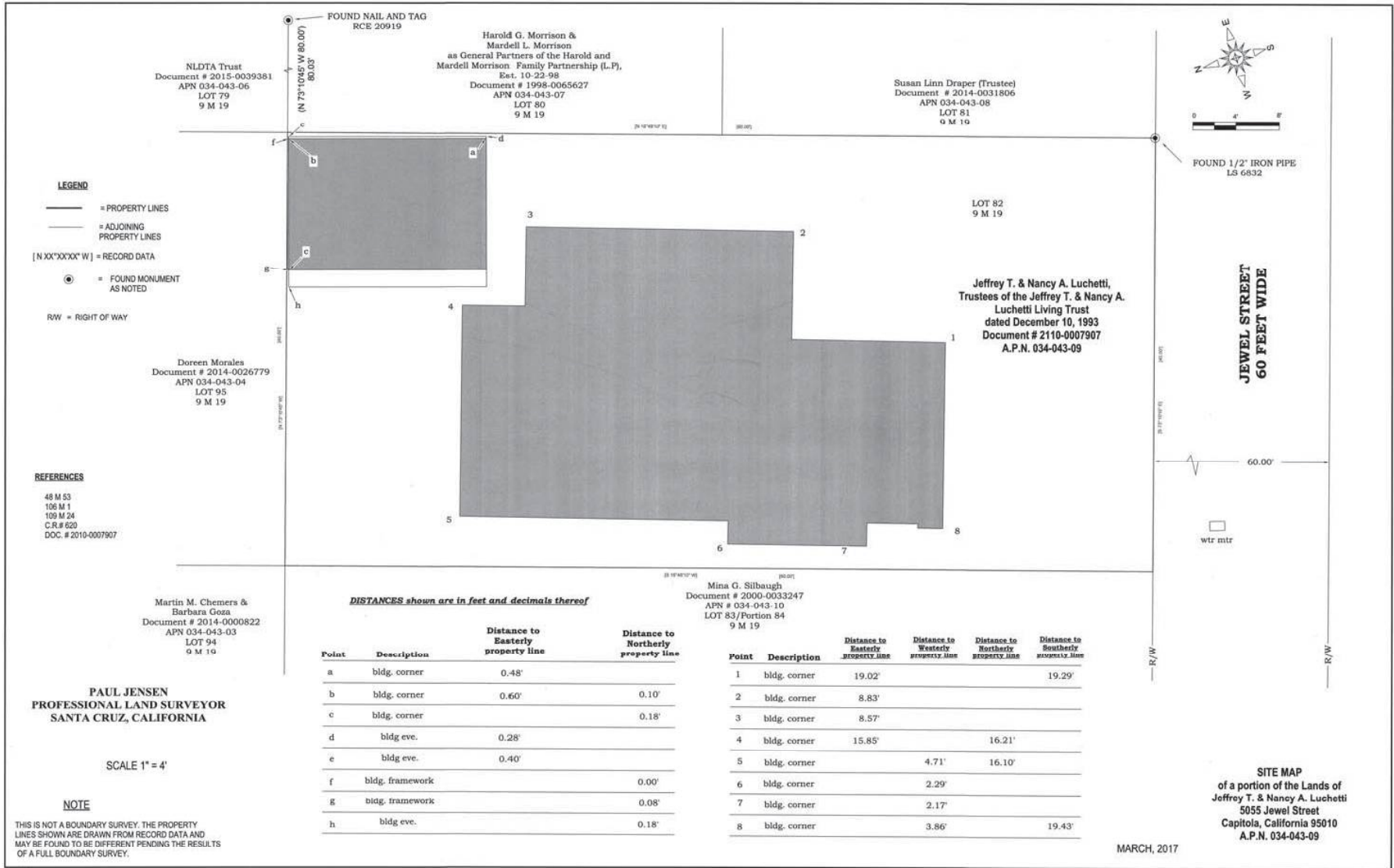
APN 054 048 09

PROPOSED NEW ADDITION FOR:
LUCCHETTI RESIDENCE
 5055 JEWEL ST.
 CAPITOLA, CA 95010

Date: 09/14/16
 Scale: AS NOTED
 Drawn: duMont
 Job: LUCCHETTI

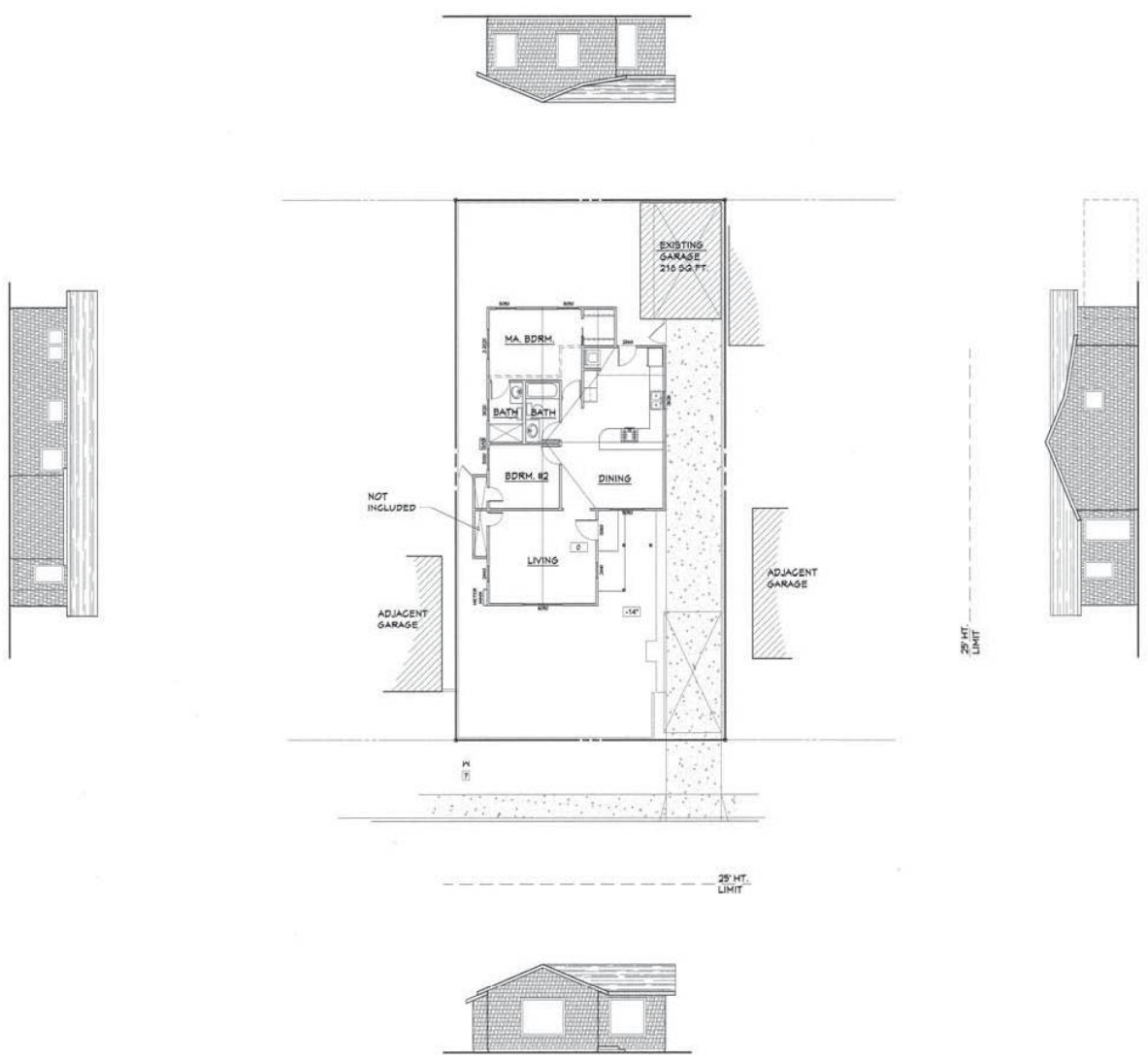
Sheet: **A1.1**
 of 6 sheets

Attachment: Project Plans (1925 : 5055 Jewel Street)



Attachment: Project Plans (1925 : 5055 Jewel Street)

11



EXISTING FLOOR PLAN & ELEVATIONS
 484 SQ. FT. EXISTING RESIDENCE, 216 SQ. FT. GARAGE
 1/8" = 1' - 0"

Revisions	By

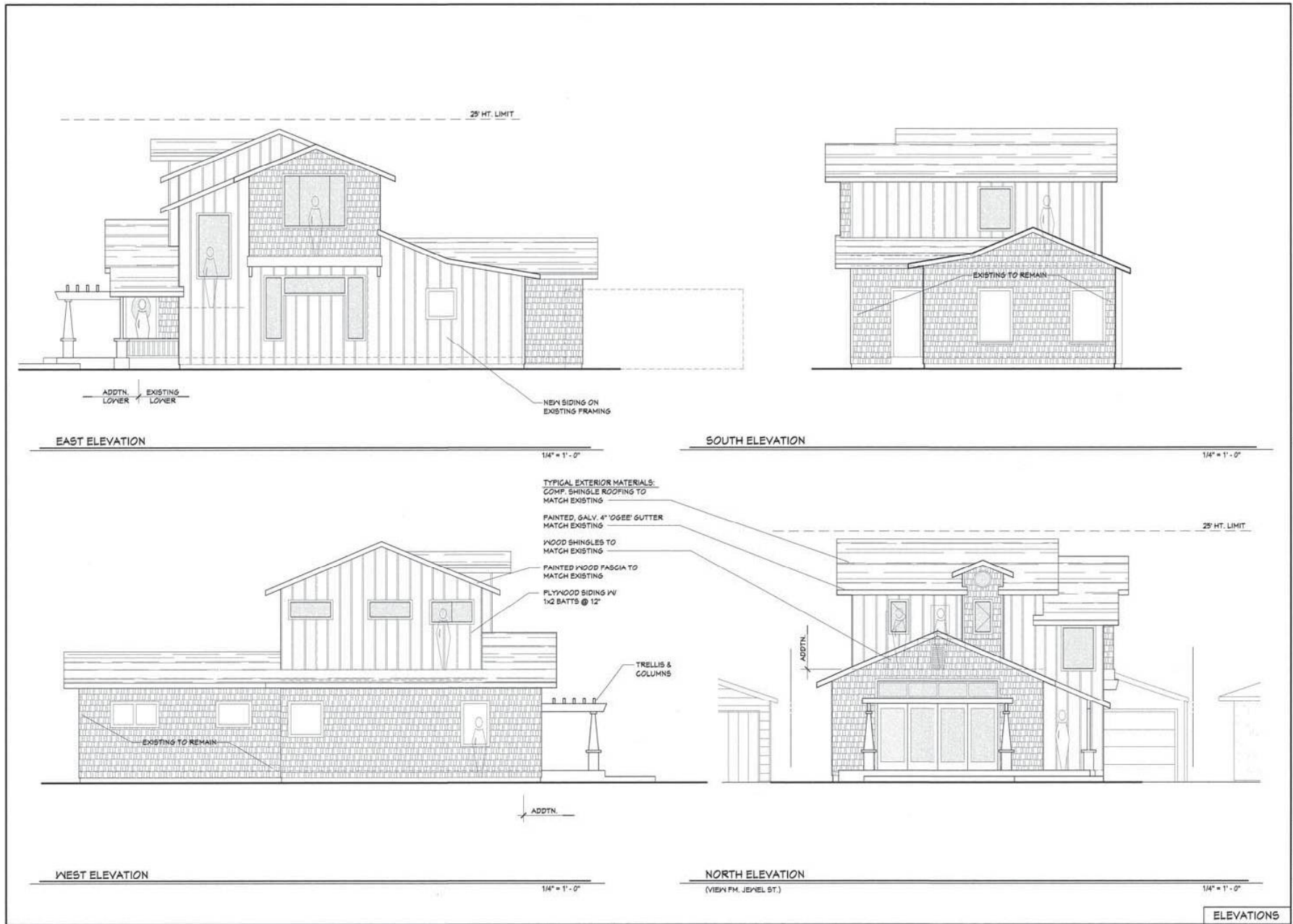
Prepared by:
Enviroprotects
 Frank Winters, Architect C 34815
 1840 41st Ave., Ste. 102 #101, Capitola, CA 95010 475-5841 Enviroprotects.com

PROPOSED RE-ADDITION FOR:
LUCCHETTI RESIDENCE
 5055 JEWEL ST.
 CAPITOLA, CA 95010
 APN 024 043 04

Date	09/14/16
Scale	AS NOTED
Drawn	djMont
Job	LUCCHETTI
Sheet	A2
of	6 sheets

EXISTING FLOOR PLAN & ELEVATIONS

Attachment: Project Plans (1925 : 5055 Jewel Street)



Revisions	By

Prepared by:
Envirofects
 Frank Pheasant, Architect C 20515
 1846 41st Ave., Ste. 102 #101, Capitola, CA 95010 475-5841 Envirofects.com

PROPOSED NEW ADDITION FOR:
LUCHETTI RESIDENCE
 5055 JEWEL ST.
 CAPITOLA, CA 95010

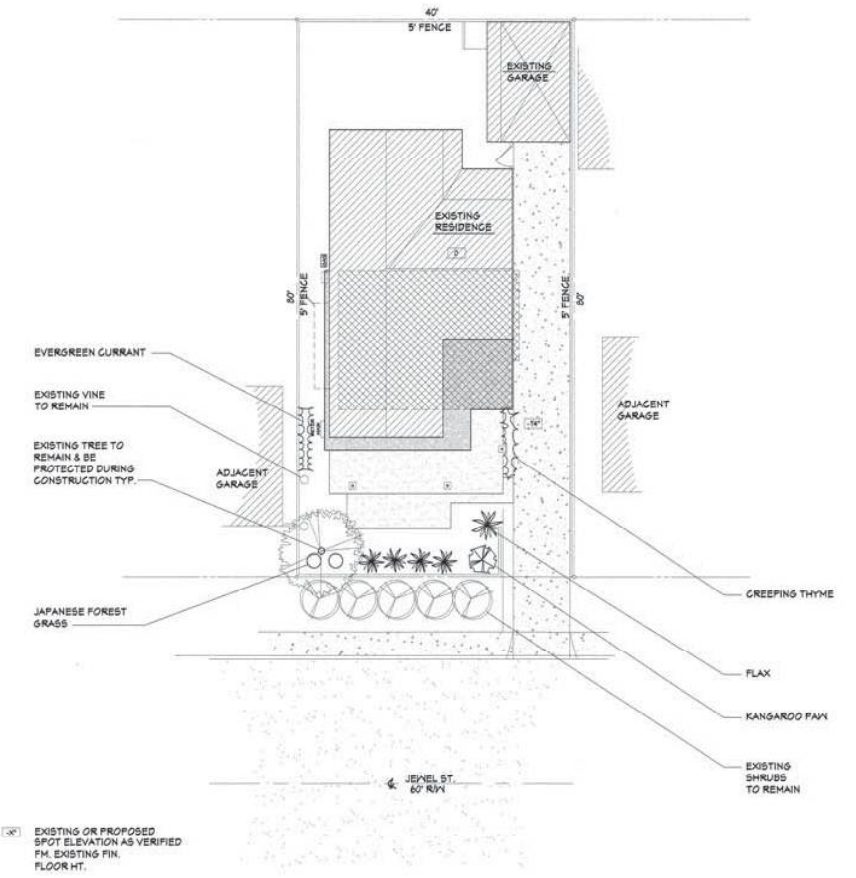
APN 034 043 043

Date	09/14/16
Scale	AS NOTED
Drawn	duMont
Job	LUCHETTI
Sheet	A5
of	6 Sheets

Attachment: Project Plans (1925 : 5055 Jewel Street)

PLANT SCHEDULE

QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE
2	HANDKECHLOA MACRA 'AUREOLA'	JAPANESE FOREST GRASS	1 GAL
5	PHORMIUM 'RED HEART'	VARIEGATED NEW ZEALAND FLAX	1 GAL
1	ANISOZANTHOS 'BIG RED'	KANGAROO FAWN	1 GAL
1	THYMUS SERPYLLUM	CREEPING THYME	FLATS
1	RIBES VIBURNIFOLIUM	EVERGREEN CURRANT	FLATS



EXISTING OR PROPOSED SPOT ELEVATION AS VERIFIED FM. EXISTING FIN. FLOOR HT.

PRELIMINARY PLANTING PLAN

1/8" = 1' - 0"

PLANTING PLAN

Revisions	By

Prepared by:
Envirotechs
 Frank Thomas, Architect C 28115
 1840 41st Ave., Ste. 102 #111, Capitola, CA 95010 475-5841 Envirotechs.com

PROPOSED NEW ADDITION FOR:
LUCCHETTI RESIDENCE
 5055 JEWEL ST.
 CAPITOLA, CA 95010
 APN 054 045 019

Date: 09/14/16
 Scale: AS NOTED
 Drawn: duMont
 Job: LUCCHETTI
 Sheet: **L1**
 of 1 Sheets

Attachment: Project Plans (1925 : 5055 Jewel Street)



CITY OF CAPITOLA
VARIANCE APPLICATION FORM

RECEIVED
APR - 6 2017
CITY OF CAPITOLA

VARIANCE SUMMARY

Please explain your Variance request and the development standards which you would like to modify:

WE WOULD LIKE TO USE COMPACT SIZE
(8'x16') FOR COVERED PARKING
SPACE (17.15.130 C)

REQUIRED FINDINGS

Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, topography, and/or a historic structure. Attach additional pages as necessary.

- 1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

BUILT SURROUNDINGS PROHIBIT
COMPLYING W/O/T FURTHERING
NON-COMPLIANCE BT STR.

- 2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

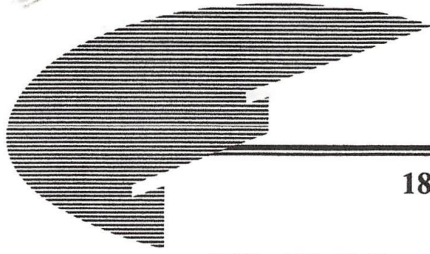
NEIGHBORHOOD HAS MANY
NONCOMPLYING DETACHED
GARAGES IN REAR SETBACK
(ATTACHED)

SIGNATURE 

DATE 4/5/17

FRANK PHANTOU

Attachment: Variance Request (1925 : 5055 Jewel Street)



Frank Phanton

1840 41st Ave., Ste. 102 #141, Capitola, CA 95010

Architect C 24515

(831) 475-5841

frank@envirotect.com

April 5, 2017

To: Planning Department
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

Re: Variance to Parking Requirements for:
Design Permit #17-015
Luchetti Residence
5055 Jewel Street
Capitola, CA 95010

RECEIVED

APR - 6 2017

CITY OF CAPITOLA

Hello,

Our garage is two feet short of complying with the Covered Parking size required.

If we were to extend our garage we would be furthering our non-compliance by five sq. ft.

We would like a Variance to the Covered Parking size. A compact parking space fits comfortably within our existing garage that was built in 1927.

If we are made to comply with the current parking standards, our covered parking would have to become attached and move toward the front of the lot (see attached schematic).

This makes the bldg wider and pushes it out to side setbacks (see attached garages w/ min side setback).

I am hoping you will agree with me that a detached garage in the rear setback is more in keeping with what we want to see in our neighborhoods than having attached garages up at the street for several reasons.

Variety of side setbacks: Having the drive up the side forces one side setback to be larger. Not only does this add variety to the streetscape but it also provides open space for light and air (17.06.010) between structures.

Front Elevation of the Dwelling: Not having a full third of the street facade as garage door has obvious aesthetic advantages.

Increased Offstreet Parking: With the proposed scheme of keeping the existing garage, there are, in actuality, four offstreet parking spaces. With a complying scheme, there are only two.

Preserve Neighborhood Character: Please see the attached study of attached vs. detached garages in the Jewel Box. The dwellings that strictly comply with the covered parking requirements aren't necessarily indicative of what we'd like to see in our neighborhoods while the detached lend an eclectic and varied flavor to our vicinity.

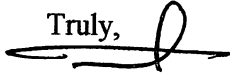
Attachment: Variance Request (1925 : 5055 Jewel Street)

It is within the Planning Commission's discretionary power: In non-residential projects, the Planning Commission may authorize compact spaces (17.51.180).

So, knowing that special consideration should be given to development to insure that it is compatible in size, mass, setback, and open space, with existing residential designs in the area (17.15.020) and that the City encourages the most appropriate development in harmony with the neighborhood (17.63.010), I feel the granting of this Variance is completely within the spirit of the City's ordinances and a worthy use of the Commission's consideration and discretion.

Thank you for your consideration of this.

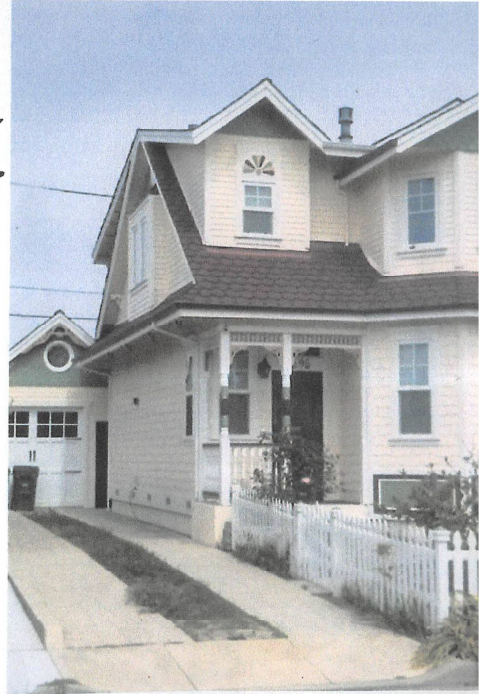
Truly,



Frank Phanton
Architect



SUBJECT GARAGE



DETACHED GARAGES IN REAR



Attachment: Variance Request (1925 : 5055 Jewel Street)



DETACHED GARAGES CONT'D.



Attachment: Variance Request (1925 : 5055 Jewel Street)



**ATTACHED GARAGES W/
MIN. SIDE SETBACK**



Attachment: Variance Request (1925 : 5055 Jewel Street)

CONDITIONS OF APPROVAL – IF VARIANCES ARE APPROVED

1. The project approval is for a remodel and addition to the existing, single-story single-family residence at 5055 Jewel St. The project consists of an exterior remodel, 179-square foot addition to the front of the existing residence, and a new 473 square foot second-story. The maximum Floor Area Ratio (FAR) for the 3,200-square foot property is 57% (1,824 square feet). The approved project consists of an 1,824 square foot two-story residence. The project includes approval of variances to covered parking dimensions and driveway landscaping requirement. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 20th, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall show dripline irrigation and shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
7. Prior to issuance of building permit, all Planning fees associated with permit #17-015 shall be paid in full.
8. 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.
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 or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
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 shielded and placed out of public view on non-collection days.
20. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 20, 2017
 SUBJECT: **2205 Wharf Road #16-041 APN: 034-141-34**

Minor land division to create two lots of record, design permit for a new single-family residence, and variance to lot design standards 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: 3/14/16

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 and a variance to lot design standards. There is an existing triplex on the proposed rear lot. The project is located in the RM-LM (Multiple-Family Low Density) Zoning District.

BACKGROUND

On April 13, 2016, the Architectural and Site Review Committee reviewed the application.

- Committee Architect, Frank Phanton, had no concerns with the proposed design.
- Committee Landscape Architect, Craig Waltz, was unable to attend the meeting.
- City Public Works representative, Danielle Uharriet, explained that the project is a Tier 1 project and provided specific conditions of approval to be incorporated into the permit. A utility plan was also requested with existing and proposed utilities, a title report with utility easements, and status (public or private) for all utilities.
- City Building representative, Nelson Membreno, explained separation requirements for fire.
- City Planner, Katie Herlihy, directed the applicant to modify the existing deck to comply with setbacks for compliance within the minor land division.

On August 4, 2016, the Planning Commission reviewed the application. During the public hearing concerns were raised by neighbors regarding the sewer connection, intensification of development with the proposed additional unit and access, emergency egress/access from Loma Vista Estates, safety into and out of the driveway, garbage pickup, and pedestrian safety.

The Planning Commission requested that staff provide additional information on the utilities connections and the emergency fire egress/access for Loma Vista Estates and continued the application.

The following list includes updates on the status of utilities and access:

1. Emergency Egress/Access from Loma Vista Estates. The Fire Marshal, Mike DeMars, provided a letter to the City stating that he has reviewed the “proposed building plans and it appears that the construction will not encroach into the driveway or access point.” He further explains that it will be a self-enforcement issue for the property owner to keep the driveway clear. No issues were identified by Mr. DeMars. (Attachment 2)
2. 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 3). 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.
3. Soquel Creek Water District. The Soquel Creek Water District granted an Unconditional Will Serve Letter for the project (Attachment 4).
4. 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 5). 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 6).
5. Driveway access and safety. Public Works has not identified a significant impact on safety and visibility into and out of the driveway due to the introduction of a single-family home. A new single-family home will add nine and a half average daily trips (9.5 ADTs). The Public Works Director prefers the shared driveway as proposed over individual driveways for visibility and safety along the winding road.
6. Trash management. The property owner, Christopher Wright, explained that the triplex consolidates its trash into two gray garbage cans and two blue recycling cans. The new single family home will add one more of each can. Mr. Wright explained that staging the trash and recycling cans has not been an issue. He is willing to trim existing vegetation if the neighbor would like him to create more room for trash receptacles.

The application was scheduled on the May 4, 2017 Planning Commission agenda. On May 2, 2017, the City received public comment from the law offices of Wittwer/Parkin representing the neighboring property owners of 2225 Wharf Road (Attachment 7). The letter identified two deficiencies in the lot design including (1) inadequate lot depth and (2) inadequate street frontage. The applicant requested a continuation to the June 1st Planning Commission meeting to address the two items. The subdivision was redesigned to comply with the 100-foot minimum lot depth and minimum 20 feet of street frontage standards.

On May 25th, staff received a letter from the adjacent residents of Woosley Court regarding noise concerns and a request for a masonry wall (Attachment 8). The Woosley Circle Subdivision is an approved Planned Development composed of six single-family homes on a .96-acre site. Two of the homes are located along the shared property line with 2205 Wharf Road. There is a wood fence along the shared property line that was likely installed in the year 2000 at the time the Planned Development was approved and constructed. Staff did not add a condition of approval requiring a masonry wall for the single-family home. Construction of a single-family home typically does not require noise mitigation. A masonry wall is required for

commercial development adjacent to residential. The City may not exact improvements without a demonstrated impact.

On May 31st, staff received a second letter from the law offices of Wittwer/Parkin (Attachment 9). The letter suggests that staff incorrectly determined the front lot lines referencing the definition that a front lot line is “that dimension of a lot or portion of a lot, abutting on the street”. And noting that the definition of street is “a public way more than twenty feet in width which affords a primary or principal means of access to abutting property.” The letter goes on to suggest additional errors in the application of lot depth and lot width stemming from staff determination of the front lot line.

Within the multi-family district, the code acknowledges staff’s authority to determine lot dimensions (17.18.170) for odd shaped lots. In response to the letter, the applicant requested the hearing be continued to July 20. In response, the applicant applied for a variance with a written letter outlining the request (Attachment 10). The purpose statement of the variance chapter includes that the purpose of a variance is to allow variation from the strict application of the code in multiple situations including unusually shaped lots and that by reason of exceptional topographic conditions requirement of the code would involve practical difficulties.

DISCUSSION

Subdivision

The applicant is proposing to subdivide the single 19,854 square foot lot of record into two lots (Attachment 1). The minor subdivision will create a flag lot with shared driveway access. The existing parcel is approximately 114 feet wide by approximately 180 feet deep. Due to existing development on the property and the emergency egress/access for the mobile home park, the applicant is proposing to situate the lots along the shared driveway. The tentative parcel map identifies the western lot as Parcel A and the eastern lot as Parcel B.

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	
Minimum lot area for a structure containing one or more dwellings units shall be 5,000 sf. Minimum lot width 50 feet; minimum lot depth 100 feet	
Code Requirements	Proposed
Lot Size: 5,100 sf minimum	Parcel A: 14,006.94 sq. ft. (triplex)
	Parcel B: 5,847 sq. ft. (single-family proposed)
Lot Width: 50 feet minimum	Parcel A: 80 ft.
	Parcel B: 56 ft.
Lot Depth: 100 feet minimum	Parcel A: 112 ft.
	Parcel B: 100 ft.
Site Area Per Dwelling Unit	
RM-LM: 4,400 sf per dwelling unit	Parcel A: Triplex. 13,200 sf minimum
	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 following analysis includes the underlined design standards for lots (§16.24.170) preceding staff analysis:

A. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.

Staff Analysis: The applicant is seeking a variance to the strict interpretation of the lot dimension standards, including the strict interpretation of the front lot line requirement to abut a public street and subsequently the strict interpretation of lot depth and lot width. The subdivision design includes a shared driveway with the front lot line located along the shared driveway rather than a public street. The applicant is seeking the variance due to the steep topography along Wharf Road, the safety concerns of adding another driveway along the winding road, and the existing emergency egress for the adjacent mobile home park. Other properties in the vicinity which enjoy the privilege of a shared access from Wharf Road including the adjacent six unit planned development on Woolsey Circle and the Riverview of Capitola condominiums across the street. The Planning Commission may make a finding that this standard is satisfied if the variance is granted.

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

Staff Analysis: The lots are at right angles to the shared driveway access.

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 for the multi-family zone.

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 frontage on a dedicated public street of twenty feet or more will not be permitted.

Staff Analysis: Each lot has at least 20 feet of frontage along Wharf Road. As noted within standard A above, the applicant is seeking a variance to allow the front lot line to be located along the shared driveway.

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.

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 relative to the proposed single-family home on Parcel B.

Use	
Proposed Use	Single Family
Principal Permitted or CUP?	Principally Permitted

Development Standards			
Building Height	R-1 Regulation		Proposed
	25 ft.		25 ft.
Floor Area Ratio (FAR)			
Lot Size			5,847 sq. ft.
Maximum Floor Area Ratio			49 % (Max 2,865 sq. ft.)
First Story Floor Area			1,164 sq. ft.
Second Story Floor Area			880 sq. ft.
Garage			436 sq. ft.
TOTAL FAR			2,480 sq. ft.
Yards			
	R-1 Regulation		Proposed
Front Yard 1 st Story	15 ft.		20 ft.
Front Yard Garage	20 ft.		20 ft.
Side Yard 1 st Story	10% lot width	Lot width <u>56</u> ft 5.7 ft. min.	8 ft.
Rear Yard 1 st Story	20% of lot depth	Lot depth <u>94</u> ft 18.8 ft. min.	19 ft.
Encroachments (list all)	Rear and side yard decks on the ground level which are thirty inches or less above grade may encroach into the required setbacks; provided, that these features are setback at least three feet from the property line.		Deck in rear and side yard comply with height and 3 ft. setback requirement
Parking			
	Required		Proposed
Residential (from 2,001 up to 2,600 sq. ft.)	<u>3</u> spaces total <u>1</u> covered		<u>3</u> spaces total <u>2</u> covered <u>1</u> 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 with the proposed new property lines including height, lot coverage, setbacks, landscaping, open space, and parking requirements of the zone (Attachment 11). The owner removed a portion of an existing deck to comply with the setback standards.

Variance

Pursuant to 17.66.090, the Planning Commission may grant a variance permit when it finds 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; and 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.

The applicant is requesting a variance to the strict application of the lot standards, requesting that the front lot line of Parcel B abut the existing driveway rather than a public street. By

granting a variance to lot design standards to allow the lots to front the shared driveway, the project would comply with all other design standards and dimension requirements, including lot width and lot depth.

Lot Depth: The horizontal distance from the street line or front line of the lot to the rear line, measured in the mean direction of the side lines of the lot.

Front Lot Line: That dimension of a lot or portion of a lot, abutting on a street except the side of a corner lot.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Street: A public way more than twenty feet in width which affords a primary or principal means of access to abutting property.

The variance is necessary to orient the lots to front the shared driveway rather than have individual access from Wharf Road. The special circumstances applicable to the subject property include the steep slope along Wharf Road and the emergency access/egress for the adjacent mobile home park. The existing driveway runs parallel to Wharf Road providing a gradual ascent up the sloped frontage then turns west connecting to the emergency egress gate for Loma Vista mobile home park. The existing driveway provides a single point of access off of the highly-utilized Wharf Road to the proposed subdivision. Creating a second driveway with direct access to Wharf Road would require extensive grading, retaining walls, and would present safety concerns. Other properties in the vicinity which were under identical zone classification and enjoy the privilege of shared access from Wharf Road including the adjacent six unit planned development on Woolsey Circle and the Riverview of Capitola condominiums across the street. It should also be noted, the lots at Woolsey Circle front a private street not a public way. The finding can also be made that the grant of a variance would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the application is situated.

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 parcel 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 of ten feet from street to the building pad of Lot B in the front and an additional 5 feet in elevation to Lot A. The driveway will be repositioned slightly to accommodate Lot B, but overall follows the existing alignment across the front of the property then curving to follow the side lot line to the existing home on the rear lot. Minor grading changes will take place for the driveway but excavation is limited.

The new single-family home is a two-story residence in which the second story is setback from the first. The home will be finished with stained wood shingle siding and white wood trim. A 12-inch whit 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 redwood deck by the entrance and on the west side of the home around the existing coastal redwood tree.

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. A tree removal permit is required for the deodar cedar due the mature 30 inch diameter. Fruit trees do not require a tree removal permit. The owner plans to plant four white crape myrtle, multi-trunk trees between the driveway and the home. This is double the required replanting for a tree removal ratio of two plantings per one removal.

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.

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. Condition of approval #5 requires the owner enter into a deferred sidewalk agreement with the City to ensure construction of curb, gutter, and sidewalk at a future date.

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 #16-041 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-M zone is reviewed for compliance with the R-1 (single family) zoning district development standards. The maximum Floor Area Ratio for the 5,233 square-foot property is 49% (2,865 square feet). The total FAR of the project is 2,480 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 June 1, 2017, 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 a flag lot 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 14,006.94 square feet and Parcel B 5,847.31 square feet.
3. The applicant shall prepare a final parcel map by a registered civil engineer and shall submit the final map for review, approval, and recording by the City's surveyor and the Public Works Department. The parcel map shall include new legal descriptions.

4. Prior to recordation of the final parcel map, all plans and profiles of improvements shall be approved by the Director of Public Works 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. Installation of a public sidewalk along Wharf Road is a required improvement. In lieu of installing this sidewalk the developer shall enter into a deferred improvement agreement with the City.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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).
10. 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.
11. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
12. Prior to issuance of building permit, all Planning fees associated with permit #16-041 shall be paid in full.
13. 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.
14. 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.

15. 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.
16. 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).
17. 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. Erosion and sediment control shall be maintained throughout the duration of the construction project.
18. 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.
19. 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
20. 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.
21. 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.
22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

FINDINGS

- A. **The application, subject to the conditions imposed, 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.

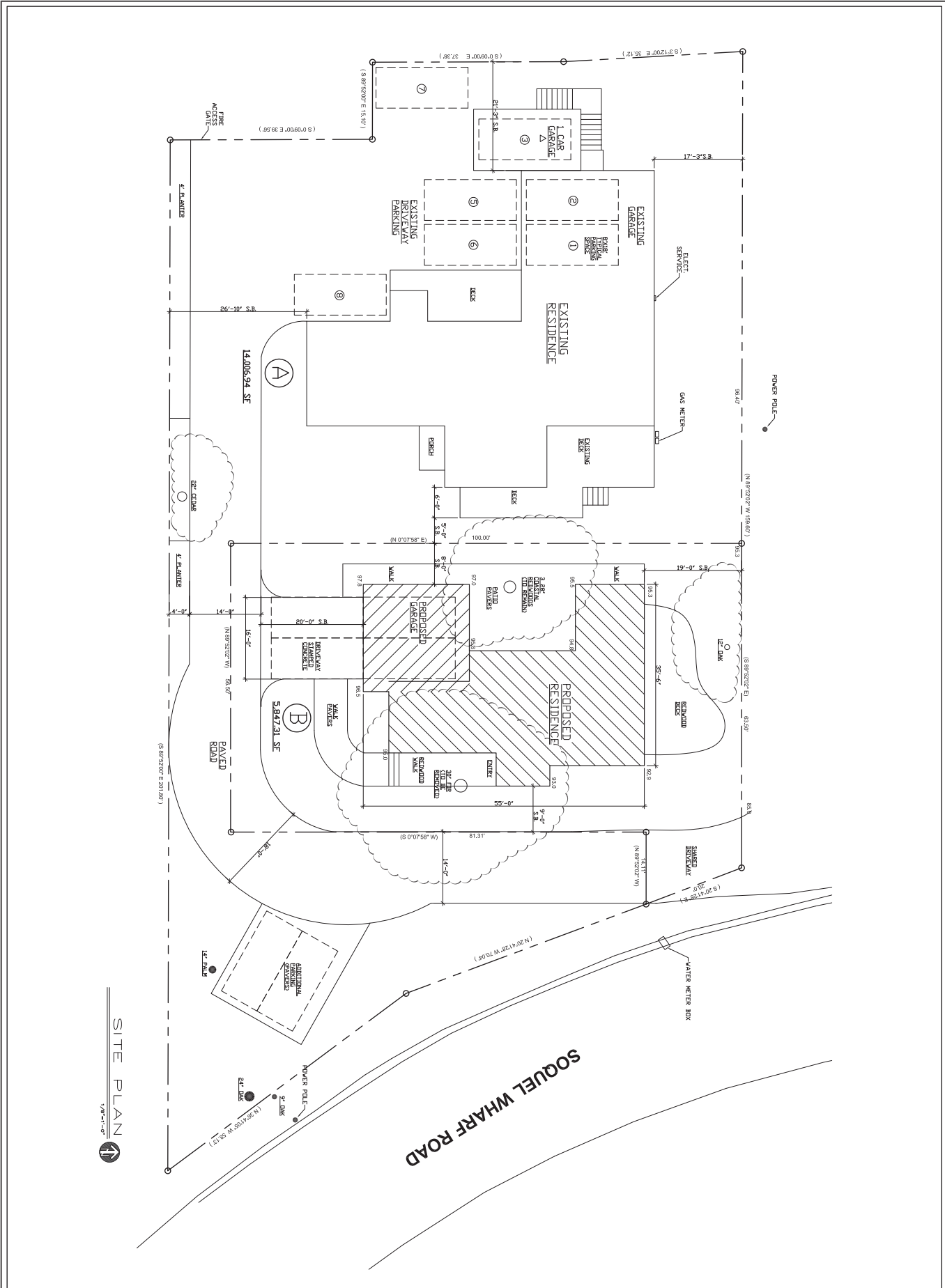
D. The application will maintain the character and integrity of the neighborhood.

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. Letter from Fire Marshal Mike DeMars
3. Driveway Easement
4. Soquel Creek Water District
5. Santa Cruz County Sanitation District
6. Wittwer/Parkin Letter May 2, 2017
7. Woolsey Circle Letter
8. Wittwer/Parkin Letter May 31, 2017
9. Parcel A RM Development Standards
10. Variance Request

Prepared By: Katie Herlihy
Senior Planner



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

SHEET
2
OF 4
SHEETS

DATE 02/19/16
JOB NO. WWHARF
SCALE 1/8"=1'-0"

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	BY	DESCRIPTION
1	02/19/16	DN	ISSUED FOR PERMITS
2	02/19/16	DN	ISSUED FOR PERMITS



ELEVATIONS
1/4"=1'-0"

NOTE: ▽ = TEMPERED GLASS

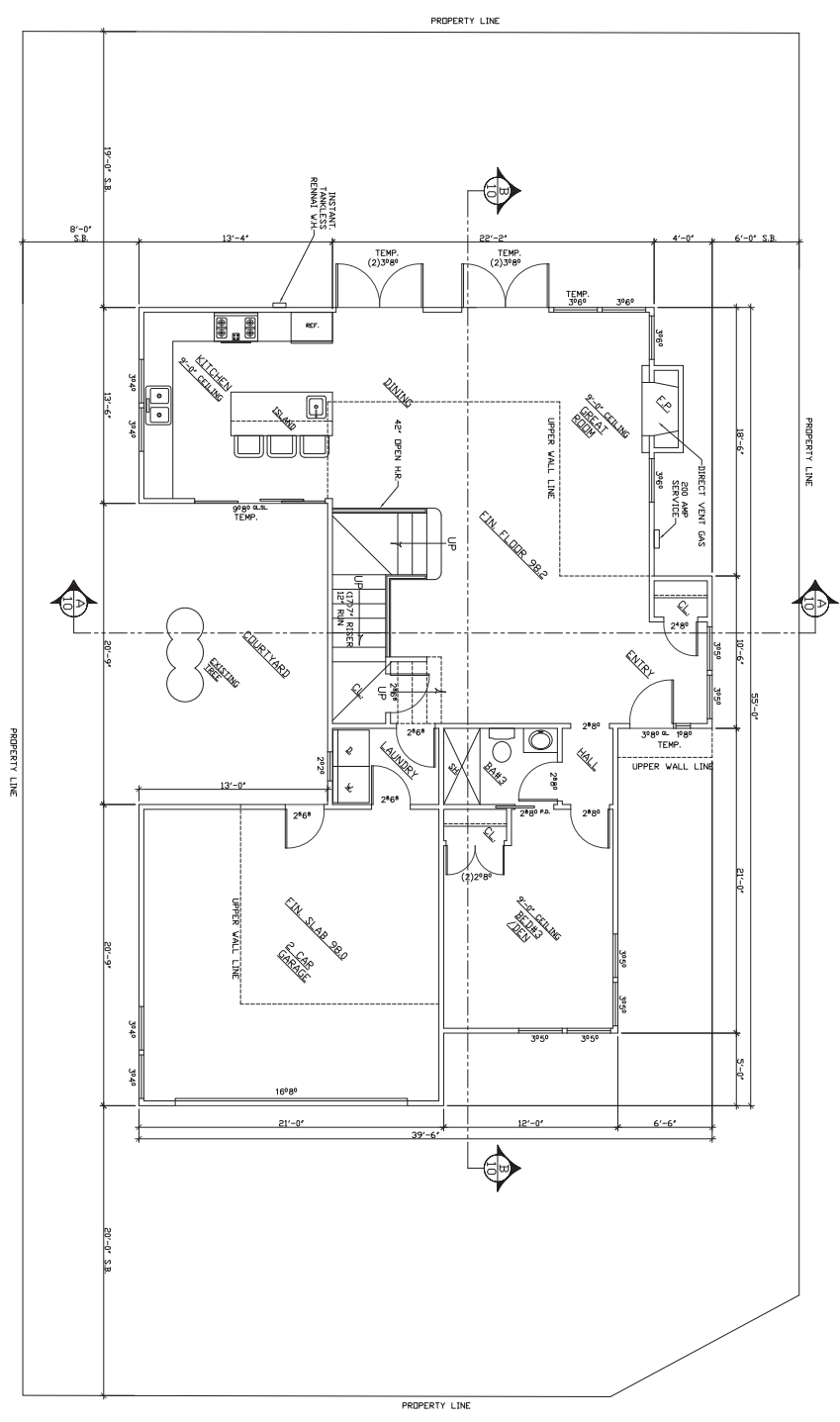
LOT B
ELEVATIONS

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: 01/27/16
SHEET 7 OF 8 SHEETS



MAIN LEVEL

LIVING = 1164 SF
 GARAGE = 436 SF
 TOTAL LIVING = 2444 SF

FLOOR PLAN



6
 SHEETS

DATE: 01/27/16

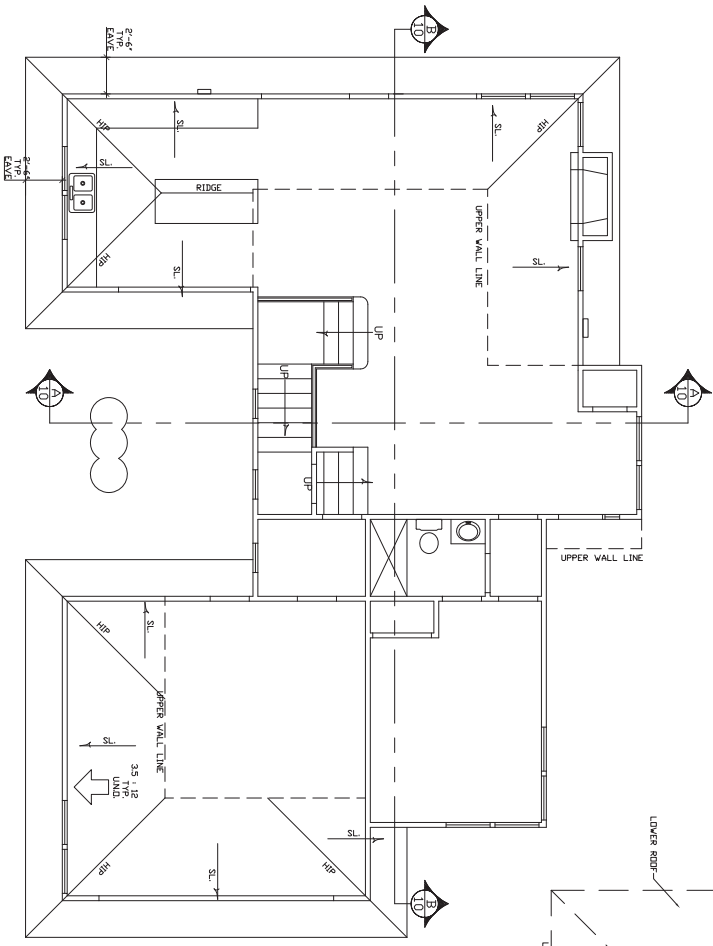
LOT B PROPOSED
 1ST FLOOR PLAN

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

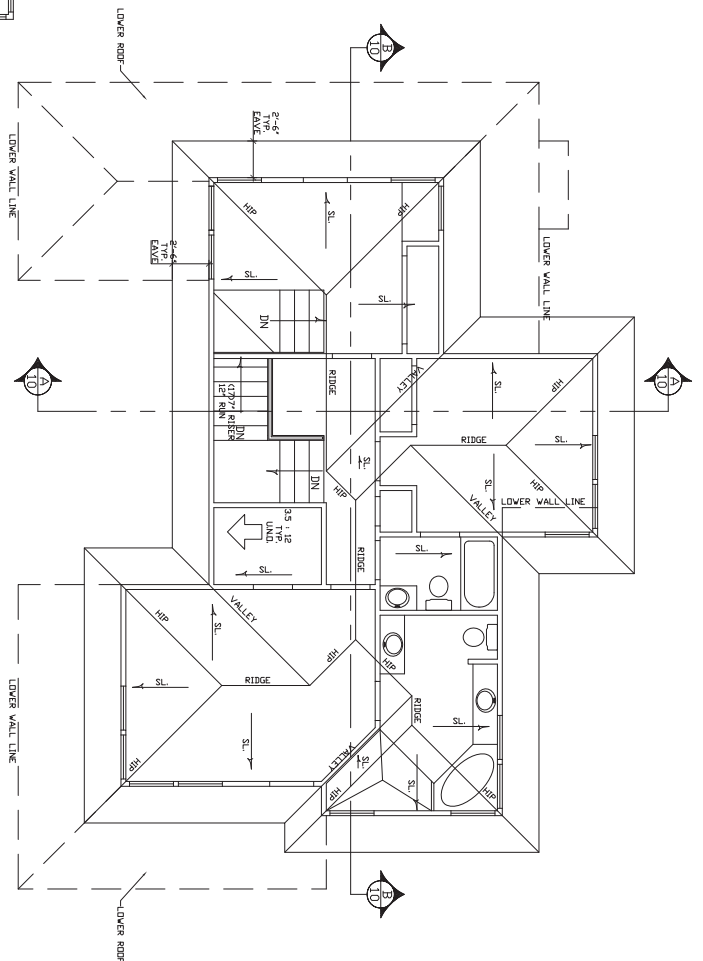
WRIGHT RESIDENCE
 2205 SOQUEL WHARF RD
 CAPITOLA, CA 95010
 APN 034-141-34

REVISIONS:	BY:	DATE:

LOWER LEVEL ROOF PLAN



UPPER LEVEL ROOF PLAN



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



SHEET
8
OF 8
SHEETS

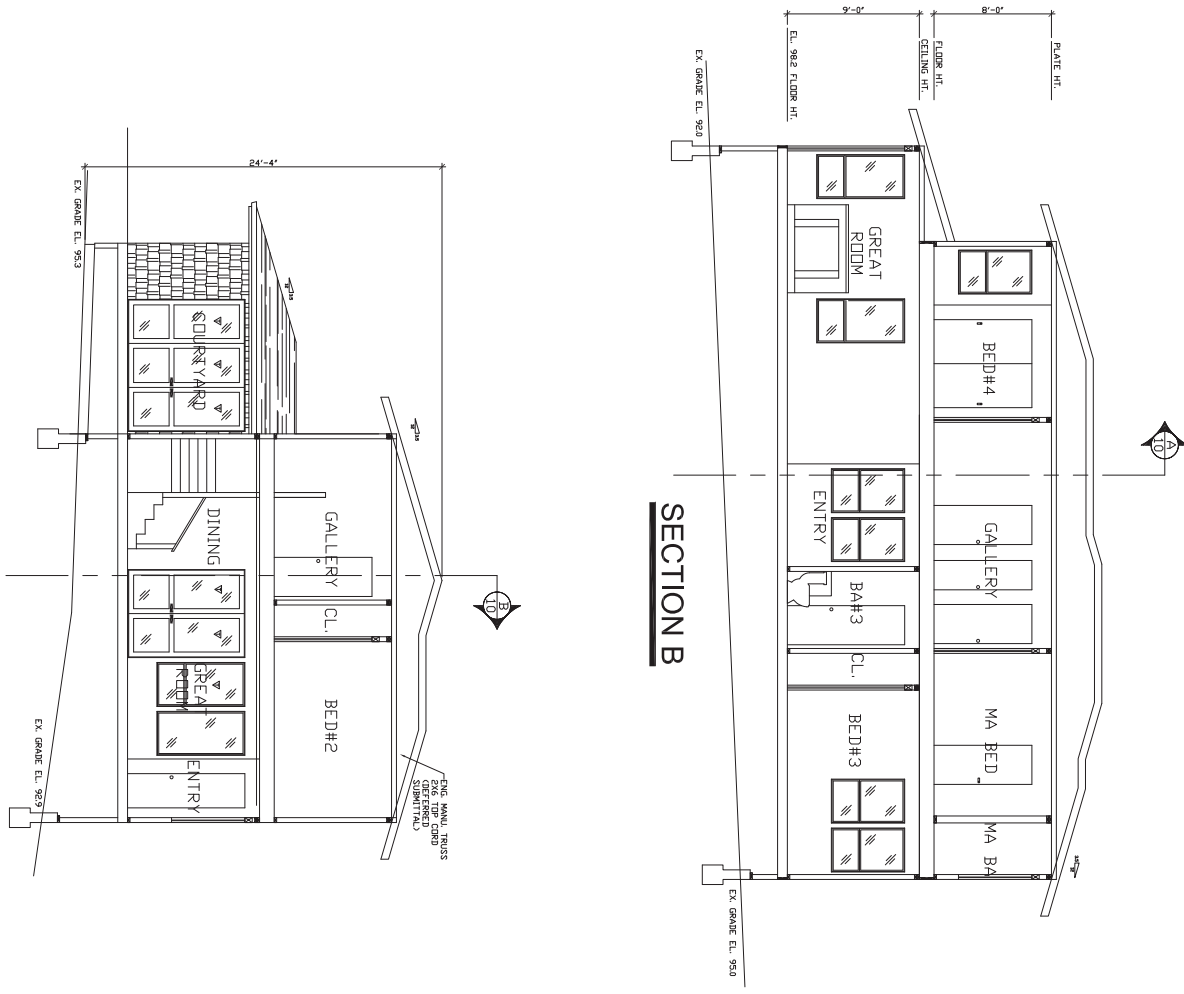
DATE: 01/04/16
SCALE: WHARF B
SCALE: 1/4"=1'-0"

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

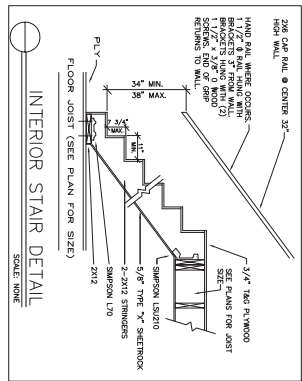
REVISIONS	BY	DATE



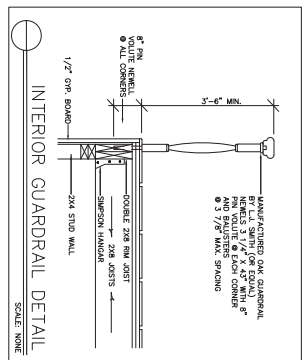
SECTION A

SECTION B

SECTIONS
1/4"=1'-0"



INTERIOR STAIR DETAIL
SCALE: 1/4"=1'-0"



INTERIOR GUARDRAIL DETAIL
SCALE: 1/4"=1'-0"

DATE	08/03/16
SCALE	WHARF B
SCALE	1/4"=1'-0"
DRWN	GG

SECTIONS

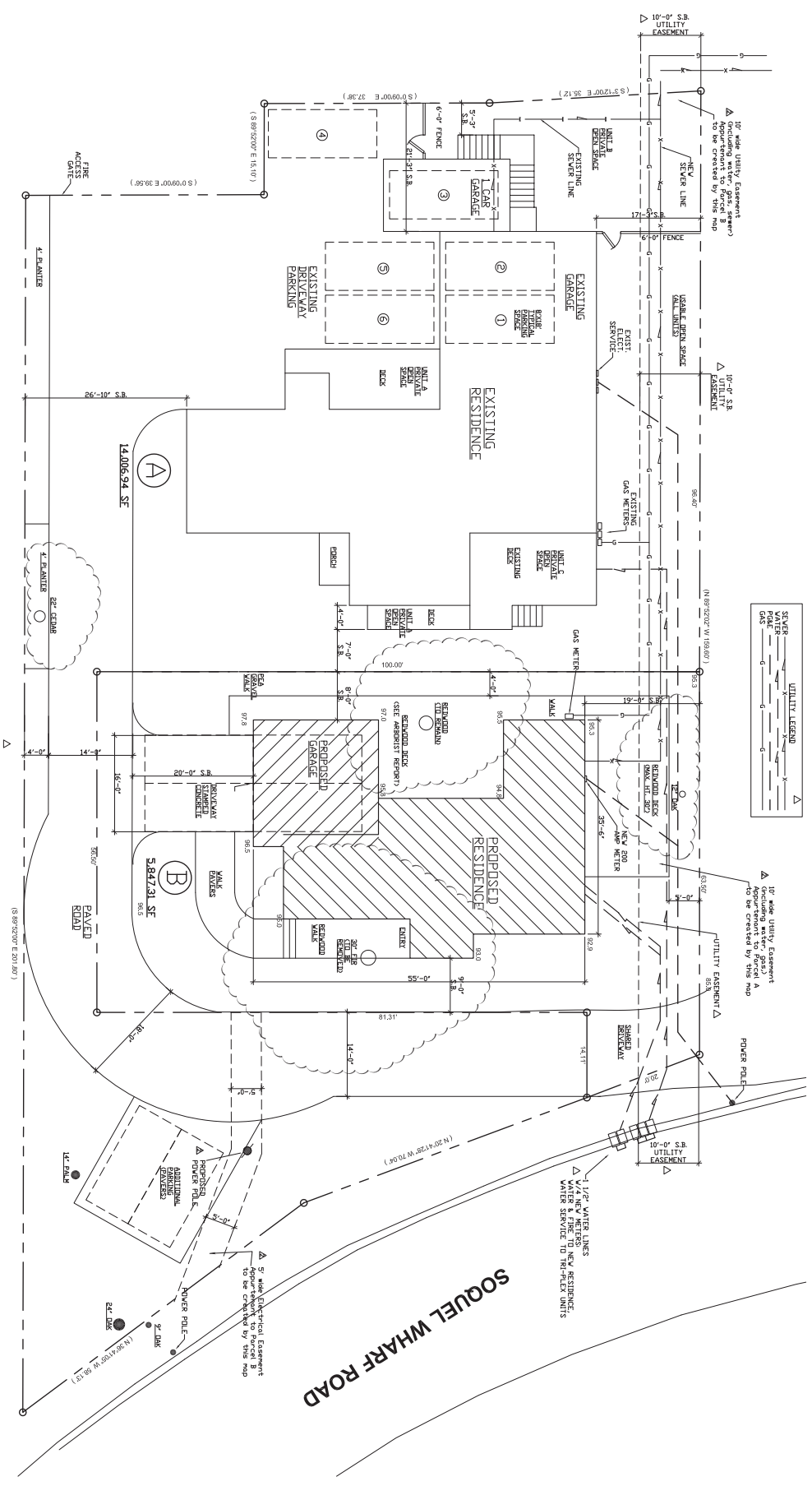
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FAX: 476 2616

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

REVISIONS	BY	DATE

UTILITY PLAN

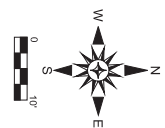
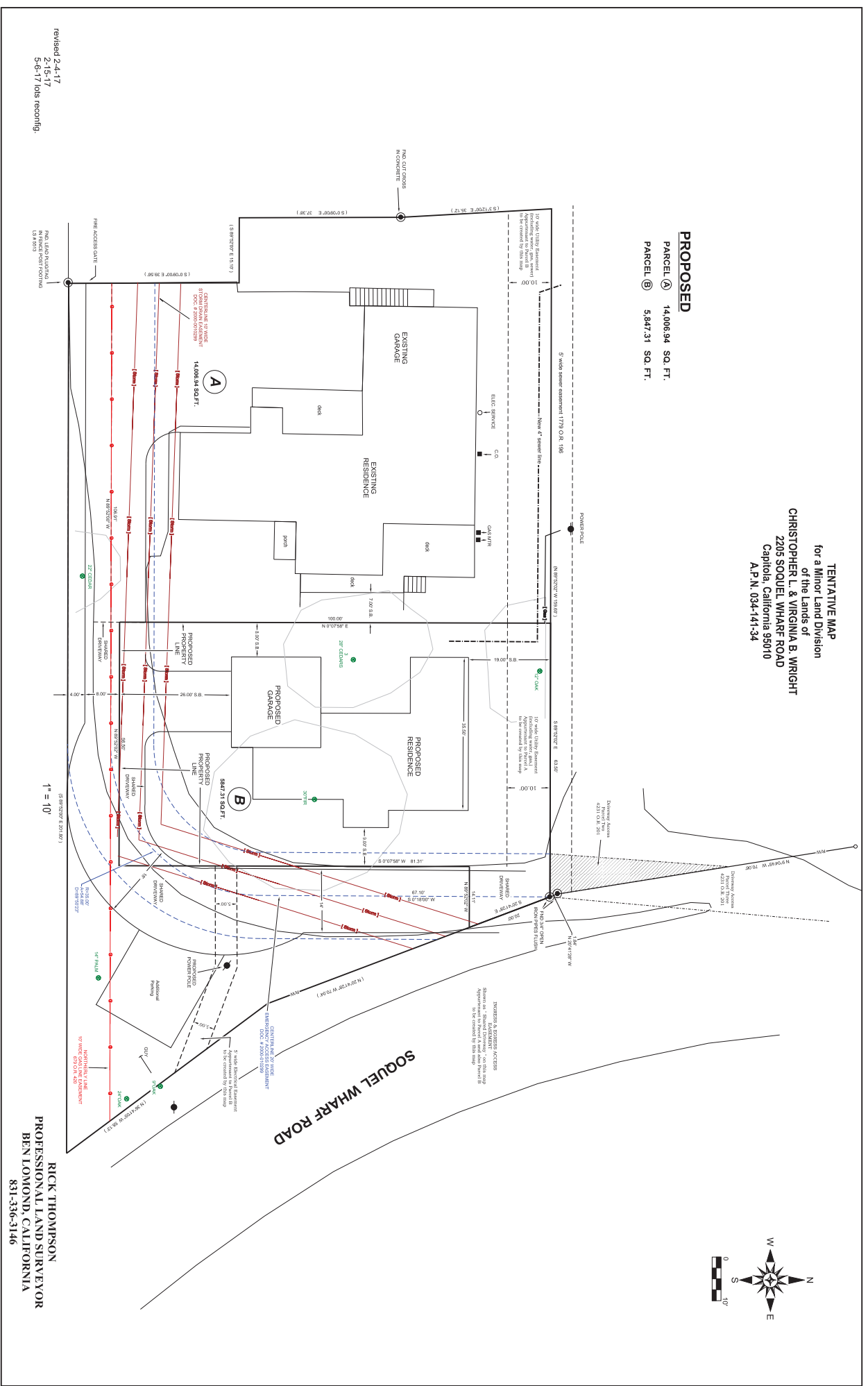
SITE PLAN



SHEET UT OF 4 SHEETS	DATE 05/08/16	JOB NO. WHARF	DRAWING CG SCALE 1/8" = 1'-0"	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA AV • CAPITOLA, CA 95010 • 831 476 2616 FAX: 831 2616	WRIGHT RESIDENCE 2205 SOQUEL WHARF RD CAPITOLA, CA 95010 APN 034-141-34	REVISIONS 1 05/07/16 2 05/06/17	DESIGNER DENNIS NORTON 2205 SOQUEL WHARF RD CAPITOLA, CA 95010
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TENTATIVE MAP
 for a Minor Land Division
 of the Lands of
CHRISTOPHER L. & VIRGINIA B. WRIGHT
 2205 SOQUEL WHARF ROAD
 Capitola, California 95010
 A.P.N. 034-141-34

PROPOSED
 PARCEL A 14,006.94 SQ. FT.
 PARCEL B 5,847.31 SQ. FT.



revised 2-4-17
 2-15-17
 5-6-17 lots reconfig.

RICK THOMPSON
 PROFESSIONAL LAND SURVEYOR
 BEN LOMOND, CALIFORNIA
 831-336-3146



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062-4125
phone (831) 479-6843 fax (831) 479-6847

September 1, 2016

Katie Cattan
City of Capitola-Planning Department
420 Capitola Avenue, Capitola, CA 95010

Katie,

Plans for a second single family dwelling, to be built on the parcel located at 2205 Wharf Road in Capitola, have recently been proposed to Central Fire District. There is an existing easement through the property for emergency egress/access for the Loma Vista Estates Mobile Home Park located adjacent to the property. I have heard that there are some concerns about the new construction affecting this access/egress. I have seen the proposed building plans and it appears that the construction will not encroach into the driveway or access point to the park.

I have also discussed the situation with the property owner, Christopher Wright. Mister Wright understands that this will be a self-enforcement issue for him and the occupant of the new home. There is an adequate parking area near the existing home. No parking will be allowed in the driveway or in front of the access gate to the adjacent property.

Feel free to contact me with any further concerns or questions.

Mike DeMars – Fire Marshal

Attachment: Letter from Fire Marshal Mike DeMars (1916 : 2205 Wharf Road)

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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-Calendar
PRINCIPAL OF FEE IN
SANTA CRUZ COUNTY
My Commission Expires May 14 1988

This form furnished by REDDING TITLE COMPANY

File No. 801788-SW

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:

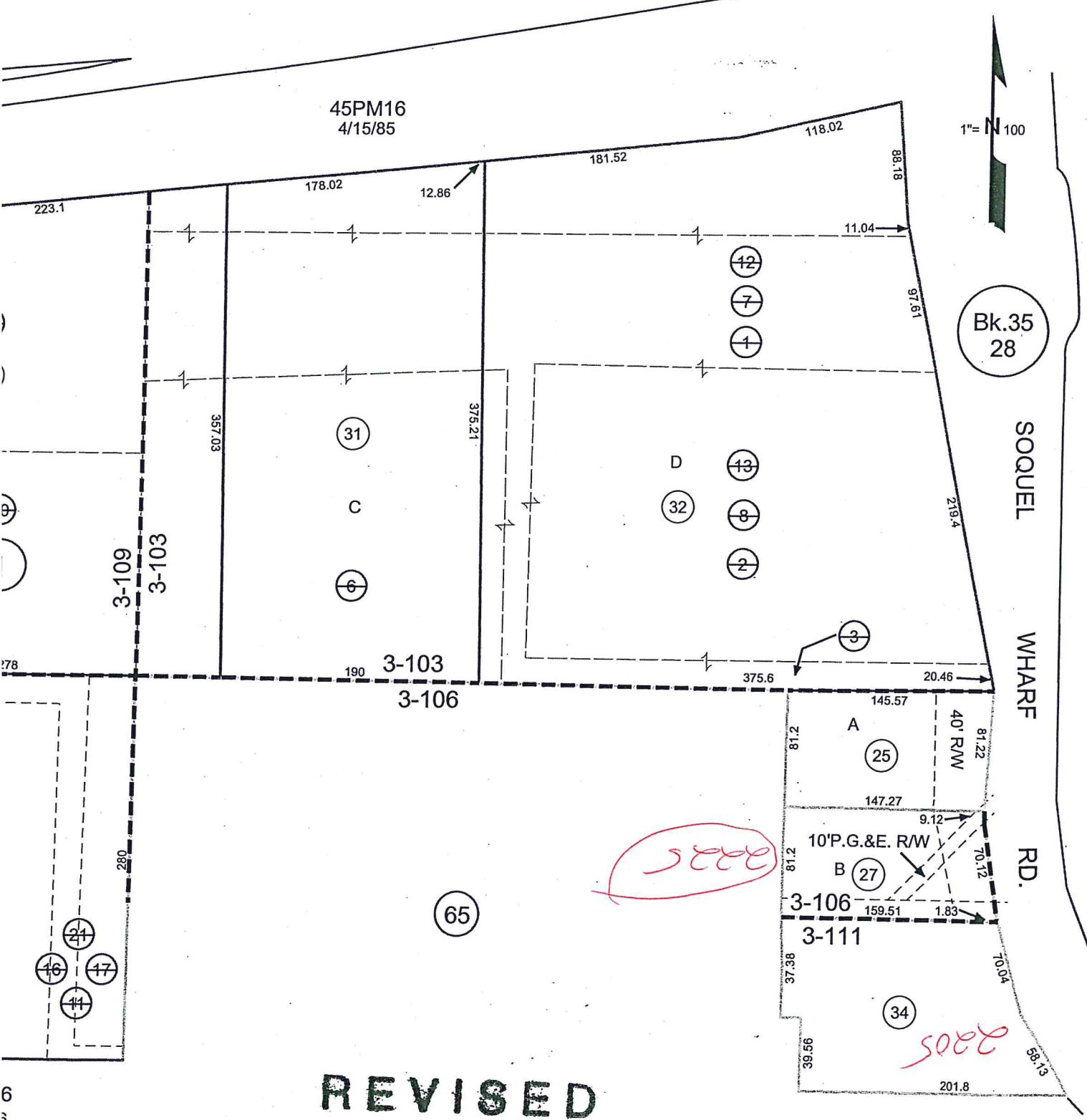
BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE NORTH 5° EAST 65.00 FEET, MORE OR LESS TO SOQUEL WHARF ROAD.

APN: 034-141-27

3-103 3-106
3-109 3-111

45PM16
4/15/85

1" = N 100



REVISED
 DATE 2-6-06
 OLD MAP NO. 34-14

Assessor's Map No. 34-14
 City of Capitola
 County of Santa Cruz, Calif.

Block
 cles.

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.

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 Hamblton at (831) 454-2160.

Yours truly,

JOHN J. PRESLEIGH
District Engineer

By:


Kent Edler
Sanitation Engineer

BH:tlp/490

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, there 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 the 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 twenty 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. The 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)

May 2, 2017

VIA EMAIL

Planning Commission
City of Capitola
420 Capitola Ave
Capitola, CA 95010

**Re: Planning Commission Meeting May 4, 2017
Item 4B: 2205 Wharf Road #16-041, APN 034-141-34**

Dear Chair Newman and Members of the Planning Commission:

This law firm represents Peter and Melody Taylor, residents of 2225 Wharf Road. Mr. Taylor has previously voiced concerns over the proposed minor land division to create two lots of record for property located at 2205 Wharf Road. We request this item be removed from the consent calendar for separate review and consideration in light of the comments contained herein.

The application at issue proposes to create two lots of record from a single lot, Parcel A and Parcel B. Parcel A is currently developed with a triplex. The application proposes a single-family residence on Parcel B. Pursuant to Capitola Municipal Code Section 17.18.090 Lot area and dimensions, the minimum lot depth is 100 feet. As proposed, Parcel B has a lot depth of only 94 feet. The site depth for the proposed Parcel B does not meet lot area minimum standards as the lot depth is six (6) feet less than what is required. Therefore, the land division cannot be approved.

The proposed minor land division also fails to satisfy the City's Subdivision Design Standards. Capitola Municipal Code Section 16.24.170(E) sets forth: "Lots without frontage on a dedicated public street of twenty feet or more **will not be permitted.**" (Emphasis Added). The Staff Report's analysis provides:

The applicant is proposing a flag lot. Parcel A has 20 feet of frontage on Wharf Road. Parcel B has 20 feet of frontage off the shared driveway, but not the dedicated street. The subdivision is accessed from the neighboring property at 2225 Wharf Road through an existing driveway easement.

The minor land division would create two lots of record, one of which would be without frontage on a dedicated public street of twenty feet or more. Pursuant to the Capitola Municipal Code, this is not permitted. There is no discussion in the Staff Report of any authority which would allow the applicant to circumvent this clear prohibition set forth in the Municipal Code.

Planning Commission of the City of Capitola
2205 Wharf Road
May 2, 2017
Page 2

Finding B of the Staff Report states: “The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.” However, this finding simply cannot be made because the application facially violates the Subdivision Ordinance of the Capitola Municipal Code by creating a flag lot without frontage onto a dedicated public street.

The minor land division will also unjustifiably exacerbate access issues along the shared roadway for the Taylor family. As explained above, the minor land division will create a flag lot in violation of the City’s Subdivision Ordinance, and the City may not unduly overburden the shared roadway by approving a minor land division that fails to satisfy the City’s own subdivision standards. While use and enforcement of private easement issues may be a civil matter, the City may not be complicit in overburdening use where such use does not comport with the City’s own Code.

This proposed minor land division violates the City’s Subdivision Ordinance and the Planning Commission cannot approve this application for this reason. The division does not comport with City Code and would exacerbate a current safety issue associated with access to Wharf Road.

Very truly yours,
WITTWER PARKIN LLP



Pearl Kan

cc: Katie Herlihy, Senior Planner
Rich Grunow, Community Development Director

Attachment: Wittwer/Parkin Letter May 2, 2017 (1916 : 2205 Wharf Road)

May 23rd, 2017

City of Capitola Planning Commission
420 Capitola Ave
Capitola, CA 95010

Dear City of Capitola Planning Commission,

As neighbors, we would like to express our concerns with the development of 2205 Wharf Road. We ask you to consider our quality of life issues as we fear the noise levels will continue to rise with further development at the property.

Recently, the new owner at 2205 Wharf Road has turned the main residence into a triplex of rentals. Since the completion of the additional rentals, the noise coming from 2205 Wharf Road has significantly increased from years past. With the current proposal to remove trees and build another two-story home, the noise will be even worse. The proposal creates double the noise from previous years and the views of natural trees will be replaced with structures, vehicles and an increase in people.

With the doubled occupancy, the vehicular, pedestrian and residential noise will increase causing our quality of life to decline. Each week, we will have to hear twice as many garbage cans being rolled up and down the hill. Due to in and out traffic, we will have to hear vehicles start up in the early morning hours or return home very late at night, we estimate a potential of 12 vehicles! We will hear multiple garage doors open and close with car doors slamming while more vehicles shine their headlights onto our homes causing light to come into the windows.

Currently, there is a seven-foot fence (measured from the Woolsey property), with quarter inch gaps between the boards that separates the two properties. We feel this is not enough to mitigate the sound and aesthetic issues. If you decide that our concerns are not enough to cease development and decide to move forward and approve the development, we ask the owner and commission consider our quality of life concerns and mitigate these issues. We request a masonry wall replace the fence from end to end of the 2205 Wharf Road property, separating the two properties. The masonry wall should be the same height as the seven-foot fence as previously approved and installed by a licensed contractor. With the replacement, Woolsey residents would be willing to share future maintenance costs.

We believe there is an adequate nexus for the homeowner to build a masonry wall to mitigate the burden placed on the Woolsey residents due to development.

SIGNED BY HOMEOWNERS:

Joe and Mara Palandrani
4709 Woolsey Circle



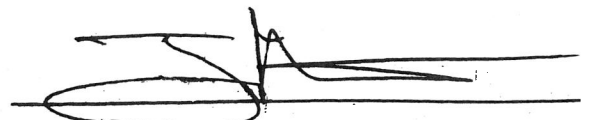
4741 Woolsey Circle – Andrew & Rachel West



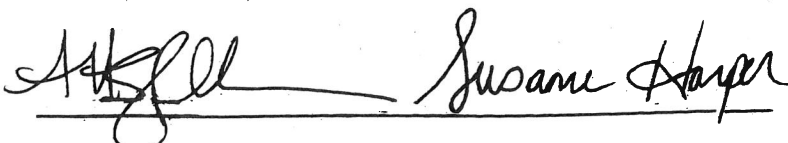
4717 Woolsey Circle – Mark McCullough



4725 Woolsey Circle – Brandee Allen



4701 Woolsey Circle – Travis & Margo Huntsmar



4733 Woolsey Circle – Amy & Susanne Harper

Attachment: Woolsey Circle Letter (1916 : 2205 Wharf Road)

wittwer / parkin

May 31, 2017

VIA EMAIL ONLY

Planning Commission
City of Capitola
420 Capitola Ave
Capitola, CA 95010
planningcommission@ci.capitola.ca.us

**Re: Planning Commission Meeting June 1, 2017
Item 5A: 2205 Wharf Road #16-041, APN 034-141-34**

Dear Chair Newman and Members of the Planning Commission:

This law firm represents Peter and Melody Taylor, residents of 2225 Wharf Road. This letter incorporates the issues and comments raised in our letter submitted on May 2, 2017, and further addresses the June 1 Planning Commission Staff Report on this matter.

The June 1 Planning Commission Staff Report reads: “The subdivision has been redesigned to comply with the minimum 20 feet of street frontage and 100-foot minimum lot depth standards.” Unfortunately, the proposed subdivision still fails to comply with the applicable zoning and subdivision standards and must be denied.

Proposed Parcel B Lot Depth and Lot Width Were Miscalculated

The subject property is located in the RM-LM zoning district. Capitola Municipal Code Section 17.18.090(A) sets forth the lot area and dimensions required for the RM-LM zoning district: “the minimum lot area for a structure containing one or more dwelling units shall be five thousand one hundred square feet, the minimum lot width fifty feet; the minimum lot depth one hundred feet.” The Staff Report states that the minimum lot size for lots in this zone district is 5,000, however, it is 5,100 square feet.

More importantly, the Staff Report miscalculates the lot depth and lot width for the proposed Lot B. The City’s zoning regulations define the following pertinent terms:

“Lot depth” means the horizontal distance from the street line or front line of the lot to the rear line, measured in the mean direction of the side lines of the lot. (Municipal Code Section 17.03.390)

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. (Municipal Code Section 17.03.450)

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

Planning Commission of the City of Capitola
 2205 Wharf Road
 May 31, 2017
 Page 2

“Front lot line” means that dimension of a lot or portion of a lot, abutting on a street except the side of a corner lot. (Municipal Code Section 17.03.410)

“Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. (Municipal Code Section 17.03.620).

Lot depth is calculated from street or front line to rear line while lot width is calculated from the side lot lines. The front lot line is that portion of a lot abutting a “street.” “Street” is defined as a “public way more than twenty feet in width.” The front lot line of Parcel B may only be the lot line which runs parallel to Wharf Road. In addition, because the applicant newly proposes “frontage” of twenty feet, clearly the applicant understands the front line to be the line running parallel to Wharf Road.

It is clear that the applicant has erroneously calculated lot depth utilizing the side lot lines instead of the required front and rear lines to reach the applicant’s desired result for the proposed land division. This is evident because the Staff Report states Parcel B’s lot depth as 100 feet and the lot width as 56 feet. However, a simple visual assessment of the site plans would reveal that this is impossible since the depth of Lot B, calculated from the front to rear line, is clearly less than the width of Lot B, calculated from side line to side line. (See 2205 Wharf Road Plans).

The site plan drawings submitted by the applicant clearly indicate that the depth of proposed Parcel B is only 56.50 feet whereas the width of the proposed Parcel B is 100 feet. The Staff Report reversed the two measurements. As submitted, Parcel B does not contain sufficient lot depth, since the proposed lot depth is only 56.50 feet. The minimum lot depth required for this zone district is 100 feet. The minor land division cannot be approved because proposed Parcel B would not be in conformance with the zoning regulations.

The City’s Subdivision Ordinance states: “The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.” (Section 16.24.170(A)). Proposed Lot B does not contain the minimum lot depth of 100 feet, as required in the RM-LM zoning district. Because the proposed lot does not conform to the requirements, the division cannot be approved.

Frontage is Required on a Dedicated Public Street of Twenty Feet or More

Municipal Code Section 16.24.170(E) states: “Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.” In an effort to evade the Municipal Code’s prohibition, the amended plans partially extend the front lot line of Parcel B over the shared driveway so that 20 feet of the front lot line abuts Wharf Road while the remaining 80 feet does not. Unfortunately, this site plan amendment does not render the proposed division compliant with the Subdivision Ordinance.

The plain language of Section 16.24.170(E) prohibits “lots without frontage on a dedicated public street of twenty feet or more.” Rules of statutory construction demand that

Planning Commission of the City of Capitola
 2205 Wharf Road
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“twenty feet” qualify “dedicated public street” not “frontage.” The applicant’s reading of the Code distorts the Municipal Code’s plain and ordinary meaning, is contrary to well settled rules of statutory construction, and is not allowed. The Municipal Code requires not a minimum of twenty feet of frontage, but requires the front lot line to abut a public street that is at least twenty feet wide.

Conclusion

The City’s Subdivision Ordinance and zoning regulations set forth mandatory requirements to regulate orderly division of land and development. The subject application is a prime example of an aggressive effort to evade such requirements. The applicant clearly understands that the front lot line runs parallel to Wharf Road, yet miscalculates the lot depth utilizing the side lot lines to reach the desired result. This is not authorized by the City’s unambiguous process for calculating lot depth and lot width. The lot depth of Parcel B does not meet the requirements for this zone district. The proposed Parcel B only has a lot depth of 56 feet. 100 feet minimum lot depth is required. Due to the odd division of land proposed by this application and the erroneous calculation of lot width and depth, it is also unclear if the proposed Parcel A satisfies applicable zoning requirements either.

The applicant proposes 20 feet of perfunctory “frontage.” However, the applicant’s interpretation of City Code is contrary to the plain and ordinary meaning of the Municipal Code which prohibits “Lots without frontage on a dedicated public street of twenty feet or more.” (Section 16.24.170(E)). The applicant’s interpretation does not comport with the spirit or letter of the Municipal Code.

This proposed minor land division continues to violate the City’s zoning regulations as well as the City’s Subdivision Ordinance. The application does not comport with the lot standards for this zoning district and it also fails to comply with Sections 16.24.170(A) and 16.24.170(E) of the Municipal Code. For these reasons, the Planning Commission should deny this application.

Very truly yours,
 WITTWER PARKIN LLP



Pearl Kan

cc: Katie Herlihy, Senior Planner
 Rich Grunow, Community Development Director

Attachment: Wittwer/Parkin Letter May 31, 2017 (1916 : 2205 Wharf Road)

Existing Triplex on Parcel A and Development Standards or RM-M Zone

Site Area per dwelling unit		
Lot Size	Parcel A: 14,006 sf	
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 sf)	2,535 sf
Front yard, First story	15 ft	25 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 (9ft minimum)	9 ft
Side Yard, Second story	12% of lot width (11' 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>9</u> spaces total <u>3</u> covered <u>6</u> uncovered
Garage and Accessory Bldg.		
Garage	Complies	
Accessory Building	N/A	
Underground Utilities: required with 25% increase in area	N/A	

MILES J. DOLINGER

ATTORNEY AT LAW Real Estate | Land Use | Litigation

314 Capitola Avenue, Capitola, CA 95010

OFFICE (831) 477-9193

FAX (831) 477-9196

miles@dolingerlaw.com

July 6, 2017

Katie Herlihy, Senior Planner
 Members of the Planning Commission
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Re: Request for Variance;
 2205 Wharf Road, APN: 034-141-34
 Minor Subdivision and Design Permit for SFR
 Application #16-041

Dear Ms. Herlihy and Members of the Planning Commission:

I represent Christopher Wright, who has been trying to obtain City approval for a minor subdivision and design approval to construct a new single-family residence (the "Project") at 2205 Wharf Road ("Subject Property").

Mr. Wright asked that the June 1, 2017 Planning Commission public hearing on his application be continued so that he could consider an issue raised by Peter and Melody Taylor (through their attorneys, Wittwer Parkin), alleging that the proposed subdivision does not comply with City requirements regarding the orientation of lot width and depth. In other words, the Taylors are complaining about how the proposed rectangular-shaped lot is oriented in relation to Wharf Road.

Without admitting any such violation of width and depth requirements, and while reserving all rights, Mr. Wright is hereby requesting a variance (pursuant to Capitola Municipal Code ("CMC") section 17.66.090), from the strict application of CMC sections 17.03.390, 17.03.410, 17.03.450, and 17.15.110, to be considered as a part of Application #16-041 at the next Planning Commission meeting.

VARIANCE SUMMARY

The Project is in an RM-LM Zoning District. Pursuant to CMC sections 17.18.070 and 17.15.090, parcels in an RM-LM zone developed with a single residential unit must have a minimum lot size of 5,100 sf. The new proposed lot (identified as "Parcel B" on the proposed map), will have a lot size of 5,847 sf.

Attachment: Variance Request (1916 : 2205 Wharf Road)

Katie Herlihy, Senior Planner
 Members of the Planning Commission
 July 6, 2017
 Page 2

Pursuant to CMC section 17.18.090.A., parcels in an RM-LM zone must have a minimum lot width of 50 feet and a minimum lot depth of 100 feet. The garage and entryway for the proposed new lot and single-family residence are oriented towards the south so that the new residence can be accessed from the existing driveway that serves the existing residential structure on the rear portion of the Property (which will be "Parcel A" after the lot split). Therefore, the south side of the proposed "Parcel B" is effectively the front. Accordingly, the width of Parcel B is 56 feet as measured along the south side, and the depth of Parcel B is 100 feet as measured perpendicular to the south side.

Pertinent definitions from the CMC include the following:

17.03.390 Lot depth.

"Lot depth" means the horizontal distance from the street line or front line of the lot to the rear line, measured in the mean direction of the side lines of the lot.

17.03.410 Lot line, front.

"Front lot line" means that dimension of a lot or portion of a lot, abutting on a street except the side of a corner lot.

17.03.450 Lot width.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

17.03.620 Street.

"Street" means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property.

Based on these definitions, the Taylors have argued to the City that the front lot line must be along a "street", as defined (in this case, Wharf Road), and that the depth must be measured perpendicular to the front line.

Mr. Wright thus seeks a variance from the strict application of CMC sections 17.03.390, 17.03.410, 17.03.450 and 17.03.620, such that the "front lot line" of Parcel B need not abut Wharf Road, but may abut the existing driveway on the south side of the Subject Property.

Accordingly, Mr. Wright also seeks a variance from the strict application of the City's rules for measuring and determining lot dimensions and setbacks, as set forth in CMC section 17.15.110, such that the front yard setback of Parcel B need not be measured from the edge of the public right of way (that is, Wharf Road), but may instead be measured from and in relation to the existing driveway on the south side of the Subject Property. Accordingly, the front property line

Katie Herlihy, Senior Planner
 Members of the Planning Commission
 July 6, 2017
 Page 3

would be the southern boundary of Parcel B, the rear property line would be the northern boundary of Parcel B, and the side property lines would be the western and eastern boundaries of Parcel B.

Note that the Zoning Ordinance allows the city planner to make exceptions to the strict application of lot dimension requirements. Capitola Municipal Code section 17.18.170 states, in pertinent part, that “[i]n the case of an odd-shaped lot, the city planner shall determine the lot depth and width using the criteria for normally-shaped lots as a guide-line...” Thus, the city planner (that is, the Community Development Director), would have the authority to determine which sides of the Subject Property to measure depth and width even without a variance application.

REQUIRED FINDINGS

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The strict application of zoning code rules regarding the orientation of lots will deprive the Subject Property of the privilege to subdivide, which is enjoyed by other properties in the vicinity, because of challenging topographical and traffic issues unique to the Property.

The eastern side of the Property slopes steeply down hill to Wharf Road, and Wharf Road is a street with heavy traffic that curves in front of the Subject Property. Thus, the only feasible and safe route to locate a driveway connecting the Subject Property to Wharf Road is the location of the current driveway, which begins at the northeast corner of the Property and continues across the fall line of the eastern side of the Property and then along its southern boundary. Furthermore, the existing driveway that serves the Subject Property is subject to an existing emergency vehicle access easement that serves the mobile home park located directly to the west of the Subject Property. And because the existing driveway takes up a significant portion of the eastern side of the Subject Property, the only way to create a second 5,100-sf lot with sufficient usable space to build a moderately sized single-family home is to orient the new rectangular lot with its short sides running east-west and its long sides running north-south.

Furthermore, it is preferable to leave the existing driveway in place and have it be shared between Parcels A and B to avoid any negative impacts a second driveway may have on Wharf Road traffic. There are many flag lot parcels in Capitola, and many examples of multiple parcels sharing driveways. For example, the 6-unit planned development located immediately south of the Subject Property has a shared access from Wharf Road.

Katie Herlihy, Senior Planner
Members of the Planning Commission
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Finally, it is impossible to split the Subject Property in a way that results in two buildable lots that "front" on Wharf Road and are at least 100-feet deep based on that orientation because the Subject Property is currently improved with a permitted residential structure (built in approximately 1966) that is sited in the middle of the rear, western portion of the Subject Property.

2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Allowing Mr. Wright's new Parcel B to be oriented with its wide, depth dimension parallel to the public street (Wharf Road) and its narrow, width dimension parallel to the existing private driveway is a minor variation from what the zoning code strictly requires. The grant of a variance would not constitute a special privilege because the proposed minor subdivision/lot split would result in two parcels that conform to minimum lot sizes, and it would not allow Mr. Wright to develop anything on the proposed Parcel B that is more dense than one single-family home.

Thank you very much for your consideration of this variance request.

Yours truly,



Miles J. Dolinger

CC: Christopher Wright