



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, August 1, 2013 – 7:00 PM

Chairperson Mick Routh
Commissioners Ron Graves
 Gayle Ortiz
 Linda Smith
 TJ Welch

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. July 18, 2013 Regular Meeting Minutes

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. 1840 Wharf Road #13-090 APN: 035-031-40

Emergency Coastal Permit for a slope stabilization system to be installed due to a landslide in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Linda White, filed 7/8/13

Representative: Jeffrey Dunton

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. 2001 41st Avenue #13-083 APN: 034-511-16

Design Permit to remodel an existing commercial building, master sign program, and tree permit to remove a tree in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Joel and Priscilla Brown, filed 6/19/13

Representative: Steve Thomas

B. Sign Content

Informational update by the Community Development Staff on sign content.

6. DIRECTOR'S REPORT

A. General Plan Update

Informational update by the Community Development Director on the status of the General Plan Update.

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to the next Planning Commission on Thursday, September 5, 2013 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

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

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

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JULY 18, 2013
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ron Graves, Gayle Ortiz, Linda Smith, and TJ Welch and
Chairperson Mick Routh

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Item 5C was pulled for action at the staff level on the advice of the city attorney.

B. Public Comments

None

C. Commission Comments

Commissioner Graves commented about the renovations to the market at the corner of Bay and Capitola avenues now called Bacon's. He said it looks very nice but is concerned about inaccuracy of the wording on the awning that includes "restaurant." Such a use was not approved and there is not adequate parking. He said he confirmed with staff that the interior is appropriate with approved uses. Chairman Routh noted that legal guidelines indicate the City does not have jurisdiction over wording on signs. Community Development Director Rich Grunow said staff will return with a report on what if any options there are for review and enforcement.

Commissioner Welch thanked departing Interim Senior Planner Danielle Uharriet and welcomed new Senior Planner Katie Cattan.

D. Staff Comments

Director Grunow introduced Senior Planner Cattan.

He also noted the commission received revised conditions for item 5D that reflect the fact that no new construction is planned as part of the subdivision process.

3. APPROVAL OF MINUTES

A. June 6, 2013, Regular Planning Commission Meeting

A motion to approve the June 6, 2013, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

4. CONSENT CALENDAR

A. 213 MONTEREY AVE. #13-067 APN: 035-185-03

Coastal Permit and Design Permit to construct a mansard roof to shield solar collectors and roof equipment on a multi-family residence in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: David and Karen Johnson, file: 5/10/13

Representative: William Fisher Architecture, Inc.

A motion to approve project application #13-067 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:

CONDITIONS

1. The project is a Coastal Permit and Design Permit to construct a mansard roof to shield solar collectors and roof equipment on a multi-family residence in the CV (Central Village) Zoning District at 213 Monterey Avenue.
2. Any significant modifications to the exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.
4. Prior to a final building inspection, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
5. Planning Fees associated with permit #13-067 shall be paid in full prior to building permit issuance.

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 Staff, the Architectural and Site Review Committee, the Planning Commission, and Coastal Commission staff have reviewed the project. The project conforms to the development standards of the CV (Central Village) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, the Planning Commission, and Coastal Commission staff have reviewed the project. The project conforms to the development standards of the CV (Central Village) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the surrounding neighborhood. The proposed mansard roof improvements compliments the existing

residential and commercial neighborhood in use, mass and scale, materials, height, and architecture.

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

This project involves installation of a mansard roof, solar collector system, and access hatch of an existing multi-family residence in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project. The construction of minor modifications made to the exterior of a multi-family residential structure.

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

B. 2052 EDMUND LANE #13-073 APN 034-412-56

Design Permit to construct a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Hacienda Homes, LLC, filed: 5/28/13

Representative: Scott Zazueta

Commissioner Smith pulled items 4B and 4C from the consent agenda. She would like to add a condition that garbage be concealed or removed from public view.

Neighbor John Mann said residents are pleased the lots will be developed, but did note that several children live in the small cul-de-sac and asked for consideration during construction. He asked that any damage done to the street during construction be repaired, and warned the developers that the property has heavy clay soil that causes ponding during rainy winters.

Commissioner Smith said she supports the projects with the additional condition.

A motion to approve project application #13-073 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Ortiz:

CONDITIONS

1. The project approval consists of construction of a new 2,404-square-foot two-story single-family structure with a 483-square-foot attached garage at 2052 Edmund Lane.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.

6. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
7. The project shall implement Low Impact Development BMPs outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the BMPs implemented with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
8. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
9. Planning fees associated with permit #13-073 shall be paid in full prior to building permit issuances.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
12. 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, 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 R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

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 R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence is compliments the existing single-family residential neighborhood in use, mass and scale, materials, height, and architecture.

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

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

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

C. 2064 EDMUND LANE #13-074 APN: 034-412-57

Design Permit to construct a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Hacienda Homes, LLC, filed: 5/28/13

Representative: Scott Zazueta

A motion to approve project application #13-074 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Ortiz:

CONDITIONS

1. The project approval consists of construction of a new 2,404-square-foot two-story single-family structure with a 483-square-foot attached garage at 2064 Edmund Lane.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
7. The project shall implement Low Impact Development BMPs outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the BMPs implemented with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
8. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
9. Planning fees associated with permit #13-074 shall be paid in full prior to building permit issuances.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.

11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

12. 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, 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 R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

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 R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence is compliments the existing single-family residential neighborhood in use, mass and scale, materials, height, and architecture.

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

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

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

5. PUBLIC HEARINGS

A. 1330 47th AVENUE #13-014 APN: 034-066-13

Plan revision to a previously approved design permit for a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Gary Lindeke, filed: 1/25/13

Interim Senior Planner Uharriet presented the staff report and background on the project, noting that the change in materials had been presented to the Architectural and Site Committee prior to submission to the Planning Commission and were consistent with the description in the staff report in spite of the older images on the plans.

Chairperson Routh confirmed the color choice.

Chairperson Routh opened public hearing. Gary Lindeke, applicant, reiterated the plan revision was prior to Arch and Site review and was discussed at that meeting. He said he was not asked for additional plans for the Planning Commission hearing, which he had been ready to provide.

Chairperson Routh closed the public hearing. Commissioner Graves asked staff to identify ways to prevent such confusion in the future, and Director Grunow agreed.

A motion to approve revised exterior elevations and building materials as presented in the building permit plans for project application #13-014 was made by Commissioner Smith and seconded by Commissioner Welch.

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

**B. 507 PLUM STREET/
712 CAPITOLA AVENUE #13-068 APN: 034-412-56**

Design permit to construct a second dwelling unit above a two-car garage with a one-story single-family residence in the CN (Neighborhood Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Terry Evan David, filed: 5/21/13
Representative: Dennis Norton

Commissioner Ortiz recused herself because she owns property close to the project.

Senior Planner Cattan presented the staff report. She noted that although staff recommended approval for the second dwelling unit, it could not determine sufficient findings to grant a requested exception for requiring underground utilities. She said during Architectural and Site review, the city landscape architect suggested replacing the existing six-foot solid redwood fence topped with lattice that fronts on Plum with a softer material, but the applicant preferred to keep the fence and encourage plantings that would come through the lattice.

Commissioner Graves confirmed that the front door of the addition faces Plum Street, although the address for the full parcel is on Capitola Avenue.

Commissioner Welch asked whether the unit requires a second water meter. Director Grunow replied that the building department only requires a "will-serve" notice and determination of whether to require a meter is the water district's jurisdiction.

Chairperson Routh opened the public hearing. There was no comment.

Commissioner Welch said he could support the project without a hardship finding for the underground utility conversion.

Commissioner Graves said he could not support the project with the existing fence, which is too high for a frontage.

Commissioner Smith said she does not wish to require removal of something that is already there and supports project approval.

A motion to approve project application #13-068 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:

CONDITIONS

1. The project approval consists of the construction of a 689-square-foot second dwelling unit above a 524-square-foot attached garage to a single-story single-family residence at 507 Plum Street/ 712 Capitola Avenue in the CN (Neighborhood Commercial) zoning district.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Hours of construction shall be Monday to Friday 7:30 a.m.- 9 p.m. and Saturday 9 a.m. – 4 p.m., per city ordinance.
5. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The side yard landscaping between the new garage and fence along Plum Street will be installed prior to final building occupancy.
6. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
7. An encroachment permit shall be acquired for any work performed in the right-of-way.
8. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
9. Planning fees associated with permit #13-068 shall be paid in full prior to building permit issuances.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The project conforms to the development standards of the CN (Neighborhood Commercial) Zoning District, and carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The project conforms to the development standards of the CN (Neighborhood Commercial) Zoning District, and will not have a negative impact on the character and integrity of the neighborhood. The proposed garage and second dwelling unit compliments the existing neighborhood commercial district in use, mass and scale, materials, height, and architecture.

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

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

The motion carried by the following vote: Aye: Commissioners Smith, and Welch and Chairperson Routh. No: Commissioner Graves. Abstain: Commissioner Ortiz.

C. 701 ESCALONA DRIVE #13-080 APN: 036-142-18

Tree Permit review of the replacement tree plan for an unlawfully removed tree in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Stewart and Pam Greeninger, filed: 6/10/13

This item was pulled for action at the staff level on the advice of the city attorney.

D. 750 47th AVENUE #12-144 APN: 034-551-01

Coastal Development Permit and Vesting Tentative Subdivision Map for the conversion of Surf and Sand Mobile Home Park (MHP) from a rental MHP to an ownership MHP in the MHE (Mobile Home Exclusive) Zoning District. Approval would result in 73 privately owned lots and 4 common-owned lots.

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

Environmental Determination: Categorical Exemption

Owner: Surf and Sand, LLC and Ronald Reed. Application filed 11/6/12

Representative: Mark Alpert, Hart King & Coldren

Commissioner Ortiz rejoined the meeting.

Contract Planner Kim Tschantz presented the staff report. The project would convert an existing rental mobile home park to owner-occupied on individual parcels, creating 73 individual lots and 4 common lots. (The number of lots was initially reported at 74.) The lot lines will be based on existing spaces and no new construction is planned. A homeowners' association will manage the common lots. He explained the state's Subdivision Map Act addresses mobile home subdivision and overrides local zoning. The project does require a Coastal Development Permit under Capitola's Local Coastal Program and the project complies with those local requirements.

Planner Tschantz noted the state subdivision act is designed to prevent displacement of low and moderate income people and explained the requirements. The required report has been prepared and a survey conducted that shows support for conversion.

The Mello Act provides for retention of low and moderate income housing near the coast, and requires replacement when such housing is demolished or converted, including a subdivision. The act includes provisions for a waiver within built-out jurisdictions. He explained Capitola does not have 50 vacant acres so the Planning Commission can make findings that the Mello Act does not apply.

Chairman Routh clarified that "no construction" does not include work on individual mobile homes.

Commissioner Graves asked why only 42 of the lots participated in the survey. Planner Tschantz explained that the remainder are owned by Surf and Sand or are vacant.

Mark Alpert spoke on behalf of the applicant. He said the conversion will have no effect on low-income leases. The applicant also has agreed to take over the city's rental support of low-income homeowners.

Chairperson Routh asked whether Mr. Reed will be required to participate in the homeowners' association by paying dues on each of the lots he owns and was told yes. Commissioner Graves asked what would happen if the adopted CCRs prohibited rentals. Mr. Alpert noted that the CCRs will be prepared before filing and he assumes existing renters would be grandfathered in. He added that the point of converting is to get out of the business of renting and eventually he would expect the land and coach would be sold together. Mr. Alpert confirmed that each lot would have one vote to elect a board of directors, which will operate the association. In response to a commission question, he said Mr. Reed likely would maintain management control initially because he has more votes.

Commissioner Smith asked if empty homes would be repopulated by the subdivision process. Mr. Alpert responded the factor is individual coach renovations. He also noted the plan is to have a brand new infrastructure and convert to direct billing by the utilities, so they will take over and maintain those systems.

Commissioner Welch asked about assistance to those needing rent help under previous agreements. Mr. Alpert confirmed the applicant has agreed to take on the City's portion of those costs.

Engineer Robert Dewitt also spoke for the applicant. He noted that the actual count of spaces that will become private lots is 73. Although the space numbers go to 74, there is not a lot 23.

Chairperson Routh opened the public hearing.

Homeowner Valerie Tudor said she had not seen any upgrade of utilities or streets. She is concerned if that work is not done prior to subdivision she may face a large cost should she purchase her lot. Mr. Alpert replied the upgrade is a lengthy process, but that new land owners will have no further cost toward utility upgrade. He added a disclosure will be given to each potential purchaser with a description of costs and estimated dues.

Ralph McCall asked if the utility systems will be brought up to current standards in order for utility providers to take them over. Mr. Dewitt replied that the applicant is working with providers to meet the standards.

Chairperson Routh closed the public hearing.

A motion to recommend to the City Council granting of a Coastal Development Permit and Vesting Tentative Map for project application #12-144 with the following conditions and findings was made by Commissioner Ortiz and seconded by Commissioner Smith:

CONDITIONS

1. The project is a subdivision of APN 34-551-01 into 73 privately owned lots for mobile home dwelling use and 4 common-owned lots as shown on the Vesting Tentative Map prepared by DeWitt and Associates consisting of 5 sheets, dated October 24, 2012. This approval converts 73 individual mobile home rental spaces to 73 ownership lots. Internal streets serving the mobile

home lots will be the same internal streets that served the mobile home spaces on one single lot. This approval will place internal streets in common-owned lots shown as Lots A, B and D on the tentative map. A common-owned lot, shown as Lot C on the tentative map, will provide a clubhouse/meeting room/laundry building and its associated parking area. No new construction of streets, utilities or similar improvements is proposed or authorized as a result of this approval.

2. The applicant shall submit a Final Map to the Director of Public Works for review and approval. The Final Map shall be in substantial conformance with the approved Vesting Tentative Map. The Final Map shall show the following:
 - a. The locations of all property lines and internal roadways;
 - b. The locations of all utility easements;
 - c. Identification of all common-owned lots that differentiates them from privately owned lots;
 - d. All utility easements shall be shown in a manner which meets the requirements of the utility companies and the Director of Public Works;
 - e. A notation that no new construction will occur associated with the approval of the Final Map.
3. Submittal of the Final Map to the Public Works Department shall include reproducible mylars and electronic files of the plans. These documents shall become the property of the City of Capitola at the time of approval.
4. Prior to recordation of the Final Map, the applicant shall submit CC&Rs to the Community Development Department and the City Attorney for review and approval. The CC&Rs shall include the legal establishment of a Homeowners Association (HOA) with the following rights and responsibilities:
 - a. Authority to administer and enforce the CC&Rs;
 - b. Equal voting rights where each mobile home dwelling lot shall have one vote in voting matters of the HOA;
 - c. A form of security to ensure management and repair of internal streets and all improvements on the four common-owned lots; and
 - d. Collection of dues on an equal basis from each owner of the 74 privately owned lots to fund the management, repair and security for the common-owned lots.
5. Prior to recordation of the Final Map, the applicant shall submit to the Community Development Department and the City Attorney for review and approval. a form of the proposed rental/purchase option agreement to be reviewed only for compliance with California Government Code §66427.5 The form of agreement shall offer each existing tenant the opportunity to purchase their lot or to continue as a tenant. Such form will not be modified except to comply with the requirements of state or federal law or as mutually agreed upon by applicant and tenant. This agreement shall include the following limits on future rents for non-purchasing homeowners who are not subject to a long term lease:

- a. Limiting the rent increase of the non-purchasing low income homeowners to not exceed increases in the Consumer Price Index for the same period;
 - b. Phasing any rent increases for non-purchasing homeowners who are *not* low income to market rate rents by phasing the increase in equal increments over a four-year period.
6. Preparation of the final map shall proceed in compliance with all applicable state and federal laws. The subdivider shall comply with all of the provisions of the approved Vesting Tentative Map and all pertinent provisions of State Law and the Capitola Local Coastal Plan.
 7. Planning Fees associated with permit #12-144 shall be paid in full prior to recordation of the Final Map.

FINDINGS

Coastal Development Permit

1. The California Coastal Act, at Public Resources Code Section 30106, defines the term “development” to include “change in the density or intensity of use of land, including but not limited to, subdivisions, and any other division of land.”. Similarly, the City of Capitola’s Local Coastal Program, at Capitola Municipal Code Section 17.46.030.I.4, defines “development” to include “subdivisions, and any other division of land...”.
2. The California Coastal Act, at Public Resources Code Section 30600, provides that any person wishing to perform or undertake any development in the coastal zone shall obtain a Coastal Development Permit. Public Resources Code Section 30600 further provides that after certification of a Local Coastal Program by the California Coastal Commission, the local government for the jurisdiction covered by the certified Local Coastal Program shall be responsible for the issuance or denial of Coastal Development Permits within that jurisdiction. The City of Capitola has a certified Local Coastal Program and, accordingly, is legally responsible for processing and considering applications for Coastal Development Permits relative to coastal zone development in the City of Capitola.
3. The project, which is the objective of the subject Coastal Development Permit application, entails the subdivision of the Surf and Sand Mobile Home Park into seventy-three lots for mobile home dwellings, and four common area lots. The Surf and Sand Mobile Home Park property is located in the coastal zone of the City of Capitola. Accordingly, the project constitutes “development” for purposes of the California Coastal Act and the City’s certified Local Coastal Program and, in turn, requires a Coastal Development Permit from the City of Capitola.
4. Pursuant to the City of Capitola’s Local Coastal Program, certified by the California Coastal Commission in December, 1981, the City must find, in accordance with Capitola Municipal Code Section 17.46.090.D “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 ...” before it can issue a Coastal Development Permit.
5. Findings can be made that the project conforms to all applicable polices of the City’s Local Coastal Program and associated implementing ordinances, including all applicable provisions of Capitola Municipal Code Section 17.46.090. The project and the property where the project

is located have the characteristics which allow an exemption from the requirements of Section 17.46.090 in that:

- a. The project will have no effect on existing open space or recreational facilities in or near the City as no new construction nor an increase in the existing residential density will occur from the project;
 - b. The project will not obstruct or otherwise affect existing vertical or horizontal coastal or recreational accesses as the project property is not located at the shoreline or on a coastal bluff or at an area that provides potential access to the beach or other outdoor recreational resource areas;
 - c. A description and analysis of anticipated changes to shoreline processes, including erosion or accretion, character and sources of sand, wave and sand movement, is not applicable to the project site as it is located 200 feet from the seaward edge of the nearest coastal bluff and it not located between the first through road and the ocean;
 - d. There is no evidence that any portion of the site has been used by the public during the last 5 years for active or passive recreation or coastal access;
 - e. The City's LCP does not identify the project site as containing important coastal resources or for future coastal access dedication; and
 - f. The project is not one where a management plan should be created to guide development. No new development will occur as a result of converting an existing tenant-occupied mobile home park to a subdivided owner-occupied mobile home park.
6. The conversion of Surf and Sand Mobile Home Park to a subdivided owner-occupied park will occur on land designated by the City's Local Coastal Program as "Mobile Home Exclusive" land use and said conversion is a use permitted in the land use designation.
 7. The Mello Act, codified at California Government Code Section 66590, constitutes coastal housing policy for the State of California, relative to the preservation of low-income and moderate-income housing in the California coastal zone. The Mello Act, at subsection (b), specifies that its provisions and requirements do not apply if a project is located within a local jurisdiction which has less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use and the City of Capitola has, within its boundaries, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.
 8. In light of the foregoing, the Planning Commission hereby finds and determines that the Mello Act does not apply to Coastal Development Permit #12-144.

Tentative Map

1. The Applicant prepared a report on the impact of converting the mobile home park to a subdivided owner-occupied park and this report was made available to the residents of the Surf and Sand Mobile Home Park at least 15 days prior to the Planning Commission hearing on this application.
2. The Applicant has met the requirements of Government Code 66427.5(a) by agreeing to offer each existing tenant the option to either purchase their subdivided lot created by the conversion to a resident ownership mobile home park or to continue their residency as a tenant.
3. The Applicant conducted a survey of resident support for the subdivision in accordance with an agreement between the Applicant and the Surf and Sand Homeowners Association, the results of which were submitted to the City, and show that of the 42 mobile home residents who own their homes, 25 households support the application; 3 households oppose the application and 2 households abstained.

4. The conversion of the Surf and Sand Mobile Home Park to a subdivided owner-occupied park meets the requirements of Municipal Code Section 16.70.070 pertaining to required findings for mobile home park conversions in that:
 - a. A survey of residents was conducted with 89% of respondents indicating support of the conversion and the results of the Applicant-conducted survey were submitted to the City and upon review, the City agrees with the survey results showing resident support for the proposed subdivision.;
 - b. A tenant impact report has been completed and filed with the City in accordance with all requirements of California Government Code Section 66427.5; and
 - c. The project is a bona fide conversion as evidenced by the vote of support for the proposed conversion by residents of Surf and Sand Mobile Home Park.
5. The proposed mobile home park subdivision has been reviewed for compliance with applicable State law and standards and the requirements of the Subdivision Map Act, codified at California Government Code Sections 66425–66431 have been met.
6. The California Coastal Act, at Public Resources Code Section 30106, defines the term “development” to include “change in the density or intensity of use of land, including but not limited to, subdivisions, and any other division of land.”. Similarly, the City of Capitola’s Local Coastal Program, at Capitola Municipal Code Section 17.46.030.I.4 defines “development” to include “subdivisions, and any other division of land...”.
7. The California Coastal Act, at Public Resources Code Section 30600, provides that any person wishing to perform or undertake any development in the coastal zone shall obtain a coastal development permit. Public Resources Code Section 30600 further provides that after certification of a local coastal program by the California Coastal Commission, the local government for the jurisdiction covered by the certified local coastal program shall be responsible for the issuance or denial of coastal development permits within that jurisdiction. The City of Capitola has a certified local coastal program and, accordingly, is legally responsible for processing and considering applications for coastal development permits relative to coastal zone development in the City of Capitola.
8. The project entails the subdivision of the Surf and Sand Mobile Home Park into 73 lots for mobile home dwellings, and four common area lots. The Surf and Sand Mobile Home Park property is located in the coastal zone of the City of Capitola. Accordingly, the project constitutes “development” for purposes of the California Coastal Act and the City’s certified Local Coastal Program and, in turn, requires a coastal development permit from the City of Capitola.
9. The Planning Commission has also made the required findings for a Coastal Development Permit for this project.

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

6. DIRECTOR’S REPORT

The City released a notice of preparation for an Environmental Impact Report for the General Plan update on July 1 for a 30-day public review. A scoping meeting is scheduled for July 23. Director Grunow will present a budget update for the General Plan process to the Council on July 25 and will update the Planning Commission at its Aug. 1 meeting.

7. COMMISSION COMMUNICATIONS

None.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:09 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, Aug. 1, 2013, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on Aug. 1, 2013.

Linda Fridy, Minute Clerk

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 1, 2013

SUBJECT: **1840 WHARF ROAD #13-090 APN: 035-031-40**
 Emergency Coastal Permit to install a slope stabilization system in response to slope failure at a single-family residence in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District.
 This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
 Environmental Determination: Categorical Exemption
 Property Owner: Linda White, filed 07/08/2013
 Representative: Jeffrey Dunton

BACKGROUND

On July 2, 2013, the City of Capitola issued an Emergency Coastal Permit for a creek side single-family house at 1840 Wharf Road. Storm damage has compromised the hill below the home, significantly reducing the lateral support for existing piers that support the deck on the creek side of the house. The site was inspected by the City's Building Official and it was verified that an emergency existed. A geotechnical report had been prepared October 1, 2011. The proposed slope stabilization system was designed based on the geotechnical report. A building permit was issued and construction of the slope stabilization system proceeded soon after.

At the time of issuing the emergency coastal permit, the applicant was notified that a coastal permit would be required for the proposed work. The applicant was required to submit a complete application with 7 days, but due to the urgency of the circumstances, understood that the approval process by the Planning Commission would occur after the necessary work would begin.

At this point in time the cement has been poured for the initial grade beam. The 3' x 1' 3" grade beam will be attached to the existing foundation to hold the house in place. Five helix anchors have been installed to anchor the grade beam. The primary retaining wall is designed with 18 helix anchors to be installed at a minimum depth of 14 feet. This wall will be located 3' from the existing foundation with a height of 5 feet. The soils engineer has been onsite throughout the installation to ensure compliance with geotechnical conditions.

DISCUSSION

Coastal Permit

Capitola's Local Coastal Plan requires the issuance of a coastal permit for:

“Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area as defined by the Coastal Act, any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach material or any other forms of solid materials,

(B) The presence, whether temporary or permanent, of mechanized equipment, or construction materials.

The proposed slope stabilization system is located in an environmentally sensitive habitat area, as well as within twenty feet of a stream, therefore a coastal permit is required.

Prior to issuance of the emergency coastal permit, the Building Official inspected the site and found that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits due to potential slope failure;
2. The emergency action does not allow time for public comment; and
3. The work proposed is consistent with the requirements of the certified LCP.

The emergency coastal permit was issued with conditions on July 2, 2013 (Attachment A). Construction of the slope stabilization system proceeded within a few days of issuance. While Zoning Code Section 17.46.130 allows the Community Development Director to issue an emergency coastal permit, the code requires that the applicant apply for a standard coastal permit and obtain approvals from the Planning Commission.

Project Description

The geotechnical investigation indicates that the storm damage resulted from the shallow seated debris flows on the slope above the creek. The building pad is generally gently sloping, however the hillside steepens dramatically below the building area as it descends to Soquel Creek. The face of the slope has been subject to shallow debris flows in the recent past. The geotechnical report indicates that the “steeper lower portions of the slope are considered surficially unstable by inspections.” The report recommends “stabilization be provided to mitigate the possibility of future shallow instability, debris flows, or creep of surficial materials near the residence, undermining the existing foundation and diminishing the support of the residence. In addition, as the current deck support posts are founded below the residence on the steeper portions of the slope subject to surficial instability, we recommend that they be detached from the deck and that if necessary, new supports, founded in more stable areas, be provided.”

The geotechnical slope stabilization system is a concrete retaining wall with wood supports and bracing secured to the slope with deep-seated anchors. The retaining wall is approximately 46' in width, with a slope height of approximately 5'. The system will be a permanent repair to the affected area, will restrain the existing deck piers and house from lateral movement toward the creek, and is being implemented with minimum disturbance to the existing slope. The plans were reviewed by the geotechnical engineer of record and are in accordance with his recommendations.

Drainage plans and erosion control measure have been conditioned and implemented, including a condition that all drainage from the house be directed away from the slope and toward Wharf Road. In addition, there is to be no work in Soquel Creek, nor any debris allowed in the creek.

Environmental Review

Section 15304 of the CEQA Guidelines exempts minor alterations to land. Specifically, 15304(c) exempts "Filling of earth into previously excavated land with material compatible with the natural features of the site." No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #13-090 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of an emergency coastal permit for a slope stabilization system at 1840 Wharf Road. Storm damage caused by shallow seated debris flows on the hill below the single-family house has significantly reduced the lateral support for the existing piers that support the three levels of decks on the creek side of the house based on a technical report prepared by Tharp & Associates, Inc. dated October 1, 2011. The stabilization system will consist of a concrete retaining wall with wood supports and bracing secured to the slope with deep-seated anchors. The retaining wall is approximately 46' in width, with a slope height of approximately 5'.
2. The applicant submitted a completed coastal permit application, plans, and required technical reports within seven (7) days of the issuance of the emergency coastal permit. Plans included an erosion control plan.
3. All work shall be completed per submitted plan and the erosion control plan shall be strictly followed. Erosion control and sediment management devices shall be installed and inspected by City Public Works prior to initiating work.
4. There shall be no work in Soquel Creek, nor any debris allowed in the creek. If any work is necessary within the creek, contact California Department of Fish and Game and submit evidence to the Community Development Department that appropriate permits have been issued or are not required prior to initiating any work.
5. There shall be no staging of construction materials in the road right-of-way.
6. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.
7. Any significant modifications to the size approved design must be approved by the Planning Commission.
8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

FINDINGS

- A. **The application, subject to the conditions imposed, 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 coastal permit for a slope stabilization reinforced concrete

retaining wall conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

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

Report Prepared By: Katie Cattan
Senior Planner

Attachment A – Emergency Coastal Permit dated July 2, 2013

Attachment B – Project Plans

Attachment C – Geotechnical Review of Retaining Wall Plans dated June 25, 2013

Attachment D – Coastal Findings

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420 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (831) 475-7300
FAX (831) 479-8879

EMERGENCY COASTAL PERMIT

2 July 2013

Mike and Linda White
1840 Wharf Road
Capitola, CA 95010

RE: Emergency Coastal Permit
1840 Wharf Road

1840 Wharf Road

#13-090

APN: 035-031-40

Emergency Coastal Permit for a slope stabilization reinforced concrete retaining wall to be installed due to slope failure in the R-1 (Single-Family Residence) Zoning District.

Owner: Mike and Linda White

Representative: Dunton Construction

Dear Mr. and Ms. White:

The Community Development Department hereby issues an emergency coastal permit for a slope stabilization reinforced concrete retaining wall at 1840 Wharf Road. A slope failure has compromised the hill below the single-family house and has significantly reduced the lateral support for the existing piers that support the deck on the creek side of the house. The slope stabilization reinforced concrete retaining wall is a five foot high cast-in-place wall with concrete shafts combined with helix anchor tie-backs (construction plans prepared by Robin Alaga, dated June 22, 2013 and stamped by Tim D. Wann, registered professional engineer).

The Community Development Director has verified the facts and finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits due to potential slope failure;
2. The emergency action does not allow time for public comment at this time; and
3. The work proposed is consistent with the requirements of the certified LCP.

The following conditions shall apply to the emergency coastal permit:

CONDITIONS

1. The project approval consists of an emergency coastal permit for a slope stabilization reinforced concrete retaining wall at 1840 Wharf Road. A slope failure has compromised the hill below the single-family house and has significantly reduced the lateral support for the existing piers that support the deck on the creek side of the house based on the Geotechnical Investigation prepared by Tharp & Associates, Inc. dated October 2011.

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Item #: 4.A. Attachment A.pdf

1840 Wharf Road

Emergency Coastal Permit – Project Application #13-090

July 2, 2013


Page 2

2. The applicant shall submit a completed coastal permit application, plans, and required technical reports within seven (7) days of the issuance of the emergency coastal permit. Plans shall include drainage and erosion control, including covering all exposed soil with jute netting.
3. All work shall be completed per submitted plan and the erosion control plan shall be strictly followed. Erosion control and sediment management devices shall be installed and inspected by City Public Works prior to initiating work.
4. The emergency approval shall be voided if the approved activity is not exercised within fifteen (15) days of issuance of the emergency permit.
5. The approval of the emergency permit shall expire sixty days after issuance (September 2, 2013). Any work completed outside of this time period shall require a regular coastal permit approval unless an extension is granted by the city.
6. There shall be no work in Soquel Creek, nor any debris allowed in the creek. If any work is necessary within the creek, a permit shall be obtained from California Fish and Wildlife.
7. There shall be no staging of construction materials in the road right-of-way.
8. Hours of construction shall be Monday – Friday, 7:30 a.m. – 9:00 p.m., and Saturday, 9:00 a.m. – 4:00 p.m., per city ordinance.

This permit is issued to the property owner. In executing this permit, owner agrees to comply with all terms of this permit, including conditions of approval.

Please contact me at 831.475.7300 x218 or email at duharriet@ci.capitola.ca.us if you have any questions.

Respectfully,



Danielle Uharriet
Interim Senior Planner

Cc: Coastal Commission
Jeff Dunton, Dunton Construction

GENERAL

All construction shall meet the requirements of the C.B.C. 2019 Edition and any amendments by the governing Building Department.

Conditions not specifically detailed shall be built to conform with similar construction noted in the working drawings.

The contractor shall verify all dimensions, elevations, materials and conditions prior to starting construction. Any discrepancies shall be reported to the architect prior to ordering materials and starting construction.

If a geotechnical report is available for the project, the geotech engineer shall observe and certify the Foundation excavations prior to placement of reinforcing.

Prior to fabrication, the contractor shall submit to the architect for approval, shop drawings for all structural steel, reinforcing steel, glulam beams and prefabricated trusses.

No verbal change orders shall become legal or binding until approved in writing.

Contractor shall not store construction materials or operate construction equipment in such a manner so that the design live loads of the structure are exceeded. No construction materials shall be stored on overhanging framing.

Contractor shall be solely responsible for all bracing or shoring required during construction until all framing is complete.

All connectors used on pressure treated wood to be verified for compatibility of connector with chemical used to treat lumber.

Special Inspection as required by section 1701 is required for the following:
1) Retrofit Hold Down Anchor Bolts if applicable.
2)

GLULAM TIMBER

All Glued Laminated Timber shall conform to "Standard Specifications For Structural Glued Laminated Timber", A.I.T.C. 117 and U.S. Product Standard PS 56, current edition.

All Laminations shall be Douglas Fir. Thickness of lamination shall be 1 1/2 inch net. All end joints shall be scarfed minimum 1:12, maximum 1:8. Portions of scarfs in adjacent laminations shall be separated by a minimum of 6 inches. Laminations shall be joined with exterior type glue. Maximum allowable moisture content shall be 16 percent.

All beams shall have an allowable fiber stress in bending F_b as shown on plans.

All beams shall be wrapped for shipping and furnished with a certificate of inspection for manufacture. Contractor shall keep beams wrapped and protected from the weather until they are incorporated into the structure.

TIMBER

Materials

Grading: All lumber shall conform to the grading rules of WPA and the following table unless otherwise noted on the plans and details. Maximum moisture content of the lumber shall be 19 percent.

ITEMS	SPECIES	SURFACE	GRADE
Joints/Posts	DF	S&S	No. 2 or better UNID.
Beams/Posts	DF	S&S	No. 2 or better UNID.
Truss	DF	S&S	No. 2 or better UNID.
Rud Sill	DF	S&S	Pressure Treated No. 2
Decking	DF	S&S	See Architectural.

Use SPF for all beams and posts 6x and larger unless noted otherwise on plans.

Note: All lumber exposed to the weather shall be pressure treated.

Plywood shall be Douglas Fir conforming to U.S. Product Standard PS 1 with exterior glue, grade stamped stamped APA. See Framing plans and manufacturer's specification for additional requirements. OSB Ply may be substituted.

Nails shall be common nails. Nails exposed to the weather shall be galvanized. All nailing shall conform to TABLE 2304.1 FASTENING SCHEDULE. Framing hardware shall be by Simpson Company or approved equal. All hardware exposed to the weather shall be galvanized or protected from corrosion by an alternate approved method. All connectors used on pressure treated wood to be verified for compatibility of connector with chemical used to treat lumber.

WORKMANSHIP

Wood sills shall be set on a smooth, level foundation or on a continuous bed of cement grout minimum 1 inch thick. See Foundation plan and shear wall schedule for spacing of anchor bolts. Minimum two bolts per plate.

No structural member shall be cut or notched unless specifically shown or noted on the plans or approved in writing by the engineer. Where there is a chance of splitting, holes shall be substituted. All split lumber shall be replaced.

Bolt holes in wood shall be 1/16" inch oversize. Standard steel cut washers shall be used at all bearings of heads and nuts of bolts and lag screws. Bolts, nuts and washers exposed to the weather shall be galvanized. All nuts shall be tightened when placed and re-tightened at completion of construction which will make them inaccessible.

Typical top plate splice: Minimum top shall be four feet long nailed with 16d 8 inches on center staggered to avoid splitting. All cuts in plates shall occur over a stud.

Provide double joint under parallel walls UNID.

For shear wall nailing, anchor bolts, and shear transfer nailing, see shear wall schedule.

All roof plywood shall be a minimum of 1/2" (24/40) with PSL clips or 3/8" (24/20) CBX nailed with 8d at 6" o.c. edges 12" o.c. field.

All floor plywood shall be a minimum of 3/4" (32/16) T&G CBX glued and nailed with 10d at 6" o.c. edges 12" o.c. field UNID.

CONCRETE

All concrete used in this work shall be regular weight concrete (150 P.C.F.) UNID.

Concrete shall develop a minimum compressive strength at an age of 28 days as follows:
FOOTINGS & WALLS 2500 psi
SLAB ON GRADE 2500 psi
CAISSONS 2500 psi

Concrete shall have special inspection if required by Section 1701 of the International Building Code.

MATERIALS

Portland Cement shall be Type I unless there is a need for precaution for sulfate attack, and shall conform to ASTM C-150.

Concrete aggregate shall be hardrock and conform to ASTM C-33. Maximum size of aggregate shall be 3/4 inch.

Water used in mixing concrete shall be potable and free from deleterious substances.

Dye: 202 Flyash with 6 sack mix may be used as a standard mix. Admixtures shall not be added to the concrete unless approved in writing by the engineer.

WORKMANSHIP

For materials, curing and mix design, see specifications. Mix operations shall conform to ASTM C-94. During mixing, placing and curing concrete shall be kept at a minimum temperature of 40 degrees F, and maximum temperature of 90 degrees F. Concrete shall be kept in a moist condition for minimum of five days after placement.

Placement of concrete shall be in conformance with ACI Specification 303. Concrete shall not be dropped through reinforcing steel so as to cause the segregation of aggregates. Use hoppers, chutes or trays of varying lengths so that the free unconfined fall of concrete shall not exceed five feet, using sufficient number to ensure the concrete being kept level at all times.

Rebar: All rebar shall be removed from forms prior to placing of concrete.

Forming: All walls, columns, etc. shall be doweled into footings, walls, beams or slabs with bars of the same size and spacing as the wall bars with 3d bar diameter lap, except where specifically indicated otherwise.

Shoring: Contractor shall be solely responsible for design and construction, bracing, formwork, etc. Contractor shall design shoring to include any construction loads and loads from shoring where applicable. Shoring shall not be removed until concrete has reached design strength or if shoring is needed to support shoring above.

Construction joints shall have the entire surface removed to expose clean aggregate spalls embedded. The contractor shall obtain the engineer's written approval for all construction joints not detailed on the plans.

Inserts: to be casted in concrete such as reinforcing, dowels, bolts, anchors, pipes, sleeves, etc. shall be securely tied in the forms before placing the concrete to prevent their movement.

Pipes, sleeves or chases other than electrical conduits less than 1" diameter shall not be embedded in the concrete except where specifically approved in writing by the engineer or shown on the plans. No concrete shall have an outside diameter greater than one-third the thickness of the slab or be placed in a slab less than four inches thick. Minimum clear distance between conduits shall be six inches.

Curing shall not be permitted in any concrete unless approved in writing by the engineer.

Architectural Items: Contractor shall refer to the Architectural drawings for notes, grooves, ornaments, clips or grinders required to be cast into the concrete and for the extent of depressions, curbs, ramps, etc.

REINFORCING

All reinforcing steel shall conform to ASTM A-615 Grade 60 except for reinforcing #5 or less in size or as noted on the plans. Informations shall be in accordance with ASTM A-305.

Splices: Reinforcing shall lapped as indicated. Where laps or splices in continuous reinforcement are used in walls, grade beams, etc. are not indicated, bar shall have a lap of 40 diameters but not less than 12 inches and the splices in adjacent bars shall not be less than five feet apart. Splice bars in walls, beams, grade beams, etc. as follows: Top bars at centerline of support, bottom bars at the support. All reinforcing steel shall be securely wired and subsequently supported above ground and away from the forms. Vertical reinforcing shall be secured top and bottom and at intervals not to exceed 100 bar diameters.

Bends: All reinforcing bar bends are to be made cold. Bend bending of bars greater than #5 shall not be allowed. All bars are to be bent in accordance to ACI and CRSI Standards.

Welding: No welding of reinforcing bars is permitted unless authorized in writing by the engineer.

Reinforcing shall be free from any dirt, concrete, grease, rust or other foreign substance that may prevent proper bonding.

All dimensions called out as clear (CLR) shall mean clear and hold.

Rebar Cover: All dimensions showing the location of reinforcing steel not noted as clear, are to center of steel. All dimensions indicated as clear shall be to the dimension. Minimum coverage shall be as follows:

- Where cast against and permanently exposed to earth, except slab on grade 3 in.
- Where cast in forms but exposed to earth and weather No. 6 thru No. 11 Bars 2 in. No. 3 Bar, #12 or 13i Wire, and Smaller 1-1/8 in.
- For slabs, walls and joists not exposed to earth and weather 3/4 in.
- For beams, columns, ties, struts and spirals not exposed to earth and weather 1-1/2 in.
- For slabs on grade 3 in.

Welded wire fabric shall conform to ASTM A-185 and be of the gauge and mesh size as indicated on the plans. WFF shall be lapped and held at all supports, six inches minimum. Fabric shall be raised to the center of the slab with hooks as the progresses and shall be visible at the depth of the free edge of the slab.

Minimum anchor bolt diameter is 1/2" x 12" @ 48" max with a minimum of two bolts per all plate, with 12" of each end. Anchor bolts less than 1/2" from all edge shall be replaced with an expansion bolt. Plate washers to be a minimum of 3/2"x1/4" for each bolt.

Expansion anchor bolts and power driven nuts shall not be installed until concrete has reached design strength.

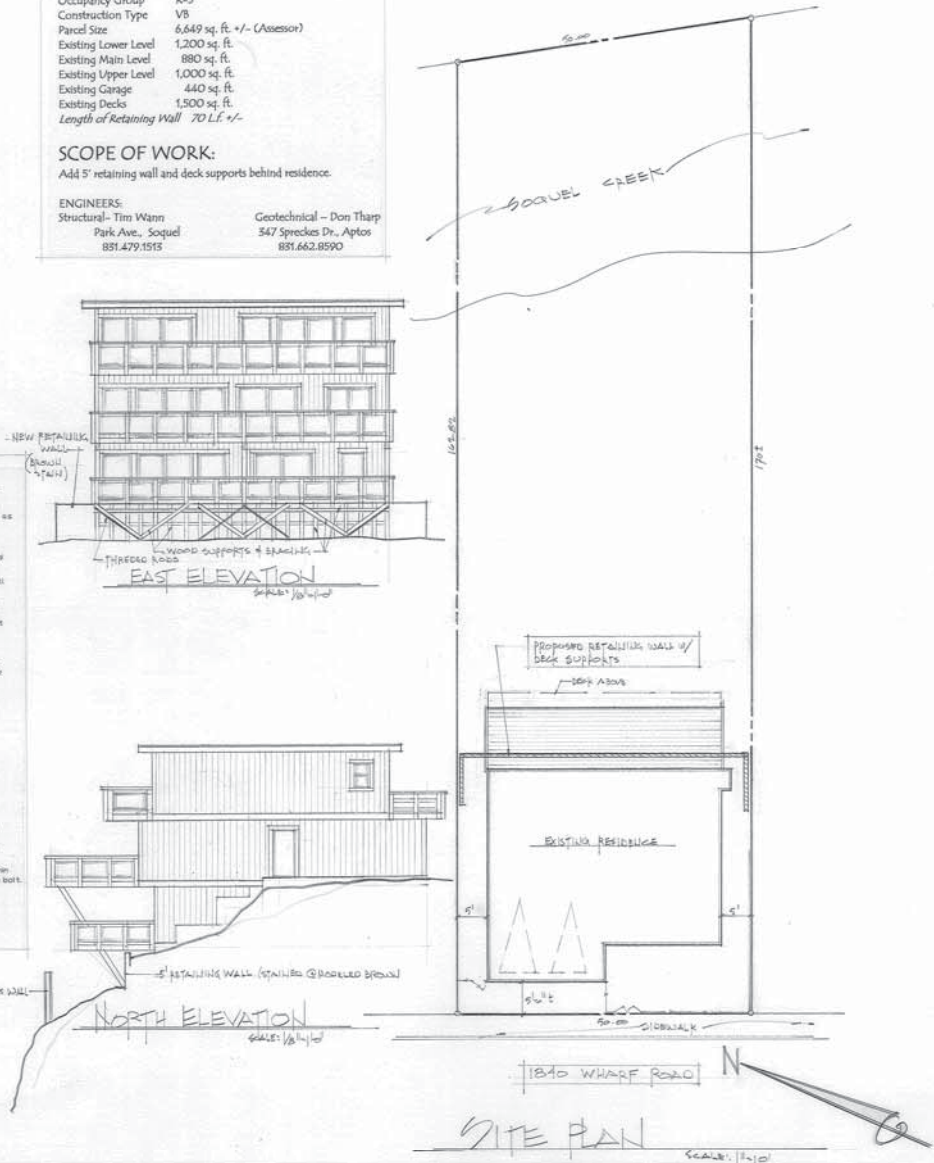
Reinforce all foundation straps and hold down anchor bolts per Simpson Strong-Tie installation instructions.

OWNER: Mike & Linda White
1840 Wharf Road
Capitola, CA 95010

PROJECT DATA:
A.P.N. 035 - 031 - 40
Zoning R-1-6
Occupancy Group R-3
Construction Type V8
Parcel Size 6,649 sq. ft. +/- (Assessor)
Existing Lower Level 1,200 sq. ft.
Existing Main Level 880 sq. ft.
Existing Upper Level 1,000 sq. ft.
Existing Garage 440 sq. ft.
Existing Decks 1,500 sq. ft.
Length of Retaining Wall 70 LF +/-

SCOPE OF WORK:
Add 5' retaining wall and deck supports behind residence.

ENGINEERS: Geotechnical - Don Tharp
Structural - Tim Wann
Park Ave., Soquel 547 Spreckles Dr., Aptos
851.479.1515 851.662.8590



REVISIONS	BY

ROBIN ALAGA
2500 Banning Hill Lane
Capitola, CA 95010
Phone (831) 724-4794 Cell (831) 419-4779
e-mail: robinalaga@earthlink.net

WHITE RETAINING WALL
Mike & Linda White
1840 Wharf Road, Capitola, CA 95010
P.N. 035 - 031 - 40
Item #: 4.A. Attachment B.pdf

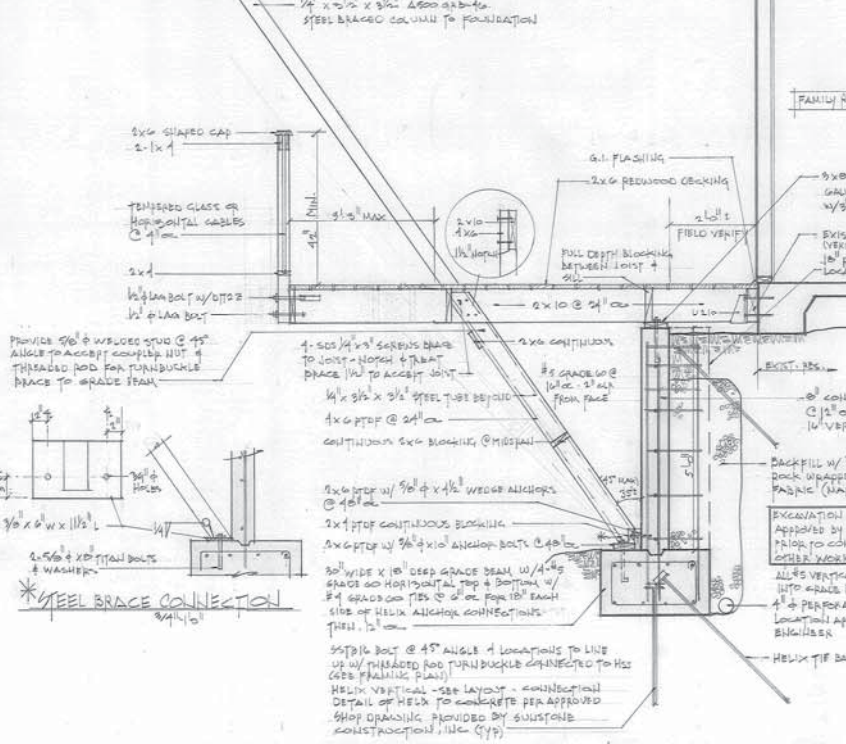
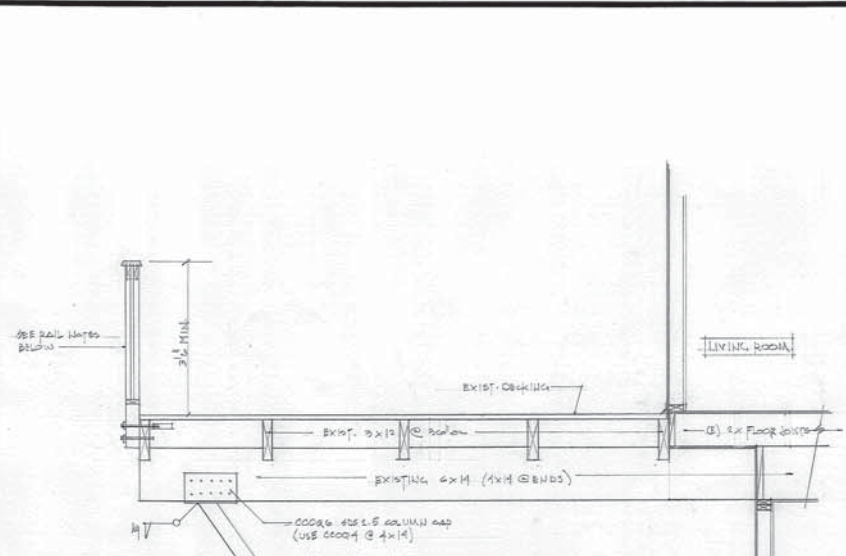
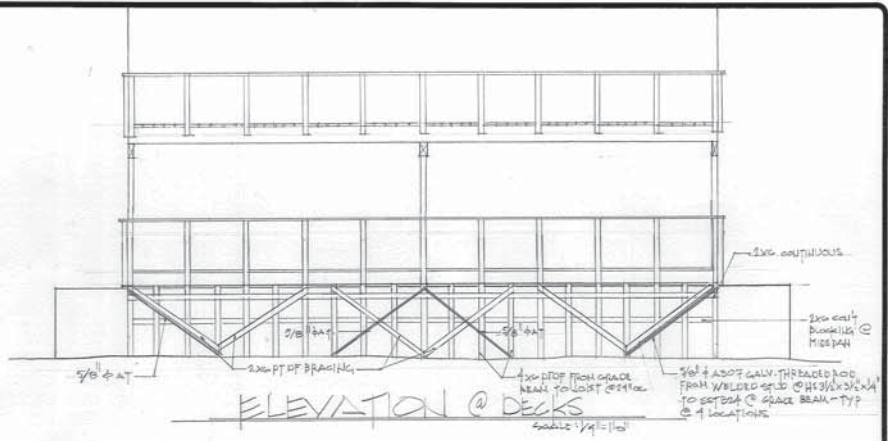
DATE	BY	NO.	JOB NO.	SHEET
22 JUL 2024	ROBIN ALAGA	1		

REVISIONS

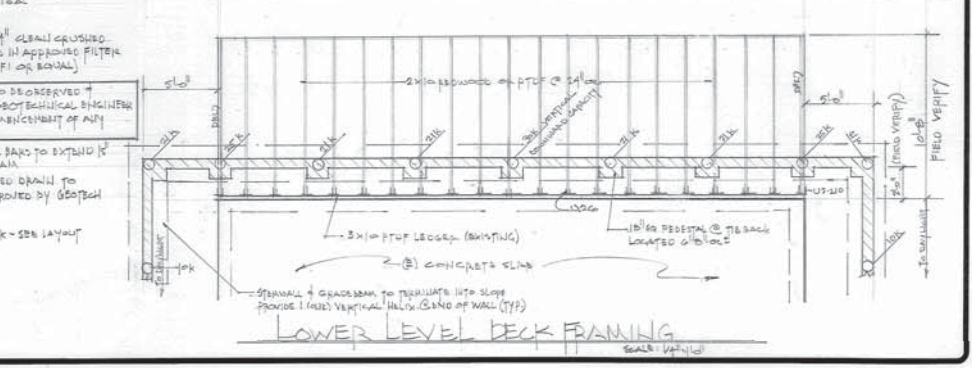
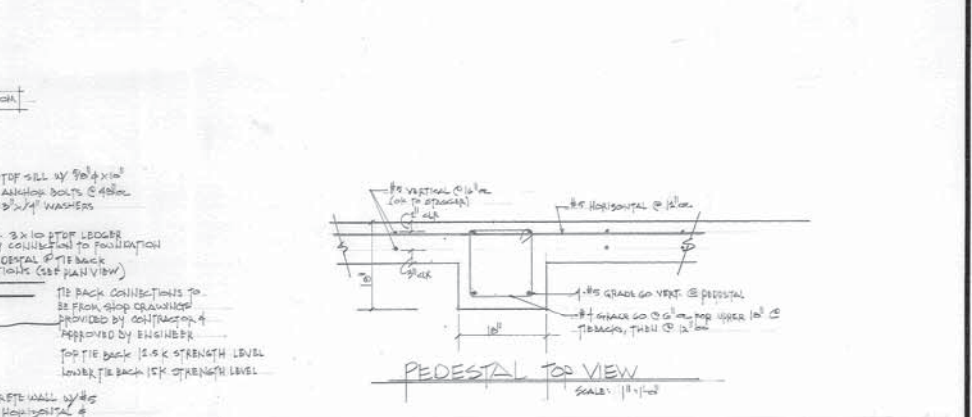
ROBIN ALAGA
 200 Fleming Hill Lane, Capitola, CA 95076
 Phone: (831)724-4994, Cell: (831)919-8979
 e-mail: rinalaga@earthlink.net

WHITE RETAINING WALL
 Mike & Linda White
 1840 Wharf Road, Capitola, CA 95070
 A.P.N. 035 - 031 - 40

DRAWN: Robin
 CHECKED: []
 DATE: 12 JUN 2015
 SCALE: 1/8" = 1'-0"
 JOB NO: 15-035-031-40
 SHEET: 2



TYPICAL SECTION SCALE: 3/4" = 1'-0"



LOWER LEVEL DECK FRAMING SCALE: 1/4" = 1'-0"

T H A R P & A S S O C I A T E S, I N C.
SITE ASSESSMENTS • FOUNDATION ENGINEERING • CONSTRUCTION MONITORING

347 SPRECKELS DRIVE • APTOS • CALIFORNIA • 95003 • PHONE: 831.662.8590 • FAX: 831.662.8592

June 25, 2013
Project No. 10-15

Mr. Jeff Dunton
Dunton Construction
6556 Freedom Blvd.
Aptos, CA 95003

SUBJECT: GEOTECHNICAL REVIEW OF RETAINING WALL PLANS
Proposed Remodel of Single Family Residence
1840 Wharf Road, Capitola, CA
APN 035-031-40

REFERENCE: Tharp & Associates, Inc., 2010, Geotechnical Investigation - Design Phase Proposed Storm Damage Repair, 1840 Wharf Road, Capitola, APN 035-031-40, October 1, 2011, Project No. 10-15.

Dear Mr. Dunton,

1. INTRODUCTION

a. Per your request, we have reviewed the geotechnical aspects of the following project plans for the subject property:

White Retaining Wall, Mike & Linda White, 1840 Wharf Road, Capitola, CA, 95010, APN 035-031-40, Sheets 1 and 2, Scales as Shown, Dated June 22, 2013, Prepared by Robin Alaga.

b. The purpose of our review was to ensure the conformance of the geotechnical aspects of the plans with the geotechnical conditions present on the site and with the recommendations provided in the referenced report.

2. CONCLUSIONS AND RECOMMENDATIONS

a. It is our opinion that the geotechnical aspects of the plans reviewed are in general conformance with the geotechnical conditions present and with the recommendations presented in the referenced report. The proposed project is considered feasible from the geotechnical standpoint provided the site is graded in conformance with City of Capitola grading requirements.

b. The recommendations presented herein and in the referenced report should not be considered to preclude more restrictive criteria by the governing agencies or by structural considerations.

c. In the event that changes are made to the plans, the revised plans should be forwarded to the Geotechnical Consultant to review for conformance with the previous recommendations.

- d. Observation and testing services should be provided by Tharp & Associates, Inc. during construction of the subject project. All earthwork must be observed and approved by the Geotechnical Consultant. Any earthwork performed without the full knowledge and observation of Tharp & Associates, Inc. will render the recommendations of this review invalid. During grading, all excavation, fill placement and compaction operations should be observed and field density testing should be performed to evaluate the suitability of the fill, and to determine that the applicable recommendations are incorporated during construction.

3. LIMITATIONS

- a. Our review was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this review.
- b. Our review of the subject plans was limited to the **geotechnical aspects only**. Review of all other aspects of the plans was beyond our purview on the project and are specifically excluded from the scope of this review. Our firm makes no warranty, expressed or implied, as to the adequacy of other aspects of the plans.
- c. As in most projects, conditions revealed during construction may be at variance with preliminary findings. Should this occur, the changed conditions must be evaluated by the Geotechnical Consultant and revised recommendations provided as required.
- d. This report is issued with the understanding that it is the responsibility of the Owner, or his Representative, to ensure that the information and recommendations presented herein are brought to the attention of the Architect and Engineers for the project and incorporated into the plans, and that the Contractor and Subcontractors implement such recommendations in the field.
- e. This firm does not practice or consult in the field of safety engineering. We do not direct the Contractor's operations, and we are not responsible for other than our own personnel on the site; therefore, the safety of others is the responsibility of the Contractor. The Contractor should notify the Owner if he considers any of the recommended actions presented herein to be unsafe.
- f. The findings of this review are considered valid as of the present date. However, changes in the conditions of a site can occur with the passage of time, whether due to natural events or human activity on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur as a result of legislation or a broadening of knowledge. Accordingly, this review may become invalidated, wholly or partially, by changes outside our control. Therefore, this report is subject to review and revision as changed conditions are identified.

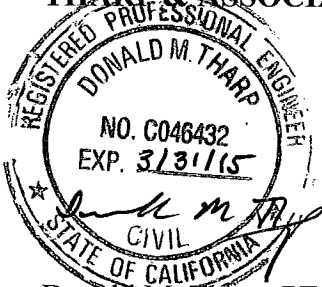
Geotechnical Review of Proposed Retaining Wall Plans
White Residence, APN 035-031-40
1840 Wharf Rd., Capitola, California

Project No. 10-15
June 25, 2013
Page 3

It is a pleasure being associated with you on this project. If you have any questions or if we may be of further assistance please do not hesitate to contact our office.

Sincerely,

THARP & ASSOCIATES, INC.



Donald M. Tharp, PE
R.C.E. 46432
Expires 3/31/15

Distribution: (1) Addressee
(3) Robin Alaga

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**PROJECT APPLICATION #13-090
1840 WHARF ROAD, CAPITOLA
SLOPE STABILIZATION PROJECT**

COASTAL FINDINGS

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

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

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

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

- The proposed project is located on a steep slope on private property adjacent to Soquel Creek. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing slope, with no intensification or build out and no affect on public trail or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season

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

- The proposed project is located adjacent to Soquel Creek, approximately a half mile from the shoreline. No portion of the project is located along the shoreline or beach.

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

- The privately owned site has historically been used as private residences. There is no evidence of use of the site by members of the public for coastal access.

(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 a steep slope on private property adjacent to Soquel Creek. 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 a steep slope on private property adjacent to Soquel Creek. The slope stabilization system does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or

recreational value of public use areas.

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

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

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

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

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

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

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

b. Topographic constraints of the development site;

c. 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.

- No Management Plan is required; therefore these findings do not apply

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

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

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

SEC. 30222

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

- The project involves a slope stabilization system for an existing residential use. No new use or change in use is proposed.

SEC. 30223

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

- The project involves a slope stabilization system for an existing residential use. No new use or change in use is proposed.

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

- The project involves a slope stabilization system for an existing residential use. No new use or change in use is proposed.

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

- The project involves a slope stabilization system for an existing residential use. No new use or change in use is proposed.

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

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

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

- The proposed project is located on a steep slope on private property adjacent to Soquel Creek. The project will not result in removal of trees or other resources that might be considered scenic resources. As site development would not affect or remove scenic views or scenic resources, development would not result in impacts to scenic views or scenic resources.

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

- The project involves a slope stabilization system for an existing residential use. No water or sewer services will be affected.

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

- The project involves a slope stabilization system for an existing residential use with no change in use.

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

- The project involves a slope stabilization system for an existing residential use with no change in use.

(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 through 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. The existing residential units on the property will not be changed as part of the project.

(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;

- The project will comply with all applicable erosion control measures.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. Conditions of approval have been included to ensure the project complies with hazard protection policies.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

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

- The proposed project is not located along a shoreline.

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

- The project involves a slope stabilization system for an existing residential use with no change in use.

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

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 1, 2013

SUBJECT: **2001 41st AVENUE # 13-083 APN: 034-511-16**
 Design permit to remodel an existing commercial building, tree removal permit, and new sign application in the CC (Community Commercial) Zoning District.
 Environmental Determination: Categorical Exemption
 Owner: Joel and Priscilla Brown Family LP
 Representative: Steve Thomas, filed 6/19/13

APPLICANTS' PROPOSAL

The applicant proposes an extensive interior and exterior remodel of an existing restaurant (Burger King) at the corner of 41st Avenue and Clares Street in the CC (Community Commercial) Zoning District. The existing restaurant use was permitted in 1979. No new square footage is proposed, but improvements include removal of an existing sunroom, modification of exterior materials on all elevations, introduction of new wall signs, additional landscaping, and removal of one tree.

SITE AND STRUCTURAL DATA

Existing Coverage		
Lot Size		46,366 sq. ft
Existing	9%	4,010 sq.ft.
Proposed	8%	3,858 sq.ft.
CC District	n/a	No maximum lot coverage. Must comply with parking requirement.

	Existing Square Footage	Proposed Square Footage
First Floor	4,010 sf	3,858 sf
Total Residential	n/a	n/a
Commercial	4,010 sf	3,858 sf
SITE TOTAL	4,010 sf	3,858 sf

Building Height			
	CC District	Existing	Proposed
Structure	40' – 0"	15' - 6"	23' – 0"

<u>Parking</u> Section 17.27.120			
	Required	Existing	Proposed
Commercial	1/60 sf floor area available for dining. 1/300 sf all other floor area 32 stalls total	59 standard stalls 3 accessible stalls 62 stalls total	62 stalls

<u>Setbacks</u> Section 17.27.110			
	Required	Existing	Proposed
Front Yard	15'	26" 5"	26' 5"
Rear Yard	10'	147'	147'
Side Yard	10'	30'	30'

BACKGROUND

On July 10, 2013, the Architectural and Site Review Committee reviewed the application. The following direction was provided:

- Public Works Director, Steve Jesberg, reviewed the site plan and did not request any modifications.
- City Architect, Derek Van Alstine, reviewed the colors and materials board and approved of the overall design.
- City Landscape Architect, Susan Suddjian, reviewed the site plan. The tree to be removed will require a 2 to 1 replacement. Susan Suddjian suggested replanting trees with vertical emphasis, such as eucalyptus, to maintain line of sight within the parking lot while creating additional shade. Susan suggested replanting with 24" box trees and also incorporating new shrubs into the landscape. The applicant has included two – 24" box eucalyptus polyanthemos tree to be planted in the rear parking lot. The applicant will also be introducing new shrubs, perennials, and new ground cover along 41st Avenue and Clare Street where existing gaps exists between established plants.

DISCUSSION

Exterior Remodel

While the restaurant use is consistent with the previous approved use, an extensive interior and exterior remodel of the building is proposed. No additional square footage is being added to the existing building. Extensive exterior changes are proposed, including:

- Remove mansard roof and shingles;
- Remove exterior light fixtures;
- Remove existing brick decorative column;
- Replace drive thru window;
- Replace glass storefront door;
- Remove brick veneer;
- Introduce exterior materials including stucco, ownsboro tumbled brick, scarlet 12 x 6 Daltine, and illuminated parapet band (a color and materials board will be provided at the public hearing for the Planning Commission's review);

PLANNING COMMISSION AGENDA REPORT: AUGUST 1, 2013 2001 41ST AVENUE

- New aluminum windows and doors;
- New aluminum canopies;
- Parking lot improvements, including new asphalt coating, repair damaged concrete curb and sidewalks, restripe ADA parking stalls, crosswalks, regular stalls, and directional arrows;
- New trash enclosure at the rear of the store;
- Drive through modifications include introduction of “pay” window for payment and new ordering kiosk with canopy.

Parking

Parking requirements are based on gross floor area for restaurant use. Per section 17.27.120 of the zoning code, a restaurant use requires 1 parking space per 60 square feet floor area available for dining and 1 parking space per 300 square feet of all other floor area within a restaurant. The dining area is 1,704 square feet. There is 2,153 additional square feet of area in Burger King that is not utilized for dining. The applicant is required to have 32 stalls total. There are 59 standard stalls and 3 ADA accessible stalls existing on site. Two stalls will be removed behind the existing restaurant, resulting in a total of 60 stalls. No additional parking is required per the Zoning Ordinance.

	Required Parking	Area	Required Spaces
Dining Area	1 space per 60 sf	1,704 sf	29
Area not utilized for Dining	1 space per 300 sf	2,153 sf	8
			37 Total

Circulation

The circulation within the parking lot will remain unchanged. Existing parking lot entrances and exits will remain will remain unchanged. The only change proposed is within the queuing line for the drive thru. Currently, the drive-thru line will back up at the ordering station and the pay station. The proposed plan introduces a “pay window” to collect payment prior to the arriving at the kitchen window for food and beverage. In a letter to staff, the applicant explained that the additional window “helps to enhance the guests’ experience by providing them with a faster service time in the drive-thru lane. It helps to reduce the number of cars that stack up in the lane, so that there is not congestion in the parking lot and keeps the vehicles moving smoothly through our site.”

Per the 41st Avenue Design Guidelines, bicycle parking has been incorporated and is located close to the building entrance without interfering with pedestrian traffic. The Architectural & Site Committee did not identify any issues with the site circulation remaining as is.

Landscaping

The current landscaping consists mainly of perennials within the planter beds throughout the site, sycamore trees along Clares Street and the rear property line, and Monterey Pines between the site and the property to the north. Additional shrubs and ivy are proposed along 41st Avenue and Clares street to fill in areas with gaps along the frontage.

A tree removal permit has been requested for one tree located at the drive-thru exit. The existing tree to be removed is *cupaniopsis anacardioides*, carrotwood tree. The carrotwood tree has dying limbs and is causing damage to the curb and pavement near the base of the tree. The existing location is not well suited for healthy tree growth. Two new 24” box trees are

PLANNING COMMISSION AGENDA REPORT: AUGUST 1, 2013 2001 41ST AVENUE

proposed to be planted toward the rear of the parking lot to comply with the required 2:1 replacement ratio. There are 27 trees on site. The two additional trees will create a total of 29 trees on site. This is 1 tree short of the 41ST Avenue Design Guideline (30 trees) which recommends one 24" box tree be planted for every two car spaces (60 spaces total). Staff has added the following condition of approval:

"The project shall meet the 41ST Avenue Design Guideline which recommends one 24" box tree be planted for every two car spaces. The total number of trees on site shall be no less than 30 trees."

Signs

Currently, there are two existing monument signs at the project location. One is located along the 41ST Street frontage and is a legal, conforming sign. The second free-standing sign is located near the rear entrance of the property along Clare's Street. This sign was approved in 1986 through a variance and will be removed. The applicant is proposing three new wall signs on the structure; two on the 41ST Avenue façade and one on the Clare's Street facade. The two wall signs proposed on the 41ST Avenue façade do not comply with the sign ordinance. All other proposed signs comply.

Section 17.57.070(A) of the Sign ordinance specifies the regulations for Monument Signs. The proposed monument signs are in compliance with all of the criteria except for criteria 8. Criteria 8 states "*No other sign(s) advertising the business(es) shall be permitted on the premises, with the exception of a wall sign, located so as not to be visible from the street frontage used for the monument and appropriate directional signs.*" The applicant is proposing two wall signs on the same facade as the existing monument sign, both of which will be visible from the street frontage.

Section 17.57.070(B) of the Sign ordinance specifies the regulations for Wall Signs. The wall sign on the Clares Street façade complies with the sign ordinance. The two proposed wall signs on the 41ST Avenue facade are in compliance with all the criteria for wall signs except for criteria 1a, 3, and 4 as follows:

1. *Each business shall be permitted only one wall sign, except that:
 - a. *Businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign.**

On the front façade facing 41ST street, the applicant is requesting two wall signs. One is the Burger King logo sign and the second sign is the "Home of the Whopper" sign.

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

Criteria 4 provides the Planning Commission with the discretion to approve wall signs that are not mounted parallel to the building. The proposed "Home of the Whopper" Sign is not attached directly to the building. The sign is attached to the top of the 2 foot wide canopy. The sign is 8 ½ inches wide and the face of the sign is located 22 inches from the building façade. If the Planning Commission grants an exception to the location of mounting the wall sign, an exception must also be made to let the sign project 22 inches from the building façade, as proposed.

PLANNING COMMISSION AGENDA REPORT: AUGUST 1, 2013 2001 41ST AVENUE

4. *Wall signs shall be mounted parallel to the building, unless otherwise approved by the Planning Commission.*

The applicant is requesting that the wall sign be mounted on top of the two foot wide canopy rather than the wall. The wall sign will be parallel to the building.

To comply with the sign ordinance, the applicant must either remove the existing monument sign along 41ST Avenue and propose one wall sign on the façade, or keep the monument sign and remove the two new wall signs. The applicant requested that current proposal be reviewed by the Planning Commission.

There are two areas within the sign ordinance that consider greater flexibility due to existing conditions. Sign ordinance section 17.57.090 considers special signage for commercial sites located in geographically constrained areas. Burger King is not located in a geographically constrained area. Within sign ordinance section 17.57.070(b) "additional wall signs may be allowed under a master sign program". Master sign programs are specifically for multiple tenant buildings and developments. The property at 2001 41ST Avenue is a single tenant building.

The 41ST Avenue Design Guidelines specify that "All sign proposals shall conform to the sign ordinance." Staff has included condition of approval #13 to require the applicant to come into compliance with the sign code, as follows:

"The existing monument sign along Clares Street must be removed from the site prior to the installation of the new wall sign on the Clares Street facade. The existing monument sign along 41ST Avenue is authorized. No wall signs along 41ST Avenue are authorized. No additional signs are allowed without approval of the Planning Commission. The sign face of existing directional signs within the parking lot may be replaced with a new sign that is substantially the same size and design as the existing signs. No additional logos or wording may be added."

There are existing directional sign within the Burger King parking lot identifying circulation patterns for entrances, exists, and the drive thru . These legal nonconforming signs may be updated per section 17.57.020 of the sign ordinance with new signs that are substantially the same size and design as the existing or original approved sign. The applicant is proposing to replace the existing sign faces with new signs that are the same size and design as the existing signs. No additional logos or wording will be added.

The applicant is also proposing down lighting the 18" parapet band. The parapet is made of red corrugated metal. The parapet band wraps around the majority of the building. A 4" silver band at the top of the parapet band will contain LED lights that down light the parapet band. The LED lights will not be visible. The parapet band, because it is illuminated, is included within the sign application. Per Section 17.63.090, the Planning Commission considers outdoor advertising including the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance with adjacent development. Kentucky Fried Chicken, located across the street from Burger King, internally illuminates the canopies around the building.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #13-083, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of an extensive interior and exterior remodel of an existing commercial building (Burger King). No new square footage is proposed, but improvements include new exterior materials on all facades, three new wall signs, landscaping, and removal of one tree.
2. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 1, 2013. Any significant modifications to the size or exterior appearance of the approved design must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Delivery hours shall be limited to 8AM – 8PM to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
6. Trash enclosures shall be covered, gated, and maintained to provide a clean and sanitary area.
7. Security lighting in the rear of the store shall be shielded to prevent light from shining on to neighboring properties.
8. Prior to issuance of a building permit, any necessary encroachment permit shall be obtained from the Public Works Director.
9. The applicant shall comply with all requirements of the Santa Cruz Water District with regard to the required landscape irrigation and any other new water fixture requirements.
10. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. A drip irrigation system shall be incorporated as part of the landscape plan.
11. The project shall meet the 41st Avenue Design Guideline which recommends one 24" box tree be planted for every two car spaces. The total number of trees on site shall be no less than 31 trees.

PLANNING COMMISSION AGENDA REPORT: AUGUST 1, 2013 2001 41ST AVENUE

The existing monument sign along Clares Street must be removed from the site prior to the installation of the new wall sign on the Clares Street facade. The existing monument sign along 41ST Avenue is authorized. No wall signs along 41ST Avenue are authorized. No additional signs are allowed without approval of the Planning Commission. The sign face of existing directional signs within the parking lot may be replaced with a new sign that is substantially the same size and design as the existing signs. No additional logos or wording may be added.

12. Window signs may not exceed one-third of the total area of the window.

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 with the development standards of the CC (Community Commercial) Zoning District and the 41ST Avenue Design Guidelines. 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 with the development standards of the CC (Community Commercial) Zoning District and the 41ST Avenue Design Guidelines. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area. The area is defined by a mix of commercial uses, including stand alone businesses, plazas, and a mall.

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

Section 15301(e)(2) of the CEQA Guidelines exempts interior or exterior alterations to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS

- A. Site and Architectural Plans
- B. Sign Plan
- C. Color and Materials Board
- D. Letter from Applicant re: Pay Window
- E. Letter from Applicant re: Signs

**Report Prepared By: Katie Cattan
Senior Planner**

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Third Street, Inc.
349 State Lake Blvd
Sacramento, CA 95825
Tel: 916-486-9191
Fax: 916-486-0123



DR-1
Burger King Remodel
2001 41st Avenue
Capitola, CA
BK# 2738
07/18/13
SITE PLAN

GENERAL SITE NOTES

- SCOPE OF WORK FOR EXISTING PARKING LOT IS LIMITED TO PROVIDE NEW ASPHALT COATING, NEW STALL STRIPING, (IF WHITE STRIPES), REMOVE EXISTING ASPHALT COATING AND STRIPING, AND REPAIR AND REPAVING DAMAGED LOCATIONS AND NEW CROSS WALK.
- ADA ACCESSIBLE PARKING, CROSSWALKS AND WALKWAYS SHALL COMPLY WITH ADA STANDARDS. NOTIFY ARCHITECT OF ANY CONFLICTS.
- SIDEWALK AT SAWDUST AREA ARE TO BE RETURNED TO MATCH (E) CONDITIONS WITH AS-BUILT CONSTRUCTION. SIDEWALKS SHALL BE CONSTRUCTED TO MATCH EXISTING CONDITIONS ON THE CONSTRUCTION PLANS. CONCRETE CURBS SHALL BE CLASS 1 CURBS. SHALL HAVE SAW CUT JOINTS AND JOINTS AND SHALL BE CONSTRUCTED AT 10' O.C.
- CONTRACTOR SHALL SAW CUT PERIMETER LINES OF WALL CONCRETE SLABS TO BE REMOVED. CONTRACTOR SHALL NOT REMOVE WALLS / OVERLAYS. CURBS UNTIL PERIMETER LINES HAVE BEEN CUT. DO NOT CONCRETE / WALL EDGES.
- 1/2" BITUMINOUS EXPANSION JOINTS SHALL BE PLACED BETWEEN WALL CONCRETE / WALL EDGES.
- EDGE OF NEW SLAB TO MATCH ADJACENT EXISTING TO REMAIN.

SITE PLAN KEYNOTES

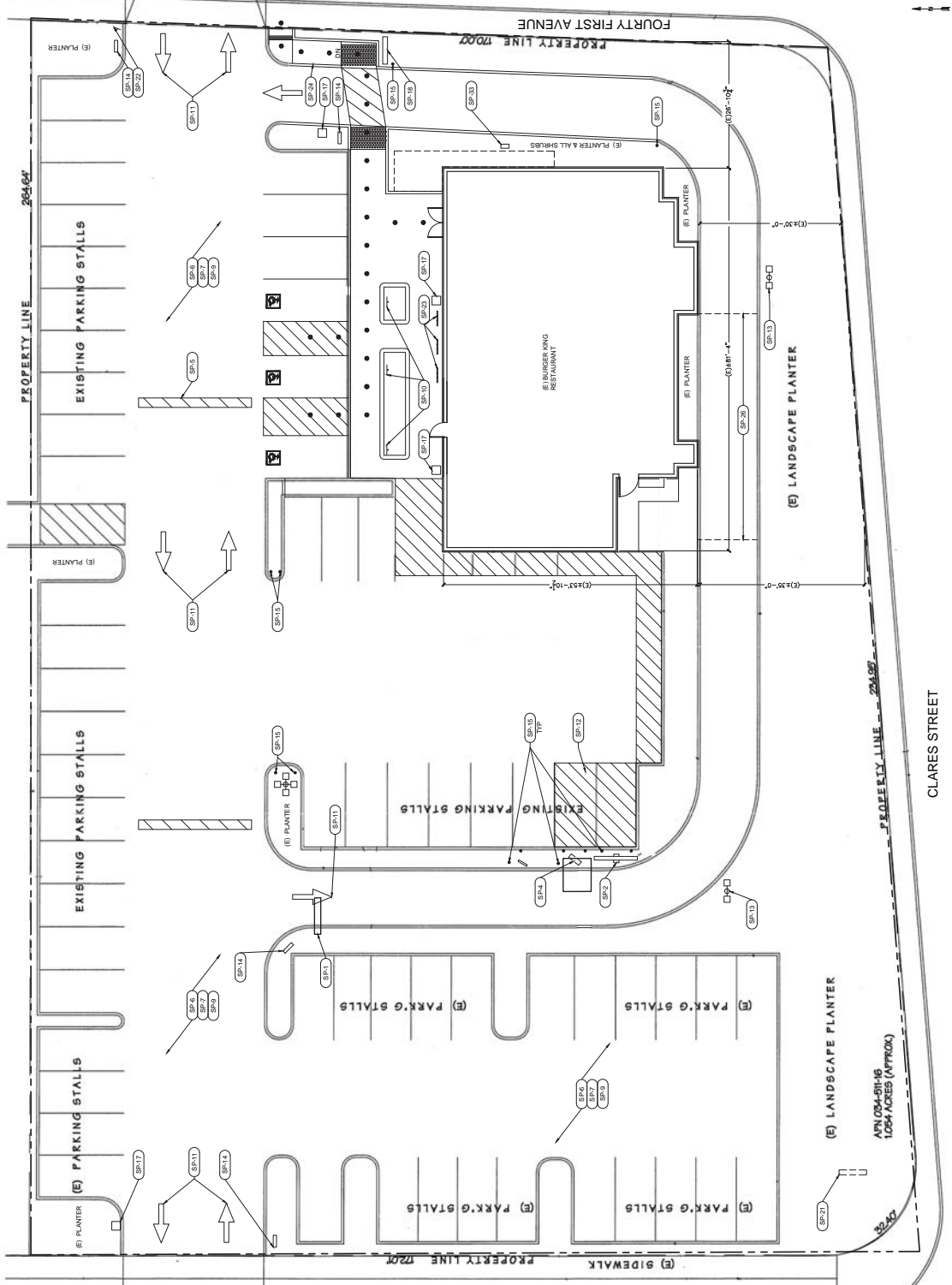
CODE	DESCRIPTION
SP-1	REMOVE (E) CLEARANCE BAR & POLES. INSTALL (N) CLEARANCE BAR & SIGN, SEE DETAIL 1/A02.1 & 2/A02.2 AND A03 FOR LOCATION
SP-2	(E) MENU BOARD TO REMAIN. CABINET & ALLEPOISED PANELS TO BE PAINTED BLACK
SP-3	REMOVE (E) OCCUR CABINET, SEE A03 FOR ENLARGED RESTRIPE (E) SPEED BUMPS
SP-4	(N) ASPHALT COATING ON (E) PARKING LOT. SEE GEN. NOTE 1
SP-5	REMOVE, REPAIR & REPAIR CRACKS & CRATERED. AC PAVING RESTORE TO LIKE NEW CONDITION. SEE GEN. NOTE 1
SP-6	REMOVE & REPLACE DAMAGED CONCRETE CURB & RESTRIPE ADA PARKING STALLS, CROSSWALKS, REGULAR STALLS & DIRECTIONAL ARROWS/SIGNAGE. SEE GEN. NOTE 1
SP-7	(E) ACCESSIBLE PARKING SIGNAGE TO REMAIN
SP-8	REMOVE (N) BK APPROVED TYP. TRAFFIC ARROWS AFTER INSTALLATION OF NEW ASPHALT SEAL COATING. SEE GEN. NOTE 1
SP-9	REMOVE EXISTING PARKING STALLS TO BE STRIPED OFF AND DESIGNATED RESERVED FOR (E) PICKUPS AND DELIVERIES. PAINT NEW STRIPING AND LETTERING
SP-10	PAINT (E) LIGHT POLES & HEADS BLACK
SP-11	INSTALL (N) DIRECTIONAL SIGN FACES BY OTHERS. PAINT (E) SIGN CABINET BLACK
SP-12	(E) BOLLARDS TO BE PAINTED BLACK
SP-13	REMOVE & REPLACE CONCRETE PAD AT EXISTING MENU BOARD
SP-14	REPLACE OUTDOOR TRASH RECEPTACLE LIDS - BLACK BY OWNER
SP-15	REMOVE EXISTING SIGN TO REMAIN, (N) SIGN FACE, PAINT BASE BLACK
SP-16	(N) CONCRETE APRON @ (N) TRASH ENCLOSURE
SP-17	(E) GAS METER
SP-18	(E) MONUMENT SIGN TO BE REMOVED IN ITS ENTIRETY INCLUDING THE REMOVAL OF CONCRETE FOOTING
SP-19	(E) UNAUTHORIZED PARKING "TOW AWAY SIGN
SP-20	(E) BIKE PARKING
SP-21	(E) BIKE PARKING
SP-22	(E) BIKE PARKING
SP-23	(E) BIKE PARKING
SP-24	(E) ACCESSIBLE RAMP
SP-25	(N) CONCRETE WHEELSTOP, SEE 6/A02
SP-26	REMOVE (E) CONCRETE DRIVE. RE-SLOPE TO MEET REQUIREMENTS FOR DRIVE THRU HEIGHT. SEE DETAIL
SP-27	NOT USED
SP-28	NOT USED
SP-29	INSTALL / REPAIR / REPLACE (N) CONCRETE WALK. SEE GEN. NOTE 1. SAW CUT 1/2" O.C. EXP. JOINTS AND CROSS CROSS 2% MAX.

NOTES

- NO LANDSCAPE WORK AS PART OF THIS PROJECT. ALL EXISTING LANDSCAPING SHALL BE MAINTAINED IN A TRIMMED AND WEED FREE CONDITION BY THE OWNER.

LEGEND

- ACCESSIBLE WALK OF TRAVEL



1 SITE PLAN



EXISTING/NEW/ET/OT/BI/NI
BURGER KING REMODEL
 2001 41ST AVENUE
 CAPITOLA, CA
 PROJECT # BK# 2738
 DATE 07/18/13

DR-2



Third Street, Inc.
 349 State Lake Drive
 Chico, CA 95973
 (916) 898-0123
 Steve Thomas
 730 Howe Ave, Suite 600
 Sacramento, CA 95825
 ph. 707-246-6431

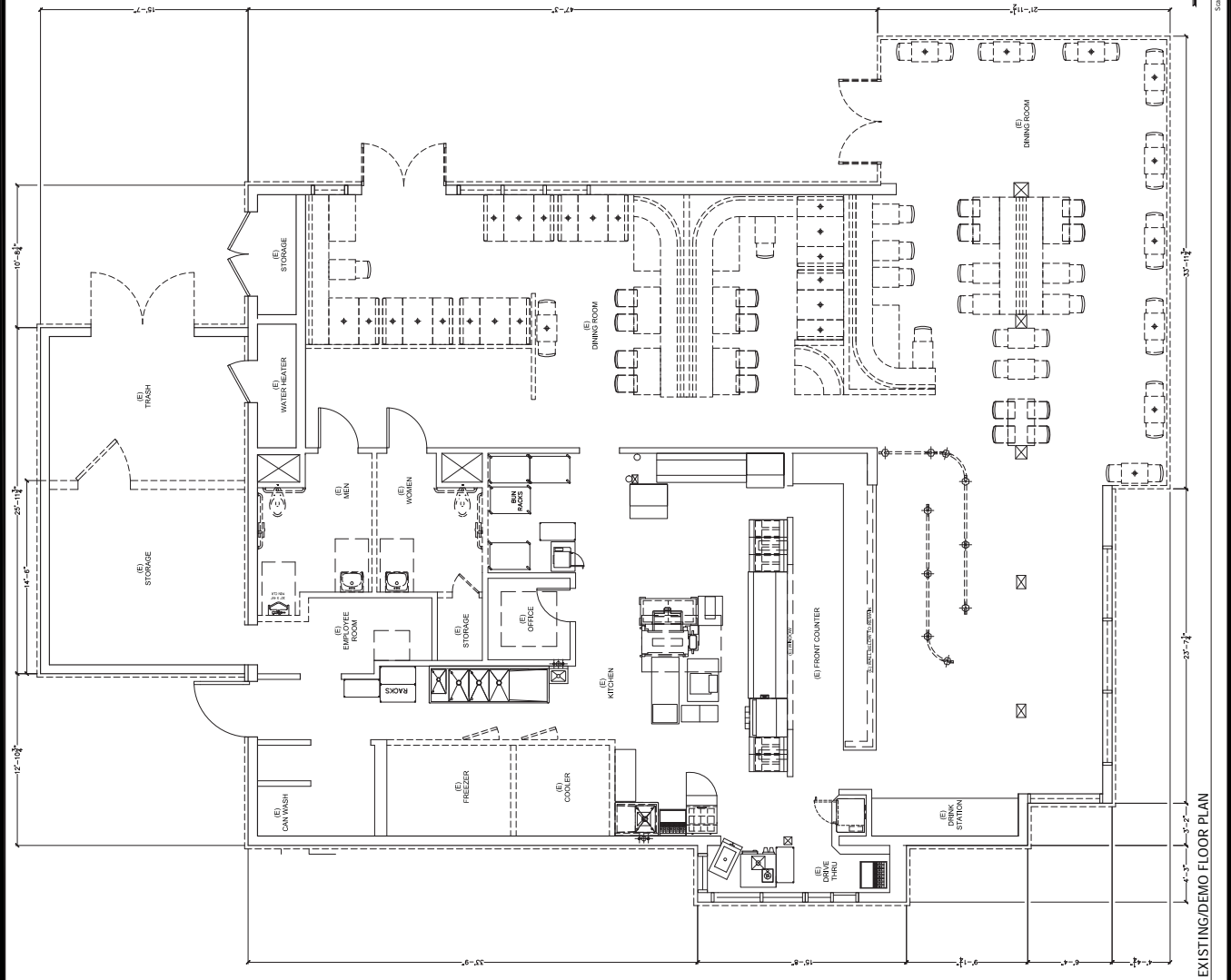
NO.	DATE	REVISION

DEMO GENERAL NOTES

1. EXTENT OF AREA IMPACTED BY RENOVATION WORK SHALL BE CONFIRMED BY G.C. AFTER VERIFICATION OF EXISTING CONDITIONS
2. RENOVATION WORK AS SHOWN ON PLANS IS INTENDED AS GENERAL DESCRIPTIONS. G.C. SHALL CONSIDER REVISIONS TYPICAL FOR THE AREA INCLUDED IN SCOPE OF WORK
3. COORDINATE WITH OWNER FOR WORK TO BE COMPLETED IN KITCHEN, STORAGE & DELIVERY FOR PROTECTION OF EXISTING EQUIPMENT AND SHELVING

LEGEND

- EXISTING WALLS TO REMAIN
- - - EXISTING WALLS OR ELEMENTS TO BE REMOVED
- - - OVERHEAD HOOP OR ELEMENT



1 EXISTING/DEMO FLOOR PLAN

DR-4

PROJECT # BK #2738
 2001 41ST AVENUE
 CAPITOLA, CA

DATE 07/18/13



Third Street, Inc.
 349 Stage Lake Drive
 Chico, CA 95923
 (916) 898-0123

Steve Thomas
 730 Howe Ave., Suite 600
 Sacramento, CA 95825
 ph. 707-246-6431

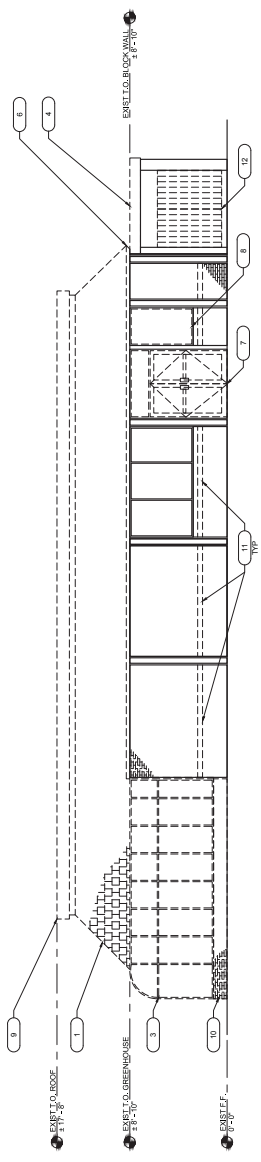
NO. DATE REVISION
 CHECKED BY: DATE: REVISION

EXTERIOR DEMO KEYNOTES

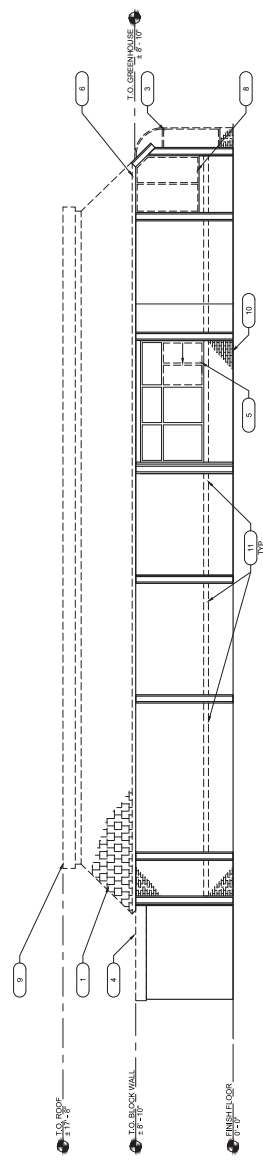
1. REMOVE EXISTING ROOF AND SHINGLES, TIP
2. REMOVE EXISTING BRICK DECORATIVE COLUMN
3. REMOVE (E) GREENHOUSE
4. REMOVE (E) WALL CAP
5. REMOVE (E) DRIVE THRU WINDOW
6. REMOVE (E) METAL GUTTER
7. REMOVE (E) DOOR
8. REMOVE (E) WINDOW
9. REMOVE (E) SHARPEY LIGHT BAND
10. REMOVE (E) BRICK VENER
11. REMOVE (E) WOOD TRIM BOARD
12. REMOVE (E) TRANSLUCENT DOORS

DEMO GENERAL NOTES

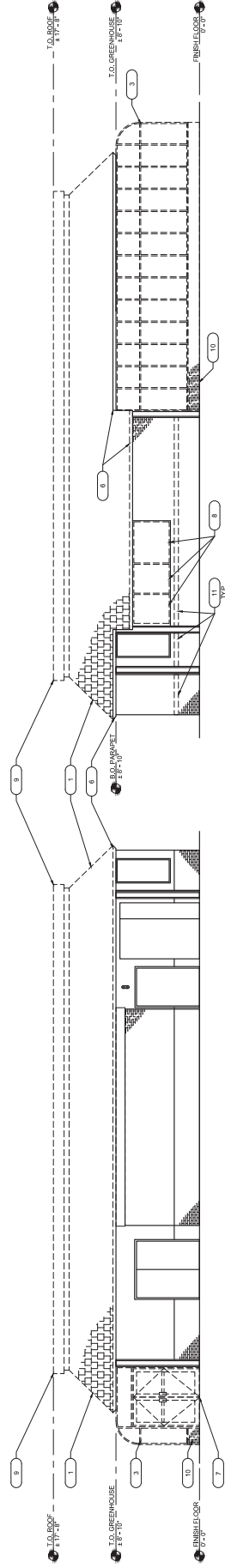
1. REPAIR / REPLACE ALL DAMAGED BRICK, G.C. TO FIELD VERIFY LOCATION



4 PARKING LOT ELEVATION
 SCALE: 3/16" = 1'-0"



3 DRIVE-THRU ELEVATION
 SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
 SCALE: 3/16" = 1'-0"

2 REAR ELEVATION
 SCALE: 3/16" = 1'-0"

NO.	DATE	REVISION	CHECKED BY	DATE



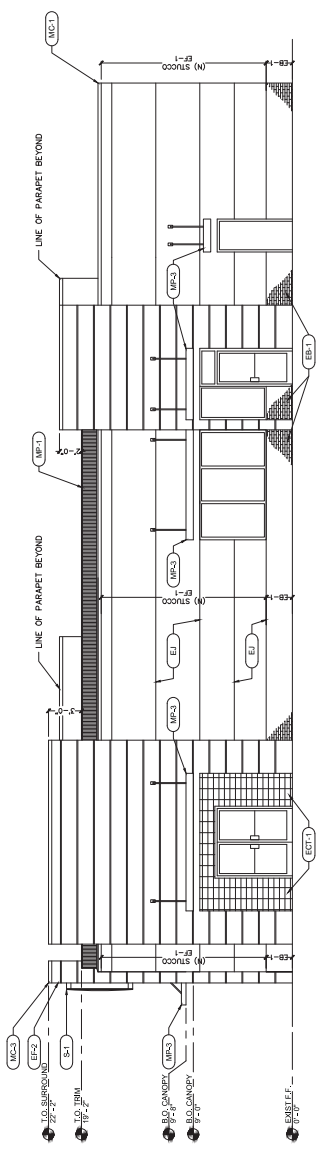
H&M Inc.
730 Howe Ave., Suite 600
Sacramento, CA 95825
PH: 707-246-6431
THIRD SHINE INC.
349 SHINE LAKE DR
CHICO, CA 95973
(916)988-0123



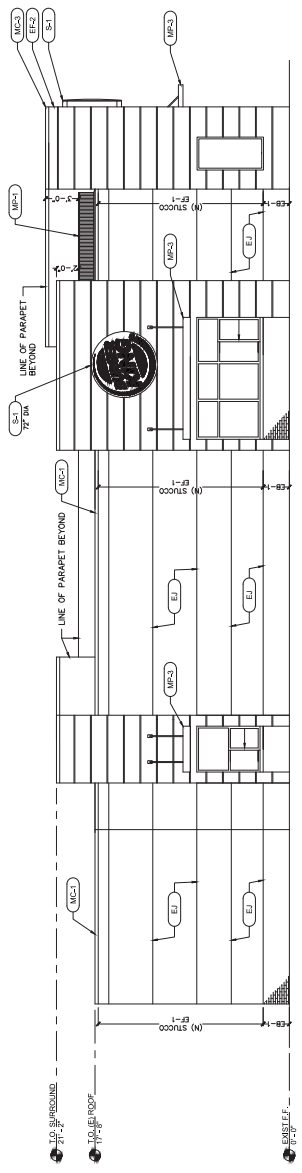
PROJECT # BK# 2738
DATE 07/18/13
BURGER KING REMODEL
2001 41st AVENUE
CAPITOLA, CA
NEW EXTERIOR ELEVATIONS

DR-5

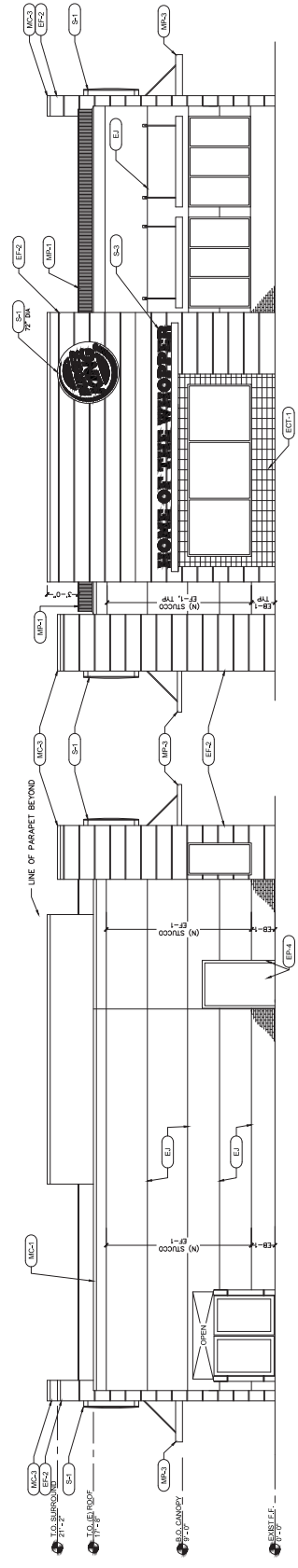
- ELEVATION KEYNOTE LEGEND**
- EB-1 NEW BRICK - OWNSBORO BRICK TUMBLED (OLDE HILLSBORO)
 - ECT-2 12X6 DALTILE - "SCARLET"
 - EF-1 STUCCO SYSTEM - GLIDDEN PAINT - "CAMEL TAN"
 - EF-2 STUCCO SYSTEM - GLIDDEN PAINT - "DEEP ONYX"
 - EP-2 GLIDDEN PAINT - "CAMEL TAN"
 - EP-4 GLIDDEN PAINT - "MONTREY CUFFS"
 - MB-1 NEW BRICK TO MATCH EXISTING - PAINT AS INDICATED
 - MC-1 METAL COPING - GLIDDEN PAINT - "CAMEL TAN"
 - MC-3 METAL COPING - GLIDDEN PAINT - "DEEP ONYX"
 - MP-1 CORRUGATED METAL LIGHT BAND
 - MP-3 METAL CANOPY - "CLEAR ANODIZED"
 - SA-1 NEW BURGER KING LOGO SIGN - 72" DIA
 - SA-2 NEW "HOME OF THE WHOPPER" SIGN



4 NEW PARKING LOT ELEVATION
SCALE: 3/16" = 1'-0"



3 NEW DRIVE-THRU ELEVATION
SCALE: 3/16" = 1'-0"



2 NEW REAR ELEVATION
SCALE: 3/16" = 1'-0"

1 NEW FRONT ELEVATION
SCALE: 3/16" = 1'-0"

NOTE: ALL FINISHES AS PER 2020 FINISH SCHEDULE

DR-7

BURGER KING REMODEL
2001 41ST AVENUE
CAPITOLA, CA

BK# 2738
07/18/13



Third Street, Inc.
349 SHAW LANE DRIVE
SACRAMENTO, CA 95825
(916) 998-0123
Fax: 707-246-9494

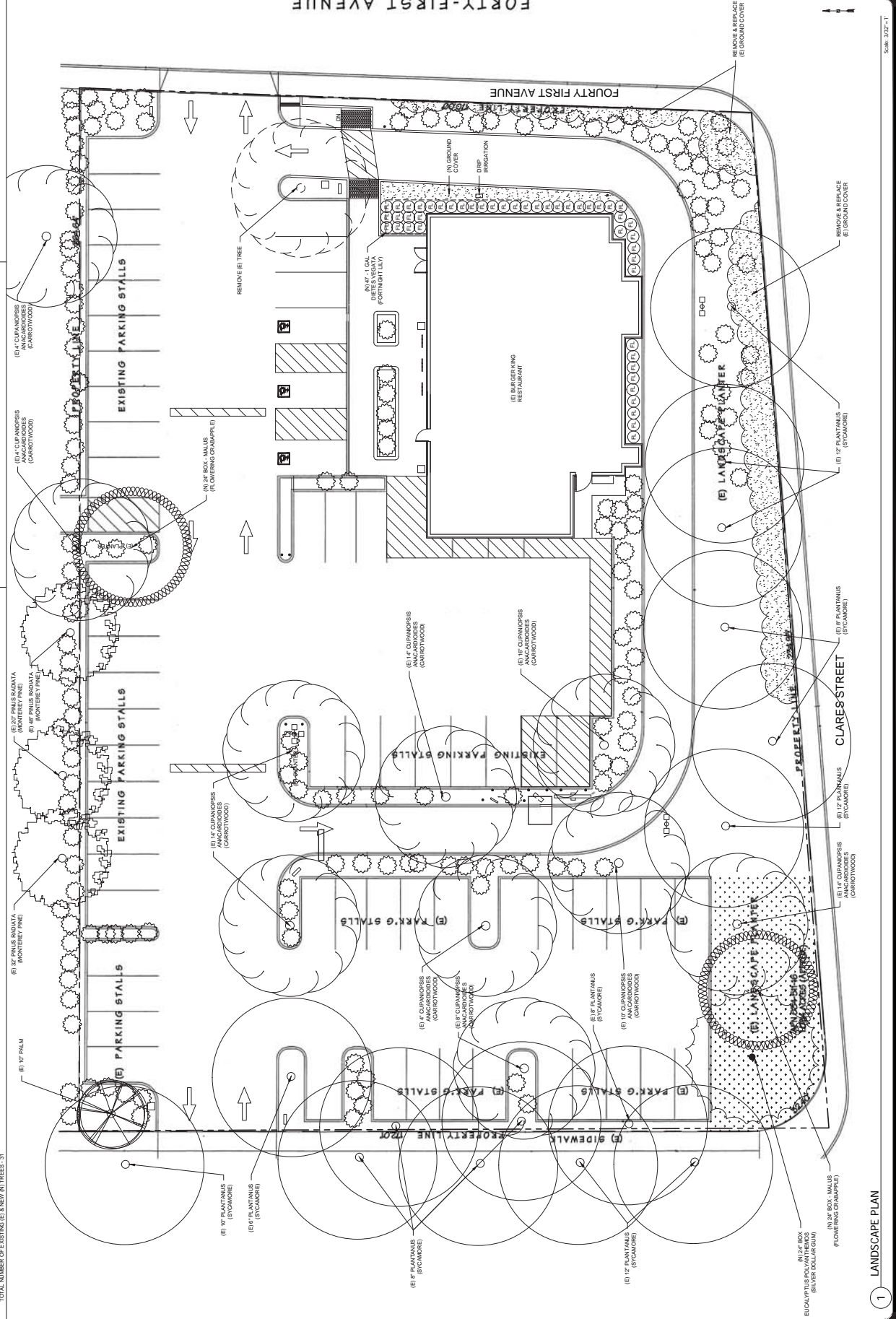


NOTES

1. ALL EXISTING LANDSCAPING SHALL BE MAINTAINED IN A TYPING AND NEED FREE CONDITION FOR THE OWNER.
2. DRAIN REPLICATION TO BE USED FOR NEW PLANTINGS.

LANDSCAPE PLANT LEGEND

	(E) PLANTINGS (SYCAMORE) TO REMAIN - COUNT 14
	(E) PALMS (MONTEREY PALM) TO REMAIN - COUNT 3
	(E) CUPANOPSIS ANACARDIODES TO REMAIN - COUNT 10
	TOTAL NUMBER OF EXISTING (E) & NEW (N) TREES: 31
	(E) PALM (MONTEREY PALM) TO BE REMOVED - COUNT 1
	(E) CUPANOPSIS ANACARDIODES TO BE REMOVED - COUNT 1
	(N) 24" BOX, EUCALYPTUS POLYANTHEMUS (SILVER DOLLAR BUSH) TO BE REPLANTED - COUNT 47
	(N) 1" GAL - BITES VEGETA TO BE REPLANTED - COUNT 2
	(N) 24" BOX - MALUS (FLOWERING CHERRY) TO BE REPLANTED - COUNT 2
	(E) SHRUBS - VARIOUS SPECIES TO BE REPLANTED - COUNT 2
	(E) GRASS AREA TO BE REPLANTED - COUNT 2



LANDSCAPE PLAN

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Burger King #2738

Capitola, CA

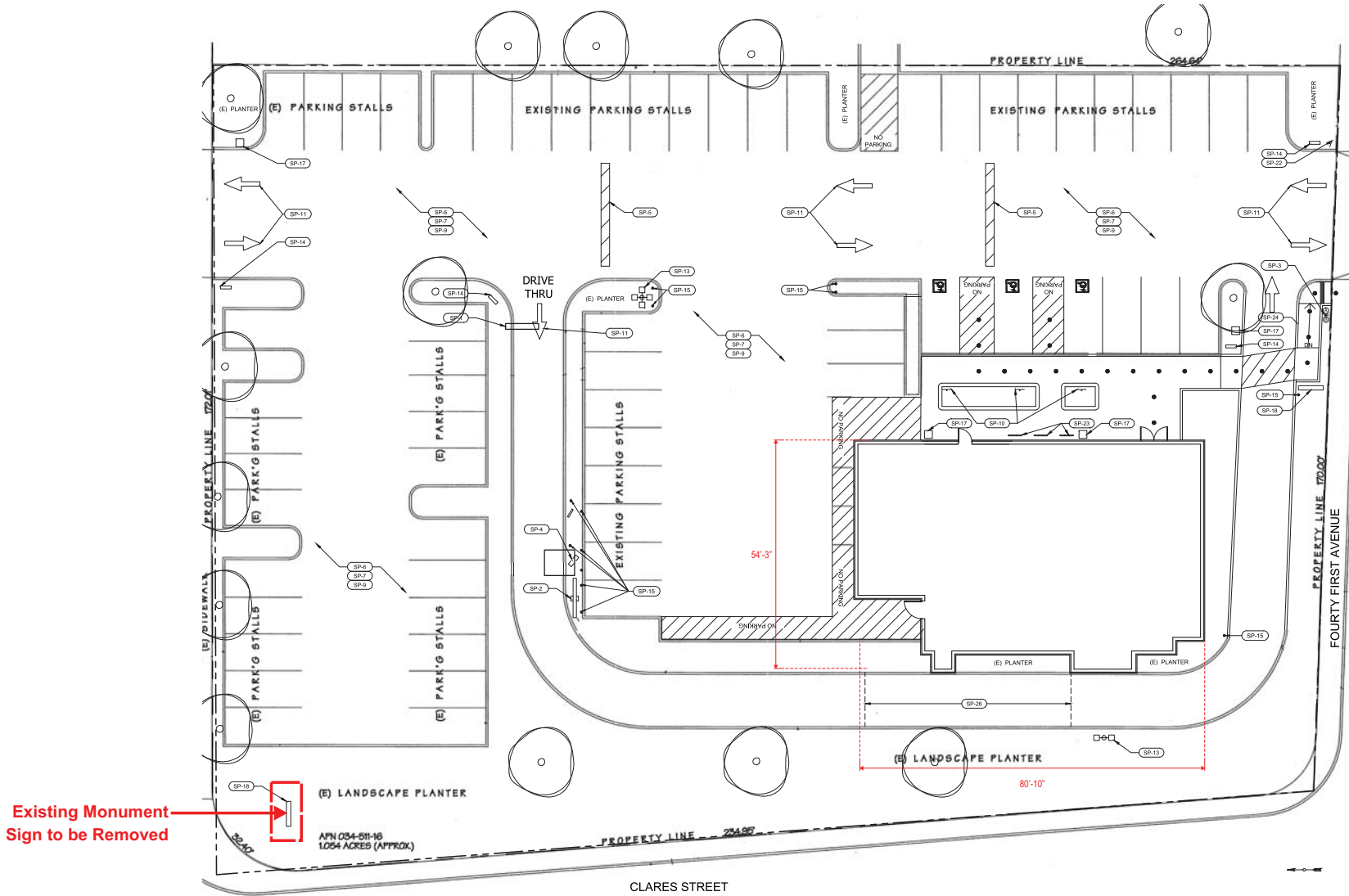
July 24, 2013

Page 1 of 16



Allen Industries
www.allenindustries.com
Signs and Image Solutions

Item #: 5.A. Attachment B.pdf



Existing Monument
Sign to be Removed



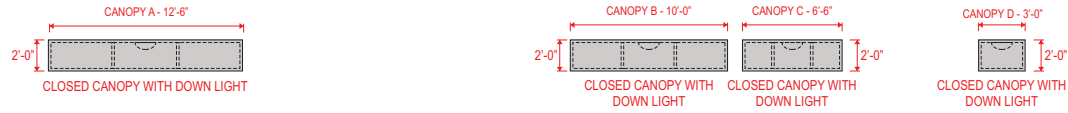
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 Approved Approved as Noted Revise & Resubmit
Name _____ Date _____

Revisions
06/12/13 Issue Date
07/15/13 Additional Repl Faces
07/18/13 Canopy Depths Updated
07/22/13 New Bldg. Elevations
07/24/13 Monument Rev

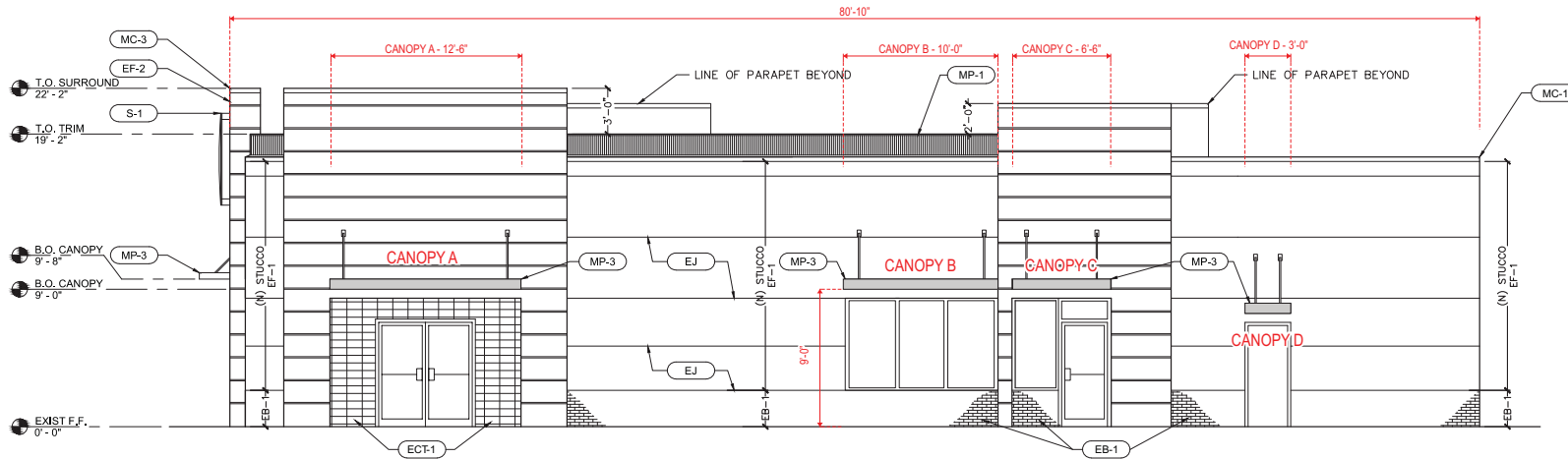
Project Information
Client **Burger King #2738**
2001 41st Avenue, Capitola, CA 95010
File **BK 2738 Capitola CA**
Sales **LO** Design **SPN** PM **Karen Burns**

Allen Industries
www.allenindustries.com
Signs and Image Solutions
Florida Division
11351 49th Street North, Clearwater, FL 33762
Phone 800-677-3076 727-573-3076 Fax 727-572-4615



TOP VIEW - BUILDING CANOPY

SCALE 1/8" = 1'-0"



NEW PARKING LOT ELEVATION

SCALE 1/8" = 1'-0"

NOTE: NEW BUILDING ELEVATION

Note: BURGER KING® or BURGER KING® Buns and Crescent Logo to use "®" for all locations globally. All other marks will use "TM".
BURGER KING® In the U.S. use the ® trademark symbol. The Burger King® trademark may not be registered in all countries. See "Legal Standards" for more information. For registered updates, please contact the legal department in Miami (305) 378-3080.



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Revisions

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 07/22/13 New Bldg. Elevations
 07/24/13 Monument Rev

Project Information

Client **Burger King #2738**
 2001 41st Avenue, Capitola, CA 95010
 File **BK 2738 Capitola CA**
 Sales **LO** Design **SPN** PM **Karen Burns**

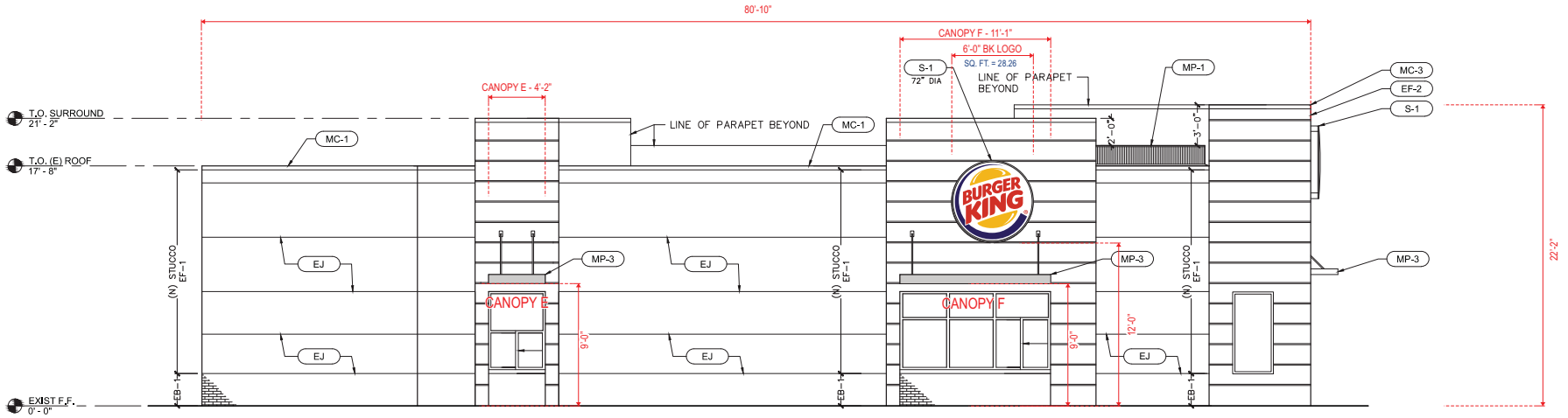


Florida Division
 11351 49th Street North, Clearwater, FL 33762
 Phone 800-677-3076 727-573-3076 Fax 727-572-41



TOP VIEW - BUILDING CANOPY

SCALE 1/8" = 1'-0"



DRIVE THRU ELEVATION

SCALE 1/8" = 1'-0"

TOTAL SQ. FT. = 28.26

NOTE: NEW BUILDING ELEVATION



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 Title _____

Revisions

06/12/13 Issue Date
 07/15/13 Additional Repl Faces
 07/18/13 Canopy Depths Updated
 07/22/13 New Bldg. Elevations
 07/24/13 Monument Rev

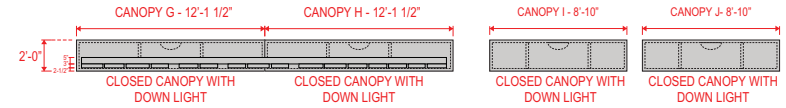
Project Information

Client **Burger King #2738**
2001 41st Avenue, Capitola, CA 95010
 File **BK 2738 Capitola CA**
 Sales **LO** Design **SPN** PM **Karen Burns**



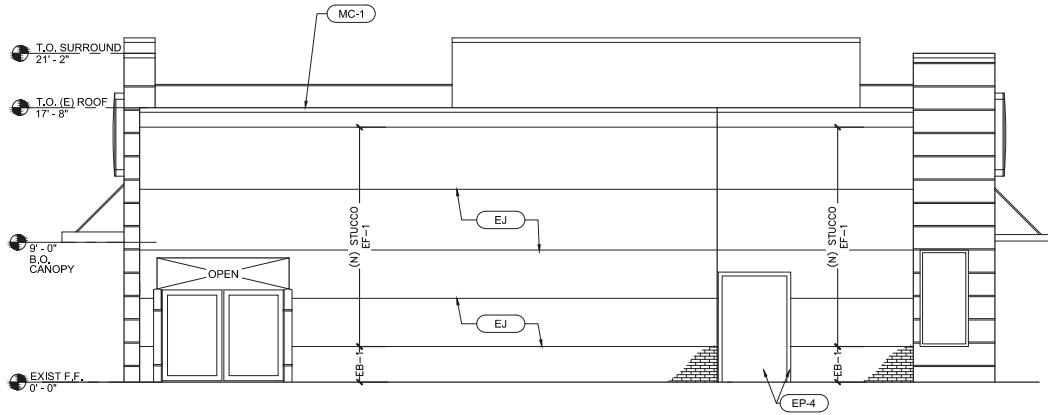
Florida Division
 11351 49th Street North, Clearwater, FL 33762
 Phone 800-677-3076 727-573-3076 Fax 727-572-4615

No Signage or Building Canopies
this side of Building



TOP VIEW - BUILDING CANOPY

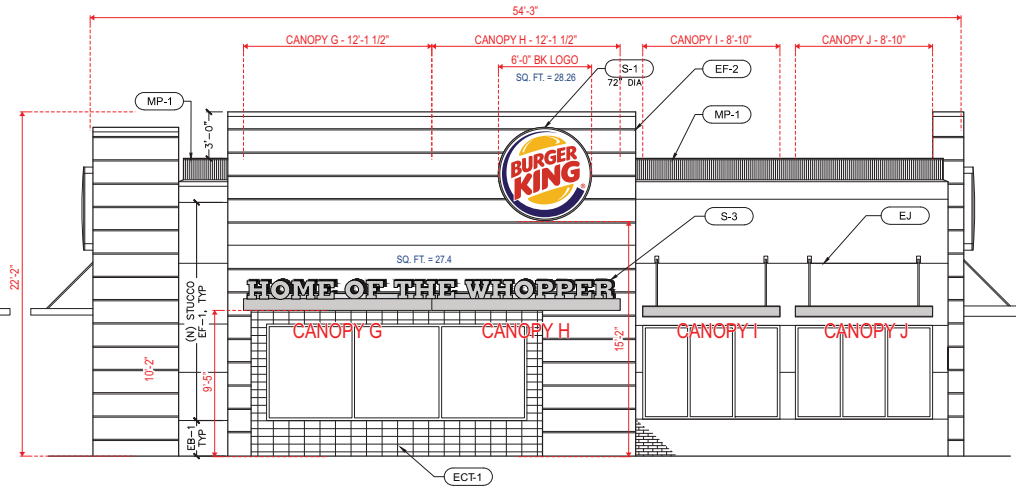
SCALE 1/8" = 1'-0"



REAR ELEVATION

SCALE 1/8" = 1'-0"

NOTE: NEW BUILDING ELEVATIONS



FRONT ELEVATION

SCALE 1/8" = 1'-0"

TOTAL SQ. FT. = 55.66



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Client Review Status

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 Approved Approved as Noted Revise & Resubmit
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Revisions

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 07/15/13 Additional Repl Faces
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 07/22/13 New Bldg. Elevations
 07/24/13 Monument Rev

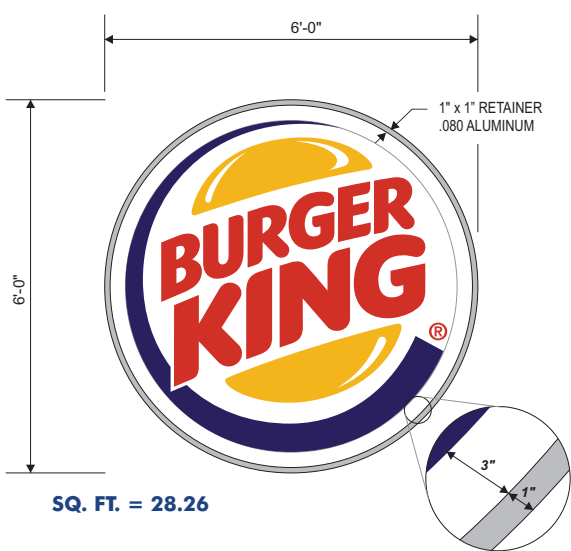
Project Information

Client **Burger King #2738**
2001 41st Avenue, Capitola, CA 95010
 File **BK 2738 Capitola CA**
 Sales **LO** Design **SPN** PM **Karen Burns**



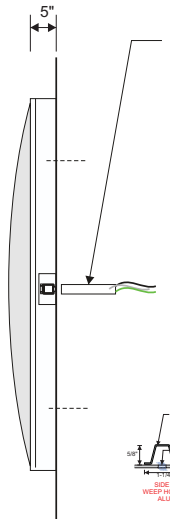
Florida Division
 11351 49th Street North, Clearwater, FL 33762
 Phone 800-677-3076 727-573-3076 Fax 727-572-41

20/20 Sign Design
S -1.1F72 Wall Sign
Single Face, Illuminated L
 Page 6 of 6

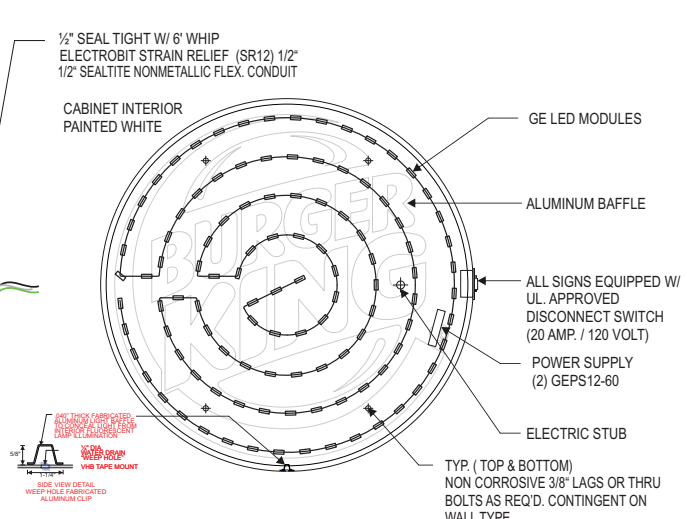


SQ. FT. = 28.26

FRONT ELEVATION
 SCALE: 1/2"=1'-0"



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



OPEN CABINET DETAIL
 SCALE: 1/2"=1'-0"

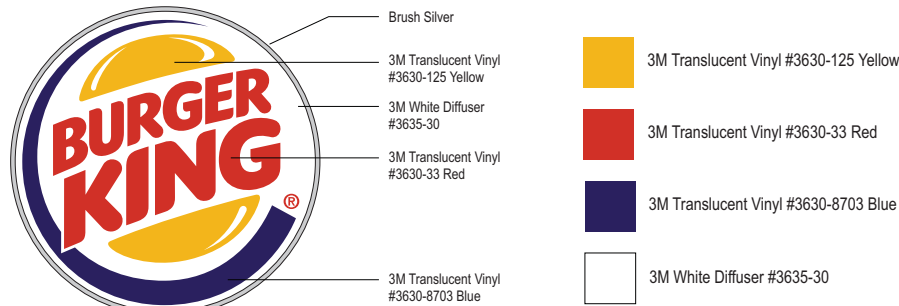
CABINET: TO BE FABRICATED OF ROLLED ALUMINUM FRAME w/ .090 BACKS & .063 RETURNS. WELDED CONSTRUCTION ALUMINUM INTERNAL BRACING. ACCESS INSIDE CABINET BY FACE REMOVAL. RETURNS TO BE .063 ALUMINUM ROLLED. RETAINERS TO BE ALUMINUM PAINTED BRUSHED ALUMINUM TO MATCH RETURNS. CABINET INTERIOR TO BE LINED W/ LIGHT ENHANCING FILM OR PAINT. ALL HARDWARE TO BE CORROSION RESISTANT.

ILLUMINATION (INTERNAL): BY GE LED
 (108) GEWHMXTS6-71K MODULES = 54'
 (2) GEPS12-60 POWER SUPPLY
 (12) 191600041 CONNECTORS
 (7 FT) 9409 SUPPLY WIRE
 (6) GETMEC1
 LED MODULES AND POWER SUPPLY TO BE MOUNTED TO ALUMINUM BAFFLE AND ALL WIRING TO RUN BENEATH BAFFLE.

ELECTRIC: 120 VOLT 20 AMP PRIMARY ELECTRIC CIRCUITS BROUGHT TO BASE OF SIGN AND FINAL CONNECTION BY BUYER. (1) 20 AMP CIRCUIT REQUIRED

FACE: TO BE .177" CLEAR SOLAR GRADE POLYCARBONATE W/ UV INHIBITOR VACUUM FORMED TO CREATE CONVEX DOME SHAPE. DECORATION GRAPHICS TO BE 3M OR ORACAL TRANSLUCENT VINYL ON 2ND SURFACE W/ 3M WHITE DIFFUSER.

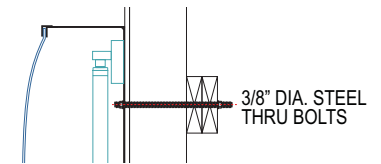
BURGER KING COLOR SPEC



NOTE: ALL UL LABELS TO BE PLACED OUT OF EYE SIGHT



CONNECTION NOTES:
 USE A MIN. OF (4) 3/8" DIA. STEEL CORROSION RESISTANT THRU BOLTS INTO A STRUCTURAL 2X STRUCTURAL BLOCKING.



SIDE VIEW DETAIL

model	dia.	cabinet depth	face depth
S-1.1L72	72"	5"	4-3/16"

20/20 & Standard 1999 Size Specifications

dia. of sign	retainer	white space
6'	1"	3"

TOLERANCE FOR RETAINER: 1/8"

Note: BURGER KING® or BURGER KING® Buns and Crescent Logo to use ® for all locations globally. All other marks will use "TM". BURGER KING ® In the U.S. use the ® trademark symbol. The Burger King ® trademark may not be registered in all countries. See "Legal Standards" for more information. For registered updates, please contact the legal department in Miami (305) 378-3080.



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 Approved Approved as Noted Revise & Resubmit
 Name _____ Date _____
 Title _____

Revisions

06/12/13 Issue Date
 07/15/13 Additional Repl Faces
 07/18/13 Canopy Depths Updated
 07/22/13 New Bldg. Elevations
 07/24/13 Monument Rev

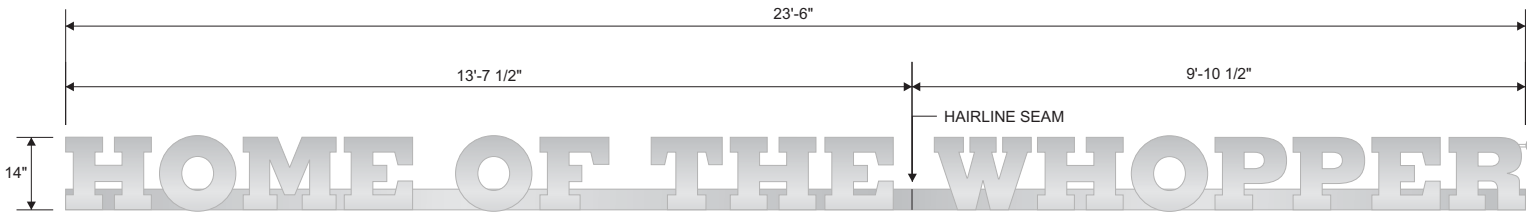
Project Information

Client **Burger King #2738**
2001 41st Avenue, Capitola, CA 95010
 File **BK 2738 Capitola CA**
 Sales **LO** Design **SPN** PM **Karen Burns**



Florida Division
 11351 49th Street North, Clearwater, FL 33762
 Phone 800-677-3076 727-573-3076 Fax 727-572-4615

S-3A "Home Of The Whopper"[®]
Silver Day/Night Channel Letters
White LED Illuminated
 Page 7 of 16

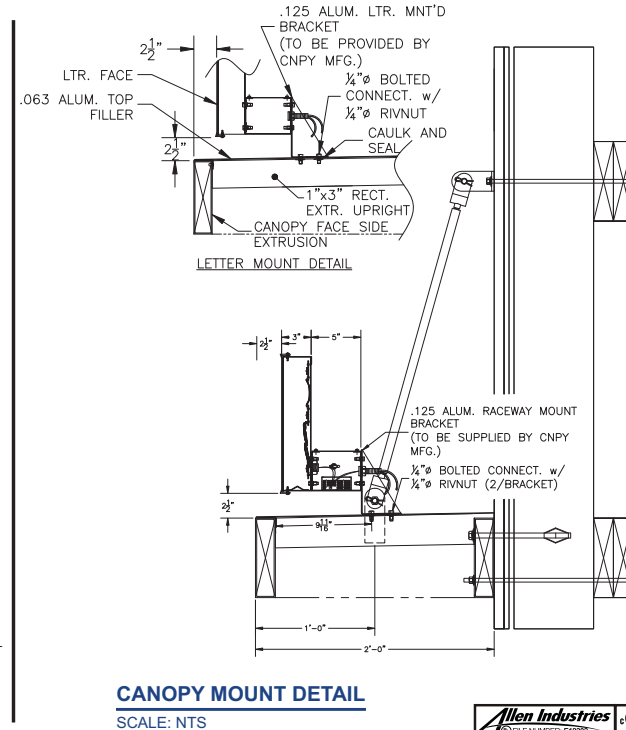
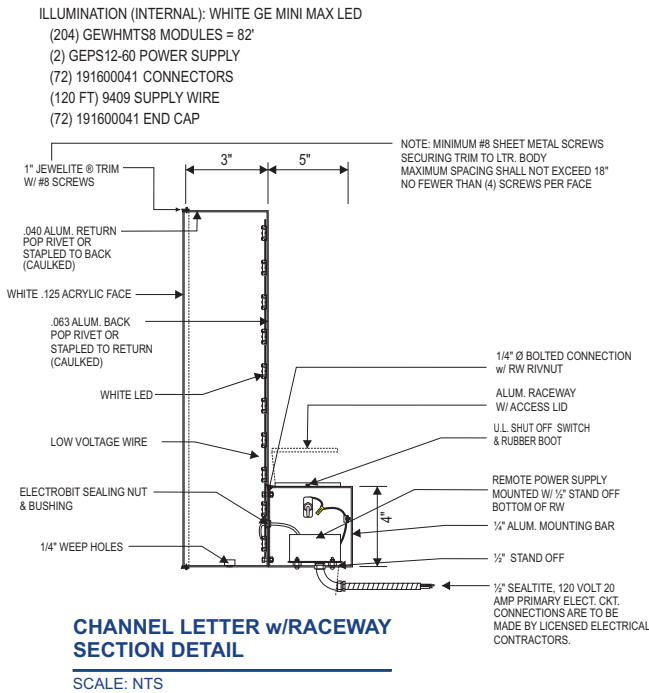


SQ. FT. = 27.4
"HOTW" Channel Letters on Raceway
 Scale 1/2"=1'-0"

FACES: .125 ACRYLIC WITH SILVER DAY NIGHT VINYL 3M 3635-0453.
 RETURNS: PAINTED BRUSHED ALUMINUM. LED: WHITE GE MINI MAX 71K.
 JEWELITE: SILVER TO MATCH RETURNS. RACEWAY: PAINTED BRUSHED ALUMINUM.

Construction Detail:

- ① 1/4" THICK ALUMINUM PLATE WITH .063" PRECISION CUT ALUMINUM LAMINATED DETAILS 1ST SURFACE, PAINTED TO MATCH BRUSHED ALUM.
- BACKGROUND PAINTED TO MATCH BRUSHED ALUM.
- BORDER & "R" TO MATCH BRUSHED ALUM.
- ATTACH TO LETTER "R" WITH ALUMINUM BAR PAINTED WHITE.



NOTE: ALL UL LABELS TO BE PLACED OUT OF EYE SI



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ALL FACES ARE PROVIDED AT 1'-8" X 3'-3" TO BE TRIMMED IN THE FIELD TO FIT.



Sign 1 - Side 1. Directional at End of Drive Thru Lane. Replace with "thank you"/BK Logo



Sign 1 - Side 2. Directional End of Drive Thru Lane. Replace with "do not enter"/BK Logo

BURGER KING COLOR SPEC



One (1) Qty. D/F Replacement Sign Panels Required

FRONT VIEW

5.0 AREA SQ. FT

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

REPLACEMENT SIGN PANELS
118" THICK CLEAR SOLAR GRADE POLYCARBONATE WITH 2ND SURFACE APPLIED GRAPHICS
LETTER FONT, FRANKLIN GOTHIC HEAVY



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**ALL FACES ARE PROVIDED AT 1'-8" X 3'-3" TO BE TRIMMED
IN THE FIELD TO FIT.**



Sign 2 - Side 1 - Beginning of the drive thru lane. Replace with Arrow left/Drive Thru on right side



Sign 2 - Side 2 - Beginning of the drive thru lane. Replace with Arrow right/Drive Thru on left side

BURGER KING COLOR SPEC

ARROWS YELLOW
 3M Translucent Vinyl #3630-125 Yellow

3M White Diffuser #3635-30

BLACK



One (1) Qty. D/F Replacement Sign Panels Required

FRONT VIEW

5.0 AREA SQ. FT

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

REPLACEMENT SIGN PANELS
118" THICK CLEAR SOLAR GRADE POLYCARBONATE WITH 2ND SURFACE APPLIED GRAPHICS
LETTER FONT, FRANKLIN GOTHIC HEAVY



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Approved
 Approved as Noted
 Revise & Resubmit

Name _____ Title _____ Date _____

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07/22/13 New Bldg. Elevations
07/24/13 Monument Rev

Project Information

Client	Burger King #2738		
	2001 41st Avenue, Capitola, CA 95010		
File	BK 2738 Capitola CA		
Sales	LO	Design	SPN
		PM	Karen Burns



Florida Division
11351 49th Street North, Clearwater, FL 33762
Phone 800-677-3076 727-573-3076 Fax 727-572-41

ALL FACES ARE PROVIDED AT 1'-8" X 3'-3" TO BE TRIMMED IN THE FIELD TO FIT.



Sign 3 - Side 1 - Drive thru at beginning of the drive thru lane. Replace with same copy.



Sign 3 - Side 2 - Directional on backside of building on drive entrance. Replace with same message.

BURGER KING COLOR SPEC

ARROWS YELLOW
 3M Translucent Vinyl #3630-125 Yellow

3M White Diffuser #3635-30

BLACK



One (1) Qty. D/F Replacement Sign Panels Required

FRONT VIEW

5.0 AREA SQ. FT

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

REPLACEMENT SIGN PANELS
 1/8" THICK CLEAR SOLAR GRADE POLYCARBONATE WITH 2ND SURFACE APPLIED GRAPHICS
 LETTER FONT, FRANKLIN GOTHIC HEAVY



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**ALL FACES ARE PROVIDED AT 1'-8" X 3'-3" TO BE TRIMMED
IN THE FIELD TO FIT.**



Sign 4 - Side 1 - Same Message as shown



Sign 4 - Side 2 - Same Message as shown

BURGER KING COLOR SPEC

ARROWS YELLOW
 3M Translucent Vinyl #3630-125 Yellow

3M White Diffuser #3635-30

BLACK



One (1) Qty. D/F Replacement Sign Panels Required

FRONT VIEW 5.0 AREA SQ. FT

SCALE: 3/4"=1'-0"
 REPLACEMENT SIGN PANELS
 1/8" THICK CLEAR SOLAR GRADE POLYCARBONATE WITH 2ND SURFACE APPLIED GRAPHICS
 LETTER FONT, FRANKLIN GOTHIC HEAVY



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07/22/13 New Bldg. Elevations
07/24/13 Monument Rev

Project Information

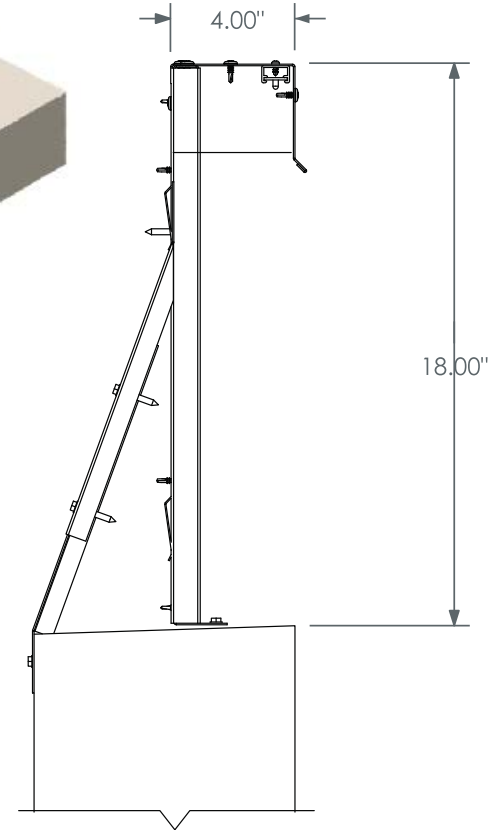
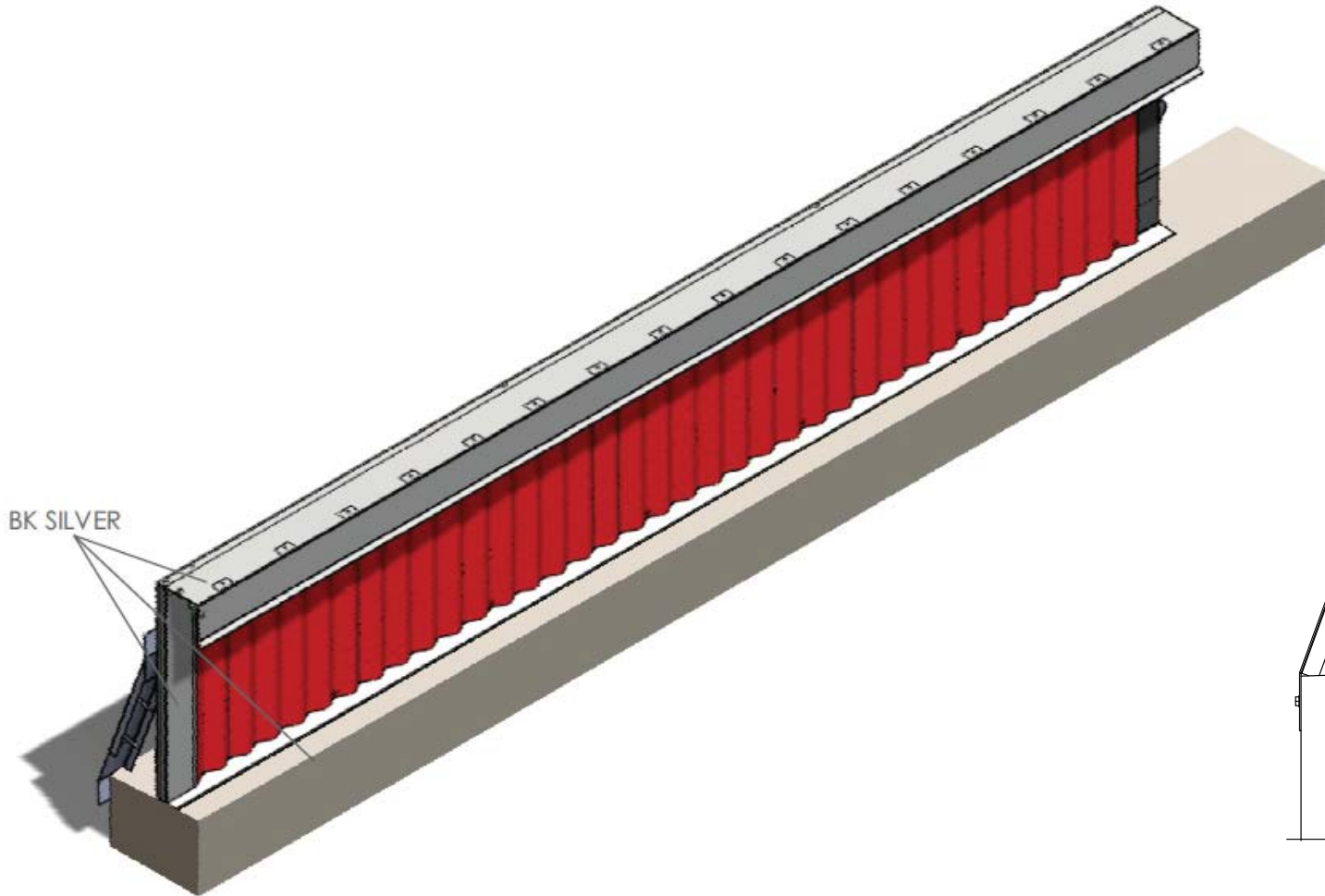
Client	Burger King #2738		
	2001 41st Avenue, Capitola, CA 95010		
File	BK 2738 Capitola CA		
Sales	LO	Design	SPN
		PM	Karen Burns

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Item #: 5.A. Attachment B.pdf

LEKTRON 190-2800

BK20/20 PARAPET BAND



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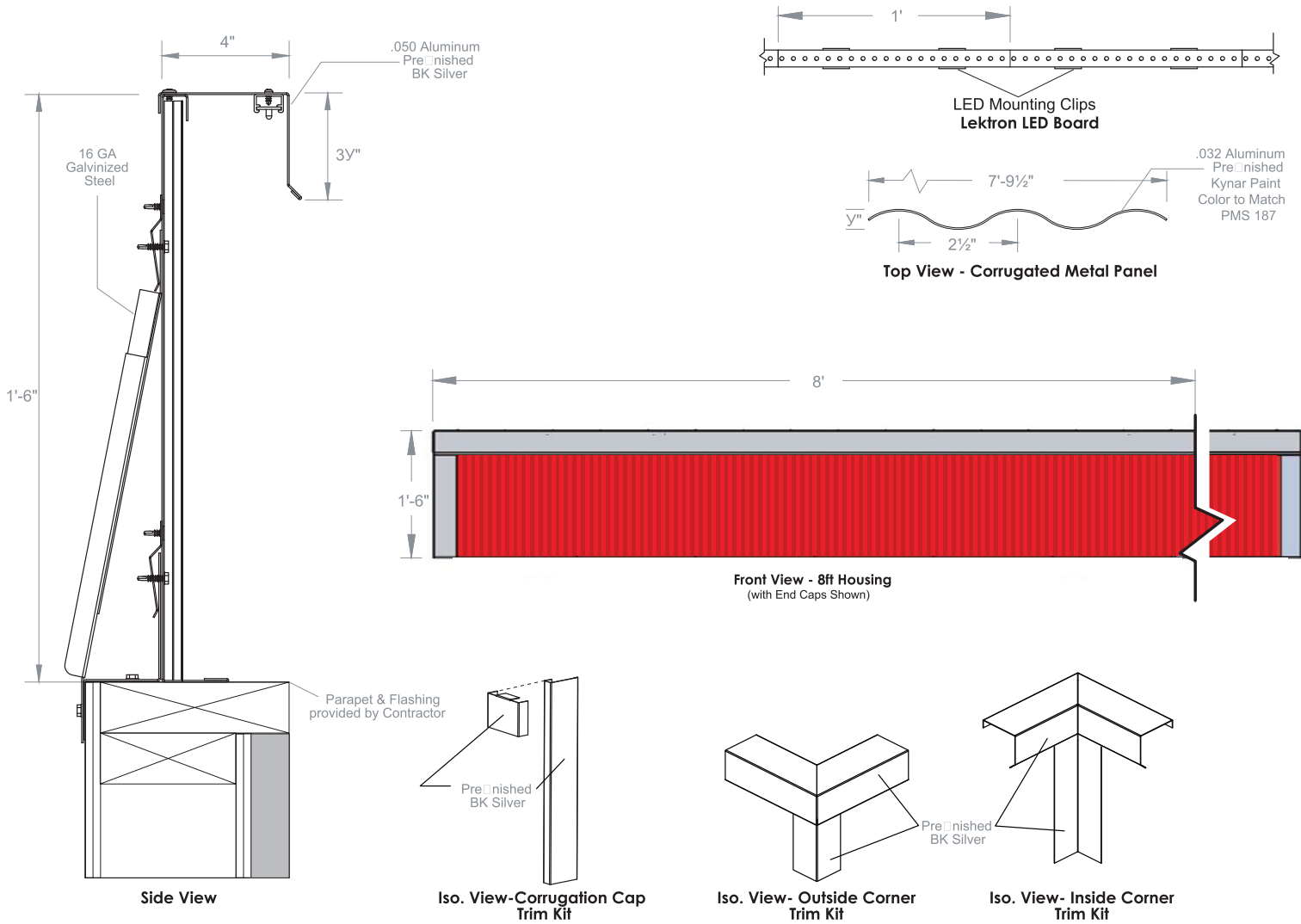
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 07/24/13 Monument Rev

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 11351 49th Street North, Clearwater, FL 33762
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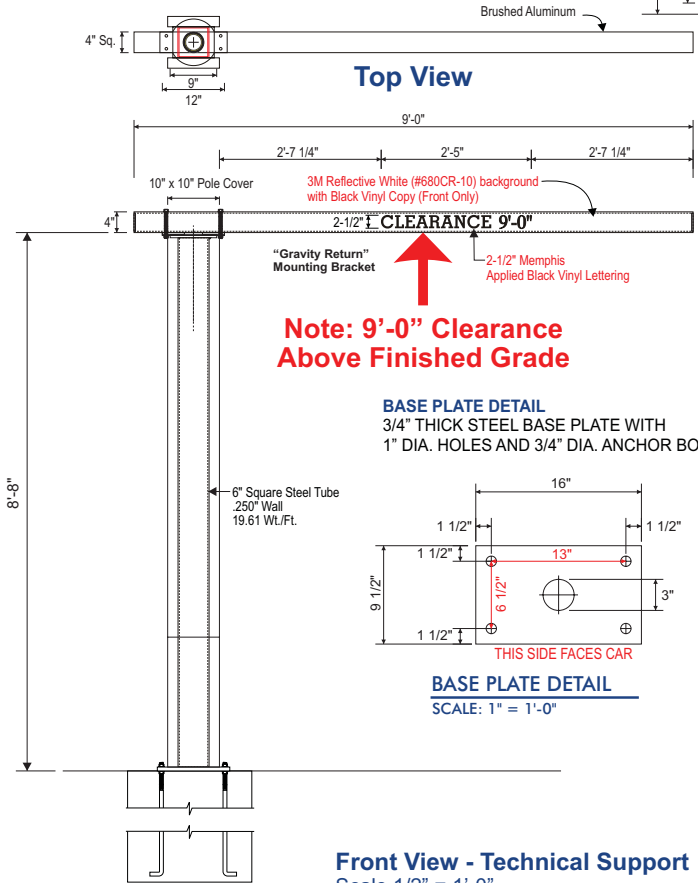
20/20 Sign Design
BK S-10.1 A Drive Thru
Clearance Bar with
Swing Away Bar Design
 Page 14 of 15

NOTE: ALL UL LABELS TO BE PLACED OUT OF EYE SIGHT

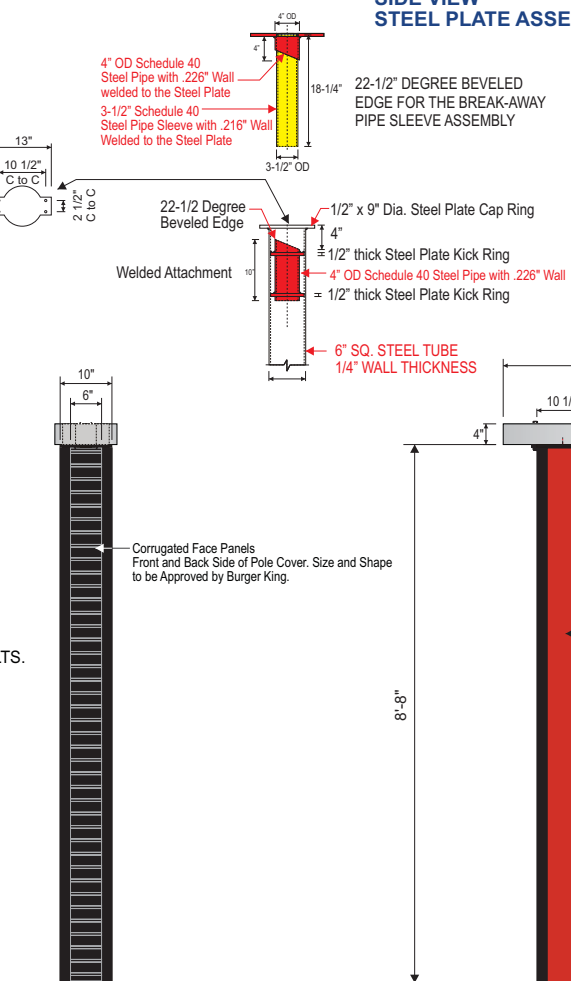


REVISION NOTE: CLEARANCE ARM INCREASED TO 9'-0" LENGTH - 06/03/13

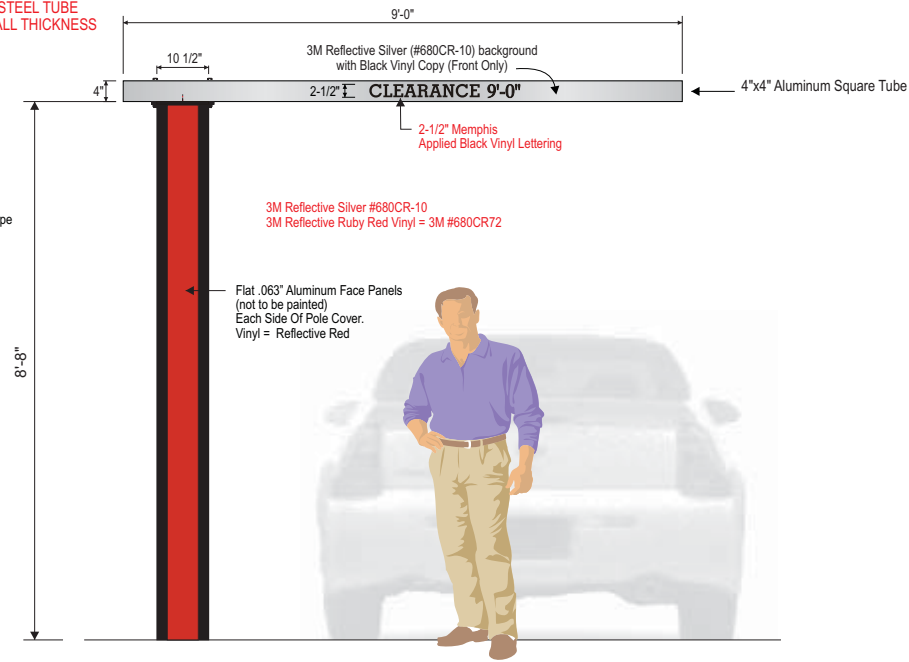
****MUST ROTATE****



SIDE VIEW STEEL PLATE ASSEMBLY



- Color Reference:**
- Painted Black Polyurethane Satin Finish
 - Reflective Ruby Red Applied Vinyl 3M Reflective Ruby Red Vinyl = 3M #680CR72
 - Painted Brushed Aluminum
 - BKG on Clearance Bar 3M Reflective Silver #6



Front View - S-10.1A Clearance Bar
 Scale 1/2" = 1'-0"

Side View - S-10.1A Clearance Bar
 Scale 1/2" = 1'-0"



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07/22/13 New Bldg. Elevations

07/24/13 Monument Rev

Project Information

Client **Burger King #2738**

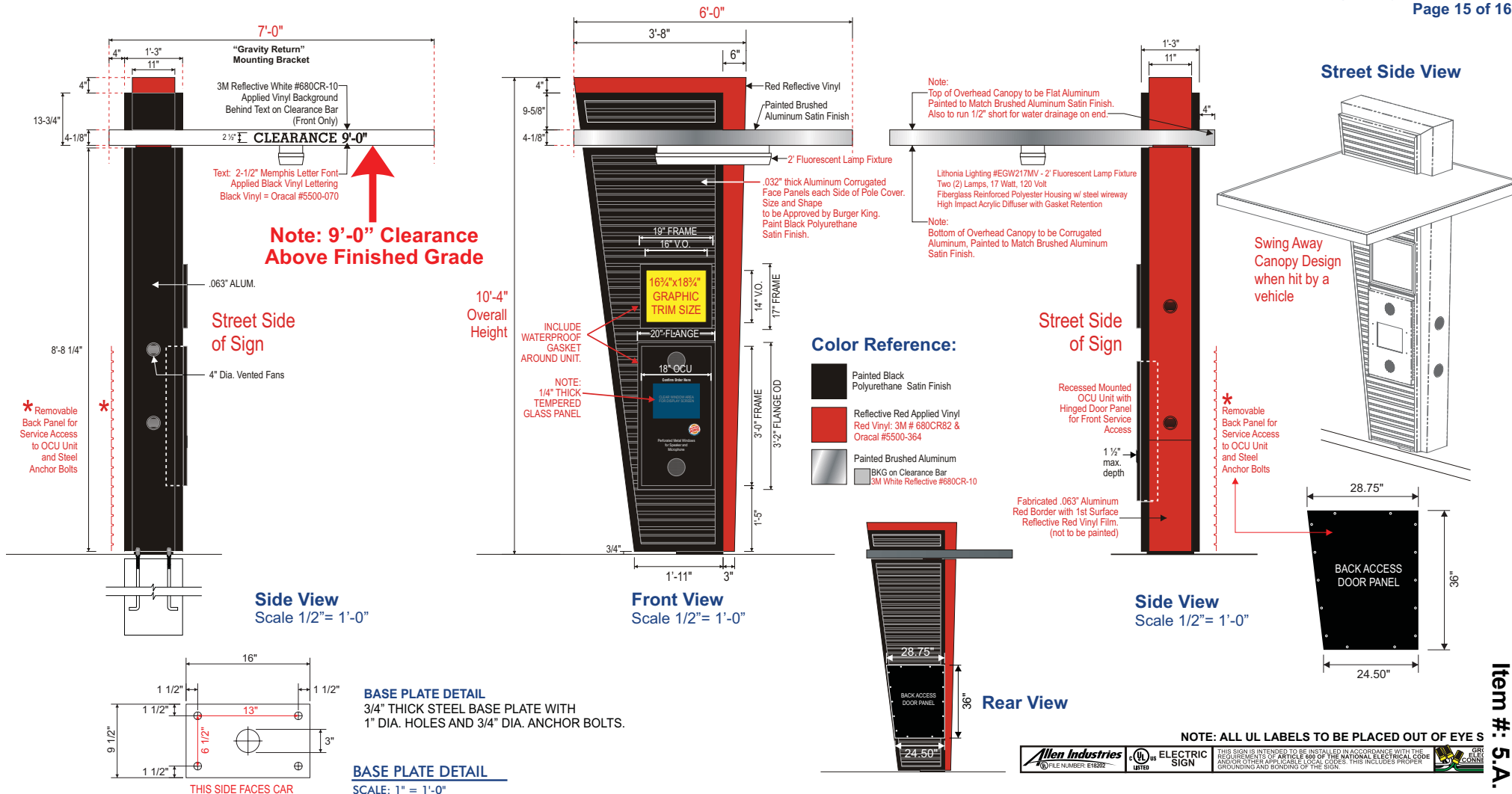
2001 41st Avenue, Capitola, CA 95010

File **BK 2738 Capitola CA**

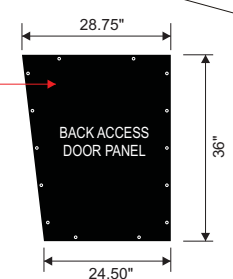
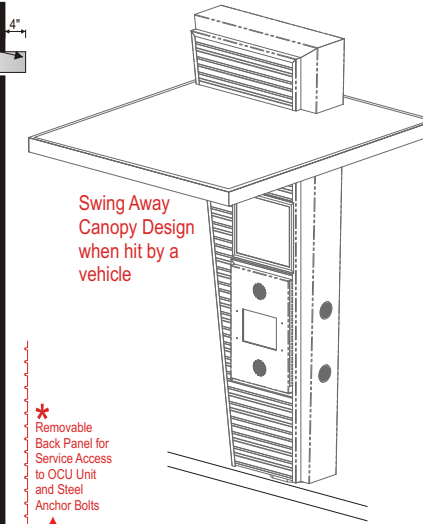
Sales **LO** Design **SPN** PM **Karen Burns**

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Signs and Image Solutions

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Street Side View



Item #: 5.A. Attachment B.pdf



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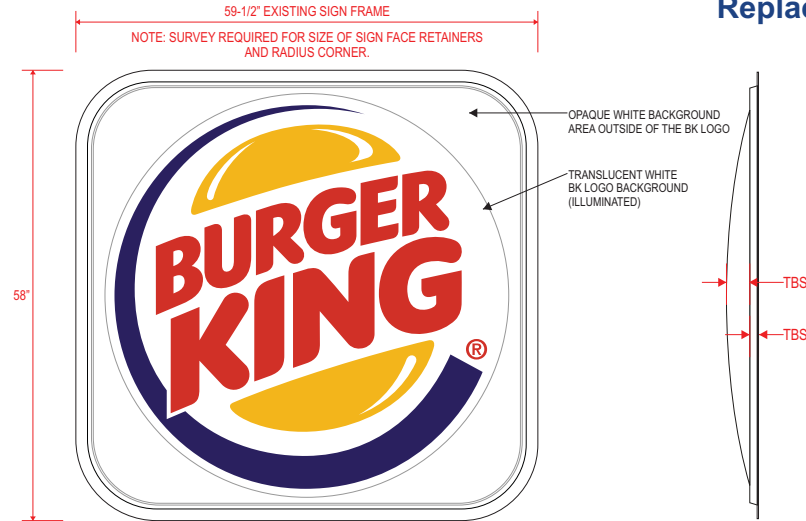
Revisions
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 07/15/13 Additional Repl Faces
 07/18/13 Canopy Depths Updated
 07/22/13 New Bldg. Elevations
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Monument Sign
Replacement Face Panel

Page 16 of 17



SIDE VIEW

FRONT VIEW - REPLACEMENT FACE PANEL

SCALE 3/4" = 1'-0"

FACE: TO BE .177" CLEAR SOLAR GRADE POLYCARBONATE OR EQUIVALENT W/ UV INHIBITOR VACUUM FORMED TO CREATE CONVEX DOME SHAPE.
DECORATION GRAPHICS TO BE 3M OR ORCAL TRANSLUCENT VINYL ON 2ND SURFACE W/ WHITE DIFFUSER.

BURGER KING COLOR SPEC



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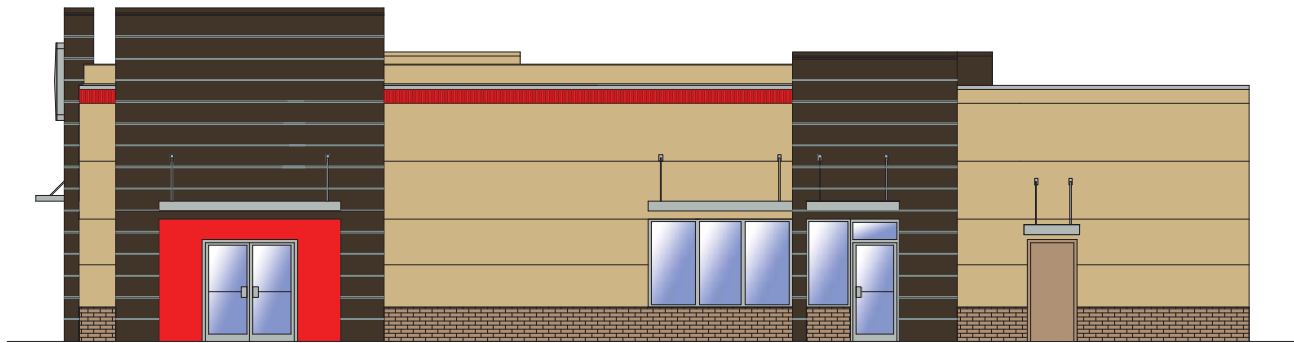
Project Information

Client **Burger King #2738**
2001 41st Avenue, Capitola, CA 95010






File **BK 2738 Capitola CA**
Sales **LO** Design **SPN** PM **Karen Burns**



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11351 49th Street North, Clearwater, FL 33762
Phone 800-677-3076 727-573-3076 Fax 727-572-4615



New Right Elevation
Scale: N.T.S.

- ILLUMINATED PARAPET BAND 
- PAINTED STUCCO WITH REVEALS GLIDDEN "CAMEL TAN" 
- DALTILE "SCARLET" 
- PAINTED STUCCO WITH REVEALS GLIDDEN "DEEP ONTX" 
- OWENSBORO BRICK TUMBLED "OLDE HILSBORO" 



Existing Parking Lot Elevation



Existing Front Elevation



New Front Elevation
Scale: N.T.S.

THIRD SHOE, INC.

349 Silver Lake Drive
Chico, CA 95973
916-529-3454

ALAN CHAMBERS
Architect



BURGER KING REMODEL
CAPITOLA, CA
2001 41st AVENUE

No.	Description	Date

Burger King

Color Elevation:

Project number
Date 13

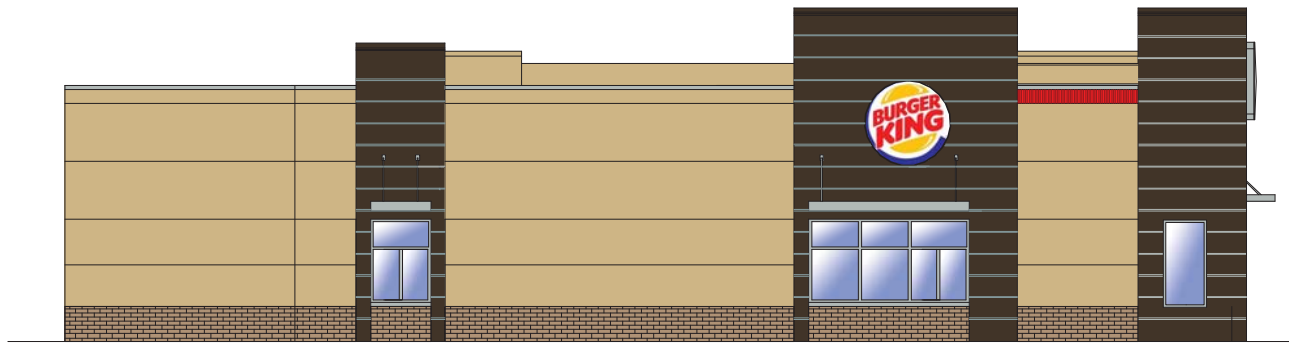
Drawn by

Checked by

DR-6/

Scale

Item #: 5.A. Attachment C.pdf



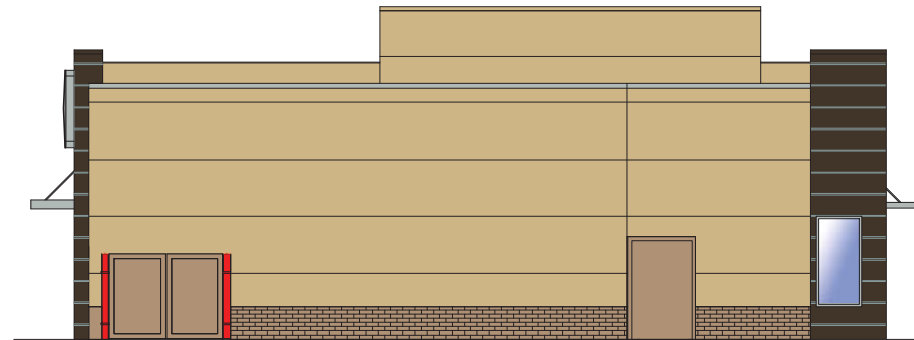
New Drive Thru Elevation
Scale: N.T.S.



Existing Drive Thru Elevation



Existing Rear Elevation



New Rear Elevation
Scale: N.T.S.

- ILLUMINATED PARAPET BAND 
- PAINTED STUCCO WITH REVEALS GLIDDEN "CAMEL TAN" 
- DALTILE "SCARLET" 
- PAINTED STUCCO WITH REVEALS GLIDDEN "DEEP ONTX" 
- OWENSBORO BRICK TUMBLED "OLDE HILSBORO" 

THIRD SHOP

349 Silver Lake
Chico, CA 95926
916-529-3494

ALAN CHAM
Architect



BURGER KING REMODEL
CAPITOLA, CA
2001 41st AVENUE

No.	Description	Date

Burger King

Color Elevations

Project number	1315
Date	13 June, 2013
Drawn by	JJE
Checked by	

DR-6B

Scale	N.T.S.
-------	--------



RECEIVED
JUN 12 2013
CITY OF CAPITOLA

June 12, 2013

Danielle Uharriet
Planning Department
420 Capitola Ave.
Capitola, Ca. 95010

Re: Cash Collection Window

Dear Ms. Uharriet,

Burger King Corporation enthusiastically supports the use of a cash collection "pay" window in it restaurants. This window helps to enhance our guests' experience by providing them with a faster service time in the drivethru lane. It helps to reduce the number of cars that stack up in the lane, so that there is no congestion in the parking lot and keeps the vehicles moving smoothly through our site. We include this window in all our prototypical building plans and recommend its use on every site.

We appreciate this opportunity to better serve our guests.

If you have any questions, please do not hesitate to contact me at the number referenced below.

Sincerely,

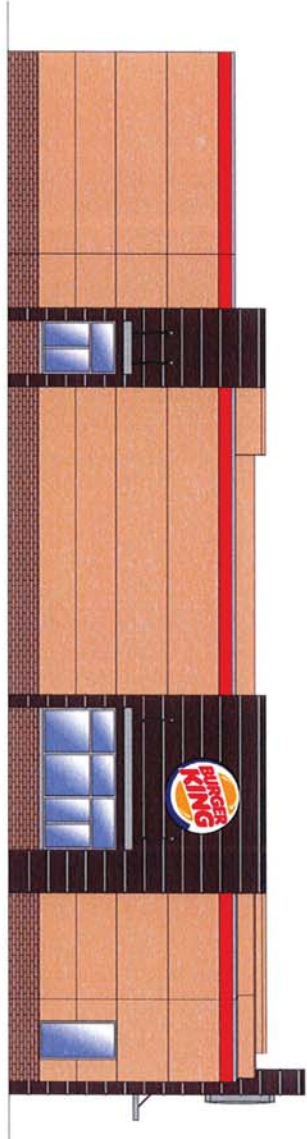
A handwritten signature in blue ink that reads "Helen Dozois".

Helen Dozois
VP of Construction and Design
BURGER KING CORPORATION

cc: David J. Mitchell
Steve Thomas

BURGER KING CORPORATION
5505 Blue Lagoon Drive, 7th Floor • Miami, Florida 33126 • (305) 378-3767 • E-Mail hdozois@whopper.com





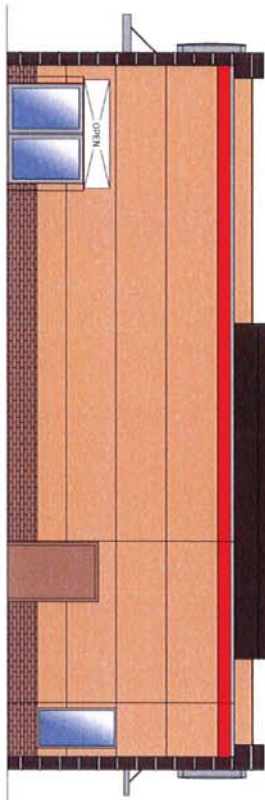
New Drive Thru Elevation



Existing Drive Thru Elevation



Existing Rear Elevation



New Rear Elevation

- ILLUMINATED
PARAPET BAND
- PAINTED STUCCO
WITH FINISH
GLUON "CAKE TAN"
- DALITE "SCARLET"
- PAINTED STUCCO
WITH FINISH
GLUON "CAKE TAN"
- OVERSIZED BRICK
TUNED
"OLD HIDEOUT"



THIRD SHOE, INC.
 349 Silver Lake Drive
 Chico, CA 95973
 916.529.3434

ALAN CHAMBERS
 Architect

BURGER KING REMODEL
 CAPITOLA, CA
 2001 41st AVENUE

No.	Description	Date

Burger
 King

Color
 Elevations

Project Number: 1316
 Date: 13 April 2013
 Drawn by: JFL
 Checked by: JFL

DR-68
 N.T.S.

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HAVE IT YOUR WAY®

Katie Cattan AICP
Planning Department
420 Capitola Ave.
Capitola, Ca. 95010

I would like to add a note and attached photos to our request to keep our monument sign that is located on 41st avenue outside our Burger King restaurant. We have been a part of the City of Capitola since 1980 providing job opportunities for many men and women. We also offer the opportunities for our employees, their family members and students in our community to further their educational goals by applying to receive scholarships through the Burger King McLamore Foundation. This year our program has provided over 2200 deserving students grants including 8 scholarships' that our franchise provided locally to students and our employees.

My request to the Planning Commission members is to allow us to keep one of our two current monument signs that give us the best visibility to approaching traffic on 41st avenue. As you approach our Burger King restaurant, the 41st avenue sign is clearly visible while our building is hidden from view as it sits back some 20+ feet from the sidewalk. This particular sign has been a staple of our Burger King for many, many years and without it being visible would put us at a disadvantage especially to visitors and tourists that are new to the area. In addition, many of the other businesses along 41st avenue have both the monument signs and building signs that offer them better visibility to their customers and we only ask that we be granted this same benefit.

To complete this remodel we will be investing a huge amount of capital and would like to keep as much signage as possible to increase our visibility, our sales and the taxes that will be generated as a result.

Sincerely,

Steve Thomas
Director of Operations
HKM II LLC, dba Burger King
stthomas@hkmii.com
707-246-5431

: Attached Photos

Burger King Capitola

Local Capitola Businesses

Kentucky Fried Chicken



KFC Monument Sign



Mac Donald's 41st Ave.



Mac Donald's Monument Sign



H & R Block Monument Sign



Capitola Sports Bar Monument Sign



Coast Gas Monument Sign



Pizza My Heart



Taco Bell Monument Sign



Taco Bell 41st avenue



Dairy Queen Monument Sign



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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 1, 2013

SUBJECT: INFORMATIONAL UPDATE: SIGN CONTENT

During the July 18, 2013 Planning Commission hearing, Commissioner Graves requested that the Community Development Department research the City's authority to regulate sign content. Commissioner Graves was concerned with sign content that may mislead the public of a service being provided that is not an allowed land use. Specifically, Commissioner Graves had concern for a remodeled commercial business located at 509 Bay Avenue which installed a sign that contained the word "restaurant".

During the Planning Commission architectural and site review of the project, the project was identified as an existing market and deli with an existing nonconforming parking condition. New seating was not proposed within the application. There is a grill onsite in which customers may stand and eat at the counter or take the prepared food to-go. Commissioner Graves expressed concern for misleading the public by allowing the sign to include "restaurant". Within the sign ordinance (Section 17.57.070), there is a requirement that "no such sign shall list the products to be sold or the services to be provided".

Community Development Staff has consulted the City Attorney regarding the sign ordinance and restaurant example. Content-based regulations are subject to a very high standard to ensure freedom of speech. Regulations within a sign code should be content neutral to guarantee the high standard. Section 17.57.070 of the Capitola Code specifically disallows listing the products to be sold or the services to be provided.

To establish whether or not the standard is constitutional, one would have to understand the governmental interest the City Council was hoping to advance by adopting the regulations. Once that interest is understood, the city would have to evaluate whether that interest could be advanced just as effectively by a content neutral regulation. If so, a court would rule the content-based regulation unconstitutional. Staff recommends that the standard not be utilized in the review of current applications while staff further evaluates the intent of adopting the content-based regulation. Staff will provide a future update on the matter with the possible outcome of removing the standard to ensure legal compliance.

In regards to the specific example at 509 Bay Avenue, the City does not have the authority to regulate the use of the word "restaurant". The zoning ordinance regulates land use. As long as

Item #: 5.B. Sign Content Staff Report.pdf

a piece of property is not being used in violation of the zoning ordinance, the City should not concern itself in matters that are not subject to City regulations.

The existing deli cannot introduce new seating due to the non-conforming parking. How the business chooses to describe the business operation, is not subject of City review. On a separate note, the District Attorney might take legal action for a business for unfair business practice or other violation of the California Business and Professions Code if a business description was misleading and could thereby cause harm to potential buyers.