



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, September 5, 2019 – 7:00 PM

Chairperson TJ Welch
Commissioners Courtney Christiansen
 Ed Newman
 Mick Routh
 Peter Wilk

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Jul 18, 2019 7:00 PM

B. Planning Commission - Regular Meeting - Aug 1, 2019 7:00 PM

4. CONSENT CALENDAR

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

A. **523 Riverview Drive #19-0323 APN: 035-042-05**

Coastal Development Permit to replace an existing retaining wall located within the R-1 (Single-Family Residential) zoning district.

Note: Request to Continue to October 3, 2019.

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

Environmental Determination: Categorical Exemption

Property Owner: Ed Bottorff

Representative: Ed Bottorff, Filed: 07.11.2019

- B. 204 Fanmar Way #19-0294 APN: 035-151-11**
 Design Permit for first-story additions and a new roof on a nonconforming single-family residence located within the RM-LM (Multiple-Family Low-Medium Density) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Eric Miller
 Representative: Eric Miller, Filed: 06.19.2019
- C. 620 Oak Drive #19-0113 APN: 035-301-06**
 Design Permit for first- and second-story additions to a single-family residence within the R-1 (Single-Family Residential) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Robert Reed
 Representative: Roy Horn, Filed: 03.08.19

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. 115 San Jose Avenue #19-0332 APN: 035-221-19**
 Amendment to a Conditional Use Permit for alcohol sales for La Bufala, a take-out pizza restaurant located within the Mercantile, in the CV (Central Village) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Peter Dwares
 Representative: Sandro Costanza, Filed: 07.11.2019
- B. 1440 41st Avenue #19-0369 APN: 034-111-50**
 Conditional Use Permit to operate and expand Hot Elevation Studios, a fitness studio located within the C-C (Community Commercial) zoning district.
 This project is in the Coastal Zone and requires a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Four Starr Properties
 Representative: Fuse Architects, Filed: 08.05.2019

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: www.cityofcapitola.org.



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JULY 18, 2019
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Newman, and Routh and Chair Welch were present. Commissioner Wilk was absent.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – none

B. Public Comments

Cherrie McCoy, Capitola homeowner for 20 years and Little League Board Member, spoke with concern about traffic and the potential danger at the 41st Avenue and Clares Street intersection. She announced support for the Capitola Mall redevelopment and hopes that this project will address increased traffic. Chair Welch encouraged Ms. McCoy to speak to Council about these valid concerns. Commissioner Routh suggested Ms. McCoy ask Council to recommend that Capitola Staff work with CalTrans to synchronize the traffic-lights along 41st Avenue.

C. Commission Comments – none

D. Staff Comments

Director Herlihy gave a brief overview of her attendance at a statewide Coastal Commission meeting where there was discussion of their guidance and policies. Public comment at the meeting focused on the Coastal Commission's stand on sea level rise and asked that they look beyond a retreat-only approach. Director Herlihy is confident that the Coastal Commission will be able to turn attention to Capitola's LCP within 90 days of its submittal.

Director Herlihy provided an update on Capitola City Council's first review of the LCP that took place at their June 27 meeting. They provided guidance for staff to work with the Coastal Commission on the remaining items. Director Herlihy said that a meeting with the Coastal Commission is being scheduled and that the LCP will go back to Council in September, though it will be put before Planning Commission before that.

Finally, Director Herlihy reminded the Planning Commission that the next regular meeting on August 1 will include a conceptual review of the Capitola Village Hotel project. Because of this, all possible items will be included on the Consent Calendar.

3. PRESENTATIONS

A. Administrative Policy on Social Media Use By City Council and Advisory Body Members

Records Coordinator Woodmansee summarized the administrative policy adopted by City Council on June 27, 2019.

4. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Jun 6, 2019 7:00 PM

MOTION: Approve the minutes from the regular meeting of the planning commission on June 6, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Edward Newman
AYES:	Newman, Welch, Routh, Christiansen
ABSENT:	Peter Wilk

5. CONSENT CALENDAR**A. 2195 41st Avenue #19-0219 APN: 034-192-10**

Sign Permit for a monument sign with new digital changeable copy for gasoline pricing for the 76 Gas Station located within the C-R (Regional Commercial) zoning district. This project is not in the Coastal Zone and does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
 Property Owner: Gawfco Enterprises, Inc.
 Representative: Sign Development, Inc., Filed: 05.07.19

MOTION: Approve the Sign Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of a reface to a 54-square-foot monument sign with digital changeable copy signs for gasoline pricing, a reface of two wall signs on the canopy, and a reface of pump island signs at 2195 41st Avenue located in the Regional Commercial zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 18, 2019.
2. The signs may not expose any direct lighting or electrical. All electrical shall be concealed. The canopy logos shall be internally illuminated. Sign illumination shall not shine directly on adjoining properties or cause glare for motorists or pedestrians.
3. Digital LED lettering is allowed within the approval. The image on the LED sign shall not be animated or moving at any time. The installed sign must match the plans reviewed and approved by the Planning Commission on July 18, 2019.
4. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #19-0219 shall be paid in full.
6. All signs on the property must be permitted and comply with sign standards of the Capitola Zoning code. Prior to issuance of a building permit, all unpermitted signs shall be removed.
7. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
8. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise

Minutes Acceptance: Minutes of Jul 18, 2019 7:00 PM (Approval of Minutes)

shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends except for Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

9. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
10. This permit shall expire 2 years from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
11. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS:

- A. **The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
The Community Development Department and the Planning Commission have reviewed the sign application and determined that the proposed signs will secure the purposes of the zoning ordinance, design standards, and general plan.
- B. **The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**
The proposed monument sign, wall signs, and pump island signs comply with all applicable standards of Chapter 17.80 as conditioned.
- C. **The proposed sign will not adversely impact the public health, safety, or general welfare.**
The Community Development Department and the Planning Commission have reviewed the sign application and determined that the proposed signs will not have adverse impacts on public health, safety, or general welfare.
- D. **The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**
The Community Development Department and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the structure on the site.
- E. **The proposed signs are restrained in character and no larger than necessary for adequate identification.**
The Community Development Department and the Planning Commission have reviewed the sign application and determined the proposed sign designs are not larger than necessary for adequate identification.
- F. **This project is categorically exempt under Section 15311(a) of the California Environmental Quality Act and is not subject to Section 735.5 of Title 14 of the California Code of Regulations.**
CEQA Section 15311(a) exempts the construction of on-premise signs appurtenant to existing commercial facilities. The signs proposed are for an existing 76 gas station in the C-R (Regional Commercial) zoning district. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Courtney Christiansen
SECONDER:	Edward Newman, Commissioner
AYES:	Newman, Welch, Routh, Christiansen
ABSENT:	Peter Wilk

6. PUBLIC HEARINGS

A. 511 Escalona Drive #19-0165 APN: 036-125-02

Design Permit for a second-story addition to an existing single-family residence, an internal Secondary Dwelling Unit, and a Major Revocable Encroachment Permit for a fence in the public right of way located within the R-1 (Single-Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Christine Meserve

Representative: Valerie Hart, Filed: 04.10.2019

Chair Welch recused himself. Commissioner Newman served as Chair for the rest of the meeting.

Associate Planner Orbach presented the staff report. The applicant was available to answer questions.

Commissioner Routh asked Staff how they would ensure the Secondary Dwelling Unit was not converted into a Short-Term Rental. Director Herlihy clarified that inspections would be done in response to code violation complaints.

Christine Meserve spoke to the Commission and explained that the only way to make the home feasible for her family is to utilize living space above the garage and Secondary Dwelling Unit.

Commissioner Christiansen asked the applicant if she intends to use the flat roof as a deck, to which Ms. Meserve replied yes if it is approved as such in the future (upon adoption of the Zoning Code). Ms. Meserve said that she did not feel raising the window height was a major concession in response to a question from Commissioner Christiansen.

MOTION: Approve Design Permit, Secondary Dwelling Unit, Major Revocable Encroachment Permit, and Coastal Development Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of construction of a second-story addition and a 499-square-foot internal Secondary Dwelling Unit. The maximum Floor Area Ratio for the 5,513-square-foot property with a Secondary Dwelling Unit is 60% (3,312 square feet). The total FAR of the project is 59.9% with a total of 3,305 square feet, compliant with the maximum FAR within the zone. The 499 square foot internal secondary dwelling unit is located on first story of the home adjacent to the garage. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 18, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans

3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #19-0165 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant

shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. The food preparation area within the second-story living space above garage is limited to a mini-bar/convenience area. The mini-bar/convenience area is limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained. The internal access must be maintained between the conditioned space of the main home and the mini-bar/convenience area. The staircase to the garage from the second story is not considered internal access within the dwelling, as the garage is unconditioned space.
21. The floor area for secondary dwelling units shall not exceed 499 square feet as approved by the Planning Commission.
22. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
23. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The secondary dwelling unit shall not be sold separately;
 - b. The unit is restricted to the approved size;
 - c. The administrative review or the design permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
 - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
 - e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

FINDINGS:

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The second-story addition and internal Secondary Dwelling Unit comply with the development standards of the R-1 District. Specifically, all of the requirements of Capitola Municipal Code §17.99.050 have been met. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the second-story addition and internal

Secondary Dwelling Unit. The design of the addition, with board and batten siding and composition shingle roof, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves an addition and the removal of several covered outdoor open spaces that result in a reduction of the floor area by 3%. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS:

D. Findings Required

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
 - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located at 511 Escalona Drive. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. **Shoreline Processes.** Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Escalona Drive. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Escalona Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
 - The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
- 5. Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
- 6. Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

- The project involves construction of a second-story addition and an internal Secondary Dwelling Unit on a residential lot of record.

SEC. 30223

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

- The project involves construction of a second-story addition and an internal Secondary Dwelling Unit on a residential lot of record.

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

- The project involves construction of a second-story addition and an internal Secondary Dwelling Unit on a residential lot of record.
7. **Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**
 - The project involves the construction of a second-story addition and an internal Secondary Dwelling Unit. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
 8. **Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**
 - The project complies with the design guidelines and standards established by the Municipal Code.
 9. **Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
 - The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
 10. **Demonstrated availability and adequacy of water and sewer services;**
 - The project is located on a legal lot of record with available water and sewer services.
 11. **Provisions of minimum water flow rates and fire response times;**
 - The project is located 0.4 miles from the Central Fire Protection District Capitola Station. Water is available at the location.
 12. **Project complies with water and energy conservation standards;**
 - The project is for a second-story addition and an internal Secondary Dwelling Unit. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
 13. **Provision of park dedication, school impact, and other fees as may be required;**
 - The project will be required to pay appropriate fees prior to building permit issuance.
 14. **Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
 - The project does not involve a condo conversion or mobile homes.
 15. **Project complies with natural resource, habitat, and archaeological protection policies;**
 - Conditions of approval have been included to ensure compliance with established policies.
 16. **Project complies with Monarch butterfly habitat protection policies;**
 - The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
 17. **Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
 - Conditions of approval have been included to ensure compliance with applicable erosion control measures.
 18. **Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with**

hazard protection policies including provision of appropriate setbacks and mitigation measures;

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

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

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

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the R-1 zoning district.

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

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

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

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

RESULT:	APPROVED [3 TO 0]
MOVER:	Routh
SECONDER:	Christiansen
AYES:	Newman, Routh, Christiansen
ABSENT:	Wilk
RECUSED:	Welch

- 7. **DIRECTOR'S REPORT – NONE**
- 8. **COMMISSION COMMUNICATIONS – NONE**
- 9. **ADJOURNMENT**

The meeting was adjourned at 7:55 PM.

Chloé Woodmansee, Clerk to the Commission

Minutes Acceptance: Minutes of Jul 18, 2019 7:00 PM (Approval of Minutes)



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, AUGUST 1, 2019
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Newman, Routh, Wilk and Chair Welch were all present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Director Herlihy indicated there was one public comment email regarding Item 4.A. and multiple emails and letters regarding Item 4.B available at the meeting for the public's review.

B. Public Comments

Mr. David Fox, resident of 320 McCormick, encouraged the Commission to seriously review the size of the proposed Capitola Mall re-development and the its potential traffic impact.

C. Commission Comments – none

D. Staff Comments – none

3. CONSENT CALENDAR

A. 523 Riverview Drive #19-0323 APN: 035-042-05

Coastal Development Permit to replace an existing retaining wall located within the R-1 (Single-Family Residential) zoning district.

Note: Request to Continue to September 5, 2019.

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

Environmental Determination: Categorical Exemption

Property Owner: Ed Bottorff

Representative: Ed Bottorff, Filed: 07.11.2019

MOTION: Continue to the next regular meeting on September 5, 2019.

RESULT:	CONTINUED [SEPTEMBER 5, 2019 MEETING]
MOVER:	Edward Newman
SECONDER:	Peter Wilk
AYES:	Newman, Welch, Wilk, Routh, Christiansen

B. 3744 Capitola Road #19-0321 APN: 034-181-16

Conditional Use Permit Amendment to allow outdoor dining for a restaurant located within the C-C (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Minutes Acceptance: Minutes of Aug 1, 2019 7:00 PM (Approval of Minutes)

Property Owner: William Lau
 Representative: Troy Malmin, Filed: 07.11.2019

MOTION: Approve Amendment to the Conditional Use Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of a Conditional Use Permit amendment to include 980 square feet of outdoor dining area in the front setback area between the existing building and the front lot line and in the area between the existing building and the western lot line. No modifications to the structure or interior are proposed within the application.
 2. A copy of the approved revision to the Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to allowing outdoor beer and wine consumption.
 3. There shall be no amplified audible entertainment outside the business.
 4. The outdoor dining area must be compliant with Chapter 11B of the California Building Code for accessibility.
 5. The applicant shall utilize the outdoor dining use prior to August 1, 2021 or the conditional use permit amendment will expire. The conditional use permit amendment will expire in the case where the conditionally permitted use has not been exercised within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall be deemed to have been "used" when actual, substantial, continuous activity has taken place upon the land pursuant to the permit. Applications for extension may be submitted by the applicant prior to permit expiration, pursuant to Municipal Code section 17.156.080.
 6. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance issue in a timely manner may result in permit revocation.
- Original Conditions of Approval for Permit #00-09
7. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
 8. Handicapped parking spaces and signage, in compliance with the American's With Disabilities Act shall be shown on the final building plans and installed prior to final occupancy of the project.
 9. Final building plans shall include a six-foot-high stucco wall along the southern side of the parking lot.
 10. All landscaping shall be installed prior to final occupancy of the restaurant.
 11. The street address of the building shall be displayed in a location conspicuous from the public street.
 12. Prior to final occupancy of the restaurant, the applicant shall obtain a business license.
 13. Signage shall be reviewed by Planning Department Staff and/or the Planning Commission, in accordance with the Sign Ordinance requirements.
 14. Prior to issuance of building permits, the applicant shall receive final approval of a drainage plan from Santa Cruz County Public Works Department (Zone 5 Drainage Section) that conducts

stormwater runoff towards the catch basin on 38th Avenue and Brommer Street, and includes a filtering mechanism to be installed before entering the City's storm drain system. The size, type and location shall be subject to the approval of the Public Works Director.

15. Prior to issuance of building permits, the applicant shall contribute a fair share of construction costs associated with adding a second exclusive right turn only lane on the northbound 41st Avenue approach to State Highway 1. Prior to the issuance of the building permit the Applicant shall pay \$2,282.00 to the Director of Public Works for the projects share for improvement to the southbound Highway One onramp at 41st Avenue.
16. All lighting in the parking lot shall be directed away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.
17. The maximum height of the light standards shall be fifteen (15) feet and down-lit with shading to prevent lighting to impact neighbors.

FINDINGS:

- A. **The proposed use is allowed in the applicable zoning district.**
In 2000, the site received a conditional use permit for a restaurant and alcohol sales. The proposed outdoor dining area is an amendment to the original conditional use permit. The proposed use is allowed with the approval of a Conditional Use Permit by the Planning Commission.
- B. **The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
The Community Development Department and the Planning Commission have reviewed the application and determined that the proposed outdoor dining will secure the purposes of the zoning ordinance, design standards, and general plan. The property is outside the coastal zone therefore the local coastal program does not apply.
- C. **The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**
The Community Development Department and the Planning Commission have reviewed the application and determined that the proposal is compatible with the existing and planned land uses within the vicinity of the property. The restaurant with outdoor dining is located immediately south of the Capitola Mall in a transitional neighborhood.
- D. **The proposed use will not be detrimental to the public health, safety, and welfare.**
The Community Development Department and the Planning Commission have reviewed the application and determined that the proposed outdoor dining will not have adverse impacts on public health, safety, or general welfare.
- E. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
The Community Development Department and the Planning Commission have reviewed the application and determined the proposed outdoor seating is properly located within the city and adequately served by existing services and infrastructure. The proposed use serves an existing restaurant located in the Community Commercial zoning district.
- F. **This project is categorically exempt under section 15332 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
The proposed project involves the addition of an outdoor seating area to a restaurant in an existing commercial building. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more

than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed construction two dormers on an historic single-family residence complies with the development standards of the C-N (Neighborhood Commercial) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the construction two dormers on an historic single-family residence. The design of the home, with dormers that maintain the historic roofline but are differentiated from the historic structure by the use of shingle siding, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

I. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project does not add any floor area to the existing structure. This project involves the construction two dormers on an historic single-family residence within the C-N (Neighborhood Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman
SECONDER:	Peter Wilk
AYES:	Newman, Welch, Wilk, Routh, Christiansen

C. 1404 38th Avenue #19-0246 APN: 034-164-41

Conditional Use Permit for a bouldering gym and fitness center, Design Permit for two new entrances, and a Sign Permit for monument sign and wall sign requesting special signage for commercial sites located in geographically constrained areas located within the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Ow Trusts

Representative: John Hester, Filed: 05.17.19

In response to Commissioner Wilk’s request, Chair Welch pulled this item from the Consent Calendar and it was heard before Item 4.A.

Assistant Planner Sesanto presented the staff report.

Minutes Acceptance: Minutes of Aug 1, 2019 7:00 PM (Approval of Minutes)

Commissioner Wilk questioned Staff about the requirement for an independent parking study and the recommended landscaping condition of approval. Commissioner Newman and Chair Welch responded that both requirements are standard to a Conditional Use Permit application.

In response to Commissioner Wilk's concerns, Director Herlihy explained that Staff can examine parking requirements for fitness centers in the new Zoning Code. The current application is in the coastal zone and not reviewed under the new code.

MOTION: Approve Conditional Use Permit, Design Permit, Sign Permit for two signs, and Coastal Development Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of a Conditional Use Permit for a bouldering gym and fitness studio, a Design Permit for new entry, a 48 square foot wall sign and 24 square foot monument sign. The bouldering gym and fitness will be located within the existing structure and no change to the existing floor area is proposed. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 1, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. There shall be no amplified audible entertainment outside the business.
3. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
4. The applicant shall obtain a business license from the City of Capitola prior to operating the business.
5. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon land pursuant to the permit.
6. Outdoor lights shall be on timers and turn off after business hours with minimal lighting allowed for safety. All outdoor lighting shall be down directed and shielded. Light shall not trespass beyond the property line on to neighboring properties.
7. The outdoor lounge is located in close proximity to multi-family residential and a hotel. The outdoor lounge shall not be occupied past 10 pm.
8. All signs on the property must comply with sign standards of the Capitola Zoning code. The abandoned monument sign must be removed prior to installation of the new monument sign.
9. The wall sign may not expose any direct lighting or electrical. All electrical shall be concealed. The sign illumination shall not shine directly on adjoining properties or cause glare for motorists or pedestrians.
10. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
11. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
12. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be

printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

13. Prior to project final, the existing drainage will be made functional and clear to the satisfaction of the Public Works Department.
14. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
15. Prior to issuance of building permit, a final landscape plan for the area around the monument sign shall be submitted and approved by the Community Development Department. Landscape plans shall identify type, size, and location of species and details of irrigation systems.
16. Prior to issuance of building permit, all Planning fees associated with permit #19-0246 shall be paid in full.
17. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz Water District, and Central Fire Protection District.
18. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
19. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
20. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
21. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
22. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
23. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
24. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
25. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration.

Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

26. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
27. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS:

- A. **The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission reviewed the project. The proposed bouldering gym and new entry complies with the development standards of the CC (Community Commercial) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
- B. **The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the proposed use and design and determined that they comply with applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of the neighborhood. Conditions of approval have been added to protect the neighboring residential and hotel uses from light and noise.
- C. **This project is categorically exempt under Section 15301(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15301(a) of the CEQA Guidelines exempts the alteration of existing facilities of a commercial or residential zone. This project involves the alteration of an existing commercial structure within the CC (Community Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS:

D. Findings Required.

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

- **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
 - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
 - The proposed project is located at 1404 38th Avenue. The commercial property is not located in an area with coastal access. The use will not have an effect on public trails or beach access.
 - b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
 - The proposed project is located along 38th Avenue. No portion of the project is located along the shoreline or beach.
 - c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
 - There is not a history of public use on the subject lot.

- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
 - The proposed project is located on private property on 38th Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
 - The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- **Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
 - a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
 - The project is not requesting a Public Access Exception, therefore these findings do not apply.
- **Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
 - a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a mixed use area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

- **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.
- **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 bouldering gym and fitness studio on a commercial lot of record.

SEC. 30223

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

- The project involves a bouldering gym and fitness studio on a commercial lot of record.

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

- The project involves a bouldering gym and fitness studio building on a commercial lot of record.
- **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 new commercial use and the construction of a new front entry and signage. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
- **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.
- **Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
 - The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
- **Demonstrated availability and adequacy of water and sewer services;**
 - The project is located on a legal lot of record with available water and sewer services.
- **Provisions of minimum water flow rates and fire response times;**
 - The project is located 1.3 miles from the Central Fire Protection District Station 1. Water is available at the location.
- **Project complies with water and energy conservation standards;**
 - The project is for a new bouldering gym and fitness studio. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Santa Cruz Water District.
- **Provision of park dedication, school impact, and other fees as may be required;**

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

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

4. PUBLIC HEARINGS

A. 207 Saxon Avenue #18-0278 APN: 036-122-06

Design Permit and Conditional Use Permit for reconstruction of an historic detached garage with a Variance for the side setback, rear setback, and nonconforming structural alteration limit located on the same parcel as an historic single-family home within the R-1 (Single-Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: 207 Saxon LLC

Representative: 207 Saxon LLC (John Nicholson) Filed: 06.13.2018

Associate Planner Orbach presented the staff report.

Commissioner Wilk questioned the applicant receiving a Variance approval, as this will allow a structure directly on the property line. Commissioner Wilk proposed heeding a neighbor, who wrote to the commission protesting this allowance.

Commissioner Christiansen agreed with Staff that the neighborhood is saturated with homes building up to the property line, thus the applicant will not be receiving special allowance with the recommended Variance.

MOTION: Approve the Design Permit, Conditional Use Permit, and Coastal Development Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of reconstruction of a 487-square-foot historic detached garage with a variance for the side yard setback, rear yard setback, and to exceed the nonconforming structural alteration maximum limit. The maximum Floor Area Ratio for the 8,000-square-foot property is 48% (3,840 square feet). The total FAR of the project is 23% with a total of 1,817 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 1, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #18-0278 shall be paid in full.
7. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or

shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
 - a. Prior to disassembly of the garage, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be disassembled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weatherproof area.
 - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
 - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

FINDINGS:

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. With a variance for the side setback, rear setback, and nonconforming structural alteration limit, the reconstruction of the historic detached garage complies with the development standards of the R-1 (Single-Family Residential) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the reconstruction of the historic detached garage. The design of the garage with recycled materials from the existing historic garage and wood replacement windows will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
- C. This project is categorically exempt under Section 15303(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15303(e) of the CEQA Guidelines exempts accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. This project involves reconstruction of an historic detached garage within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.
- D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this**

title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The special circumstance applicable to the subject property is that the existing home and garage are historic, and are protected under the Capitola Municipal Code, the General Plan, and the California Environmental Quality Act (CEQA). The applicant has requested a variance to the side yard and rear yard setbacks and to exceed the permissible structural alterations to non-conforming structures maximum limit in order to preserve the historic garage in place. Multiple other historic properties on Depot Hill have had similar variances approved, so the strict application of the municipal code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.

The subject property contains a historic residence and garage. The historic resource is protected under the Capitola Municipal Code, the General Plan, and the California Environmental Quality Act (CEQA). The variance to the side yard and rear yard setbacks and to exceed the permissible structural alteration maximum limit for non-conforming structures will preserve the character and location of the existing historic structures. The grant of this variance would not constitute a special privilege because many Depot Hill properties similarly do not comply with setback requirements and were approved with variances that allowed them to exceed the permissible structural alteration limit for non-conforming structures.

COASTAL FINDINGS:

D. Findings Required.

- A. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
- a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
- D. 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:
- B. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
- a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach

- resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- E. The proposed project is located at 207 Saxon Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. **Shoreline Processes.** Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- F. The proposed project is located along Saxon Avenue. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- G. There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- H. The proposed project is located on private property at 207 Saxon Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- I. The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 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 accessway on the subject land.
- J. The project is not requesting a Public Access Exception, therefore these findings do not apply.
- D. **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;
 - K. The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - L. The project is located on a flat lot.
 - c. Recreational needs of the public;
 - M. The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
- E. **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);**
 - N. No legal documents to ensure public access rights are required for the proposed project.
- F. **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.

O. The project involves the reconstruction of a historic garage on a residential lot of record.

SEC. 30223

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

P. The project involves the reconstruction of a historic garage on a residential lot of record.

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

Q. The project involves the reconstruction of a historic garage on a residential lot of record.

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

R. The project involves the reconstruction of a historic garage. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

H. **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;**

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

I. **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;**

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

J. **Demonstrated availability and adequacy of water and sewer services;**

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

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

V. The project is located 0.3 miles from the Central Fire Protection District Capitola Station. Water is available at the location.

L. **Project complies with water and energy conservation standards;**

W. The project is for the reconstruction of a historic garage. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

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

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

- Y. The project does not involve a condo conversion or mobile homes.
- O. **Project complies with natural resource, habitat, and archaeological protection policies;**
- Z. Conditions of approval have been included to ensure compliance with established policies.
- P. **Project complies with Monarch butterfly habitat protection policies;**
- AA. The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- Q. **Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- BB. Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- R. **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;**
- CC. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- S. **All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
- DD. 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.
- T. **Project complies with shoreline structure policies;**
- EE. The proposed project is not located along a shoreline.
- U. **The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
- FF. This use is an allowed use consistent with the R-1 zoning district.
- V. **Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
- GG. The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- W. **Project complies with the Capitola parking permit program as follows:**
- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,

- ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

B. 120 Monterey Avenue #19-0214 APN: multiple below

APN: 035-261-10, 035-262-02, 035-262-04, 035-262-11

Conceptual Review to receive guidance on a preliminary development concept for an 88-room hotel including meeting/banquet space, bar/lounge, swimming pool, and 92 onsite parking spaces in the C-V (Central Village) Zoning District. Proposed hotel concept varies in height from two to five stories

This project is a conceptual review; therefore, a Coastal Development Permit is not required.

Owner: Green Valley Corporation

Representative: Swenson Builders, Filed: 05.03.2019

Chair Welch disclosed that his daughter works for the developer, Swenson Builders, however she is not involved on this project. The City Attorney was consulted as well as the Fair Political Practices Commission (FPPC) and neither party deemed this a conflict of interest. He also explained that this item is a Conceptual Review and does not represent an official application, thus the Commission will not be taking any action at this time.

Associate Planner Orbach presented the staff report and identified five areas where Commission guidance is requested; 1) design, massing, and articulation, 2) height, 3) parking, 4) traffic circulation, and 5) public benefits.

Jesse Bristow, Development Project Manager from Swenson Builders, gave a short presentation.

Commissioner Routh asked Mr. Bristow about public access to the underground parking lot and if Swenson Builders intends to remove any trees from the site. He questioned the need for a pool and emphasized the issue of providing parking for those using conference rooms but not staying at the hotel. Finally, Commissioner Routh confirmed that Swenson would own, but not operate, the future hotel.

Commissioner Newman questioned Mr. Bristow on the feasibility of subterranean parking since Capitola is within the flood-plain and asked about the likelihood of a condominium type hotel operating at this site rather than a traditional overnight stay hotel.

Minutes Acceptance: Minutes of Aug 1, 2019 7:00 PM (Approval of Minutes)

Commissioner Routh clarified that flood water entering the sewer system would be against County Sanitation District policies.

Commissioner Christiansen verified that an 88-room hotel is proposed because hotel operating companies want near 100 rooms in order to consider running a Full-Service hotel. She also asked why underground parking is proposed rather than the installation of an offsite parking garage.

Commissioner Wilk confirmed that Swenson Builders do not see obtaining water credits as an insurmountable obstacle to this project eventually moving forward.

Eight members of the public spoke in opposition to the project as proposed:

Jago McCloud spoke with his young children who participate in the Capitola Jr. Guard program. He compared this proposed project to past questionable development in Capitola and urged the Commission not to make the mistake of approving it. He also brought up safety issues such as an increase in service vehicles throughout the Village if a hotel of this size is approved.

Linda Wadley, Village resident, said that the proposed project is too big, but a smaller hotel or bed-and-breakfast would be ok. With the proposed size her main concerns are construction noise and increased traffic.

Nancy Fricker, 110 Saxon, questioned the size of the hotel and its potential water usage.

Barbara Mutti, 920 Capitola Avenue, brought up issues that the public discussed in 2010 when a similar project was proposed. She questioned that the County Sanitation District could accommodate an increase in sewage and noted concerns of added noise from the plaza and the second-floor pool.

Mr. Fox, 320 McCormick, added concern about the project's impact to views and asked where employees would park.

Carol Stern, Balboa Avenue, spoke against the hotel project and referenced a recent article naming Capitola an "unspoiled" area. She implored the Commission to protect the Village from a project of this size and impact and defended day-visitor's right to enjoy the Village, rather than only those with means to pay to stay at a hotel.

Stephanie Harlan, 42nd Avenue and Depot Hill, spoke against the hotel project. She would support a much smaller project but explained that there are other community benefits she is more interested in than those supposedly offered by a hotel as proposed.

Niels Kisling spoke against the proposed hotel project because of its size and its demand on other resources like parking and water; the proposal does not fit into Vision Capitola.

One member of the public spoke in support of the project as proposed:

Michael Clark, Village property owner, spoke in favor of the hotel due to its economic benefits and nice design.

Seven members of the public asked questions and offered recommendations for change to the proposal:

Ms. Pitter Fox, McCormick Street, said that she is not against a hotel, though the proposed scale seems large and the proposed underground parking questionable due to Capitola's winter storms. Her primary concern is parking, and she suggested a tiered structure at the end of Bay Avenue.

New Village resident Mark brought up traffic and parking as the downside to the economics of a hotel. He also questioned a private lot in the Village charging for handicap-parking spots.

Business owner and resident Dennis Norton spoke about his desire for the Village to be more pedestrian friendly by moving parking out of the central village. He encouraged this project to embrace offsite parking and spoke about a hotel in Santa Monica that has done this successfully.

Marianne Angelo, Lawn Way, explained the Village's congested parking experience. She pointed out the impact to beach/ocean views and sound quality that air-conditioning units will have when looking down on the hotel from the Bluff above.

Cathy Howard, Columbus Drive, questioned where the proposed shuttle/valet parking would be coming from. She spoke about the significance of open space to Capitola's character and asked that the project be scaled back in size.

Larry Abitbd, El Camino Medio, reminded the Planning Commission that this decision will shape Capitola and have historic impact.

Anne Murray Wise, Capitola resident and Jr. Guard parent, announced that a hotel is a great idea at a smaller scale. She questioned the impact of weddings held in the proposed conference space, and how traffic and parking would be affected by such events.

The Commissioners provided their guidance individually:

Commissioner Routh questioned that the proposed project qualifies for the additional density bonuses by meeting the four criteria outlined in the General Plan. He encouraged the developer to reassess and consider a project that finds a happy median between what the code allows and the extra allowances a project of this kind can qualify for. Commissioner Routh recommended that density and height be reduced, the pool be left out of the proposal, and the design be revised to reflect more of the Village's stylistic history along with including more articulation along El Camino Medio. He suggested utilizing an in-lieu parking program with shuttle and offsite parking structure.

Commissioner Newman indicated that the proposed project does comply with the City's General Plan and that the hotel height and design is not a problem. He acknowledged that community members are nervous about the Village changing, but that change is a constant. Commissioner Newman expressed that the most important component to an application will be the applicant's attention to traffic flow and that this will need to be addressed with a well-studied circulation plan. Commissioner Newman discussed the potential impact of future autonomous vehicles and how they may impact parking in general.

Commissioner Christiansen said that the existing problem of traffic and congestion in the Village will need to be addressed and that doing so should be the developer's focus. She highlighted that the view from El Camino Medio is of concern and should not be upon a blank wall, that the North elevation should be more articulated, that a sidewalk is not currently included, and that the design will need to be enhanced to provide more community space and benefit to the Village as a whole.

Commissioner Wilk said he could support a project of this type because the General Plan states that a hotel is desired on this site. However, he also expressed concern that issues of sewage, water, etc. may prove to be insurmountable for the developer. In the case of a project moving forward, Commissioner Wilk noted the long stretch along Monterey Avenue with only one door should have more openings so the building is more pedestrian friendly and inviting and stated that a hotel on this site will contribute to a vibrant village if it incorporates pedestrians and the community. He encouraged the developer to study traffic circulation and said that an offsite parking structure may benefit the project.

Chair Welch agreed that traffic and parking is a problem in the Village and provided traffic flow recommendations to the developer. He stated that the design's height, massing, and articulation are not a big concern. He acknowledged that any hotel at this site will be a centerpiece for the Village and suggested that the community continue to provide feedback, as this will help guide the developer on issues of design and massing. Chair Welch also outlined the economic benefits of a

hotel in the Village and emphasized that City Council will be hearing the same concept and providing their feedback for the developer to then incorporate into an official application.

RESULT: REVIEWED PROJECT CONCEPT, PROVIDED DIRECTION

5. DIRECTOR'S REPORT - NONE

6. COMMISSION COMMUNICATIONS

Chair Welch announced that National Night Out is on Tuesday, August 6 and will feature a free barbeque at Jade Street Park.

7. ADJOURNMENT

The meeting was adjourned at 9:15 PM to the next regular meeting of the Planning Commission on September 5, 2019.

Chloé Woodmansee, Clerk to the Commission



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: SEPTEMBER 5, 2019
 SUBJECT: **523 Riverview Drive #19-0323 APN: 035-042-05**

Coastal Development Permit to replace an existing retaining wall located within the R-1 (Single-Family Residential) zoning district.

Note: Request to Continue to October 3, 2019.

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

Environmental Determination: Categorical Exemption

Property Owner: Ed Bottorff

Representative: Ed Bottorff, Filed: 07.11.2019

RECOMMENDATION

Staff recommends that the Planning Commission **continue** application #19-0323 to the October 3, 2019, Planning Commission meeting.

Prepared By: Matt Orbach
 Associate Planner



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: SEPTEMBER 5, 2019
 SUBJECT: **204 Fanmar Way** **#19-0294** **APN: 035-151-11**

Design Permit for first-story additions and a new roof on a nonconforming single-family residence located within the RM-LM (Multiple-Family Low-Medium Density) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Eric Miller
 Representative: Eric Miller, Filed: 06.19.2019

APPLICANT PROPOSAL

The applicant is proposing 275 square-feet of first-story additions and a new roof on a nonconforming single-family residence located at 204 Fanmar Way within the RM-LM (Multiple-Family Low-Medium Density) zoning district. The project includes additions to the rear of the home and garage as well as a new roof.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on August 14, 2019, and provided the applicant with the following direction:

Public Works, Danielle Uharriet: informed that applicant that the site drainage and stormwater construction best management practices (BMP) must be updated prior to building permit submittal.

Building Official, Robin Woodman: informed the applicant that not all casement windows meet egress requirements, so they should revise the windows within the building permit submittal.

Local Architect, Frank Phanton: expressed support for the design of the project.

City Planner, Matt Orbach: informed the applicant that the cover sheet must be updated to reflect the changes made during the final round of plan modifications.

ZONING SUMMARY

The following table outlines the zoning code requirements for development in the RM-LM Zoning District. Development of single-family homes in the RM-LM Zoning District is governed

by the process and standards contained in Chapter 17.15, "R-1 Single Family Residence District."

R-1 (Single Family Residential) Zoning District

Development Standards				
Building Height				
R-1 Regulation		Existing		Proposed
25 ft.		14 ft.		17 ft.
Floor Area Ratio (FAR)				
		Existing		Proposed
Lot Size		3,264 sq. ft.		3,264 sq. ft.
Maximum FAR		56% (1,828 sq. ft.)		56% (1,828 sq. ft.)
First Story Floor Area		1,289 sq. ft.		1,564 sq. ft.
TOTAL FAR		39% (1,289 sq. ft.)		48% (1,564 sq. ft.)
Yards				
		R-1 Regulation	Existing	Proposed
Front Yard 1 st Story		15 ft.		10 ft. 6 in. Existing Nonconforming
Side Yard 1 st Story		10% lot width	Lot width: 46 ft. 8 in. (Avg.) 4 ft. 8 in. min.	4 ft. 8 in. North Side 3 ft. 3 in. South Side Existing Nonconforming
Rear Yard 1 st Story		20% lot depth	Lot depth: 69 ft. 3 in. 13 ft. 10 in.	3 ft. 8 in. Existing Nonconforming
Encroachments (list all)		Existing Residence in Front, Side, and Rear Setbacks		Existing Residence in Front, Side, and Rear Setbacks
Parking				
		Required	Existing	Proposed
Residential (from 1,501 up to 2,000 sq. ft.)		2 spaces total 1 covered 1 uncovered	2 spaces total 1 covered 1 uncovered	2 spaces total 1 covered 1 uncovered
Garage and Accessory Bldg.		Complies with Standards?		List non-compliance
Garage		Yes		
Underground Utilities: Required with 25% increase in area				Not Required

DISCUSSION

The lot is located on Fanmar Way, which runs between Capitola Avenue and Monterey Avenue, in the upper Capitola Village. The lot is surrounded by one- and two-story single-family homes.

The existing residence at 204 Fanmar Way is a nonconforming one-story single-family residence. The applicant is proposing to construct additions to the rear of the residence and the front of the garage. The improvements also include reframing the roof to elevate the internal

ceiling heights within the existing cottage. The proposed additions will have horizontal siding to match the existing siding and a composite shingle roof.

The proposed 1,564-square-foot residence is required to have two on-site parking spaces, one of which must be covered. The proposal includes two parking spaces: one ten foot by twenty-foot space in the attached garage and one nine foot by eighteen-foot space in the driveway behind the garage.

Nonconforming

The existing structure is nonconforming because the front (east), side (south), and rear (west) sides of the structure encroach into the required setbacks. The applicant submitted the required nonconforming calculation, which demonstrates that the proposed structural alterations are at 72 percent and do not exceed the maximum 80 percent of the present fair market value of the structure, so the alterations are permissible.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition. The proposed additions total 275 square feet, which is an increase of 21 percent. No adverse environmental impacts were discovered during review of the proposed project

RECOMMENDATION

Staff recommends the Planning Commission review the application and approve project application #19-0294.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of 275-square-feet of additions and a new roof on an existing single-family residence. The maximum Floor Area Ratio for the 3,264-square-foot property is 56% (1,828 square feet). The total FAR of the project is 48% with a total of 1,564 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 5, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #19-0294 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a

permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed additions and new roof comply with the development standards of the RM-LM (Multiple-Family Low-Medium Density) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the additions and new roof. The design of the home with the new roof and siding matching the existing structure will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

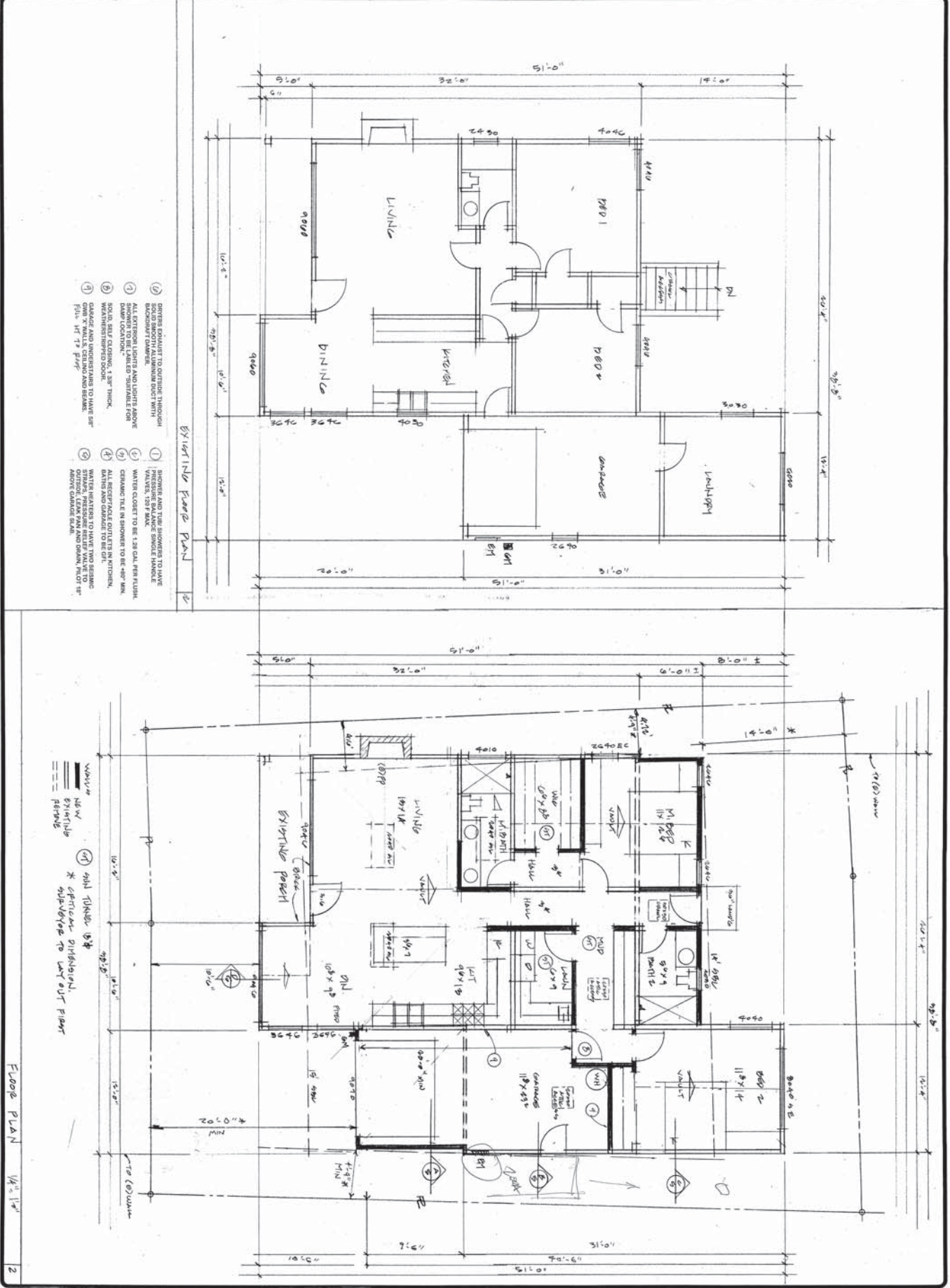
C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that they addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition. The proposed additions total 275 square feet, which is an increase of 21 percent. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 204 Fanmar Way - Full Plan Set - 08.27.2019

Prepared By: Matt Orbach
Associate Planner



REVISIONS

NO.	DATE	DESCRIPTION
1	8/27/19	ISSUED FOR PERMITS
2	8/27/19	ISSUED FOR PERMITS

DATE: 8/27/19

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

PROJECT: 204 FANMAR WAY

CLIENT: [REDACTED]

ARCHITECT: DARYL FAZEKAS ARCHITECTURE, STRUCTURAL, ENERGY

15011 LOMA VISTA AVE., SUITE 100, SAN DIEGO, CA 92162

TEL: 619.451.1111 FAX: 619.451.1112

WWW.DARYLFAZEKAS.COM

FLOOR PLAN

EXISTING FLOOR PLAN

ADDITION

Daryl Fazekas

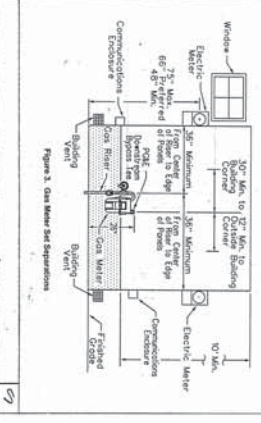
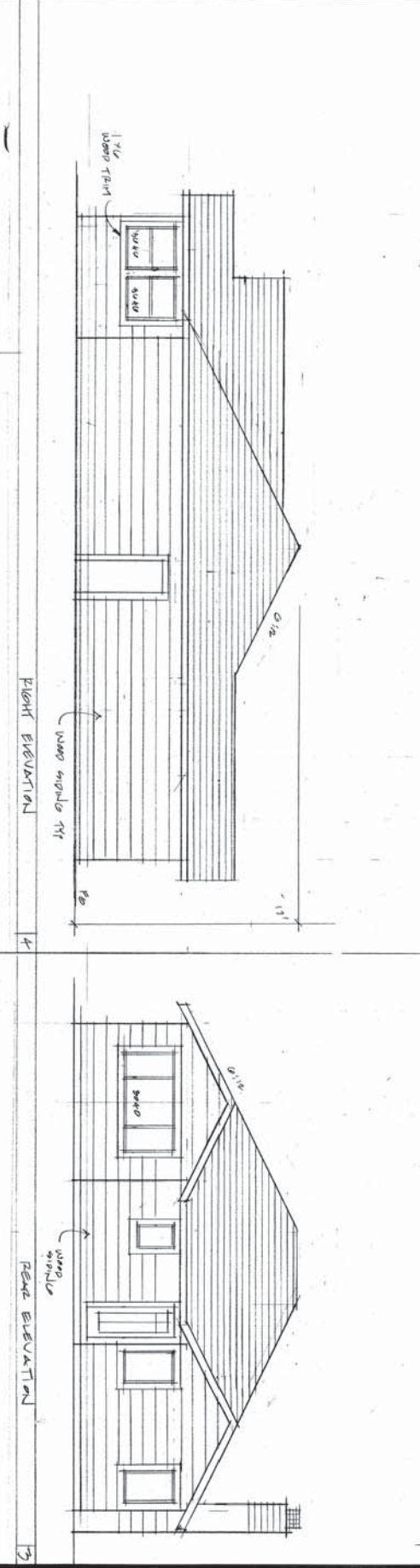
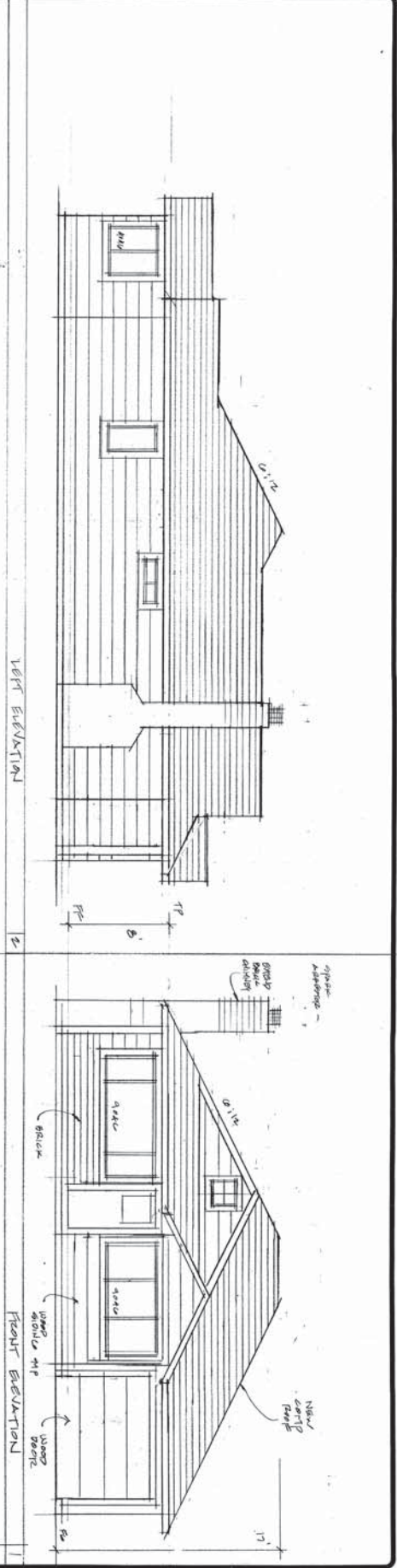
Architecture, Structural, Energy

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TEL: 619.451.1111 FAX: 619.451.1112

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Packet Pg. 46



PRINTED ON CLEARANCE 10000

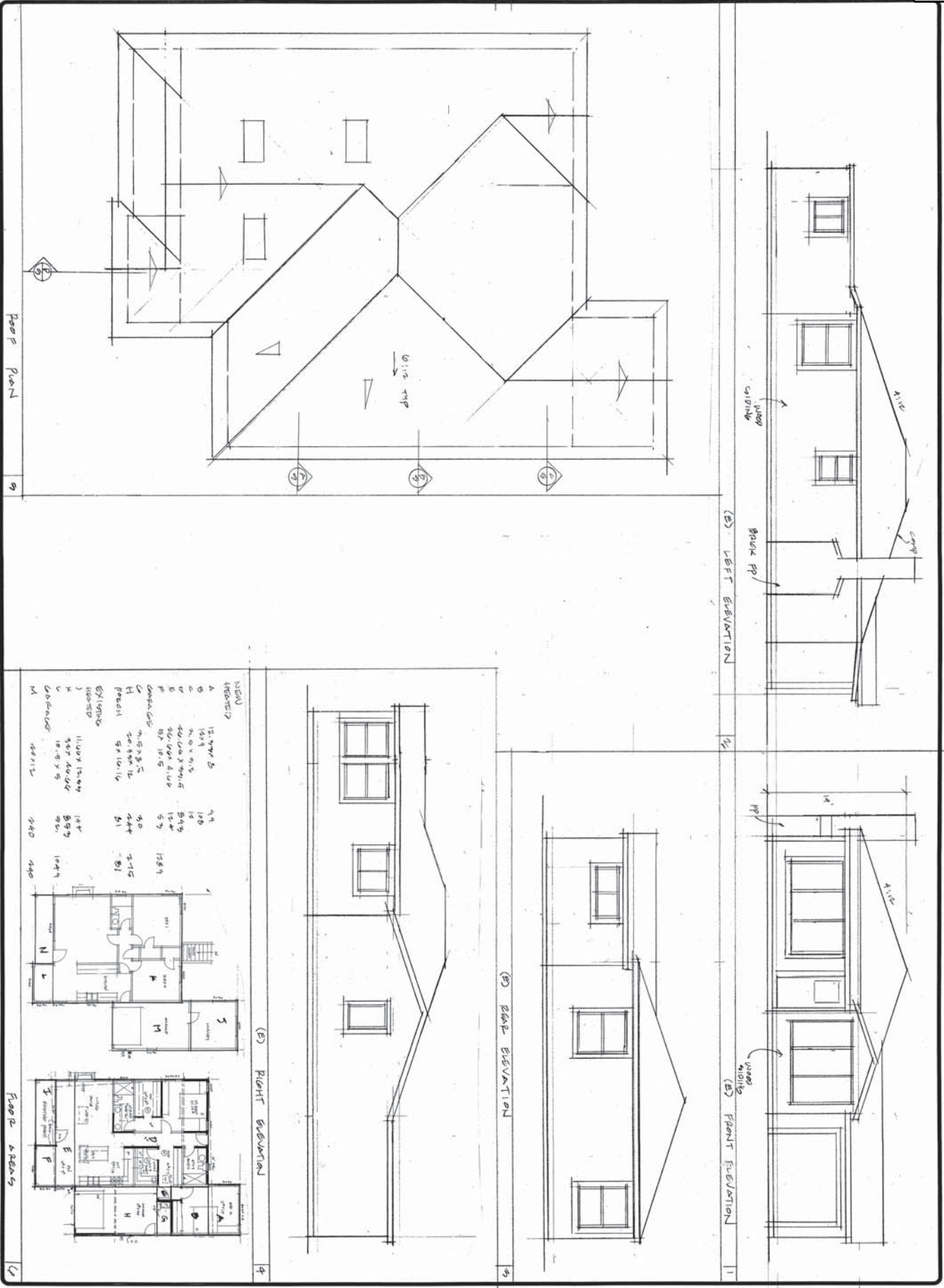
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--	--

DRAWN: HILVER
 DATE: 1/13/20
 PROJECT: 204 FANMAR WAY
 SHEETS: 3

Daryl Fazekas
 Architecture, Structural, Energy
 1500 VIA AVE
 LOS GATOS, CA 95032
 Daryl@fazekas.com
 408.395.9400

SHEET: 4.B.1
 DATE: 1/13/20
 PROJECT: 204 FANMAR WAY
 NO. 3

Packet Pg. 47



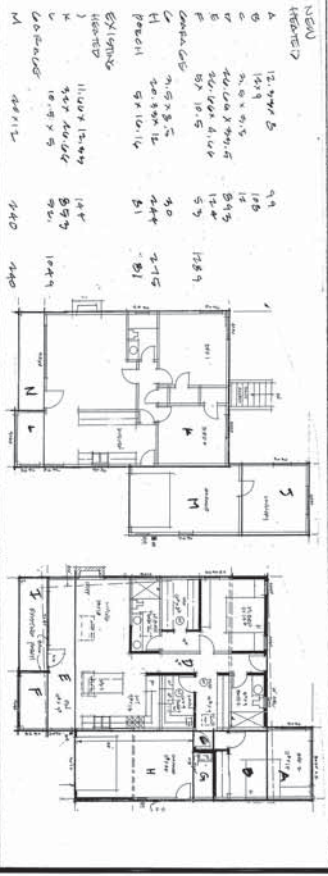
Roof Plan

LEFT ELEVATION (E)

FRONT ELEVATION (E)

REAR ELEVATION (E)

RIGHT ELEVATION (E)



FLOOR PLANS

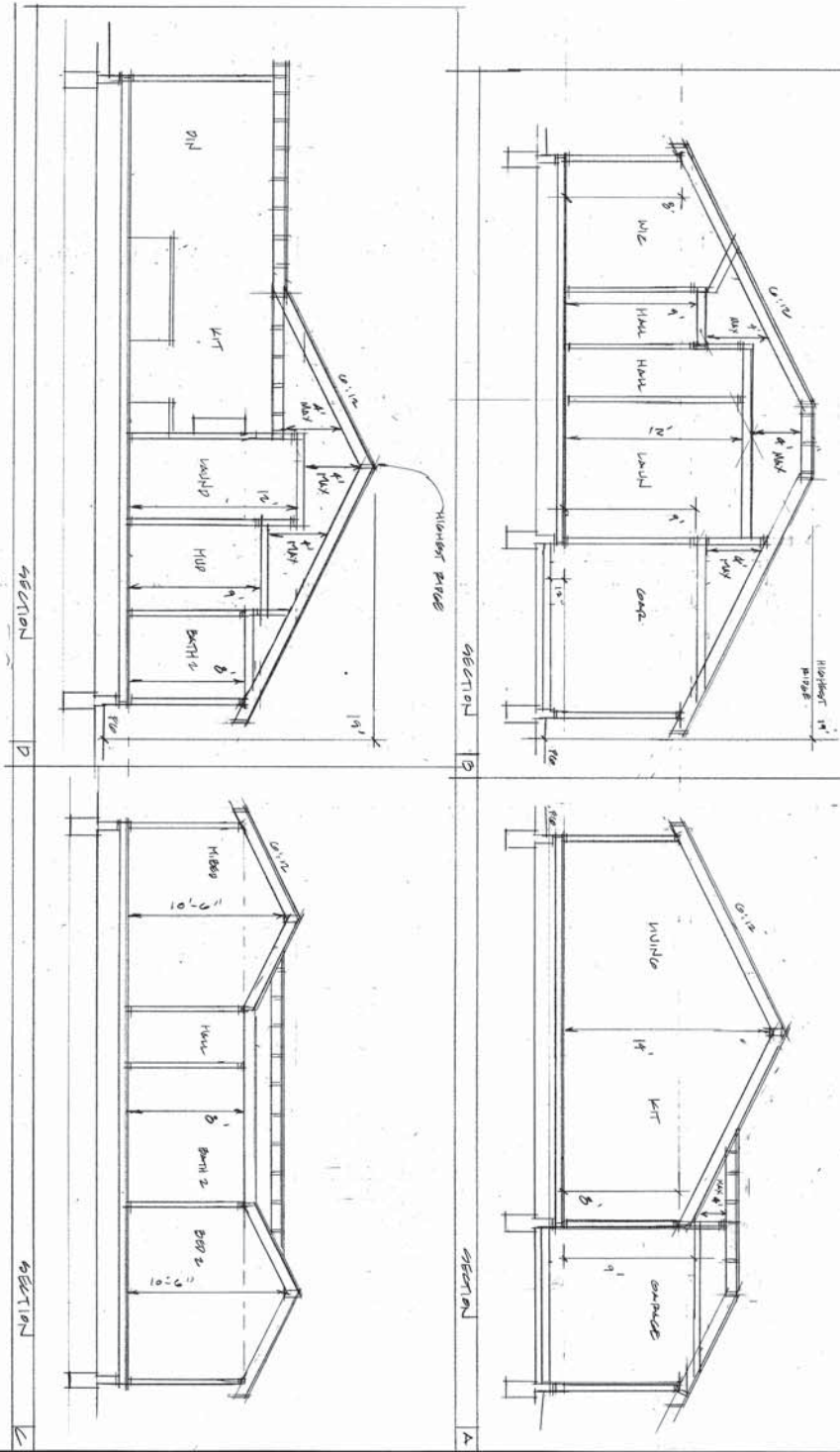
DATE	01/10/19
BY	DAVID FAZAKAS
CHECKED	DAVID FAZAKAS
SCALE	1/8" = 1'-0"
PROJECT	204 FANMAR WAY
DR	DAVID FAZAKAS

Roof Plan
 Section
 Elevations
 Floor Plans

Miller
 Roof
 Facade way

Daryl
 Fazakas
 Architecture,
 Structural,
 Energy
 15221 Loma
 Lane
 Los Gatos, CA 95032
 Daryl@fazakas.com
 408.595.9400

DATE	01/10/19
BY	DAVID FAZAKAS
CHECKED	DAVID FAZAKAS
SCALE	1/8" = 1'-0"
PROJECT	204 FANMAR WAY
DR	DAVID FAZAKAS

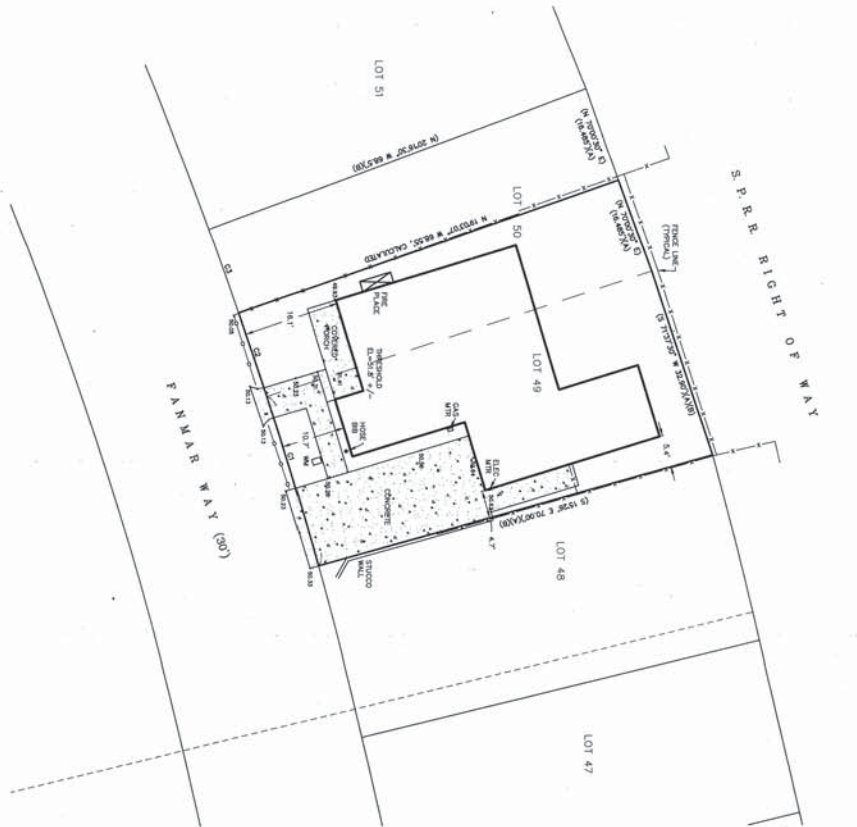


DATE	7/18/19
SCALE	1/8" = 1'-0"
FILE NO.	19021
PROJECT	204 FANMAR WAY
AS	

SPECIFICATIONS
 HILBERT
 ARCHITECTS

Daryl Fazekas
 Architecture, Structural, Energy
 15621 LOMA
 DARYLFAZEKAS.COM
 408.595.9400

REVISION	1/15/19
DATE	8/18/19



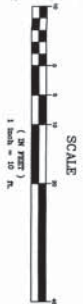
GRADE DATA TABLE
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 C2 - R=710.00' L=15.00' DELTA=112.575'
 C3 - R=710.00' L=15.00' DELTA=112.575'

ELEVATION DATA
 ELEVATIONS ARE DERIVED FROM A GTS
 BEARING AND BASED ON THE NORTH
 AMERICAN VERTICAL DATUM OF 1988. A
 FURNISHED BEARING.

REFERENCES
 (A) DCP# 2019-000045
 (B) UNFILED MAP OF
 FANMAR TECHNICAL MAP-002

BASES OF BEARINGS
 BEARINGS ARE BASED UPON THE NORTHERN LINE OF
 FANMAR WAY AS SHOWN ON THE UNFILED MAP OF
 AS MAP AD-002

NOTES
 A TITLE REPORT WAS NOT PROVIDED FOR THIS SURVEY.
 EXISTENTS SHOWN, IF ANY, ARE COPIED FROM
 PROPERTY. THERE MAY BE ADDITIONAL EXISTENTS
 THAT BURDEN OR BENEFIT THE SUBJECT PROPERTY
 THAT SHOULD BE REVEALED ON A TITLE REPORT.



PROJECT DATA
 APN: C351-151-11
 AREA: 3,284 SF +/-
 04/15/11

JENI-PAUL WAPPEL, P.S. 8607



ALPHA LAND SURVEYS, INC.

4444 CENTRAL VALLEY BLVD. #100
 SACRAMENTO, CA 95834
 (916) 486-4443
 2008 2019-002

SHEET 1 OF ONE



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: SEPTEMBER 5, 2019
 SUBJECT: **620 Oak Drive** **#19-0113** **APN: 035-301-06**

Design Permit for first- and second-story additions to a single-family residence within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Robert Reed
 Representative: Roy Horn, Filed: 03.08.19

APPLICANT PROPOSAL

The applicant is proposing first and second-story additions to a single-family residence located at 620 Oak Drive within the R-1 (Single-Family Residential) zoning district. The project also includes updating the existing detached garage to comply with the minimum parking dimensions and match the primary residence. The existing non-conforming residence will be brought into compliance with the required front and side yard setbacks. The proposed remodel with additions complies with all development standards of the R-1 zoning district.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on August 14, 2019, and provided the applicant with the following direction:

Public Works, Danielle Uharriet: informed the applicant that downspouts need to be shown with the direction of flow indicated, and that more information was needed on the seepage pits. She also informed the applicant that pre and post-project calculations for pervious surfaces and a management plan for winter construction will be required prior to building permit issuance.

Building Official, Robin Woodman: informed the applicant that the window near the bathtub in the second-story bathroom must be tempered glass.

Local Architect, Frank Phanton: expressed concern that the rear deck created privacy issues for the adjacent residential property at 618 Oak Drive. Mr. Phanton suggested a screen wall along the edge of deck facing the adjacent property. He complimented the articulation and use of materials on the proposed structure.

City Planner, Sean Sesanto: informed the applicant that utilities must be put underground to the nearest utility pole because the proposed project increases the floor area by more than 25 percent.

Following the meeting, the applicant agreed to modify the second story deck to introduce a screen wall that is at least five-and-a-half-foot tall, measured from the floor of the deck. The applicant also agree to plant trees along the side property line to protect the privacy of the adjacent neighbor.

ZONING SUMMARY

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The new addition to the single-family residence complies with all development standards of the R-1 zone.

Development Standards			
Building Height			
R-1 Regulation	Existing		Proposed
25 ft.	15 ft. 6 in.		24 ft. 9 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
Lot Size	3,994 sq. ft.		3,994 sq. ft.
Maximum FAR	54% (2,157 sq. ft.)		54% (2,157 sq. ft.)
First Story Floor Area	1,052 sq. ft. with Detached Garage		1,377 sq. ft. with Detached Garage
Second Story Floor Area	N/A		732 sq. ft.
TOTAL FAR	26.3% (1,052 sq. ft.)		52.8% (2,109 sq. ft.)
Yards			
	R-1 Regulation	Existing	Proposed
Front Yard 1st Story	15 ft.	13 ft. 6 in.	15 ft.
Front Yard 2nd Story & Garage	20 ft.	N/A	20 ft.
Side Yard 1st Story	10% lot width	Lot width: 40 ft. 4 ft. min.	3 ft. 3in. (North Side) 9 ft. 6 in. (South Side)
Side Yard 2nd Story	15% of width	Lot width: 40 ft. 6 ft. min	4 ft. (North Side) 11 ft. 6 in. (South Side)
Rear Yard 1st and 2nd Story	20% of lot depth	Lot depth: 100 ft. 20 ft. min.	N/A
Detached Garage	8 ft. rear yard 3 ft. side yard	>1 ft. rear 4ft. 6 in. side Existing nonconforming	>1 ft. rear 4 ft. 6 in. side Existing nonconforming
Encroachments (list all)	Existing Residence in Front and Side Setbacks, Garage Encroaches Rear Setback		Detached Garage

Parking			
	Required	Existing	Proposed
Residential (from <u>1,501</u> up to <u>2,600</u> sq. ft.)	3 spaces total 1 covered 2 uncovered	2 spaces total 0 covered 2 uncovered	3 spaces total 1 covered 2 uncovered
Garage and Accessory Bldg.	Complies with Standards?		List non-compliance
Detached Garage	Existing detached garage encroaches into rear yard setback		Existing garage to remain in rear setback
Accessory Building	Yes		
Underground Utilities: required with 25% increase in area			Required

DISCUSSION

The residence at 620 Oak Drive is located in the Riverview Terrace neighborhood. Riverview Terrace is situated between Riverview Avenue, Bay Avenue, and Capitola Avenue. Many homes in this neighborhood occupy small lots with minimal setbacks in close proximity to one another and the street. The property at 620 Oak is adjacent to a one-story house to the south, a two-story duplex to the north, and backs up to the Jones and Bones commercial single-story retail establishment to east on Capitola Avenue. The home at 620 Oak Drive is not listed on the 2005 City of Capitola List of Historic Structures.

The proposed remodel will add living space to the home while removing existing non-conforming portions of the home. The applicant is proposing to enlarge the first story and add a second story. Two decks are proposed on the second story; one on the south side and the second in the southeast rear corner. The existing detached garage will be expanded one foot to comply with the required parking space dimensions of 10 feet by 20 feet for an interior parking space. The project increases the combined floor area of the residence and garage by 1,057 square feet with a total of 2,109 square feet. The proposed remodel will have shiplap siding on the first floor, battened panel siding on the second floor, and a raised-seam metal roof. The detached garage will use complementary shiplap plank siding and raised-seam metal roofing.

The proposed 2,109-square-foot residence is required to have three on-site parking spaces, one of which must be covered. The proposal includes one space in the garage measuring 10 by 20 feet and two spaces in the driveway measuring nine by 18 feet.

Nonconforming Structures

The existing residence at 620 Oak Drive is a nonconforming one-story, single-family home with a nonconforming detached garage. The existing residence is nonconforming because the structure encroaches into the required front and side yard setbacks. The proposed project removes the areas of the structure that are located within the required setbacks to bring the home into compliance with R-1 development standards.

The existing detached garage is nonconforming because the structure encroaches into the required rear setback. The applicant submitted the required nonconforming calculation, which demonstrates the proposed alterations are at five percent and do not exceed the allowable 80 percent of the present fair market value of the structure. (Attachment 2)

Second-Story Rear Deck

The proposed second-story rear deck is located on the rear southeast corner of the structure adjacent to the driveway. The deck is 11 feet six inches from the side property line. The neighboring residence at 618 Oak Drive is a single-story home located on the front half of the lot

with an open backyard. The location of the deck on the back corner of the home would look down into the back yard of the adjacent property at 618 Oak Drive. Without mitigation measures, the location of the deck could cause privacy issues.

During the Architectural and Site review meeting, Architect Frank Phanton suggested the applicant build a screen wall along the edge of deck facing the adjacent property. The applicant has agreed build a screen wall at least five-and-a-half-feet tall, measured from the floor of the deck. In addition to the privacy screen the applicant has also agreed to plant trees along the fence. These changes have been included in the Conditions of Approval (Condition #4). The applicant submitted a detail of the screen wall which is included as attachment 3.

CEQA

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

RECOMMENDATION

Staff recommends the Planning Commission review the application and approve project #19-0113 based on the following Conditions of Approval and Findings.

CONDITIONS OF APPROVAL

1. The project approval consists of 1,039-square-feet of first- and second-story additions to an existing single-family residence and an 18-square-foot addition to an existing nonconforming detached garage. The maximum Floor Area Ratio for the 3,994-square-foot property is 54% (2,157 square feet). The total FAR of the project is 52.8% with a total of 2,109 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 5, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, the applicant shall include details for a screen wall at least five-and-a-half-feet tall, measured from the deck floor, along the edge of the rear deck that faces the adjacent property. The site plan and landscape plan shall include additional trees along the property line along 618 Oak Drive to protect the privacy of the adjacent property.
5. At time of submittal for building permit review, Public Works Standard Detail SMP STRM

shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #19-0113 shall be paid in full.
9. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permit, downspouts shall be shown with the direction of flow indicated. Pre- and post-project calculations for pervious surfaces and a management plan for winter construction shall be provided.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right-of-way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work

approved by the building official. §9.12.010B

17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

FINDINGS

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed additions comply with the development standards of the R-1 (Single-Family Residential) Zoning District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed additions to the existing single-family residence and detached garage, with shiplap siding on the first floor, battened panel siding on the second floor, a raised-seam metal roof, and creative articulation on the second story, will fit nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
- C. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15332 of the CEQA Guidelines exempts projects characterized as in-fill

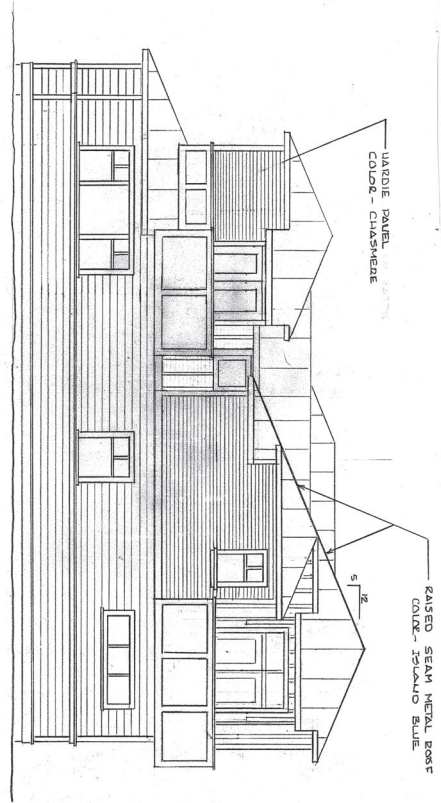
development when: the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially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

ATTACHMENTS:

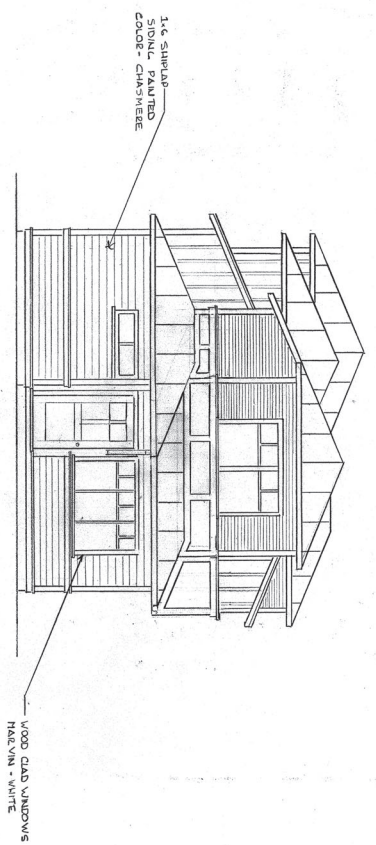
1. 620 Oak Drive - Plan Set
2. 620 Oak Drive - Construction Cost Breakdown
3. 620 Oak Drive - Wall Screen Details

Prepared By: Sean Sesanto

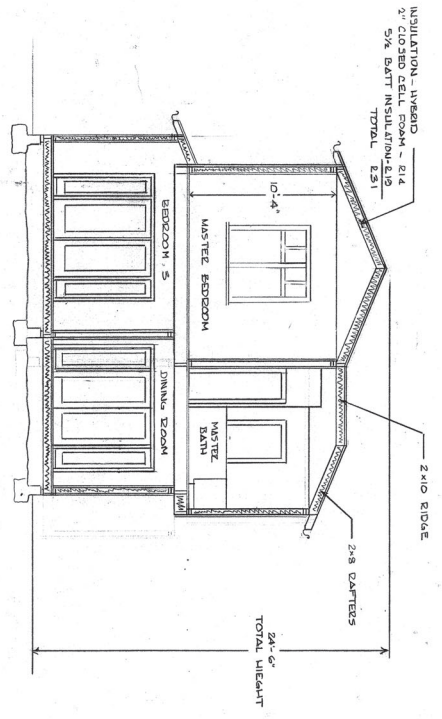
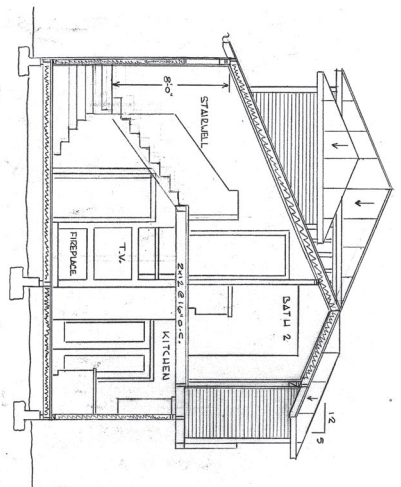
SOUTH ELEVATION



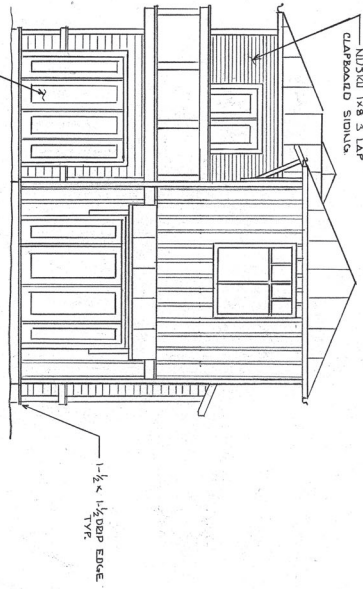
WEST ELEVATION



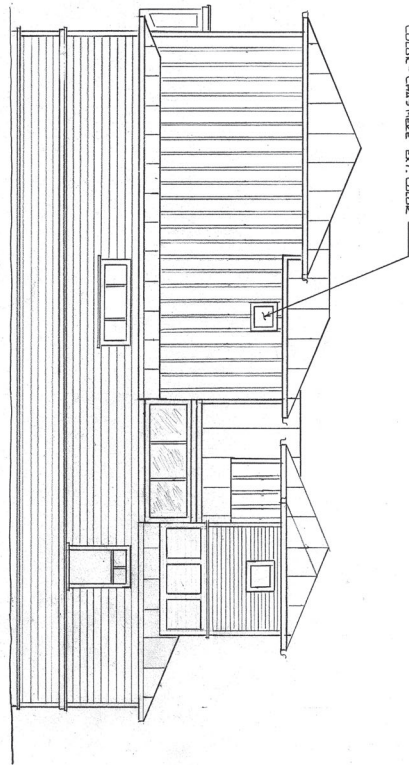
CROSS SECTIONS



EAST ELEVATION



NORTH ELEVATION



3" HALF ROUND
CUTTER HOT DIPPED
GALVANIZED

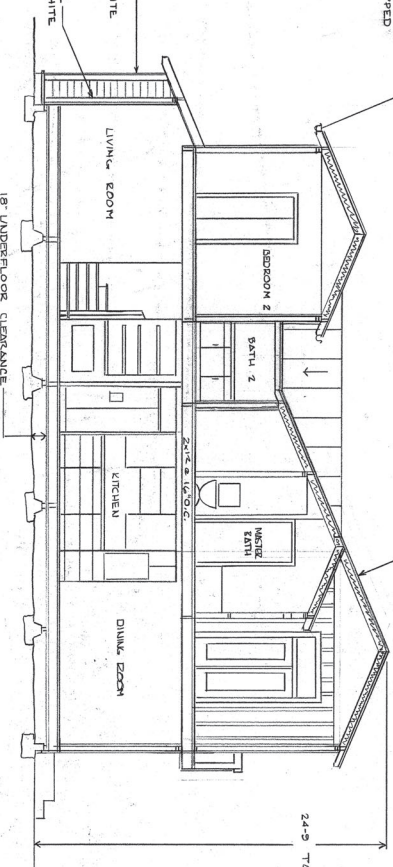
METAL RAISED SEAM ROOF - COLOR - ISLAND BLUE
w/ CERTAINTED METAL FLASHING
UNDERLAYMENT OVER 1/2" GYP

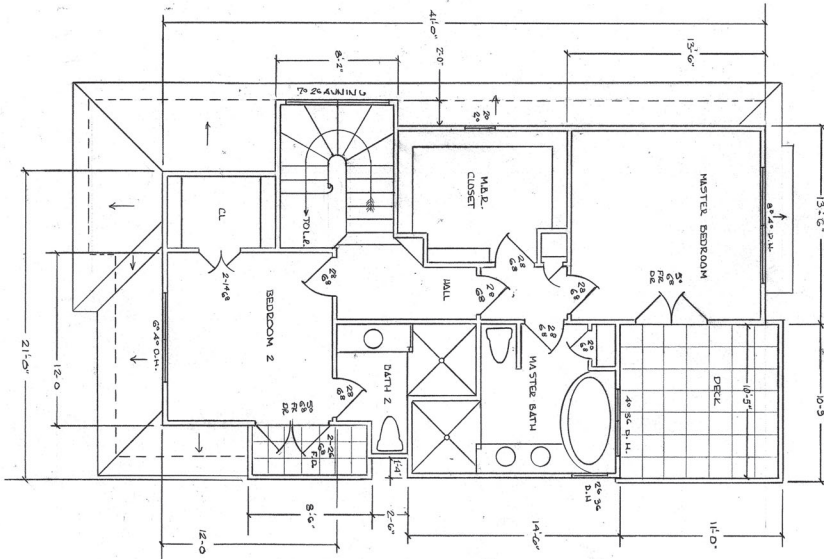
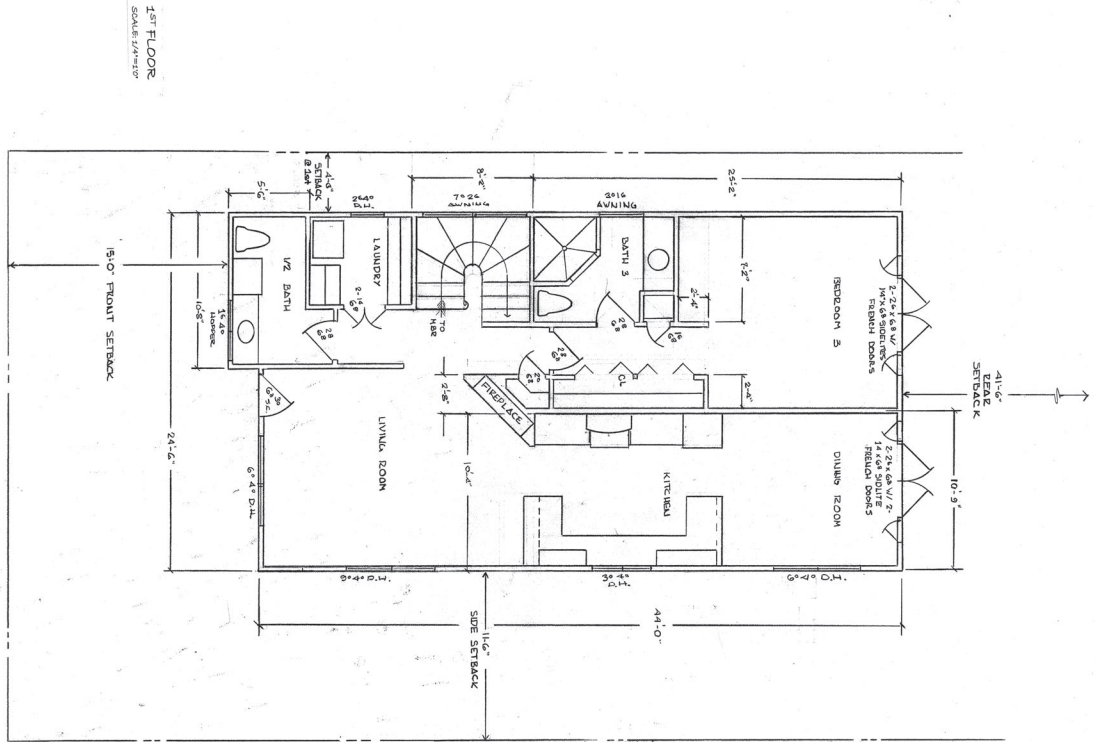
1/4\"/>

18" UNDERFLOOR CLEARANCE

24'-9" TOTAL HEIGHT

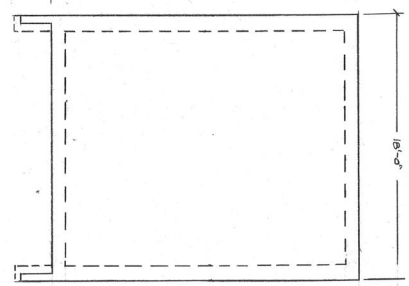
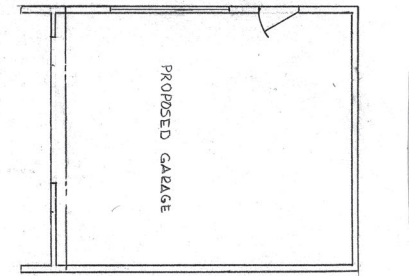
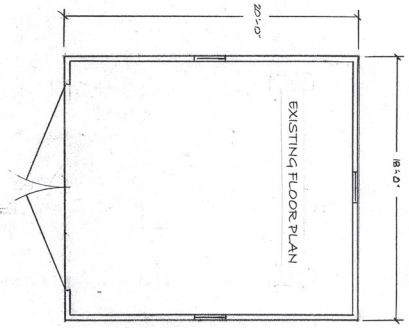
CROSS SECTIONS SOUTH





- SCOPE OF WORK**
- REMODEL OF EXISTING COTTAGE AT 620 OAK DRIVE, CAPITALA, ARIZONA TO CONFORM WITH STRUCTURAL IMPROVEMENTS, SEE SHEET 1 OF 2
 - FINAL SQUARE FOOTAGE
 - HOUSE - 1ST FLOOR 2280 SQ. FT.
 - HOUSE - 2ND FLOOR 1874 SQ. FT.
 - CARPORT 1288 SQ. FT. (90% OF 1430 SQUARE FEET AS PER PERMITS)
 - TOTAL 5442 SQ. FT.
 - LOT COVERAGE
 - LOT COVERAGE 3844 SQ. FT.
 - LOT COVERAGE 1288 SQ. FT.
 - PARKING COVERAGE 408 SQ. FT.
 - FLOOR AREA RATIO 0.78
 - DECK 128 SQ. FT.

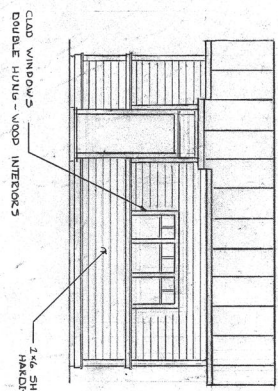
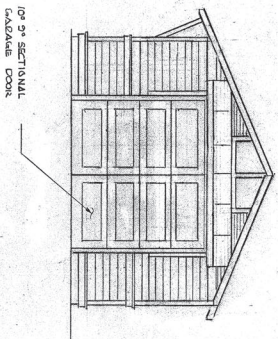
- NOTES: SCOPE OF WORK
1. EXISTING 8' X 20' GARAGE TO BE DEMOLISHED BY 170 WEST
 2. EXISTING EXTERIOR WALLS TO BE DEMOLISHED AND NEW WALLS TO BE
 3. STUCCO EXTERIOR TO BE DEMOLISHED AND INSIDE PLANK FINISH
 4. TO BE INSTALLED TO MATCH EXISTING INSTALLATION
 5. ROOF DEMOLITION AND NEW ROOF TO BE DEMOLISHED AND NEW ROOF TO
 6. MATCH PROPOSED ROOFLINE AS REFLECTED TO BE INSTALLED
 7. NEW EXTERIOR WALLS TO BE DEMOLISHED AND NEW EXTERIOR
 8. WALLS WITH OPERATIVE
 9. NEW ELECTRICAL THROUGHOUT AND SHEET ROOF HINGING AND
 10. EXTERIOR FINISH AND TRIM TO MATCH PROPOSED EXTERIOR
 11. EXTERIOR FINISH TO MATCH EXISTING
 12. EXTERIOR FINISH TO MATCH EXISTING
 13. EXTERIOR FINISH TO MATCH EXISTING
 14. EXTERIOR FINISH TO MATCH EXISTING
 15. EXTERIOR FINISH TO MATCH EXISTING
 16. EXTERIOR FINISH TO MATCH EXISTING
 17. EXTERIOR FINISH TO MATCH EXISTING
 18. EXTERIOR FINISH TO MATCH EXISTING
 19. EXTERIOR FINISH TO MATCH EXISTING
 20. EXTERIOR FINISH TO MATCH EXISTING



REED/WOLFE GARAGE

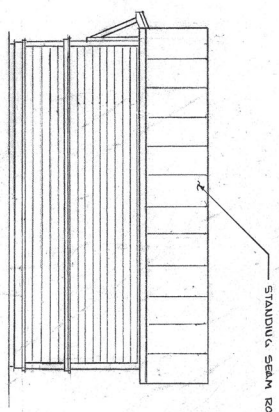
SCALE: 1/4" = 1'

WEST ELEVATION

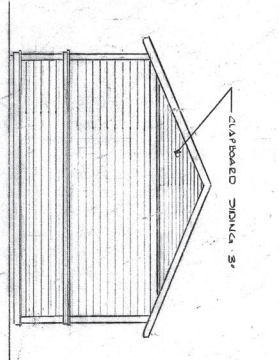


EAST ELEVATION

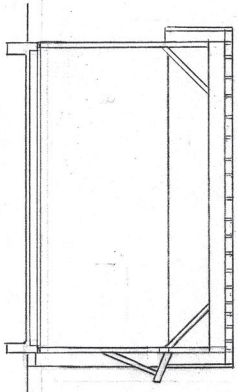
SOUTH ELEVATION



NORTH ELEVATIONS



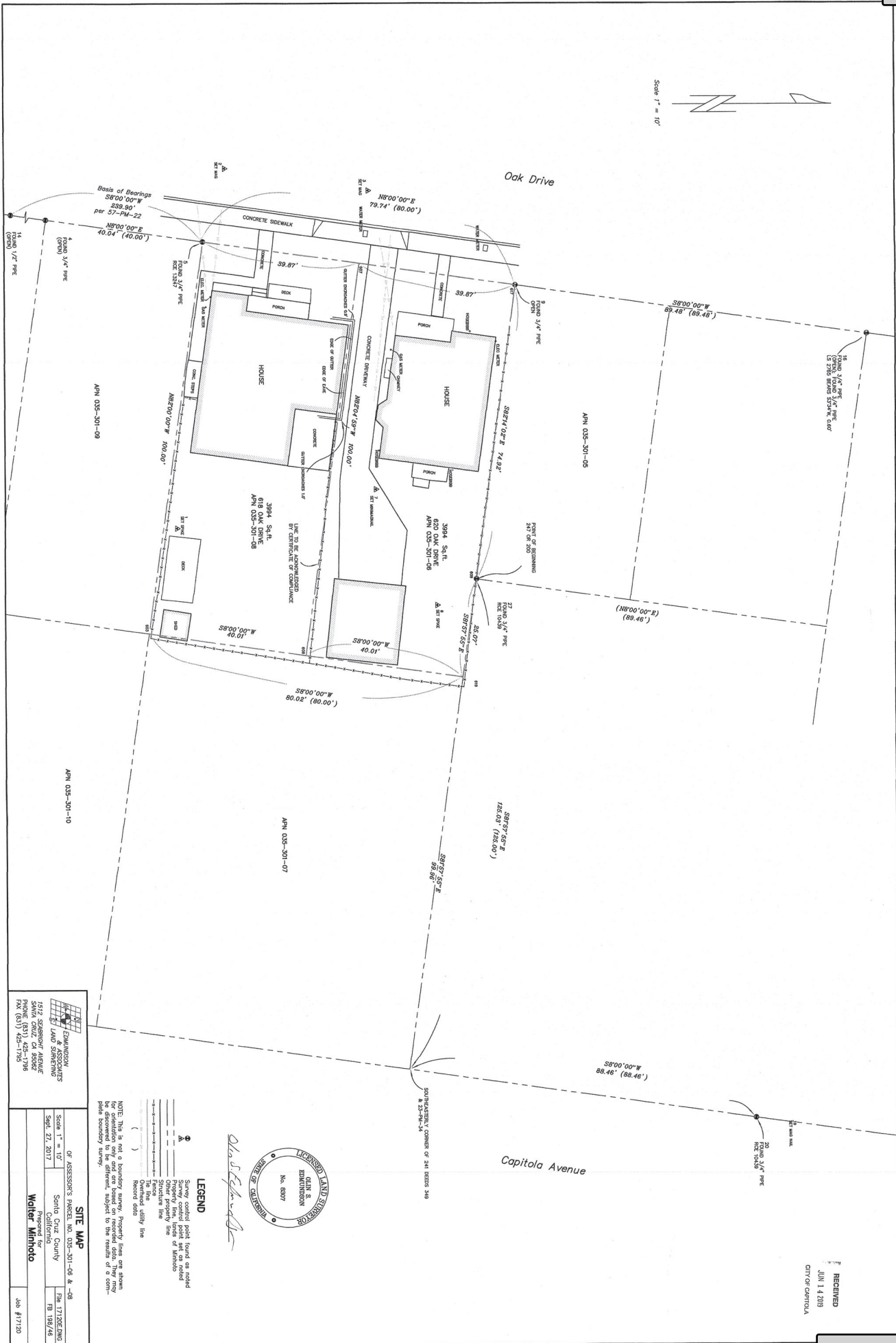
CROSS SECTION



DATE: 08/14/18

DATE: 08/14/18
 SCALE: 1/4" = 1'-0"
 DRAWN: J. BOYER
 CHECKED: J. BOYER
 PROJECT: 620 OAK DRIVE

REED/WOLFE DESIGN AND CONSTRUCTION



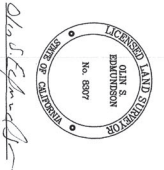
EMERSON & ASSOCIATES
 1512 CANTON AVENUE
 SANTA ANA, CALIFORNIA 92705
 PHONE (818) 425-1795
 FAX (818) 425-1795

SITE MAP
 OF ASSESSOR'S PARCEL NO. 035-301-08 & -09
 Santa Cruz County
 California
 Prepared for
Walter Mintholo
 Date: 08/27/2017
 Scale: 1" = 10'
 The 17102/DMS
 FB 188/746
 Job #17180

LEGEND

- Survey control point found as noted
- Survey control point set as noted
- Structure line
- Other property line
- The line is utility line
- Record date

NOTE: This is not a boundary survey. Property lines are shown for orientation only and are based on recorded data. They may differ from actual boundaries, subject to the results of a corner boundary survey.



Attachment: 620 Oak Drive - Plan Set (620 Oak Drive)

RECEIVED
 JUN 14 2019
 CITY OF CARPENA

CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

Existing Building Costs:

Garage

Existing Residence:	0 square feet	=	\$ -
	\$ 200.00 square foot		
Existing Garage:	378 square feet	=	\$ 34,020.00
	\$ 90.00 square foot		
Existing Deck:	0 square feet	=	\$ -
	\$ 25.00 square foot		
<u>Total Existing Value:</u>			<u>\$ 34,020.00</u>
80% of Total Existing Value			\$ 27,216.00

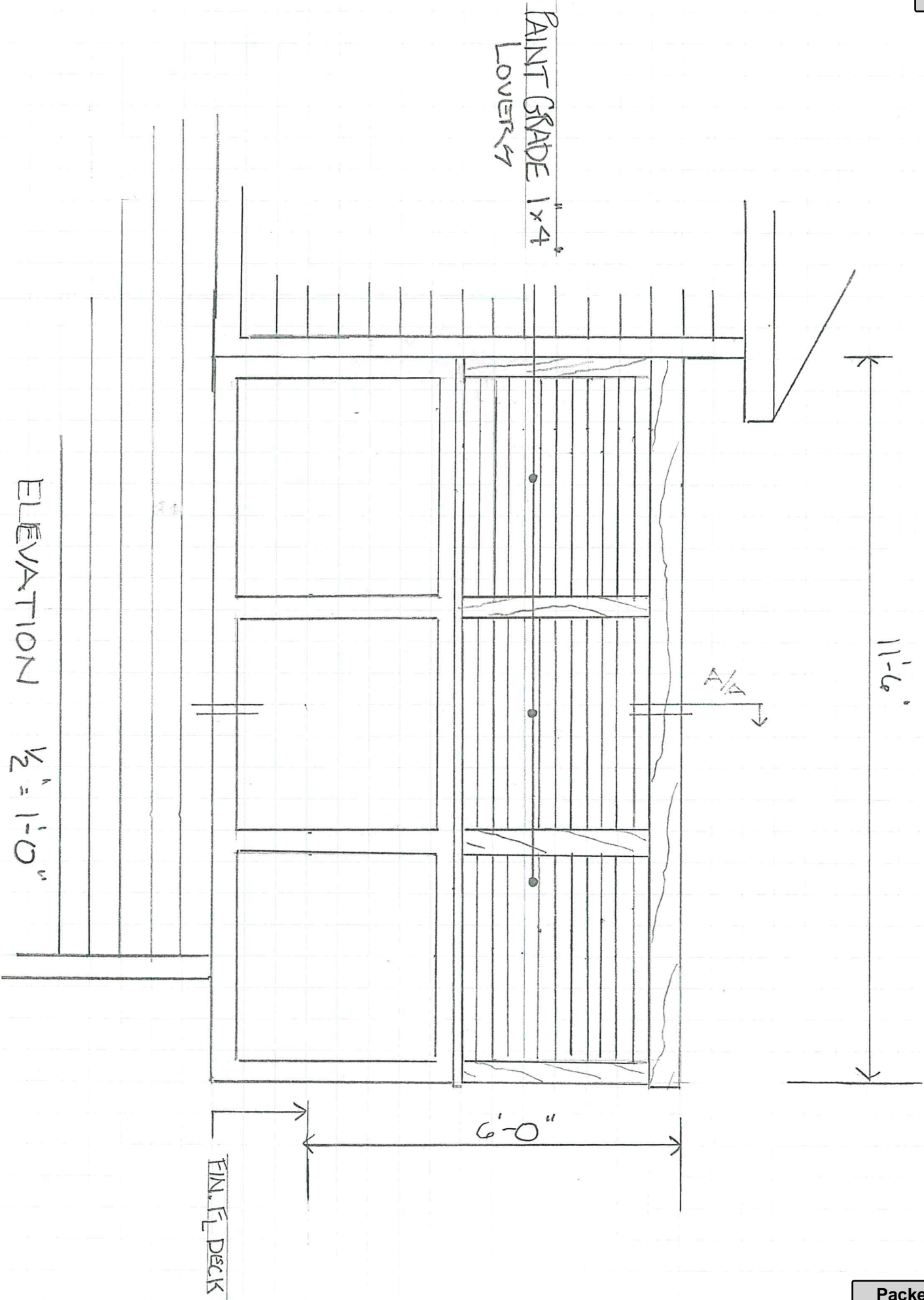
New Construction Costs:

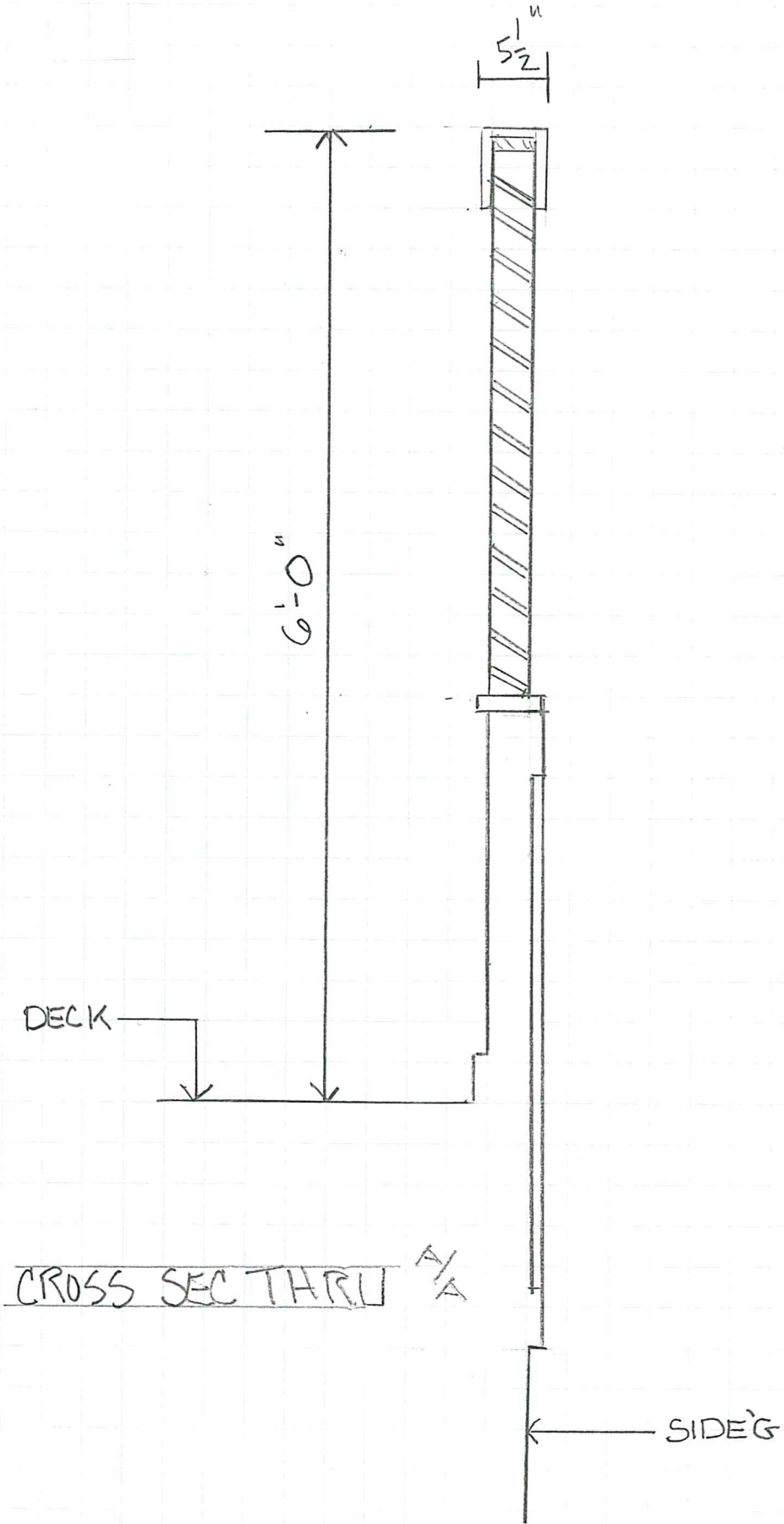
New Conditioned Space:	0 square feet	=	\$ -
	\$ 200.00 square foot		
New Garage:	18 square feet	=	\$ 1,620.00
	\$ 90.00 square foot		
New deck/porch:	0 square feet	=	\$ -
	\$ 25.00 square foot		
<u>Total New Construction Value:</u>			<u>\$ 1,620.00</u>

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

Remodel Conditioned Space:	0 square feet	=	\$ -
	\$ 100.00 square foot		
Remodel Garage:	0 square feet	=	\$ -
	\$ 45.00 square foot		
Remodel Deck:	0 square feet	=	\$ -
	\$ 12.50 square foot		
<u>Total Remodel Value:</u>			<u>\$ -</u>
<u>Total Construction/Remodel Cost</u>			<u>\$ 1,620.00</u>
% of Existing Value			4.7619%

Attachment: 620 Oak Drive - Construction Cost Breakdown (620 Oak Drive)





Attachment: 620 Oak Drive - Wall Screen Details (620 Oak Drive)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 5, 2019

SUBJECT: **115 San Jose Avenue - Pizzeria - Alcohol #19-0332 APN:**
035-221-19

Amendment to a Conditional Use Permit for alcohol sales for La Bufala, a take-out pizza restaurant located within the Mercantile, in the CV (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares

Representative: Sandro Costanza, Filed: 07.11.2019

APPLICANT PROPOSAL

The applicant submitted a request to amend the Conditional Use Permit (CUP) for a take-out restaurant, Pizzeria La Bufala, to add on-site alcohol sales and consumption. The property is located within the Capitola Mercantile at 115 San Jose Avenue in the CV (Central Village) zoning district. The proposed use is consistent with the General Plan, Local Coastal Program, and Zoning Ordinance with the issuance of a Conditional Use Permit.

BACKGROUND

The property is located within the Central Village along the Esplanade within the Capitola Mercantile. The Capitola Mercantile contains 11 commercial tenant spaces, totaling 8,735 square feet. The occupied spaces in the Capitola Mercantile are currently a mix of retail and restaurant establishments. The commercial space (Suite 111) for the proposed CUP amendment was approved as a take-out restaurant by the Planning Commission on May 2, 2019 (Attachment 2).

DISCUSSION

Under Capitola Municipal Code §17.21.060(D), business establishments that sell or dispense alcoholic beverages are listed as a conditional use, therefore a conditional use permit is required for this project. The previously approved Conditional Use Permit for Pizzeria La Bufala includes hours of operation from 9:00 am to 10:00 pm daily. Under the amended CUP, sale of alcohol is proposed from 12:00 pm to 10:00 pm. The restaurant is permitted as a take-out restaurant with seating for up to six customers. The condition that the take-out restaurant be limited to a six-seat maximum will remain as approved in the previous CUP.

The applicant is requesting a CUP amendment to include a Type 41 alcohol license (Attachment 4). A Type 41 on-sale beer and wine license from the Department of Alcoholic Beverage Control (ABC) authorizes the sale of beer and wine for consumption on or off the premises where sold with minors allowed on the premises. Chief of Police Terry McManus has reviewed the application, conducted a site visit, and made findings that support the approval of the CUP for a Type 41 alcohol license at 115 San Jose Avenue Suite 111. Chief McManus also provided a letter of necessity and convenience for the project, which is required by the ABC for a location in a high crime area and/or a census tract with an overconcentration of alcohol outlets.

Alcohol in Limited-Seating Establishments

There have been several applications for alcohol within establishments that provide six seats or less. Armida Winery was approved in 2002 as a retail business with that dispenses alcohol. The business does not provide seating. In 1998 a restaurant within the Mercantile now occupied by Caruso's was approved as a take-out restaurant with the sale of beer and wine. The business was allowed no more than six seats. The conditional use permit was amended in 2005 to allow up to 20 seats.

Parking

The site shares parking with other tenants of the Mercantile. The proposed CUP amendment will not intensify the original parking requirements (Permit #19-0140). However, parking for the Mercantile is at-capacity and any future applications for increased seating would require an increase of on-site parking.

In issuing a Conditional Use Permit, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the protection of adjacent properties and in the public interest. The original CUP for the take-out restaurant includes conditions requires 41 parking space, limits seating to a six-seat maximum, prohibits audible entertainment from being heard outside the building, requires funding for a new off-site trash receptacle and installation within the village, and requires installation of wheel stops for three new parking spaces. The original conditions are included in the amended CUP. Staff added conditions one through four to ensure compliance with the original CUP and responsible management of onsite sale of alcohol in compliance with the ABC.

CEQA

The project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves the sale of alcohol for on-site consumption in an existing commercial space. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #19-0332 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of the addition of on-site alcohol sales and consumption to an existing Conditional Use Permit for a 1,001-square-foot take-out restaurant (Pizzeria La Bufala) with six seats or less at 115 San Jose Avenue (Suite 111). No other modifications to the use or size of the restaurant are proposed within the application.
2. A copy of the approved Department of Alcoholic Beverage Control (ABC) Permit must be

filed with the Community Development Department prior to initiating on-site beer and wine sales.

3. The applicant shall receive permission from ABC prior to September 5, 2021. The conditional use permit will expire in the case where the conditionally permitted use has not been exercised within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon the land pursuant to the permit. Applications for extension may be submitted by the applicant prior to permit expiration, pursuant to Municipal Code section 17.81.160.
4. Compliance with all conditions of approval and the ABC license requirements and conditions shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance issue in a timely manner may result in permit revocation.

Original Conditions of Approval for Permit #19-0140

5. Prior to issuance of a building permit, business license, and/or Certificate of Occupancy for the to-go restaurant, the site shall have 41 on-site parking spaces. A parking plan must be submitted to the City for approval by the Public Works Director and Community Development Director.
6. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
7. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
8. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
9. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
10. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
11. Prior to issuance of building permit, all Planning fees associated with permit #19-0140 shall be paid in full.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Prior to issuance of a business license and/or building permit, applicant shall provide funding for a new off-site trash receptacle and the installation of the receptacle within the Capitola Village. The type and placement of the new trash receptacle shall be determined by the Director of Public Works.
19. Prior to issuance of a business license and/or building permit, wheel stops shall be installed in the three parking spaces in front of the west entrance to the Capitola Mercantile (spaces 28, 12, and 40 in the approved plan set).

FINDINGS

- A. The project, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff and the Planning Commission have reviewed the project. The proposed to-go restaurant with a Type 41 alcohol license complies with the development standards of the C-V District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. The project will maintain the character and integrity of the neighborhood.**
Community Development Staff and the Planning Commission have reviewed the application for the project for the sale of alcohol for a previously approved to-go restaurant. The use will fit with the surrounding commercial uses. The project will

maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves the sale of beer and wine for on-site consumption in a previously approved to-go restaurant within the C-V (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 115 San Jose Avenue - Pizzeria - Full Plan Set
2. 115 San Jose Avenue - #19-0140 - Final Local Action Notice
3. 115 San Jose Avenue - La Bufala - Business Introduction Letter - Revised
4. ABC License Type List

Prepared By: Sean Sesanto

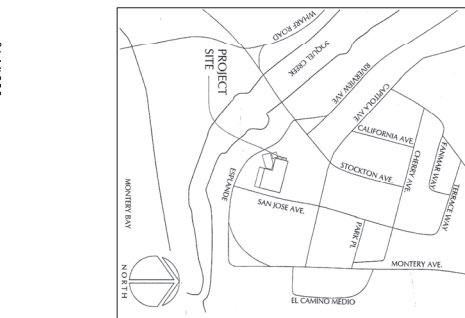
CAPITOLA MERCANTILE SPACE 111

GENERAL NOTES

- ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE 2016 CALIFORNIA BUILDING CODE, MECHANICAL, ELECTRICAL, AND PLUMBING, 2016 FIRE CODES AND THE CURRENT VERSION OF THE CALIFORNIA INTERNATIONAL BUILDING CONVENT CODES AND REGULATIONS AND THE REQUIREMENTS OF THE REFERENCED STANDARDS OF THESE NOTES. THE PROVISIONS OF THE MORE STRINGENT SHALL GOVERN.
- THE CONTRACTOR SHALL VERIFY ALL INFORMATION IN THE DRAWINGS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY PRIOR TO COMMENCEMENT OF WORK.
- DISCREPANCIES BETWEEN DRAWINGS OR SPECIFICATIONS SHALL BE RESOLVED BY THE ARCHITECT. DISCREPANCIES BETWEEN DRAWINGS OR SPECIFICATIONS SHALL BE RESOLVED BY THE ARCHITECT.
- THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, EQUIPMENT AND SERVICES REQUIRED TO COMPLETE THE WORK EXCEPT FOR THOSE THINGS SHOWN IN CONTRACT.
- IF HIDDEN OR UNUSUAL SITUATIONS ARE ENCOUNTERED DURING CONSTRUCTION WHICH COULD NOT BE DISCOVERED PRIOR TO CONSTRUCTION, NOTIFY THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL NOT INFRINGE ANY PUBLIC OR PRIVATE PROPERTY OTHER THAN THE SITE WITHOUT FURNISHING MANAGEMENT PERMITS OR WRITTEN PERMISSION FROM THE PROPERTY OWNERS.
- THE CONTRACTOR SHALL PROVIDE FENCING, BARRICADES, WARNING SIGNAGE, SIGNAGE AND OTHER PROTECTIVE MEASURES AS NEEDED TO PROVIDE FOR THE PUBLIC'S SAFETY.
- THE CONTRACTOR SHALL SCHEDULE AND COORDINATE ALL INSPECTIONS AND AT THE END OF THE WORK REMOVE THE OWNERS WITH ALL THE ORIGINAL SIGNED DOCUMENTS FROM ANY INSPECTING ENTITY.
- PHYSICAL DETAILS AND NOTES SHALL APPLY UNLESS SPECIFICALLY SHOWN OR NOTED OTHERWISE. DETAILS DIMENSIONS SHALL BE SHOWN ON DRAWINGS OR NOTES OR DRAWINGS SHALL GOVERN.
- ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PERSON AND PROVIDE WORKING CONDITIONS, FURNISHWORK, ETC. AS REQUIRED TO PROTECT LIFE AND PROPERTY.
- ALL EXTERIOR WOOD FINISHES SHOULD BE APPLIED TO EXTERIOR SURFACES, EDEGES, JOISTS AND POSTS SHALL BE EITHER PRESERVE TREATED OR REDWOOD.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND REPORT DISCREPANCIES TO THE ARCHITECT.
- OCCUPANT LOADS SHALL BE PLACED AT MAIN EXITS IN A CONSISTENT LOCATION AND SHALL BE AS FOLLOWS:

ABBREVIATIONS & SYMBOLS

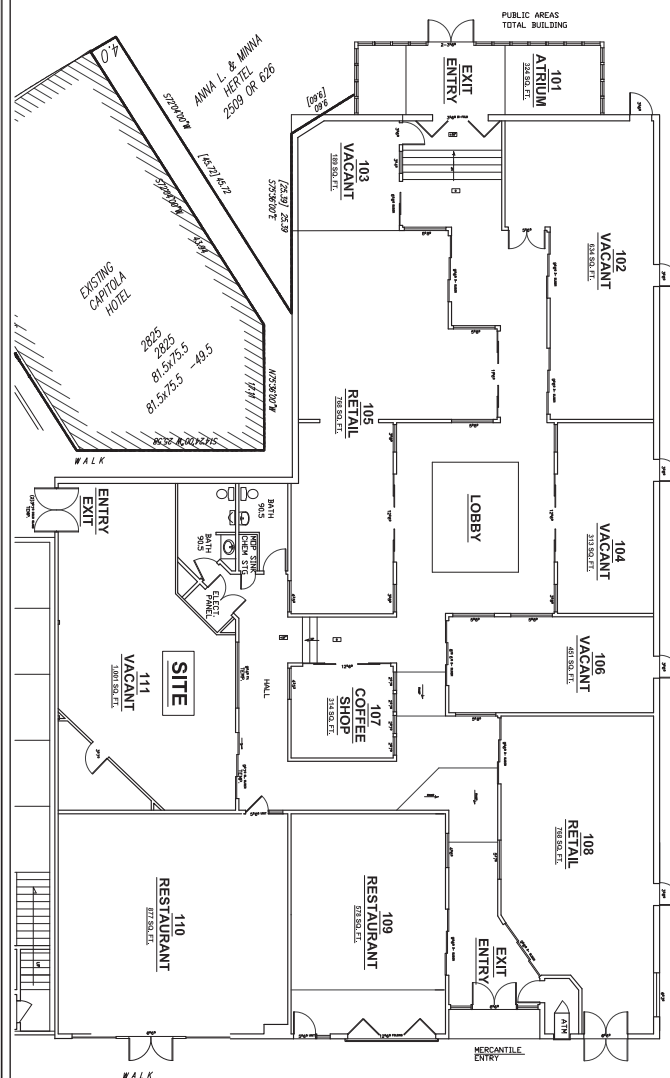
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OCCUPANT LOAD CALCULATION

Room	Area (sq ft)	Use	Code	Load (people)	Total
101	8	101	1	100	100
102	8	102	1	100	200
103	8	103	1	100	300
104	8	104	1	100	400
105	8	105	1	100	500
106	8	106	1	100	600
107	8	107	1	100	700
108	8	108	1	100	800
109	8	109	1	100	900
110	8	110	1	100	1000
111	8	111	1	100	1100
Total	88			1100	1100

PROJECT DATA:
 Project Name: CAPITOLA MERCANTILE SPACE 111
 Project Location: 115 SAN JOSE AV, CAPITOLA, CA 95010
 Project Owner: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Project Architect: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Project Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Project Date: 05/01/19



PROJECT CONSULTANTS:
 Architect: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Structural Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Mechanical Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Electrical Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Civil Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Landscape Architect: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Interior Designer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Project Manager: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Construction Manager: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Environmental Engineer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Energy Auditor: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Fire Marshal: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Health and Safety Officer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Historic Preservation Officer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Lead Inspector: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Permitting Specialist: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Quality Control: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Safety Officer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Signage Designer: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Sustainability Consultant: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Title Insurance: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Utility Provider: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Vendor: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING
 Worker: DENNIS NORTON HOME DESIGN AND PROJECT PLANNING

COVER SHEET PROJECT DATA

DATE: 05/01/19

JOB NO: MERC 111

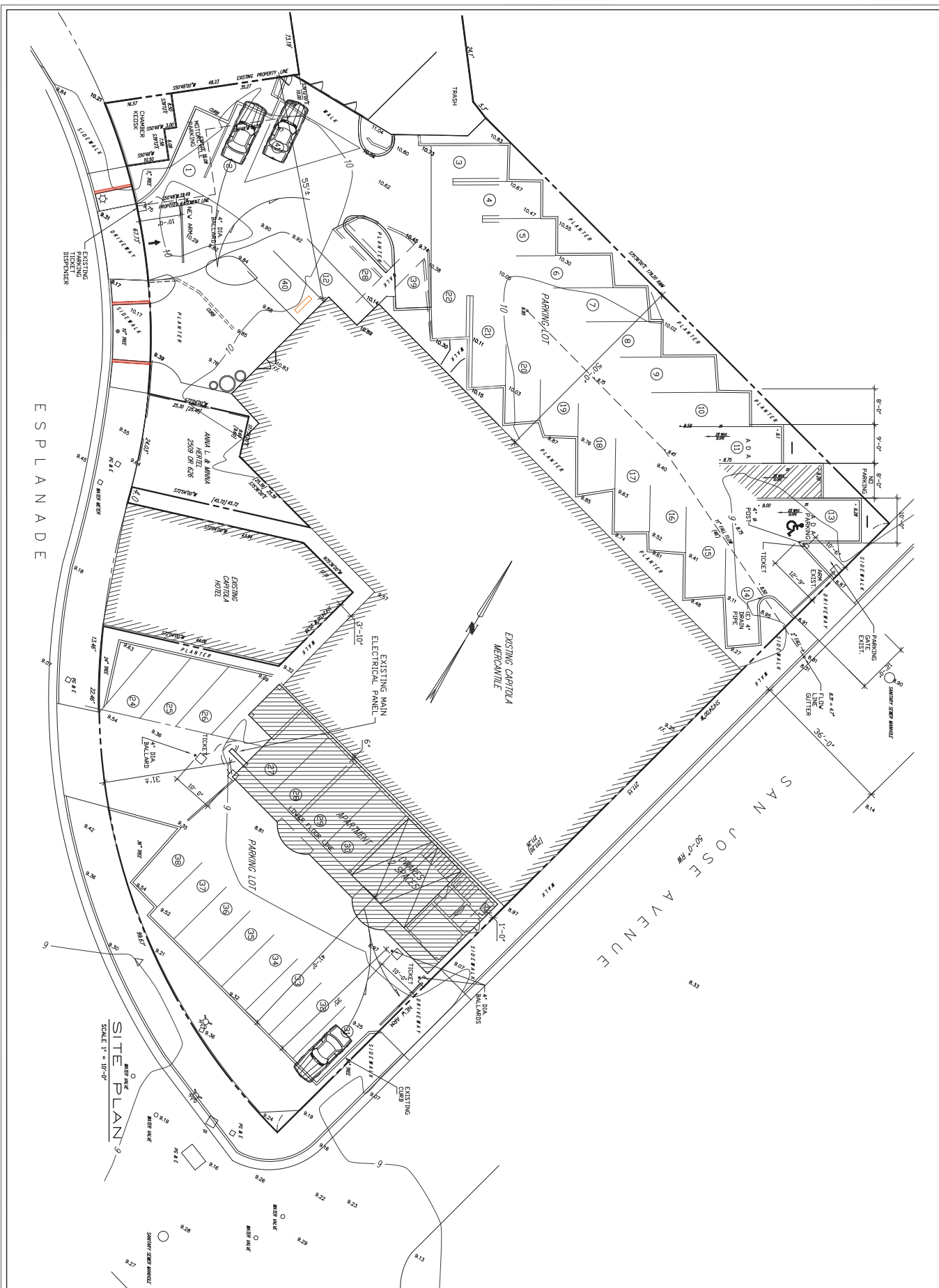
DRAWN: CG

SHEET: 1 OF 4

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING

712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831 476 2616 FAX: 831 476 2616
 WEBSITE: www.dennisnortonhome.com

PIZZERIA LA BUFALA
CAPITOLA MERCANTILE 115 SAN JOSE AV
CAPITOLA, CA 95010 SPACE 111
APN 035-221-27



ESPLANADE

SAN JOSE AVENUE
80'-0" RW

SITE PLAN 9
SCALE 1" = 10'-0"

DATE	03/21/19
JOB NO.	MERC 111
SCALE	1" = 10'-0"
DRWING	GG

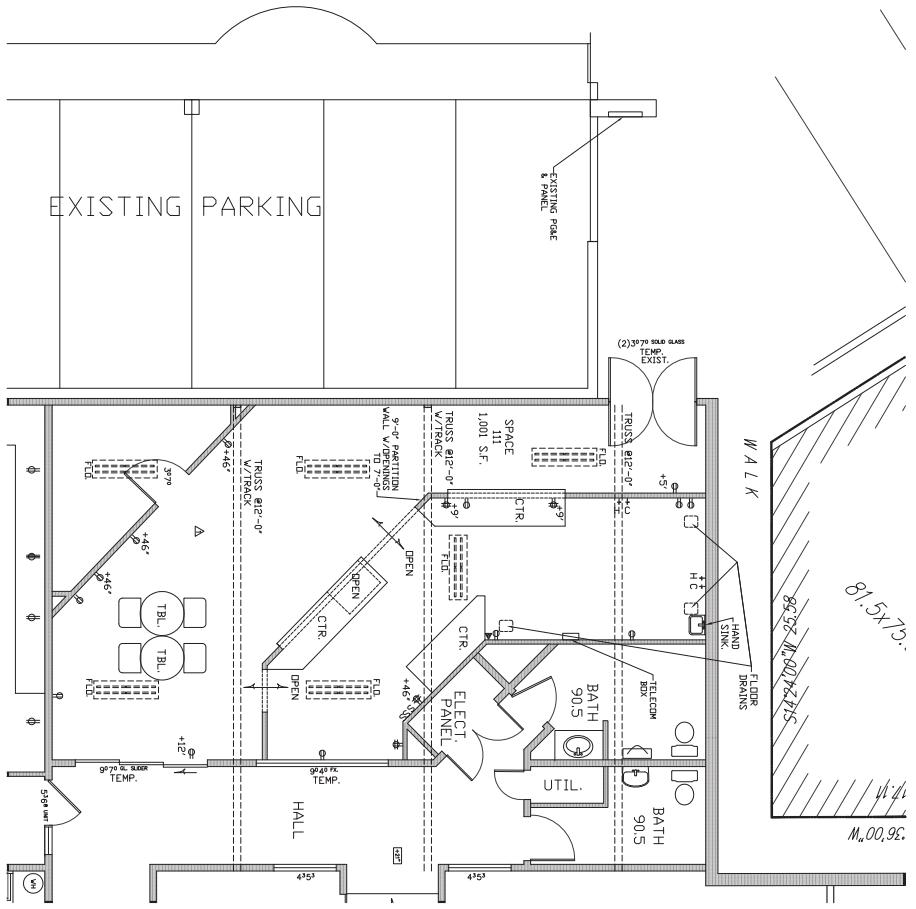
SITE PLAN

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING

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PHONE: 831 478 2616 FAX: 831 478 2616
WEBSITE: www.dennisonortondesign.com

PIZZERIA LA BUFALA
115 SAN JOSE AVE. SPACE 111
CAPITOLA, CA 95010
APN 035-221-27

OWNER	DENNIS NORTON
DESIGNER	DENNIS NORTON
DATE	03/21/19
PROJECT	PIZZERIA LA BUFALA
SHEET	2
OF	4



FLOORPLAN
1/4"=1'-0"

EXISTING
 FLOORPLAN

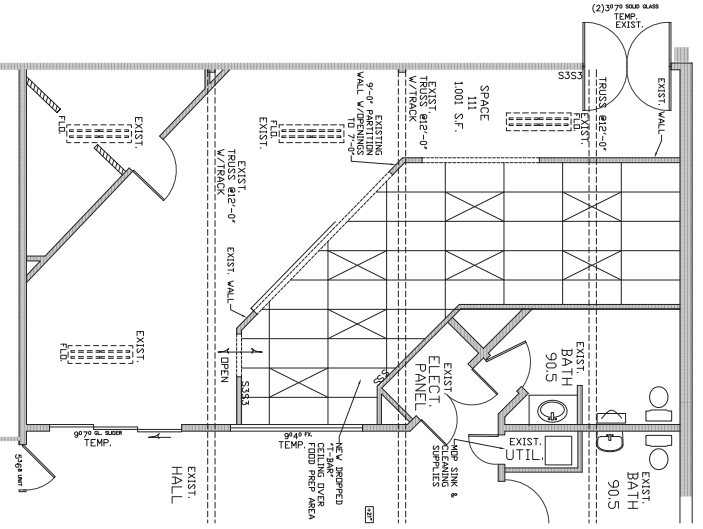
DENNIS NORTON
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 PHONE: 831 478 2616 FAX: 831 478 2616
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PIZZERIA LA BUFALA
 CAPITOLS MERCANTILE 115 SAN JOSE AV
 CAPITOLA, CA 95010 SPACE 111
 APN 035-221-27

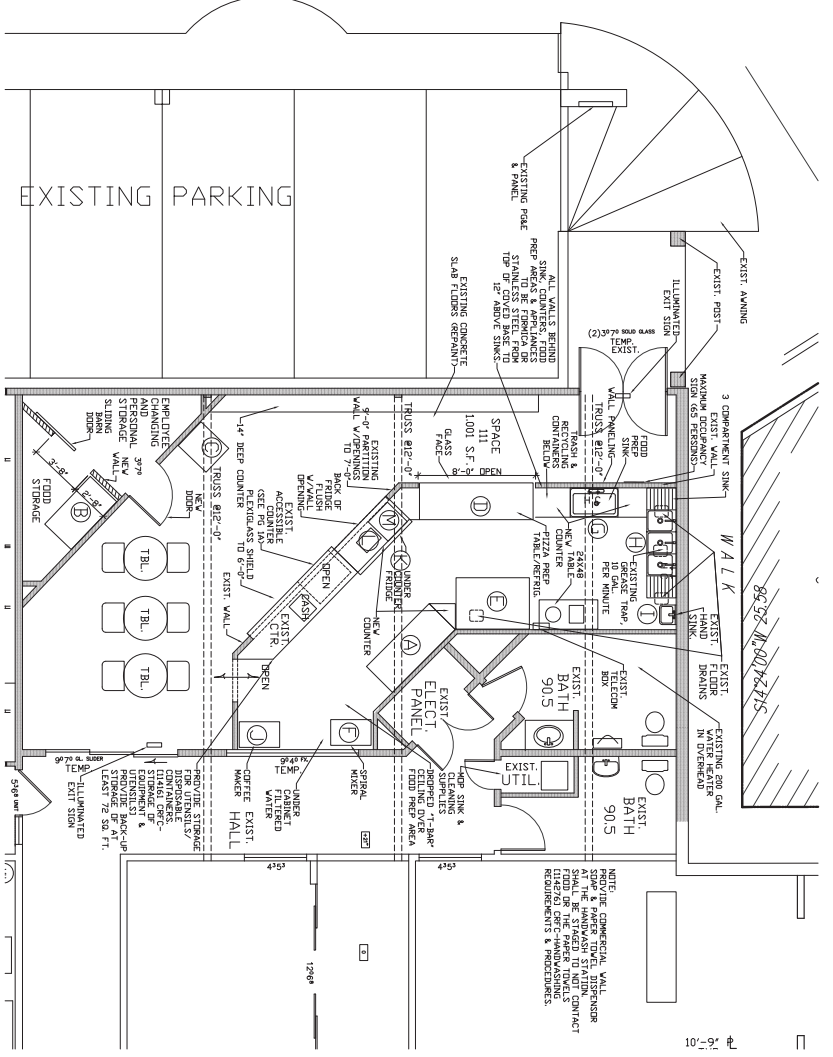
OWNER: DAVIS SPALANZANI CAPITOLA, CA 95010	REVISIONS: NO. 1 BY:
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SHEET 3 <small>OF 4 SHEETS</small>	DATE: 03/21/19	JOB NO.: MERC 111	DRAWN: GGS	SCALE: 1/4"=1'-0"
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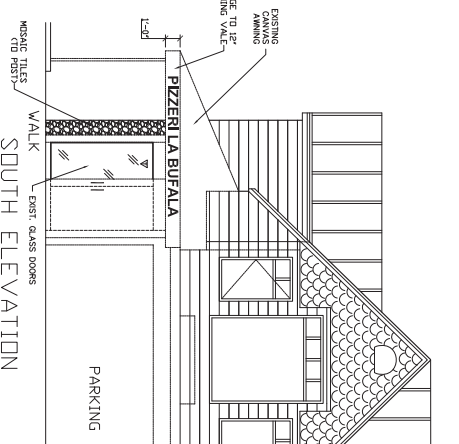
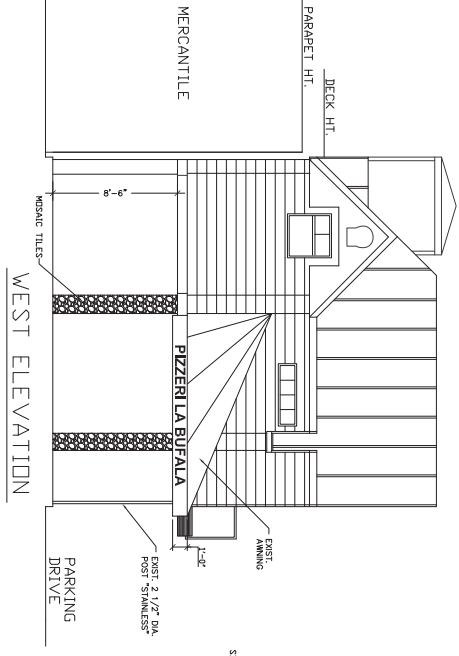
REFLECTED CEILING PLAN



EXISTING PARKING



FLOORPLAN



LD.	DESCRIPTION	MODEL	DIMENSIONS (W-D-H)	GROSS WEIGHT	L.F.	VOLTAGE	AMPS
A	ATOSA UNDER-FRIDGE	W879404	72x68x20x6.57	319.26	1/9	115/60/1	2.8
B	ATOSA UNDER-FRIDGE	W878207	54.41x31.5x83.16	444.4	1/3	115/60/1	6.5
C	ATOSA DOOR W/RECI. BEVERAGE	W879709	26.87x21.5x83.16	314.16	1/8	115/60/1	3.2
D	TABLE FRIDGE	W879203	26.87x21.5x83.16	540.32	2/3	115/60/1	7.7
E	TABLE FRIDGE ELECTRIC DECK	DM835/209	60x42x21	546		208/220 VAC (SEE 208X)	8.6 KW (SEE 208X)
F	OPEN COMPARTMENT SPLIT WATER SINK	PEFM441	33x21x20	245	2.4	200/240 VAC	1.3 KW
G	ONE COMPARTMENT SINK	SE1818L	39 1/8x24x45	38			
H	THREE COMPARTMENT SINK	SE1818SD	30 3/8x24x45	91			
I	HAND SINK	EXISTING					
J	CORFE MAKER	W879403	50x42x30x39	284.55	1/5	115/60/1	2.8
K	AVANTO UNDER-FRIDGE	P78	17x21x10 (19.5 OPEN)			120 VAC	
L	AVANTO PANINI SANDWICH GRILL	CO-28	22.75x22.5x19.75			208/240 VAC	6.5
M	AVANTO CONNECTION OVEN						



PROPOSED FLOORPLAN

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING

712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
PHONE: (831) 476-2616 FAX: (831) 476-2616
WEBSITE: www.dennisonorton.com

PIZZERI LA BUFALA
CAPITOLA MERCANTILE 115 SAN JOSE AV
CAPITOLA, CA 95010 SPACE 111
APN 035-221-27

DENNIS NORTON
DESIGNED
CAPITOLA, CA 95010

REVISIONS:	BY:

DATE: 05/01/19
SCALE: 1/4"=1'-0"
JOB NO: MERC 111
SHEET: 4



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

FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

May 13, 2019

Peter Dwares
 331 Filbert Street
 San Francisco, CA 94133

RE: Notice of Final Action on Application #19-0140

115 San Jose Avenue

#19-0140

APN: 035-221-19

Conditional Use Permit for a to-go restaurant (pizzeria) located within the Capitola Mercantile in the CV (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares

Representative: Dennis Norton, Filed: 03.28.2019

The above matter was presented to the Planning Commission on May 2, 2019, and was **approved**, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in ~~strikeout~~ and underline notation.

CONDITIONS

1. The project approval consists of a Conditional Use Permit for a 1,001-square-foot take-out restaurant with six seats or less. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 2, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to issuance of a building permit, business license, and/or Certificate of Occupancy for the to-go restaurant, the site shall have 41 on-site parking spaces. A parking plan must be submitted to the City for approval by the Public Works Director and Community Development Director.
3. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
4. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent

- with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
 6. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
 7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
 8. Prior to issuance of building permit, all Planning fees associated with permit #19-0140 shall be paid in full.
 - ~~9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.~~
 - ~~10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).~~
 - ~~11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.~~
 12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
 13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.
§9.12.010B
 14. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
 15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit

expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
17. Prior to issuance of a business license and/or building permit, applicant shall provide funding for a new off-site trash receptacle and the installation of the receptacle within the Capitola Village. The type and placement of the new trash receptacle shall be determined by the Director of Public Works.
18. Prior to issuance of a business license and/or building permit, wheel stops shall be installed in the three parking spaces in front of the west entrance to the Capitola Mercantile (spaces 28, 12, and 40 in the approved plan set).

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed to-go restaurant complies with the development standards of the C-V District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the to-go restaurant. The use will fit in nicely with the surrounding commercial uses. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves the conversion of existing commercial space into a to-go restaurant within the C-V (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (May 13, 2021) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

115 San Jose Avenue
Final Local Action Notice and Zoning Permit – Project Application #19-0140
May 13, 2019
Page 4

Respectfully,



Matt Orbach
Associate Planner

cc: Dennis Norton

Attachment: 115 San Jose Avenue - #19-0140 - Final Local Action Notice (115 San Jose Avenue - Pizzeria - Alcohol)



Santa Cruz, August 29th 2019

Capitola City Council
420 Capitola Avenue
Capitola, CA 95010

Costanza & Costanza Corp.
110 Riverview Street
Santa Cruz, CA 95062

To Whom it May Concern:

The purpose of this letter is to inform you about our intention to open a Pizzeria / Caffè in the Capitola Village, at 115 San Jose Avenue # 111, Capitola, CA 95010. Business opening hours will be from 9:00 am till 10:00 pm daily. Alcoholic drinks will be served inside the premises between 12:00 pm and 10:00 pm daily. For premises, it is intended the inside perimeter of space #111. Beer and Wines will be served from behind the kitchen counter, directly to customers.

With over 20 years experience in the restaurant business (Star Bene Restaurant - Santa Cruz & Ristorante Da Mario - Saratoga), we are thrilled with the prospect of serving the Capitola community with Southern Italian dishes already savored at our pizzeria located in Santa Cruz – Pizzeria La Bufala (www.pizzerialabufala.com)

Do not hesitate to contact us for any further information you may need.

Sincerely,

Sandro Costanza
669 231-9014

Luciana Costanza
831 454-6200

Attachment: 115 San Jose Avenue - La Bufala - Business Introduction Letter - Revised (115 San Jose Avenue - Pizzeria - Alcohol)

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.





STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 5, 2019

SUBJECT: **1440 41st Avenue** **#19-0369** **APN: 034-111-50**

Conditional Use Permit to operate and expand Hot Elevation Studios, a fitness studio located within the C-C (Community Commercial) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Four Starr Properties

Representative: Fuse Architects, Filed: 08.05.2019

APPLICANT PROPOSAL

The applicant is requesting a Conditional Use Permit to operate and expand Hot Elevation Studios, a fitness studio, within an existing commercial space (Four Star Center) located at 1440 41st Avenue in the CC (Community Commercial) Zoning District. The studio currently occupies Suite E and Suite H and will expand into Suite G, which was formerly occupied by a massage business. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

BACKGROUND

Four Star Center is located on the east side of 41st Avenue between Helm and Academy Mortgage. The plaza is in Capitola's main shopping district along 41st Avenue, which also includes King's Plaza, the Capitola Mall, the Auto Mall, and several other shopping plazas. Four Star Center is a large (~99,000 square feet) commercial parcel with over 300 linear feet along 41st Avenue. The plaza is made up of three buildings in a U-shape. There are 111 parking spaces located in the center and in the back corners of the property for use by all tenants. The commercial spaces are occupied by a range of tenants, including Hot Elevation Studios, Verizon, Max Muscle, Melinda's Bakery, Reign Salon, and Tracy's Nails. The largest commercial space in Four Star Center, the 15,568 square foot rear building formerly occupied by Outdoor World, is currently vacant.

DISCUSSION

Hot Elevation Studios currently occupies Suite E (2,080 square feet) and Suite H (960 square feet). They are proposing to expand into Suite G (1,050 square feet), which is in between their two existing locations. The expansion involves an interior remodel that combines Suite E, H, and G. No exterior changes are proposed. With the additional space, the applicant is

proposing to increase their class offerings from 64 to 90 classes per week. Hot Elevation Studios offers cycle, TRX, barre, yoga, and pilates classes.

Conditional Use Permit

A fitness studio is considered a personal service establishment within the zoning code. Under Capitola Municipal Code §17.27.060(D), “personal service establishments entirely within enclosed buildings that occupy more than three thousand square feet of building area” require a Conditional Use Permit (CUP) within the CC (Community Commercial) zoning district. The proposed fitness studio after the expansion will be 4,090 square feet.

In considering an application for a CUP, the Planning Commission must give due regard to the nature and condition of all adjacent uses and structures. The municipal code lists additional requirements and review criteria for some uses within the CUP consideration (§17.60.030). There are no additional requirements for fitness studios within the ordinance. In issuing the CUP for the fitness studio, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest.

Parking

The parking section of the zoning ordinance does not have a specific parking requirement for yoga or fitness club type uses. In order to analyze parking impacts, *Kimley-Horn* was contracted by the City to prepare a parking study (Attachment 2). The study evaluates the proposed class schedule and land use type, providing a comparison of parking requirements based upon Institute of *Transportation Engineers* (ITE) land uses and the City of Capitola Zoning Ordinance. The analysis also evaluates parking conditions during the transition time period between classes that will create overlapping parking demand.

Utilizing the various parking demand rates and standards, the study finds that an inadequate number of parking spaces are forecast to be available for the proposed project within the retail center based on the city requirement and industry standards. As such, an actual parking count was conducted to verify availability of parking spaces on the site during peak operating times of the yoga facility. The reason for the count is that with mixed tenants at strip malls, parking utilization is shared and has different peaks. Thus, the net demand for parking is less than what typical requirements would indicate.

Parking occupancy counts were conducted to document the parking demand for the retail center, including the existing Verizon, Max Muscle, Melinda’s Bakery, Reign Salon, and Tracy’s Nails businesses at the existing site. Parking occupancy was observed at 10:30 a.m. and 5:30 p.m., the times representing the peak parking demand period when an overlap in Hot Elevation Studio classes would occur. In addition, the 5:30 p.m. survey time represents the typical afternoon peak hour for commercial and retail land uses. The existing parking lot provides a total of 111 parking spaces. A total of 74 occupied parking spaces (67% of the total spaces) were observed at 10:30 a.m. and 80 occupied parking spaces (72% of the total spaces) were observed at 5:30 p.m.

With project implementation, and without including the parking demand of the vacant Outdoor World building, the shared parking lot is anticipated to have a total of 94 occupied parking spaces (85% of the total spaces) at 10:30 a.m. and 88 occupied spaces (79% of the total spaces) at 5:30 p.m. The existing parking lot supply can sufficiently accommodate the additional parking space demand from this project.

An alternative parking analysis was conducted to account for the proposed project plus the parking demand generated by the vacant Outdoor World retail tenant. Vehicle parking demand for the vacant Outdoor World retail store was calculated using Sporting Goods Superstore average parking rates. The retail parking demand is approximately 14 spaces for the 10-11 a.m. peak hour and 19 spaces for the 5-6 p.m. peak hour. Therefore, with project implementation, the shared parking lot is anticipated to have a total of 108 occupied parking spaces (97% of the total spaces) at 10:30 a.m. and 107 occupied spaces (96% of the total spaces) at 5:30 p.m. Therefore, the existing parking lot supply can sufficiently accommodate the additional parking space demand from this project even if the Outdoor World store was still open.

CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves a fitness studio use occupying an existing commercial space. No adverse environmental impacts were discovered during project review by Planning Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission approve application #19-0369, subject to the following conditions and based upon the following findings:

CONDITIONS OF APPROVAL

1. The project approval consists of the operation and expansion of a fitness studio (Hot Elevation Studios) within Suites E, G, and H of an existing commercial space (Four Star Center) located at 1440 41st Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 5, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #19-0369 shall be paid in full.
6. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
7. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City.

Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

8. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
9. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
10. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. With a conditional use permit, the proposed operation and expansion of a fitness studio complies with the development standards of the C-C District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the operation and expansion of a fitness studio. The fitness studio will fit in nicely with the existing commercial center. The project will maintain the character and integrity of the C-C zoning district.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves the operation and expansion of a fitness studio within the C-C (Community Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Coastal Findings

D. Findings Required.

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

2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
 - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
 - The proposed project is located at 1440 41st Avenue. The commercial spaces are not located in an area with coastal access. The operation and expansion of a fitness studio will not have an effect on public trails or beach access.
 - b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion,

- character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 41st Avenue. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 41st Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or

lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

3. **Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
 - a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
 - The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

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

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

SEC. 30222

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

- The project involves the operation and expansion of a fitness studio on a commercial lot of record.

SEC. 30223

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

- The project involves the operation and expansion of a fitness studio on a commercial lot of record.

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

- The project involves the operation and expansion of a fitness studio on a commercial lot of record.

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

- The project involves the operation and expansion of a fitness studio. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

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

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

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

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

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

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

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

- The project is located one mile from the Central Fire Protection District Capitola Station. Water is available at the location.

12. Project complies with water and energy conservation standards;

- The project is for the operation and expansion of a fitness studio. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

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

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

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

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

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

16. Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

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

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

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

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the C-C (Community Commercial) zoning district.

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

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

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

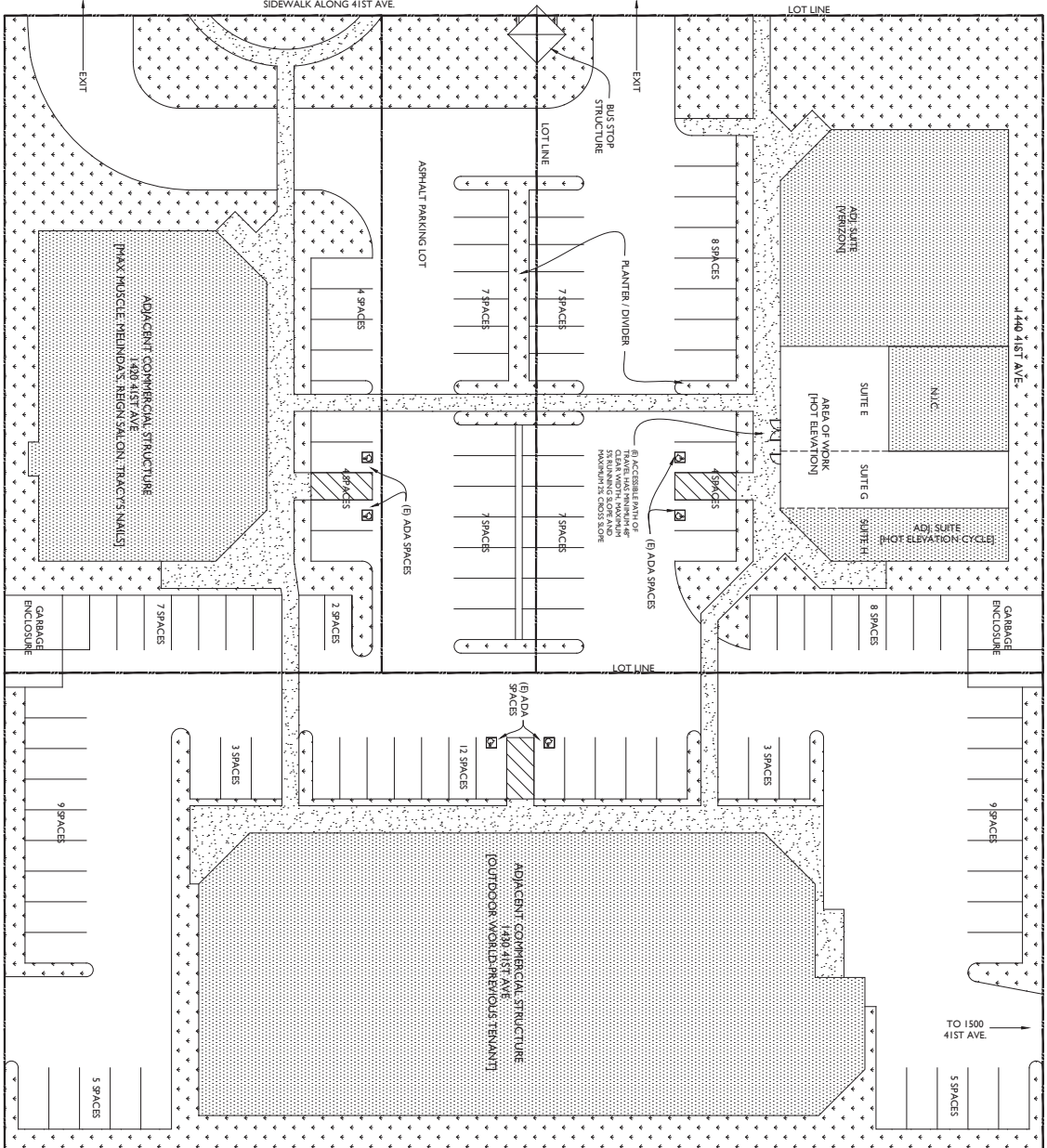
- The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - The village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

ATTACHMENTS:

1. 1440 41st Avenue - Full Plan Set - 08.05.2019
2. 1440 41st Avenue - Parking Study - 08.15.2019

Prepared By: Matt Orbach
Associate Planner

41ST AVENUE



SITE PLAN & (B) PARKING LAYOUT
SCALE: 1/8" = 1'-0"



FIRE PROTECTION NOTES

1. THESE PLANS ARE IN COMPLIANCE WITH CALIFORNIA BUILDING AND FIRE CODES FOR (A) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (B) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (C) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (D) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (E) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (F) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (G) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (H) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (I) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (J) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (K) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (L) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (M) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (N) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (O) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (P) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Q) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (R) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (S) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (T) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (U) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (V) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (W) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (X) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Y) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Z) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT.

GREEN BUILDING NOTES

1. ALL ADJACENT STAIRWELL CHUTES, SMOKERS COACHES AND AREAS, MUST BE COVERED WITH RAIN WATER ON THE FIELD SIDE OF THE BUILDING. (B) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (C) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (D) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (E) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (F) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (G) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (H) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (I) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (J) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (K) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (L) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (M) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (N) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (O) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (P) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Q) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (R) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (S) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (T) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (U) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (V) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (W) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (X) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Y) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Z) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT.

GENERAL NOTES

1. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING AND FIRE CODES, THE CALIFORNIA TITLE 24 REGULATIONS AND THE REQUIREMENTS OF THE REFERENCED STANDARDS AND SPECIFICATIONS. (B) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (C) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (D) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (E) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (F) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (G) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (H) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (I) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (J) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (K) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (L) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (M) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (N) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (O) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (P) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Q) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (R) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (S) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (T) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (U) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (V) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (W) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (X) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Y) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT. (Z) AS FURNISHED BY THE CENTRAL FIRE PROTECTION DISTRICT.

PARKING CALCULATIONS

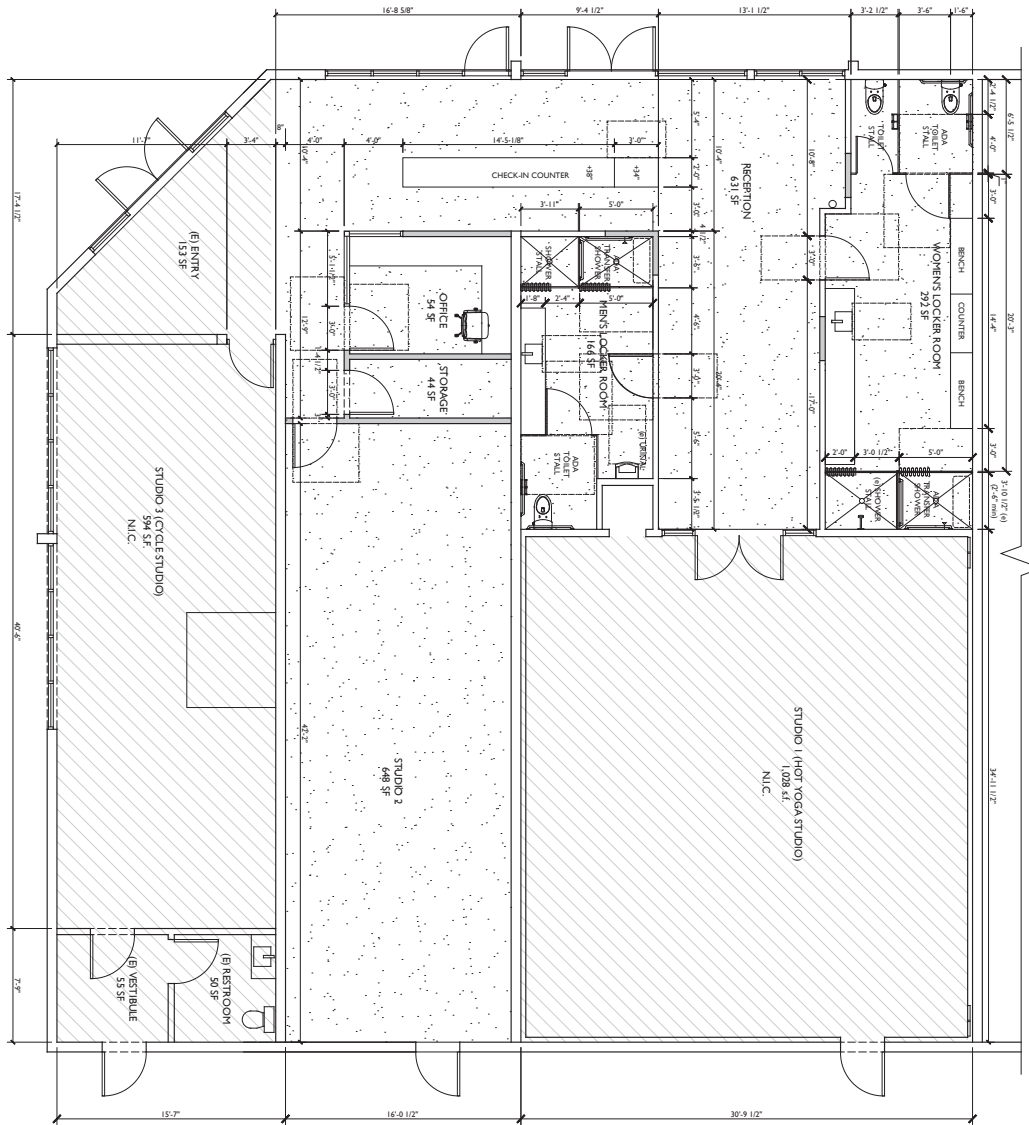
TOTAL PROVIDED: 111 SPACES INCLUDING ADA SPACES				
ADDRES	TENANT	USE	RATIO	PARKING
140 A	Various	Retail	1:300	287
140 B	Various	Retail	1:200	422
140 C	Various	Retail	1:300	287
140 D	Various	Retail	1:200	422
140 E	Various	Retail	1:300	287
140 F	Various	Retail	1:200	422
140 G	Various	Retail	1:300	287
140 H	Various	Retail	1:200	422
140 I	Various	Retail	1:300	287
140 J	Various	Retail	1:200	422
140 K	Various	Retail	1:300	287
140 L	Various	Retail	1:200	422
140 M	Various	Retail	1:300	287
140 N	Various	Retail	1:200	422
140 O	Various	Retail	1:300	287
140 P	Various	Retail	1:200	422
140 Q	Various	Retail	1:300	287
140 R	Various	Retail	1:200	422
140 S	Various	Retail	1:300	287
140 T	Various	Retail	1:200	422
140 U	Various	Retail	1:300	287
140 V	Various	Retail	1:200	422
140 W	Various	Retail	1:300	287
140 X	Various	Retail	1:200	422
140 Y	Various	Retail	1:300	287
140 Z	Various	Retail	1:200	422
TOTAL				3017

PROJECT DATA

TENANT: HOT ELEVATION
 PROJECT SITE: 140 41ST AVE, SANTA CRUZ, CALIFORNIA
 TOTAL LIGHTS AREA: 2,080 + 1,000 + 900 + 4,000 SF
 AREA OF WORK: 1,989 SF
 ASSIGNED SHEET #: 04-111-10
 ZONING: CE
 CONSTRUCTION TYPE: 3 UNIMPROVED
 OCCUPANCY: B (NO CHANGE)
 SPARKLE: 8 (THE LOCATED WORK AS REQUIRED PER THE 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016 CALIFORNIA ELECTRICAL CODE, 2016 CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA GREEN BUILDING CODE)
 REFERENCE CODE: 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016 CALIFORNIA ELECTRICAL CODE, 2016 CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA GREEN BUILDING CODE
 PROJECT DESCRIPTION: TENANT RENOVATION IN 81,000 SQ FT ADJACENT COMMERCIAL STRUCTURE (OUTDOOR WORKLENDING TENANT) FOR 41ST AVENUE TRANSIT CENTER PARKING LOT.
 LOCATION: FROM HIGHWAY INTERCHANGE, THE ENTRANCE TO 41ST AVENUE FOR 41ST AVENUE TRANSIT CENTER PARKING LOT.
 PROJECT LOCATION: SANTA CRUZ, CA

DRAWING INDEX





PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"



A2.1

Proposed Floor Plan

Aug 5, 2019

HOT ELEVATION STUDIOS
1440 41ST AVE SUITE E, CAPITOLA, CA 95010
APN: 034-111-50

fuse architects inc.
daniel gomez / architect
daniel townsend / architect

411 capitola avenue
capitola + california
831.479.9295 (V)
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fuse@fusearchitecture.com



HOT ELEVATION STUDIOS

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TECHNICAL MEMORANDUM

To: Matt Orbach, City of Capitola Assistant Planner
From: Frederik Venter and Derek Wu, Kimley-Horn and Associates, Inc.
Date: August 15, 2019
Re: **1440 41st Avenue – Hot Elevation Studio Parking Study**

This technical memorandum provides a parking analysis for the proposed 1440 41st Avenue development in Capitola, California located within the existing Four-Star Center in the Coastal Zone C-C (Community Commercial) zoning district. The project consists of expanding the existing Hot Elevation Studio into the adjacent suites and proposes to reconstruct building suites E, G, and H into approximately 4,090 square-feet of total commercial space designated for health/fitness club use. Based on the proposed site plan provided by the applicant, the existing site would be improved with new fitness equipment and exercise space to provide Cycle, TRX, Barre, Yoga, and Pilates classes. The project will replace the existing 1,050 square-feet Capitola Massage retail use. In addition, the existing parking spaces and vehicle access at the project site are shared with other building tenants and will remain unchanged. A site plan of the proposed project is shown in the **Appendix**.

Project Trip Generation

The proposed project is planning to increase its fitness class schedule from 64 to 90 classes per week between 6AM to 8PM Monday through Sunday. The project is planned to have an attendance of eight (8) to twelve (12) participants per Yoga/Barre/Pilates/Cycle class and up to ten (10) participants per TRX class. For analysis purposes, the maximum class attendance of 12 participants is assumed. In addition, the project will typically have one (1) to three (3) employees on site Monday through Sunday. **Table 1** and the **Appendix** summarize the typical planned class and staff schedule for the proposed project.

Table 1: Hot Elevation Studio Schedule

TIME OF DAY	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30
EXISTING CLASS SCHEDULE		Existing Class			Existing Class		Existing Class			Existing Class			Existing Class	
	Existing Class							Existing Class						
ADDITIONAL CLASS SCHEDULE					New Class		New Class			New Class			New Class	
ESTIMATED MAX PARTICIPANTS	12	24	12	0	24	24	24	36	36	36	24	24	24	24
EMPLOYEES	1	1	1	1	1	2	3	3	3	3	3	3	3	3
TIME OF DAY	16:00	16:30	17:00	17:30	18:00	18:30	19:00	19:30	20:00	20:30	21:00			
EXISTING CLASS SCHEDULE	Existing Class		Existing Class			Existing Class		Existing Class						
				Existing Class										
ADDITIONAL CLASS SCHEDULE				New Class										
ESTIMATED MAX PARTICIPANTS	12	12	12	36	36	24	12	12	12	12	0			
EMPLOYEES	2	2	2	2	2	2	2	2	2	2	2			

Note: Class schedule varies each day. The busiest schedule shown above was used in the analysis.

Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)

Project Parking Demand and Requirements

Table 2 provides a summary of on-site vehicle parking demand for the proposed project utilizing and comparing the following parking demand rates and standards:

- Project description and forecast number of participants attending each class
 - Peak demand of 63 parking spaces assumed. Demand based on five (5) classes starting and ending around 10:30AM with 12 students per class and 3 employees on-site. Calculation conservatively assumes each staff and student parks their own vehicle in the parking lot.
- Health/Fitness Club land use from *ITE Parking Generation Manual 5th Edition* (ITE Code 492)
 - Monday to Friday 85% peak parking demand assumed with average rates
 - Saturday to Sunday 85% peak parking demand assumed with average rates
- Capitola Municipal Code Section 17.27.120 (Coastal Areas) parking for retail use
 - Requires one (1) vehicle parking space per 300 square-feet of enclosed gross floor area
- Capitola Municipal Code Section 17.76.030 (Outside Coastal Areas) parking for retail use
 - Requires one (1) vehicle parking space per 300 square-feet of enclosed gross floor area

Table 2: Project Forecast Parking Demand and Requirements

GUIDELINE SOURCE	LAND USE	PARKING STANDARD PER GUIDELINE	PROJECT SIZE	ON-SITE PARKING DEMAND
Project Description and Class Schedule	Health/Fitness Club	12 participants per class, 3 staff on-site Several classes run concurrently from 8AM to 1PM Assume peak demand when 2 classes begin and 3 classes end back-to-back	4,090 SQFT	63
ITE Parking Generation	Health/Fitness Club [ITE 492]	8.87 vehicle spaces per 1,000 SQFT of GFA (M-F)		36
		5.67 vehicle spaces per 1,000 SQFT of GFA (Sat-Sun)		23
Capitola Municipal Code Coastal Areas	Commercial - Retail	1 vehicle space per 300 SQFT		14
Capitola Municipal Code Outside Coastal Areas	Commercial - Retail	1 vehicle space per 300 SQFT	14	
NOTES:				
SQFT = Square Feet; GFA = Gross Floor Area				
Proposed class schedule and uses based on project description from applicant				
85% peak period parking demand rate conservatively assumed from the Institute of Traffic Engineer Parking Generation 5th Edition				
Parking requirements based on Capitola Municipal Code Title 17				

Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)

As shown in Table 2, the largest project on-site parking demand is 63 vehicle spaces during the AM peak based on the conservative forecast class schedule which exceeds the City's minimum parking requirement for retail use in the Coastal Zone.

Table 3 provides a summary of the City required parking for the entire Four-Star Center site with the existing tenants and proposed project land uses. The existing parking lot provides of a total supply of 111 parking spaces, and the minimum parking requirement is 102 spaces per Capitola Municipal Code.

Table 3: Project Forecast Parking Demand and Requirements

ADDRESS	TENANT	LAND USE	PARKING STANDARD	LAND USE SIZE (SQFT)	REQUIRED PARKING SPACES
1440 A	Verizon	Retail	1 vehicle space per 300 SQFT	1,282	4
1440 B&C	Verizon	Retail		2,887	10
1440 E	Hot Elevation	Retail/Personal Service		2,080	7
1440 G	Hot Elevation	Retail/Personal Service		1,050	4
1440 H	Hot Elevation	Retail/Personal Service		960	3
1430	Outdoor World (Currently Vacant)	Retail	Capitola Municipal Code	15,568	52
1420 A	Max Muscle	Retail	17.27.120 Coastal Areas	974	3
1420 B	Melinda's Bakery	Retail/Bakery		1,100	4
1420 C	Reign Salon	Retail/Personal Service		1,100	4
1420 D	Tracy's Nails	Retail/Personal Service		1,731	6
1420 F	Tracy's Nails	Retail/Personal Service		1,435	5
TOTAL				30,167	102

Based on the results shown in Table 2 and Table 3, an inadequate number of parking spaces are forecast to be available for the proposed project within the retail center based on the City parking requirement. Therefore, an actual parking count was conducted to verify the parking space availability on-site during the peak operating times of the proposed Hot Elevation Studio. It is typical for strip malls with mixed tenants to have shared parking utilization with each tenant land use having different parking peaks. As a result, a parking count was conducted to confirm if the combined parking demand with the project is less than what typical parking rates and requirements would indicate.

On-Site Vehicle Parking Occupancy (Excluding Outdoor World Retail)

Parking occupancy counts were conducted at the 1440 41st Avenue retail center to document the existing parking occupancy and demand. The parking count includes parking for the existing Hot Elevation Studios, Capitola Massage, Verizon, Tracy's Nails Salon, Reign Blow Dry Bar, Melinda's Specialty Bakery, and Max Muscle Sports Nutrition retail stores.

It should be noted that the Outdoor World retail store is vacant and currently does not generate any parking demand. For the purposes of this analysis, the vacant Outdoor World retail store was omitted from the parking occupancy calculations.

Parking occupancy was observed at 10:30AM and 5:30PM on August 13, 2019. Both the 10:30AM and 5:30PM survey times on a typical weekday represent the peak parking demand period when an overlap in Hot Elevation Studio classes would occur. In addition, the 5:30PM survey time represents the typical afternoon peak hour for commercial and retail land uses.

The existing parking lot provides of a total of 111 parking spaces. A total of 74 occupied parking spaces (67% of the total spaces) were observed at 10:30AM and 80 occupied parking spaces (72% of the total spaces) were observed at 5:30PM.

Because the project will replace the existing Capitola Massage and Hot Elevation Studio uses at building suites E, G, and H, a parking demand credit was applied to the shared parking lot. The 10:30AM parking demand credit for the current Hot Elevation Studio was determined by assuming three (3) classes starting and ending with 12 students per class and 3 employees on-site. The 5:30PM parking demand credit assumes two (2) classes with 12 students per class and 2 employees on-site. The parking demand credit for the Capitola Massage tenant was based on the existing building size and minimum retail parking requirement per City Municipal Code.

Table 4 summarizes the existing parking occupancy count and the forecasted parking occupancy with buildout of the proposed project and applying the parking credit. With project implementation, the shared parking lot is anticipated to have a total of 94 occupied parking spaces (85% of the total spaces) during 10:30AM and 88 occupied parking spaces (79% of the total spaces) during 5:30PM. The existing parking lot supply can sufficiently accommodate the additional parking space demand from the project.

Table 4: Parking Occupancy Count (Existing and Project Conditions)

TIME OF DAY	TOTAL PARKING SPACES (SUPPLY)	OCCUPIED PARKING SPACES	UNOCCUPIED PARKING SPACES	EXISTING PARKING OCCUPANCY (%)	EXISTING HOT ELEVATION STUDIO PARKING CREDIT	EXISTING CAPITOLA MASSAGE PARKING CREDIT	MAXIMUM PARKING SPACES REQUIRED BY PROJECT	TOTAL OCCUPIED PARKING SPACES WITH PROJECT	PARKING OCCUPANCY WITH PROJECT (%)	ADEQUATE PARKING AVAILABLE ?
-	A	B	C = A-B	D = B/A	E	F	G	H = B-E-F+G	I = H/A	H < A ?
10:30 AM	111	74	37	67%	39	4	63	94	85%	YES
5:30 PM	111	80	31	72%	26	4	38	88	79%	YES
NOTES:										
Parking count observed on August 13, 2019										
Outdoor World retail store closed/vacant during parking count.										
Existing parking demand for current Hot Elevation studio assumed for credit purposes to the site. Parking credit for 10:30AM based on 3 classes with 12 participants per class and 3 staff members. Parking credit for 5:30PM based on 2 classes with 12 participants and 2 staff members.										
Existing parking demand for current Capitola Massage use assumed for credit purposes to the site. Parking credit based on 1,050 square-foot site and 1:300 parking ratio per City Municipal Code 17.27.120										
Proposed 10:30AM project parking demand based on 5 classes with 12 participants per class and 3 staff members										
Proposed 5:30PM project parking demand based on 3 classes with 12 participants per class and 2 staff members										

On-Site Vehicle Parking Occupancy (Including Outdoor World Retail)

An alternative parking analysis was conducted to account for the proposed project plus the parking demand generated by the vacant Outdoor World retail tenant. Vehicle parking demand for the vacant Outdoor World retail store was calculated using Sporting Goods Superstore average parking rates from the ITE *Parking Generation Manual 5th Edition* (ITE Code 861). The retail parking demand is approximately 14 spaces for the 10-11AM peak hour and 19 spaces for the 5-6PM peak hour. ITE parking rate data is attached in the **Appendix**.

Table 5 summarizes the forecasted parking occupancy with buildout of the proposed project plus the Outdoor World store. With project implementation, the shared parking lot is anticipated to have a total

of 108 occupied parking spaces (97% of the total spaces) during 10:30AM and 107 occupied parking spaces (96% of the total spaces) during 5:30PM. The existing parking lot supply can sufficiently accommodate the additional parking space demand from the project if the Outdoor World store was still open.

Table 5: Parking Demand and Occupancy with Outdoor World Retail

TIME OF DAY	TOTAL PARKING SPACES (SUPPLY)	PARKING DEMAND WITH PROJECT	OUTDOOR WORLD PARKING DEMAND (ITE)	TOTAL PARKING DEMAND (PROJECT + OUTDOOR WORLD)	TOTAL PARKING OCCUPANCY (%)	ADEQUATE PARKING AVAILABLE?
-	A	B	C	D = B+C	E = D/A	D < A ?
10:30 AM	111	94	14	108	97%	YES
5:30 PM	111	88	19	107	96%	YES
NOTES:						
Proposed 10:30AM project parking demand from Table 4						
Proposed 5:30PM project parking demand from Table 4						
Parking demand for vacant Outdoor World retail based on Institute of Traffic Engineer Parking Generation 5th Edition (ITE 861) using 1.44 vehicle spaces per 1,000 SQFT (average rate), 61% of peak at 10-11AM, 85% of peak at 5-6PM.						

Conclusion and Recommendations

The proposed Hot Elevation Studio would conservatively require up to 63 parking spaces during the AM peak and up to 38 parking spaces during the PM peak based on the applicant’s project description and class schedule. A weekday parking count at the Four-Star Center shared parking lot was conducted to verify if the combined parking demand with the project is less than what typical parking rates and requirements would indicate. When considering shared parking principles, the Four-Star Center shared parking lot is anticipated to have adequate on-site parking spaces under peak weekday and weekend conditions with project implementation. Therefore, the project would not create a significant impact to the existing parking condition.

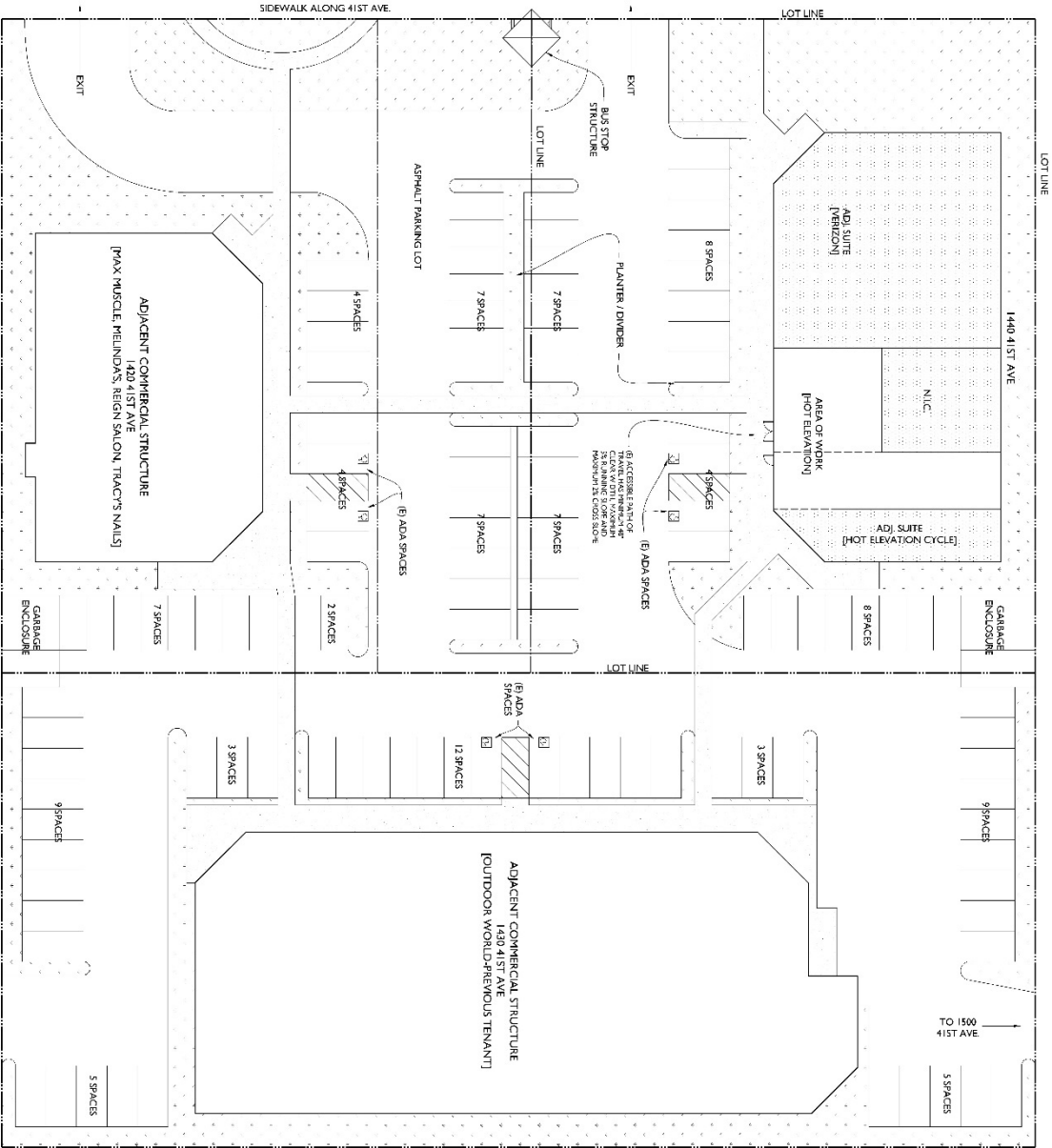
It should be noted that the 15,568 square-foot anchor retail store previously occupied by Outdoor World is currently vacant. Using ITE parking data, it is anticipated that the existing parking lot would have adequate on-site parking to accommodate the additional parking space demand from the project if the Outdoor World retail was still in use.

Due to the constraints of this study and limited knowledge of future planned developments, it is recommended to conduct an updated parking study for the Four-Star Center if a new applicant (with a detailed project description) replaces the vacant Outdoor World building.

Appendix

1. Project Site Plan by Fuse Architects
2. Hot Elevation Studios Proposed Class and Staff Schedule
3. Parking Rates from ITE Parking Generation Manual, 5th Edition

Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)



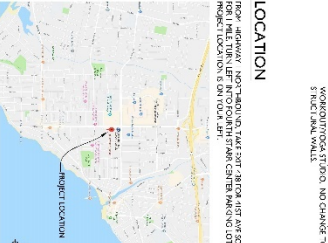
FIRE PROTECTION NOTES
 THESE ARE IN ACCORDANCE WITH CALIFORNIA BUILDING AND FIRE CODES AS APPLIED BY THE LOCAL FIRE DEPARTMENT. THE BUILDING OCCUPANCY CLASSIFICATION IS GROUP 1. THE BUILDING CONSTRUCTION TYPE IS TYPE III. THE BUILDING IS A SINGLE-FAMILY RESIDENCE. THE BUILDING IS A SINGLE-FAMILY RESIDENCE. THE BUILDING IS A SINGLE-FAMILY RESIDENCE. THE BUILDING IS A SINGLE-FAMILY RESIDENCE.

GREEN BUILDING NOTES
 ALL APERTURES AND GLAZING ELEMENTS SHALL BE ENERGY EFFICIENT AND SHALL BE INSTALLED IN ACCORDANCE WITH THE ENERGY EFFICIENT BUILDING ACT (EEBA) AS APPLIED BY THE LOCAL FIRE DEPARTMENT. THE BUILDING SHALL BE INSTALLED IN ACCORDANCE WITH THE ENERGY EFFICIENT BUILDING ACT (EEBA) AS APPLIED BY THE LOCAL FIRE DEPARTMENT.

GENERAL NOTES
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING AND FIRE CODES AS APPLIED BY THE LOCAL FIRE DEPARTMENT. THE BUILDING SHALL BE INSTALLED IN ACCORDANCE WITH THE ENERGY EFFICIENT BUILDING ACT (EEBA) AS APPLIED BY THE LOCAL FIRE DEPARTMENT.

PROJECT DATA
 PROJECT NAME: 1440 41st Avenue
 PROJECT SITE: 1440 41st Avenue
 PROJECT LOCATION: 1440 41st Avenue
 PROJECT DATE: 08/15/2019

LOCATION
 PROJECT LOCATION: 1440 41st Avenue
 PROJECT SITE: 1440 41st Avenue
 PROJECT DATE: 08/15/2019



PARKING CALCULATIONS

ADJACENT COMMERCIAL STRUCTURE	USE	RATIO	AREA	PARKING
ADJACENT COMMERCIAL STRUCTURE 1440 41ST AVE	Retail	1:300	1300	4.33
ADJACENT COMMERCIAL STRUCTURE 1439 41ST AVE	Retail	1:300	1300	4.33
TOTAL PROVIDED				8.66
TOTAL REQUIRED				11.11
DIFFERENCE				2.45

PARKING REQUIREMENTS

ADJACENT COMMERCIAL STRUCTURE	USE	RATIO	AREA	PARKING
ADJACENT COMMERCIAL STRUCTURE 1440 41ST AVE	Retail	1:300	1300	4.33
ADJACENT COMMERCIAL STRUCTURE 1439 41ST AVE	Retail	1:300	1300	4.33
TOTAL PROVIDED				8.66
TOTAL REQUIRED				11.11
DIFFERENCE				2.45



HOT ELEVATION STUDIOS
 1440 41st Avenue Suite 100
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HOT ELEVATION STUDIOS
 1440 41ST AVE SUITE E, CAPITOLA, CA 95010
 APN: 034-111-50

Site Plan
Notes
A1.0

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Current Class Schedule

	MON.	TUE.	WED.	THUR.	FRI.	SAT.	SUN.
6:30-7:30	elevation sculpt	elevation hot pilates	yoga.power	elevation hot pilates	elevation yoga		
7:00-7:45						hot pilates express	
8:00-9:00	elevation hot pilates	yoga.power	elevation sculpt	elevation yoga	elevation sculpt	elevation sculpt	elevation sculpt
9:15-10:30	elevation yoga	yoga.power	yoga.power	yoga.power	yoga.power	yoga.power	yoga.power
10:45-11:45	elevation hot pilates	elevation hot pilates	elevation barre	elevation hot pilates	elevation hot pilates	elevation hot pilates	elevation hot pilates
12:00-1:00	yoga.power	yoga.power	elevation yoga	elevation barre	elevation yoga	elevation barre	yoga.power
4:00-5:00	elevation sculpt	yoga.power	yoga.power	elevation hot pilates	yoga.power	yoga.power (75)	yoga.power (75)
5:15-6:15	yoga.power	elevation hot pilates	yoga.power	yoga.power	elevation hot pilates		
5:30-6:30							yoga.power down 60
6:30-7:30	elevation hot pilates	yoga.slow flow	hot pilates.basics	elevation sculpt			
7:45-8:45	yoga.yin*		yoga.slow flow				

Proposed Additional Class Schedule

	MON.	TUE.	WED.	THUR.	FRI.	SAT.	SUN.
8:15 - 9:15	yoga.		pilates		yoga	TRX	TRX
9:30 - 10:30	pilates	TRX	sculpt	TRX	pilates	sm. group	yoga
10:45-11:45	barre	yoga	barre	yoga	sculpt	TRX	TRX
12:00-1:00	TRX		TRX		TRX		
5:30-6:30	sculpt	TRX	pilates	TRX			

- Yoga Attendance: 8 - 12
- Barre Attendance: 8 - 12
- TRX Max. Attendance: 10 (number of apparatuses)
- Small Group Attendance: max limit 4-6

Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)

Studio Staffing

Typically we have 1 or 2 staff at all times. 9:00 - 1:30 M-TH and Sun. we have 3. Please note our manager who is 40 hr. per week **does not have a car** and commutes via bus Sunday - Thursday.

M-F

6 am - 8:45 am 1

8:45 am - 9:00 am 2

9:00 am - 1:30 3 (except Friday, only 2 staff)

1:30 - 3:30 1

3:30 - 5:00 2

5:00 - close 2

Sat.

6:30 am - 7:45 1

7:45 am - 1:30 2

1:30 - 3:30 0

3:30 - close 1

Sun.

7:30 am - 7:45 am 1

7:45 am - 9:00 am 2

9:00 am - 1:30 pm 3

1:30 - 3:30 pm 1

3:30 - 5:00 2

5:00 - close 1



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Our average number of students is 11.65 per class.
Max # of students in the room is 29

Our CYCLE studio schedule at the moment is as follows:

Mon/Wed

615a
930a
530p

Tue/Thu

930a
530p

Fri

615a
815a
930a
415p

Sat/Sun

815a
930a

Land Use: 492 Health/Fitness Club

Description

A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, a weight room, spa, locker rooms, and a small restaurant or snack bar. This land use may also include ancillary facilities, such as a swimming pool, whirlpool, sauna, limited retail, and tennis, racquetball or handball courts. These facilities are membership clubs that may allow access to the general public for a fee. Racquet/tennis club (Land Use 491), athletic club (Land Use 493), and recreational community center (Land Use 495) are related uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (five study sites) and a Saturday (two study sites) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand	
	Weekday	Saturday
12:00–4:00 a.m.	–	–
5:00 a.m.	–	–
6:00 a.m.	–	–
7:00 a.m.	–	–
8:00 a.m.	–	80
9:00 a.m.	–	100
10:00 a.m.	62	100
11:00 a.m.	55	97
12:00 p.m.	44	79
1:00 p.m.	41	81
2:00 p.m.	36	73
3:00 p.m.	41	71
4:00 p.m.	69	70
5:00 p.m.	96	65
6:00 p.m.	100	62
7:00 p.m.	85	–
8:00 p.m.	–	–
9:00 p.m.	–	–
10:00 p.m.	–	–
11:00 p.m.	–	–

Additional Data

The average parking supply ratio for the study sites with parking supply information are 4.3 spaces per 1,000 square feet GFA (10 sites) and 14 spaces per 100 members (four sites).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Arizona, California, Colorado, Minnesota, New Jersey, New York, Oregon, and Texas.

Source Numbers

22, 142, 164, 165, 166, 215, 229, 261, 275, 430, 433, 435, 543

Health/Fitness Club (492)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 5:00 - 7:00 p.m.

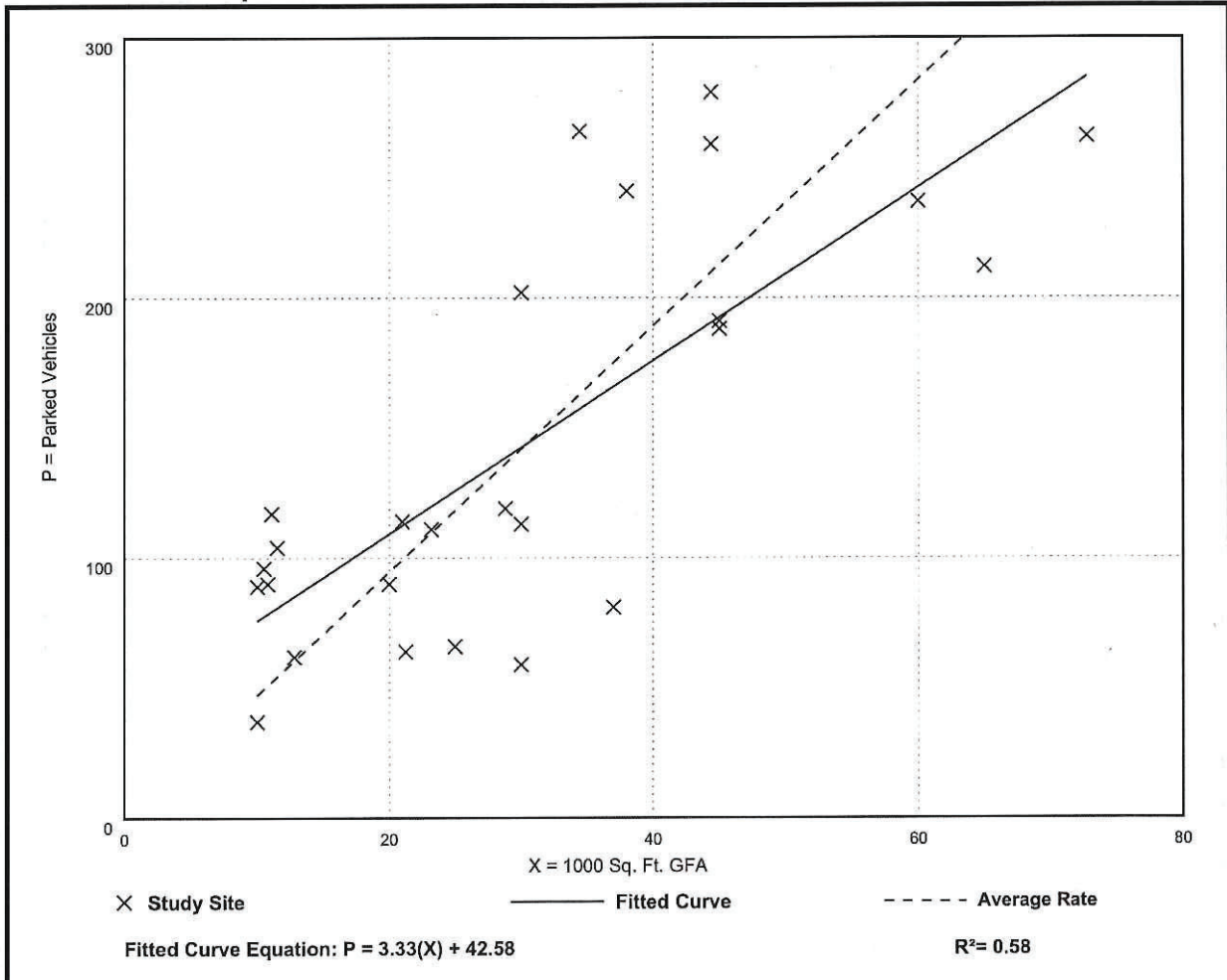
Number of Studies: 26

Avg. 1000 Sq. Ft. GFA: 30

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
4.73	1.97 - 10.56	3.93 / 8.87	4.00 - 5.46	1.91 (40%)

Data Plot and Equation



Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)

Land Use: 861 Sporting Goods Superstore

Description

A sporting goods superstore is a free-standing facility that specializes in the sale of athletic and outdoor-oriented merchandise. It typically offers a variety of customer services and centralized cashiering. These stores often maintain long store hours 7 days a week. Examples of items sold in these stores include outdoor/athletic clothing, sports equipment, shoes, and hunting/boating/fishing gear. Some may also carry automotive supplies. Sporting goods superstores are sometimes also found as separate parcels within a retail complex, with or without their own dedicated parking.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (five study sites), a Saturday (two study sites), and a Sunday (one study site) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand		
	Weekday	Saturday	Sunday
12:00–4:00 a.m.	–	–	–
5:00 a.m.	–	–	–
6:00 a.m.	–	–	–
7:00 a.m.	–	–	–
8:00 a.m.	24	2	–
9:00 a.m.	42	11	13
10:00 a.m.	61	35	19
11:00 a.m.	81	60	66
12:00 p.m.	91	72	87
1:00 p.m.	99	83	100
2:00 p.m.	100	91	96
3:00 p.m.	100	96	77
4:00 p.m.	90	100	68
5:00 p.m.	85	92	58
6:00 p.m.	78	84	45
7:00 p.m.	75	76	24
8:00 p.m.	54	–	10
9:00 p.m.	28	–	–
10:00 p.m.	7	–	–
11:00 p.m.	–	–	–

Additional Data

The average parking supply ratio for the six study sites with parking supply information is 4.3 spaces per 1,000 square feet GFA.

The sites were surveyed in the 1990s, the 2000s, and the 2010s in California, Minnesota, Nevada, Oregon, and Washington.

Source Numbers

274, 297, 450, 519, 523, 556

Sporting Goods Superstore (861)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: **Weekday (Monday - Friday)**

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 12:00 - 5:00 p.m.

Number of Studies: 5

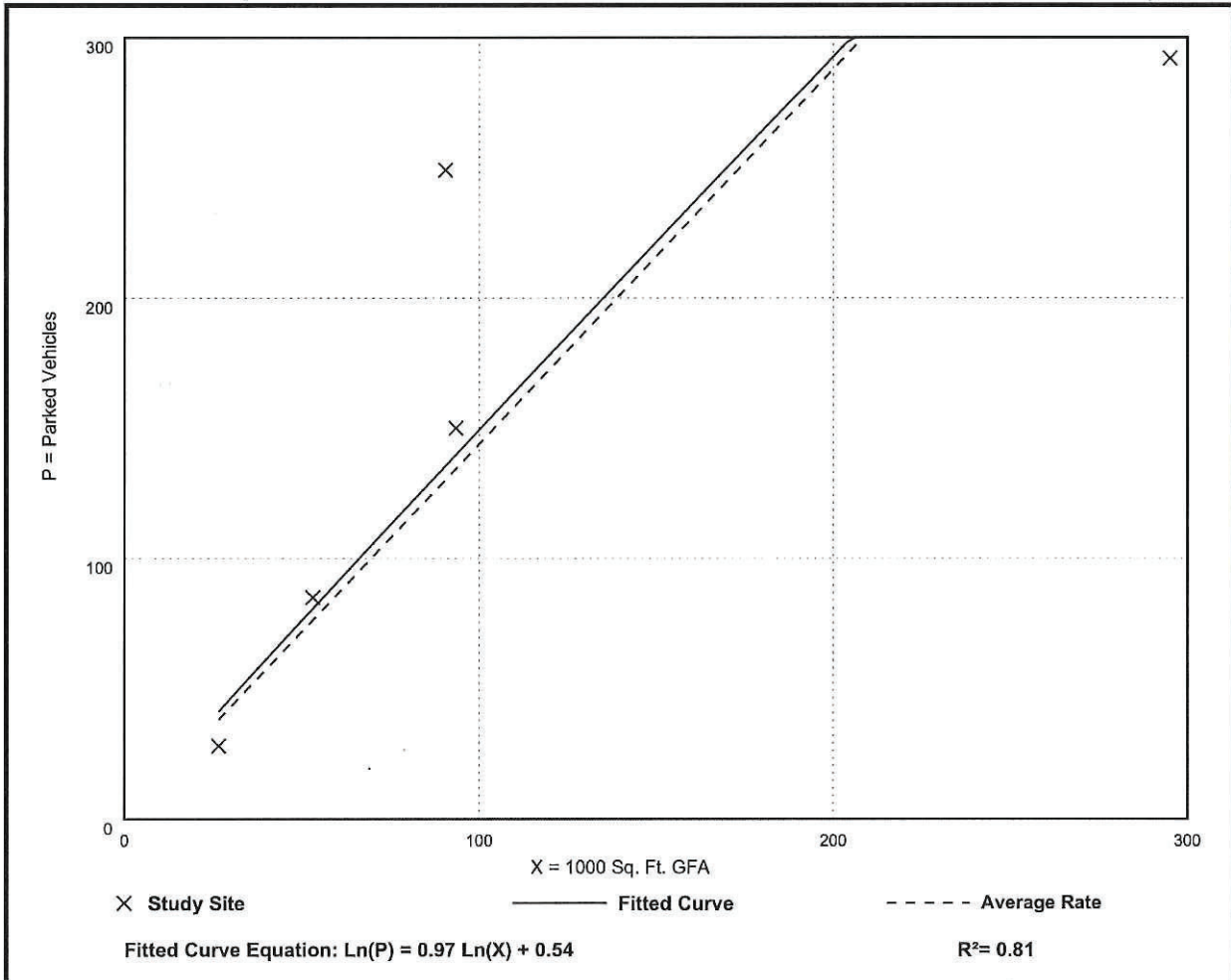
Avg. 1000 Sq. Ft. GFA: 112

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.44	0.99 - 2.76	1.06 / 2.76	***	0.71 (49%)

Data Plot and Equation

Caution – Small Sample Size



Attachment: 1440 41st Avenue - Parking Study - 08.15.2019 (1440 41st Avenue)