

City of Capitola Agenda

Mayor: Ed Bottorff
Vice Mayor: Stephanie Harlan
Council Members: Jacques Bertrand
Dennis Norton
Michael Termini
Treasurer: Christine McBroom



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, APRIL 14, 2016

7:00 PM

**CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Dennis Norton, Stephanie Harlan, Jacques Bertrand, Michael Termini and Mayor Ed Bottorff

2. PRESENTATIONS

A. Introduction of Sergeant Mark Gonzalez and Senior Officer Sara Ryan

RECOMMENDED ACTION: None.

3. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

A. Item 9.B. Public Communications regarding Design Permit for 4980 Garnet Street

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
April 14, 2016

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. 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. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.

7. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

8. CONSENT CALENDAR

All items listed in the "Consent Calendar" 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 Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Consider the March 24, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Special Meetings of March 17 and March 31, 2016
RECOMMENDED ACTION: Receive Minutes.
- C. Award Construction Contract to Monterey Peninsula Engineering for the Rosedale Area Paving Project
RECOMMENDED ACTION: Award a contract to Monterey Peninsula Engineering for the Rosedale Area Paving Project with a bid in the amount of \$228,676.50 for construction of the Rosedale Avenue Paving Project, and authorize the Public Works Director to add a section of Plum Street from Rosedale Avenue to the Brookvale Terrace Mobile Home Park into the project at an estimated cost of \$12,000.
- D. Approve Contract Change Order No. 1 for the Stockton and Esplanade Improvement Project
RECOMMENDED ACTION:
 - 1. Approve Contract Change Order No. 1 for the Stockton Avenue and Esplanade Intersection Improvements in the amount of \$44,645 for the addition of sidewalk adjacent the David Lyng Real Estate office at the corner

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

April 14, 2016

of Stockton Avenue and Capitola Avenue; and

2. Authorize and budget amendment receiving unanticipated revenue in the amount of \$10,000 from David Lyng for this project; and
3. Authorize the transfer of \$34,645 within the Capital Improvement Fund to cover the balance of this change order with funding coming from the Village Sidewalk Cooperative Project funding bank.

E. Professional Services Agreement with Ben Noble: Urban and Regional Planning for the Zoning Code Update

RECOMMENDED ACTION: Authorize the City Manager to enter into an agreement with Ben Noble Urban and Regional Planning in the amount of \$26,110 for completion of the Zoning Code Update.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. Accept Report on the Capitola Wharf Condition Assessment and Wharf Resiliency Study (Study) and Provide Direction to Staff

RECOMMENDED ACTION: Accept the Study and provide direction to staff on a 10-year plan of improvements for the Capitola Wharf.

B. Appeal of a Planning Commission Approval of a Design Permit and Variance for a Garage Addition to a Single-family Home Located at 4980 Garnet Street

RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.

C. Consider a Wharf House Lease Extension

RECOMMENDED ACTION: Give staff direction on the terms of the Wharf House Lease Extension and whether to prepare a competitive proposal process for the facility.

10. ADJOURNMENT

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes "final." Please be advised that in most instances the decision become "final" upon the City Council's announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

April 14, 2016

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City's website: www.cityofcapitola.org and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, 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 City Clerk's office 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: City Council meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website at www.cityofcapitola.org by clicking on the Home Page link "Meeting Video." Archived meetings can be viewed from the website at anytime.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: City Manager Department

SUBJECT: Introduction of Sergeant Mark Gonzalez and Senior Officer Sara Ryan

RECOMMENDED ACTION: None.

DISCUSSION: Sergeant Mark Gonzalez and Senior Officer Sara Ryan will be introduced at the Council meeting.

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to read "Sus", is written over a horizontal line.

Susan Sneddon, City Clerk

4/8/2016

Sneddon, Su (ssneddon@ci.capitola.ca.us)

From: James Salata <jsalata@GardenCityConst.com>
Sent: Thursday, February 25, 2016 11:23 AM
To: PLANNING COMMISSION
Subject: FW: Item #10.D. regarding Appeal of Design Permit and Variance for a Garage Addition Located at 4980 Garnet Street.

To The Members of the Planning Commission

My wife and I reside at 1505 Lincoln Ave. in Capitola across directly from the above mentioned project. On several occasions we have gone to the City of Capitola for permits. Once for a fence and once to close in a porch on the second story. In both instances we were instructed that we need to stick to the rules and ordinances in effect. In fact they were adamantly applied. The proposed variance at 4980 throws off the rhythm of the street and it does not matter how good the architecture supposedly is as that has nothing whatsoever to do with it. If you look at the street you can see and feel how all the houses line up as per the ordinances in place. There should be no exception for this property and this opens up the possibility of everyone asking for a variance. The laws and rules should be applied equally to all as they have been to us and they are there to provide consistency to the block.

Our neighborhood folks respect each other and try to be tolerant of each other but to encroach and throw the blocks architecture out of rhythm is flat wrong and sets a very poor precedent moving into the future.

Please do NOT approve this variance.

James A. Salata



PRESERVING THE PAST • BUILDING THE FUTURE

CONSTRUCTION • CONSULTING • DEVELOPMENT

"Think Green Build Green"

James Salata, President
618 S. First Street, San Jose, Ca 95113
P 408-289-8807 F 408-289-8523
www.gardencityconstruction.com

CONFIDENTIALITY AND SECURITY NOTICE: This email and any attached files are confidential and intended solely for the intended recipient(s). If you are not the named recipient you should not read, distribute, copy or alter this email. Warning: Although precautions have been taken to make sure no viruses are present in

Communication: Item 9.B. Public Communications regarding Design Permit for 4980 Garnet Street (ADDITIONAL MATERIALS)

Copies hand
Monday, March 7

March 3, 2016

City Council
City of Capitola
420 Capitola Avenue
Capitola, California 95010

APR 13 2016
CITY OF CAPITOLA
CITY CLERK

Re: Appeal from issuance of Variance by the Capitola Planning Commission
for 4980 Garnet Street
#15-181 APN: 034-043-16

Dear Capitola City Council:

On February 4, 2016, during its regularly scheduled meeting, the Capitola Planning Commission voted 4 to 0 in favor of granting our request for a Design Permit and Variance that included a garage addition to be located in the front setback area of our home at 4980 Garnet Street. The Planning Commission’s decision was made following consideration of the Community Development Staff Report (“Staff Report”) and its recommendation for approval, and written and public comments from undersigned property owners and appellant Jan Caldarella. This letter (a) supplements our letter to the Planning Commission, dated January 28, 2016 (“Support Letter”) attached as Attachment 1 to this letter, supporting our request for a Design Permit and Variance, and (b) responds to certain matters raised by appellant Caldarella’s letter to the City Council, dated February 14, 2016 (“Letter of Appeal”).

Our family has lived in Santa Cruz county for the past 11 years, and we purchased our home at 4980 Garnet Street in October 2015 to be our full time residence. As we worked to enhance the functionality of the home to fit our family’s needs, we also tried to design a home that blended with the community. We believe the proposed additional 5 feet of length to our garage will create only minimal visual impact on the neighborhood, and that granting the requested Variance will not create special privileges for us in light of existing structures in the neighborhood.

The Staff Report references 12 properties on two blocks of Garnet Street with less than 15 feet setbacks. We believe that granting our Variance permitting an additional 5 feet of encroachment into the setback area will not constitute a special privilege in light of those 12 properties. Furthermore, we note that the Staff Report does not include homes that are built across the 20 feet setback but which have greater than 15 feet setbacks. For example, if a home had an 18 foot setback (still less than the 20 foot code requirement), that home would not appear on the Staff Report but it would still violate the setback requirement. The Staff Report is focused on two blocks of Garnet Street, but there are also many properties in the Jewel Box on nearby streets that also do not comply. Below is a photograph showing three additional examples on Lincoln Avenue and Prospect Avenue of houses not on Garnet Street but in very close proximity. We would disagree with the contention that the setback requirement applies only to the three houses at 5010 Garnet, 4980 Garnet, and 4960 Garnet. It applies to the entire neighborhood, so the entire neighborhood should be considered in evaluating

Communication: Item 9.B. Public Communications regarding Design Permit for 4980 Garnet Street (ADDITIONAL MATERIALS)

whether the granting of our Variance request would constitute a special privilege.



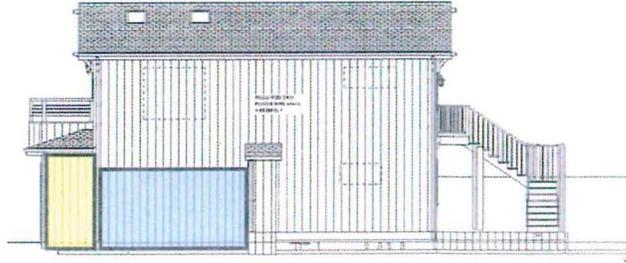
Appellants Mr. and Mrs. Caldarella have filed an appeal of the Planning Commission decision, and have been joined by certain other property owners in the neighborhood. We would like to respectfully address and clarify certain elements of that Letter of Appeal:

- We currently have a 6 foot deck overhang at the front of our home. The requested Variance to increase the length of our garage by 5 feet applies only to the first floor of the structure, and sits entirely under an existing 6 foot deck overhang. In fact, our plans decrease the size overall mass of that second story deck, thereby minimizing the impact on visual site corridor and light on adjoining parcels. Our new 5 feet of garage space will sit entirely under the existing deck overhang (see yellow shaded area below). Appellants do not object to the blue shaded area, but do object to the yellow shaded area.



EXISTING WEST ELEVATION

Before

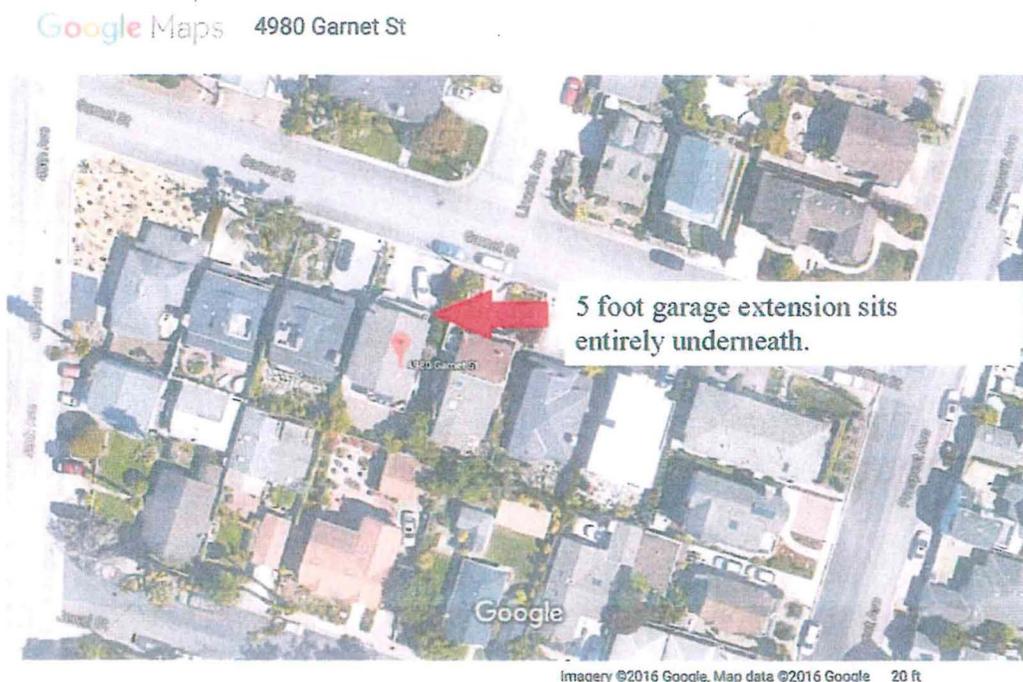


PROPOSED WEST ELEVATION

After

Communication: Item 9.B. Public Communications regarding Design Permit for 4980 Garnet Street (ADDITIONAL MATERIALS)

- Page 3 of the Letter of Appeal includes an overhead picture from Google maps showing the “current alignment of houses in existing area.” We believe this perfectly demonstrates our point. This “current alignment” view will not change, as the requested 5 feet of garage space will sit entirely under the existing deck overhang. With the Variance, a future Google map picture showing this same street will show no change to the alignment. See the photo below from Page 3 of the Letter of Appeal:



CURRENT ALIGNMENT OF HOUSES IN IMPACTED AREA

- Appellants acknowledge in their Letter of Appeal that three properties on this block of Garnet Street do not meet the setback requirement, and suggest those properties should be disregarded. Nevertheless, these three properties do exist. They do not observe the 20 foot setback requirement. They do impact the overall look and feel of the neighborhood. Those facts on the ground cannot be disregarded, and those properties should not be discounted when considering whether our granting our Variance constitutes a special privilege.
- The alternative recommended by the Letter of Appeal (add 5 feet of garage space in the opposite direction toward the back of the house) would require the demolition of the immediately adjacent downstairs bathroom, the immediately adjacent staircase to access the upstairs of the house, a portion of the two small first floor bedrooms, require an entire redesign of the upstairs to accommodate the relocated staircase, as well as impact numerous structural and load bearing walls. It is neither practical nor financially viable to tear down the structure to pursue this alternative. We like the layout of the house, and want to maintain its overall flow. Our goal has been to enhance the existing home lot to better suit our family, while also complying with the city’s code requirements and variance procedures.

The plans we submitted with our Design Permit and Variance are not about us requesting a bigger house, or just about the 5 foot Variance. Our designs also provide benefits to adjoining neighbors:

- We are removing the second story windows at the front of both sides of the house, which will improve privacy and reduce noise for neighbors on the east and west adjoining parcels. Currently, these windows open directly into the neighbor's side yards and look directly into similarly placed windows on both neighbors' houses.
- We are removing the first floor window on the back bedroom on the west side of our house, which will also decrease noise and improve privacy for the west side adjoining neighbor.
- Our current front deck extends the length of the front of the house from the west to east side of the property, giving us a line of site view into our neighbor's yards on both sides. We are decreasing the size of the front deck so that it does not extend to the outer edges of the property and thereby improve privacy for both east and west side neighbors.
- We are removing the large cement driveway in front of our house, and replacing it with a permeable material with significantly smaller footprint. This will reduce water runoff to the street and adjoining parcels.

Our house to lot size ratio is currently 39.43%, which is greater than the maximum 30% ratio under the current code. Our designs will bring the house to lot ratio down to 29.5% (shrinking the size), and bringing it into conformance with current code requirements. We have made trade-offs and other significant reductions to bring the overall size of the house into compliance with code, even with the 5 foot garage extension.

Based on the foregoing, we believe the Planning Commission was correct, and request that you affirm their decision by granting our request for a Design Permit and Variance. Thank you for your consideration. We are happy to answer questions or provide additional information about the proposed project. Attachment 1 and the Staff Report are incorporated herein by this reference.

Very truly yours,



David & Deb Aaron



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: City Manager Department

SUBJECT: Consider the March 24, 2016, Regular City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meeting.

ATTACHMENTS:

1. Draft March 24, 2016, City Council Minutes

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:


Mark Welch, Finance Director

4/7/2016

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MARCH 24, 2016**

**CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:30 PM. He announced the item to be discussed in Closed Session, as follows:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code §54956.8)

Property: 2091 Wharf Road, APN 034-241-05, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Joseph K. and Debbie A. Genge
Under Negotiation: Terms for potential purchase of property by City

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:30 p.m. to the Closed Session.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Councilmember Dennis Norton: Present, Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was present.

2. PRESENTATIONS

A. Proclamation in the Observance of American Red Cross Month

Mayor Bottorff presented the proclamation to Council Member Termini, Chair of the Santa Cruz Chapter of the American Red Cross.

B. Presentation by Rosemary Menard, City of Santa Cruz Water Director, regarding the Santa Cruz Water Supply Advisory Committee’s Recommended Water Supply Augmentation Strategies

Ms. Menard provided the presentation regarding water supply strategy recommendations.

Becky Steinbrenner, 3441 Redwood Drive, Aptos, spoke about the state of the aquifers.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 24, 2016

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed Conference with Real Property Negotiations regarding 2091 Wharf Road, APN 034-241-05, Capitola; there was no reportable action.

4. ADDITIONAL MATERIALS

Deputy City Clerk Nichols stated that emails were received regarding the following items:

- A. **Item 10.C.** Two emails from the Public regarding the Red Light at 41st Avenue and Clares Street.
- B. **Item 11.B.** Two emails from the Public regarding the In-Lieu Parking Fee Program.

5. ADDITIONS AND DELETIONS TO AGENDA (None provided)

6. PUBLIC COMMENTS

Lowell Webb, local resident, thanked the City Council for overruling the Planning Commission's decision to allow the installation of a wireless telecommunications antenna at Begonia Plaza. In addition, he complimented the Red Cross for services they provide.

Dave Kraemer, Supervising Therapist with the County of Santa Cruz California Children's Services Medical Therapy Program, announced that National Public Health Week will be April 4 – April 10, 2016.

Barbara Bush, local resident, stated concerns regarding wireless radiation and thanked the City Council for overruling the Planning Commission's decision regarding the wireless telecommunications antenna at Begonia Plaza.

Becky Steinbrenner, 3441 Redwood Drive, Aptos, stated that Assembly Bill 57, effective January 1, 2016, restricts cell tower installation on fire stations.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini announced Capitola Village Easter Egg Hunt will be held on Saturday, March 26th; in addition he stated that the Capitola Branch Library 16th Birthday Party will be held on March 26th from 12 (Noon) to 2:00 p.m.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Make Nominations for a City Council Representative and Alternate Representative to the Newly Formed "FAA Select Subcommittee on South Bay Arrivals"
RECOMMENDED ACTION: Nominate Council Representatives.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 24, 2016

RESULT:	APPROVED THE NOMINATIONS OF MAYOR BOTTORFF AS THE CITY COUNCIL REPRESENTATIVE AND COUNCIL MEMBER NORTON AS THE ALTERNATE REPRESENTATIVE TO THE NEWLY FORMED "FAA SELECT SUBCOMMITTEE ON SOUTH BAY ARRIVALS".
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Stephanie Harlan, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

9. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

Council Member Bertrand stated that he attended the following:

- A meeting that provided information about the history of agriculture in this area;
- The 13th Annual Water Conservation Showcase Climate Action Collaborative meeting;
- The Live Oak Boys and Girls Club grand opening;
- A dinner where the County storm water infrastructure planning was discussed;
- As the City's Representative he attended a recent Santa Cruz County Hazardous Materials Advisory Commission at which time a presentation was made regarding the initiation of a medication and sharps recycling program;
- As the City's Representative Santa Cruz County Children's Network he attended a recent meeting where they voted unanimously to support the June 2016 Library Sales Tax Ballot.

Council Member Harlan encouraged the public to visit the Capitola Historical Museum. In addition, as the City's Representative on the Santa Cruz County Sanitation District she toured the Santa Cruz Wastewater Treatment Plant.

Mayor Bottorff stated that today Vice Mayor Harlan and he attended the Congregate Dining Celebration at the Live Oak Senior Center, and helped serve 31 lunches to seniors; the financial support the City provides to Community Bridges and the Meals-on-Wheels programs are funds well spent. As the City's Representative on the Santa Cruz Metropolitan Transit District (Metro) he provided an update regarding the Metro's 6.5 million dollar deficit due to insufficient revenues coming from the gas tax.

City Manager Goldstein stated that he is the City's Representative on the Santa Cruz Regional 911 Board (Board); he provided an update on the Board's new CAD (Computer-aided design) system. As the City's representative on the Santa Cruz County Library Facilities Financing Authority Joint Powers Board he provided an update on the County Library Director recruitment. In addition, he provided an update regarding the City's workers compensation liability insurance carrier; the City will be seeing increases in liability premiums due to the phasing in of the costs of the Pacific Cove claims; the City's worker compensation claims are looking relatively good.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 24, 2016

Public Works Director Jesberg provided an update regarding various Capital Improvement Program projects.

10. CONSENT CALENDAR

RESULT:	ADOPTED <u>ITEMS NO. 10.A., 10.B., 10.C., AND 10.D.</u> [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

- A. Consider the March 10, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Registers dated February 5, February 11, February 19, and February 26, 2016
RECOMMENDED ACTION: Approve Check Register Reports.
- C. Adoption of **Resolution No. 4046** to Establish Hours That Would Prohibit a Right Hand Turn on a Red Light at the Intersection of 41st Avenue and Clares Street
RECOMMENDED ACTION: Consider a Resolution setting hours that would prohibit a right turn on a red light from 10:00 a.m. to 6:00 p.m. at Clares Street and 41st Avenue.
- D. Accept the Capitola Avenue Storm Drain Project as Complete
RECOMMENDED ACTION: Accept the Capitola Avenue Storm Drain Repair Project constructed by Johnson & Company, Inc, as complete at a final cost of \$110,567.40, and authorize the Director of Public Works to release the contract retention of \$11,056.74 in 35 days following the recordation of the Notice of Completion.

11. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Approve the Surfers Path Special Event Permit
RECOMMENDED ACTION: Approve the new special event request for the Surfer's Path Hang Ten and Hang Five event and to move the Surfer's Path 10k/5k to February 26, 2017.

There was Council consensus to be cautious about bringing new events into the Village.

RESULT:	APPROVED THE SURFERS PATH SPECIAL EVENT PERMIT [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

Attachment: Draft March 24, 2016, City Council Minutes (1299 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 24, 2016

B. Review of In-Lieu Parking Fee Program

RECOMMENDED ACTION: Receive presentation and provide direction.

Nels Westman, City's Traffic and Parking Commissioner, urged the City Council to not approve any revisions of the City's In-lieu Parking Program.

Corrie Sid, local business owner, stated that she is opposed to revisions to the City's In-lieu Parking Program.

RESULT:	TO NOT REVISE THE CITY'S IN-LIEU PARKING FEE PROGRAM
MOVER:	Dennis Norton, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Norton, Bottorff
NAYS:	Harlan, Bertrand and Termini

C. Authorize Further Expenditure for Engineering Staff Augmentation in the Public Works Department up to \$100,000 within the Capital Improvement Program

RECOMMENDED ACTION: Authorize Expenditure.

RESULT:	AUTHORIZE FURTHER EXPENDITURE FOR ENGINEERING STAFF AUGMENTATION IN THE PUBLIC WORKS DEPARTMENT UP TO \$100,000 WITHIN THE CAPITAL IMPROVEMENT PROGRAM [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

D. Zoning Code Update Progress Report

RECOMMENDED ACTION: Receive Report.

RESULT:	RECEIVED REPORT
----------------	------------------------

12. **ADJOURNMENT**

The meeting was closed at 9:28 PM

Ed Bottorff, Mayor

ATTEST:

Liz Nichols, Deputy City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Community Development

SUBJECT: Receive Planning Commission Action Minutes for the Special Meetings of March 17 and March 31, 2016

RECOMMENDED ACTION: Receive Minutes.

ATTACHMENTS:

1. Planning Commission Special Hearing Minutes March 17, 2016
2. Planning Commission Special Hearing Minutes March 31, 2016

Report Prepared By: Linda Fridy
Planning Commission Minutes Clerk

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to read "Susan", is written over a horizontal line.

Susan Sneddon, City Clerk

4/8/2016



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MARCH 17, 2016
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

A. Call to Order

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Arrived 7 p.m., Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission Special Meeting of March 3, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	Gayle Ortiz, Commissioner
AYES:	Smith, Ortiz, Welch, Westman
ABSENT:	Newman

4. CONSENT CALENDAR

A. 429 Riverview Ave #16-025 APN: 035-121-34

Modification to the height of a previously approved Design Permit, Conditional Use Permit, Coastal Development Permit and Variance for non-conforming structure and setback requirements for an addition to an existing historic residence in the R-1 (Single-Family Residential) 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: Mike and Cindy Reardon

Representative: Derek Van Alstine, filed 2/28/16

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Welch, Westman
RECUSED:	Ortiz
ABSENT:	Newman

5. PUBLIC HEARINGS

A. 419 Capitola Avenue Conceptual Review #15-197 APN: 035-131-26

Conceptual Review of development concepts for an existing duplex located in the CN (Neighborhood Commercial) Zoning District.

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

Environmental Determination: Not applicable

Property Owners: Daniel Gomez and Daniel Townsend, filed 12/16/2015

RESULT:	COMMENTS PROVIDED – NO VOTE
----------------	------------------------------------

B. Zoning Code Update All Properties within Capitola

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

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

Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/18/2016 6:00 PM
MOVER:	Susan Westman, Commissioner	
SECONDER:	Gayle Ortiz, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch, Westman	

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MARCH 31, 2016
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda**
- B. Public Comments**
- C. Commission Comments**
- D. Staff Comments**

3. PUBLIC HEARINGS

A. Monterey Avenue Skate Park #15-068 APN: 036-151-01

Design Permit, Conditional Use Permit, and consideration of an Environmental Impact Report for an approximately 6,000 square-foot skate park at Monterey Park.

The project is within the Coastal Zone and requires a Coastal Development Permit which is not appealable to the Coastal Commission.

Environmental Determination: Environmental Impact Report

Property Owner: City of Capitola

Applicants: Marie Martorella and Tricia Proctor

Motion: Certify the Environmental Impact Report and Mitigation Monitoring Reporting Program

RESULT:	CERTIFIED [UNANIMOUS]
MOVER:	Edward Newman, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

Motion: Approve a Design Permit, Conditional Use Permit, and Coastal Development Permit based on the alternative one parameters from the Environmental Impact Report with additional conditions, including post-opening noise study with a bond for additional mitigation measures, 6-month post-opening review of permit conditions, additional seating, prohibition of special events, preservation of existing redwood trees, requirement for replacement trees to be planted on-site (no in-lieu fees), irrigation for replacement trees, alternate fence design, indemnification agreement signed by applicant and standard conditional use language.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Edward Newman, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

4. ADJOURNMENT



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Public Works Department

SUBJECT: Award Construction Contract to Monterey Peninsula Engineering for the Rosedale Area Paving Project

RECOMMENDED ACTION: Award a contract to Monterey Peninsula Engineering for the Rosedale Area Paving Project with a bid in the amount of \$228,676.50 for construction of the Rosedale Avenue Paving Project, and authorize the Public Works Director to add a section of Plum Street from Rosedale Avenue to the Brookvale Terrace Mobile Home Park into the project at an estimated cost of \$12,000.

BACKGROUND: On April 6, 2016, the City received six bids for the Rosedale Area Paving Project. All bids have been checked and the low bidder is Monterey Peninsula Engineering with a bid in the amount of \$228,676.50. A complete summary of the bids is included at Attachment 1.

DISCUSSION: The bid amount is \$1,976.50 (1%) over the engineer's estimate. In addition to being slightly over the estimate, staff is requesting additional funds to add paving on Plum Street where it enters into Brookvale Terrace Mobile Home Park. This additional paving is estimated to cost \$12,000. It is recommended that it be added to this project to complete the paving in this area.

It is anticipated that construction will begin within six weeks of the award of contract and take four weeks to complete.

FISCAL IMPACT: The additional funding for this project in the amount of \$13,976.50 is available within the Capital Improvement Program fund. It is recommended that these costs be transferred from the fund balance in the Capitola Avenue Storm Drain Project which has a fund balance of \$14,821.60.

ATTACHMENTS:

1. Rosedale Paving Bid Summary

Report Prepared By: Steve Jesberg
Public Works
Director

Reviewed and Forwarded by:


Mark Welch, Finance Director

4/7/2016

Bid Results

Project Rosedale Area Paving
Bid Opened: 6-Apr-16

Construction Estimate						Monterey Peninsula Engineering	
Item	Description	Unit	Qty.	Unit Price	Total	Unit Price	Total
1	Mobilization	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 5,500.00	\$ 5,500.00
2	Traffic Control	LS	1	\$ 16,000.00	\$ 16,000.00	\$ 15,500.00	\$ 15,500.00
3	Changeable Message Signs	EA	2	\$ 250.00	\$ 500.00	\$ 770.00	\$ 1,540.00
4	Remove Pavement Markers	LS	1	\$ 500.00	\$ 500.00	\$ 1,700.00	\$ 1,700.00
5	Reset Survey Nail and Painted Cross	EA	1	\$ 500.00	\$ 500.00	\$ 2,200.00	\$ 2,200.00
6	Adjust Survey Monument Box to Grade	EA	2	\$ 500.00	\$ 1,000.00	\$ 640.00	\$ 1,280.00
7	Adjust Water Valve Box to Grade	EA	6	\$ 475.00	\$ 2,850.00	\$ 460.00	\$ 2,760.00
8	Adjust Blowoff Valve Box to Grade	EA	1	\$ 475.00	\$ 475.00	\$ 460.00	\$ 460.00
9	Adjust Gas Valve Box to Grade	EA	1	\$ 475.00	\$ 475.00	\$ 460.00	\$ 460.00
10	Adjust SSCO Frame & Cover to Grade	EA	2	\$ 475.00	\$ 950.00	\$ 490.00	\$ 980.00
11	Adjust SSMH Frame & Cover to Grade	EA	8	\$ 850.00	\$ 6,800.00	\$ 980.00	\$ 7,840.00
12	Adjust SDMH Frame & Cover to Grade	EA	5	\$ 850.00	\$ 4,250.00	\$ 850.00	\$ 4,250.00
13	Install Concrete Cross Gutter	SF	140	\$ 25.00	\$ 3,500.00	\$ 36.00	\$ 5,040.00
14	Subgrade Preparation	SY	1,586	\$ 8.00	\$ 12,688.00	\$ 5.00	\$ 7,930.00
15	Over-Excavation	CY	40	\$ 25.00	\$ 1,000.00	\$ 72.00	\$ 2,880.00
16	Remove Surfacing and Base (4-Inch Depth) (F)	SY	1,586	\$ 10.00	\$ 15,860.00	\$ 8.00	\$ 12,688.00
17	Hot-Mix Asphalt Pavement Type A (1.5-Inch Overlay)	TON	55	\$ 85.00	\$ 4,675.00	\$ 128.00	\$ 7,040.00
18	Hot-Mix Asphalt Pavement Type A (2-Inch Overlay)	TON	455	\$ 85.00	\$ 38,675.00	\$ 127.00	\$ 57,785.00
19	Hot-Mix Asphalt Pavement Type A (4-Inch Overlay)	TON	393	\$ 85.00	\$ 33,405.00	\$ 132.00	\$ 51,876.00
20	Thermoplastic Traffic Striping - Detail 22	LF	100	\$ 2.00	\$ 200.00	\$ 7.50	\$ 750.00
21	Thermoplastic 12" Crosswalk (White or Yellow)	LF	89	\$ 3.50	\$ 312.00	\$ 9.50	\$ 845.50
22	Thermoplastic 12" Limit Line (White or Yellow)	LF	18	\$ 3.50	\$ 63.00	\$ 9.50	\$ 171.00
23	Thermoplastic Pavement Markings (Arrows, Words and Numerals)	SF	44	\$ 4.00	\$ 176.00	\$ 9.50	\$ 418.00
24	Blue Fire Hydrant Pavement Marker	EA	6	\$ 30.00	\$ 180.00	\$ 27.50	\$ 165.00
25	Pavement Base Repair 4-Inch Depth	SF	50	\$ 6.00	\$ 300.00	\$ 31.00	\$ 1,550.00
26	Pavement Base Repair 6-Inch Depth	SF	2,837	\$ 5.00	\$ 14,185.00	\$ 4.00	\$ 11,348.00
27	Cold-Planing (Milling) Asphalt Concrete Pavement (2-Inch Depth) (F)	SY	3,680	\$ 4.25	\$ 15,640.00	\$ 4.00	\$ 14,720.00
28	Wedge Grind	LF	250	\$ 5.00	\$ 1,250.00	\$ 5.00	\$ 1,250.00
29	Conform Grind	LF	35	\$ 20.00	\$ 700.00	\$ 30.00	\$ 1,050.00
30	Crack Sealing	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00
31	Temporary Water Pollutions Control and Erosion Control	LS	1			\$ 2,200.00	\$ 2,200.00

SUB-TOTAL	\$ 197,109.00	Bid Amonut	\$ 228,676.50
15% contingency	\$ 29,566.35		
Rounded Total	\$ 226,700.00		

Attachment: Rosedale Paving Bid Summary (1432 : Rosedale Area Paving Award of Contract)

Earthworks Paving		Granite Construction		Lewis and Tibbitts		Anderson Pacific	
Unit Price	Total						
\$ 16,500.00	\$ 16,500.00	\$ 8,200.00	\$ 8,200.00	\$ 5,000.00	\$ 5,000.00	\$ 17,000.00	\$ 17,000.00
\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 3,800.00	\$ 3,800.00	\$ 5,000.00	\$ 5,000.00
\$ 2,315.00	\$ 4,630.00	\$ 1,200.00	\$ 2,400.00	\$ 1,311.00	\$ 2,622.00	\$ 1,400.00	\$ 2,800.00
\$ 422.00	\$ 422.00	\$ 250.00	\$ 250.00	\$ 900.00	\$ 900.00	\$ 800.00	\$ 800.00
\$ 600.00	\$ 600.00	\$ 2,800.00	\$ 2,800.00	\$ 1,542.00	\$ 1,542.00	\$ 500.00	\$ 500.00
\$ 600.00	\$ 1,200.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00
\$ 600.00	\$ 3,600.00	\$ 1,000.00	\$ 6,000.00	\$ 500.00	\$ 3,000.00	\$ 450.00	\$ 2,700.00
\$ 600.00	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 450.00	\$ 450.00
\$ 600.00	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 450.00	\$ 450.00
\$ 922.00	\$ 1,844.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 600.00	\$ 1,200.00
\$ 1,200.00	\$ 9,600.00	\$ 1,000.00	\$ 8,000.00	\$ 910.00	\$ 7,280.00	\$ 800.00	\$ 6,400.00
\$ 1,200.00	\$ 6,000.00	\$ 1,000.00	\$ 5,000.00	\$ 938.00	\$ 4,690.00	\$ 800.00	\$ 4,000.00
\$ 22.00	\$ 3,080.00	\$ 90.00	\$ 12,600.00	\$ 36.00	\$ 5,040.00	\$ 38.00	\$ 5,320.00
\$ 5.00	\$ 7,930.00	\$ 2.00	\$ 3,172.00	\$ 7.60	\$ 12,053.60	\$ 4.00	\$ 6,344.00
\$ 88.00	\$ 3,520.00	\$ 280.00	\$ 11,200.00	\$ 266.00	\$ 10,640.00	\$ 120.00	\$ 4,800.00
\$ 10.00	\$ 15,860.00	\$ 7.00	\$ 11,102.00	\$ 11.75	\$ 18,635.50	\$ 10.00	\$ 15,860.00
\$ 154.00	\$ 8,470.00	\$ 160.00	\$ 8,800.00	\$ 131.00	\$ 7,205.00	\$ 155.00	\$ 8,525.00
\$ 168.00	\$ 76,440.00	\$ 130.00	\$ 59,150.00	\$ 143.00	\$ 65,065.00	\$ 145.00	\$ 65,975.00
\$ 120.00	\$ 47,160.00	\$ 135.00	\$ 53,055.00	\$ 141.25	\$ 55,511.25	\$ 155.00	\$ 60,915.00
\$ 3.50	\$ 350.00	\$ 6.65	\$ 665.00	\$ 8.00	\$ 800.00	\$ 7.00	\$ 700.00
\$ 4.00	\$ 356.00	\$ 9.00	\$ 801.00	\$ 10.00	\$ 890.00	\$ 9.00	\$ 801.00
\$ 4.00	\$ 72.00	\$ 8.50	\$ 153.00	\$ 10.00	\$ 180.00	\$ 9.00	\$ 162.00
\$ 10.00	\$ 440.00	\$ 8.50	\$ 374.00	\$ 10.00	\$ 440.00	\$ 9.00	\$ 396.00
\$ 10.00	\$ 60.00	\$ 25.00	\$ 150.00	\$ 30.00	\$ 180.00	\$ 30.00	\$ 180.00
\$ 17.00	\$ 850.00	\$ 56.00	\$ 2,800.00	\$ 23.00	\$ 1,150.00	\$ 50.00	\$ 2,500.00
\$ 3.00	\$ 8,511.00	\$ 8.00	\$ 22,696.00	\$ 8.30	\$ 23,547.10	\$ 10.00	\$ 28,370.00
\$ 4.00	\$ 14,720.00	\$ 4.50	\$ 16,560.00	\$ 6.65	\$ 24,472.00	\$ 6.50	\$ 23,920.00
\$ 10.00	\$ 2,500.00	\$ 9.00	\$ 2,250.00	\$ 13.00	\$ 3,250.00	\$ 5.00	\$ 1,250.00
\$ 27.00	\$ 945.00	\$ 32.00	\$ 1,120.00	\$ 65.00	\$ 2,275.00	\$ 20.00	\$ 700.00
\$ 1,845.00	\$ 1,845.00	\$ 8,200.00	\$ 8,200.00	\$ 5,907.00	\$ 5,907.00	\$ 9,000.00	\$ 9,000.00
\$ 2,600.00	\$ 2,600.00	\$ 1,600.00	\$ 1,600.00	\$ 2,623.00	\$ 2,623.00	\$ 4,000.00	\$ 4,000.00
\$ 250,305.00		\$ 264,098.00		\$ 271,698.45		\$ 282,018.00	

Attachment: Rosedale Paving Bid Summary (1432 : Rosedale Area Paving Award of Contract)

Don Chapin	
Unit Price	Total
\$ 7,000.00	\$ 7,000.00
\$ 20,000.00	\$ 20,000.00
\$ 3,800.00	\$ 7,600.00
\$ 1.00	\$ 1.00
\$ 750.00	\$ 750.00
\$ 750.00	\$ 1,500.00
\$ 800.00	\$ 4,800.00
\$ 800.00	\$ 800.00
\$ 800.00	\$ 800.00
\$ 800.00	\$ 1,600.00
\$ 800.00	\$ 6,400.00
\$ 800.00	\$ 4,000.00
\$ 45.00	\$ 6,300.00
\$ 5.00	\$ 7,930.00
\$ 280.00	\$ 11,200.00
\$ 8.50	\$ 13,481.00
\$ 140.00	\$ 7,700.00
\$ 134.00	\$ 60,970.00
\$ 130.00	\$ 51,090.00
\$ 7.50	\$ 750.00
\$ 9.00	\$ 801.00
\$ 9.00	\$ 162.00
\$ 9.00	\$ 396.00
\$ 30.00	\$ 180.00
\$ 13.00	\$ 650.00
\$ 14.00	\$ 39,718.00
\$ 4.00	\$ 14,720.00
\$ 2.00	\$ 500.00
\$ 6.00	\$ 210.00
\$ 8,000.00	\$ 8,000.00
\$ 2,500.00	\$ 2,500.00
\$	282,509.00



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Public Works Department

SUBJECT: Approve Contract Change Order No. 1 for the Stockton and Esplanade Improvement Project

RECOMMENDED ACTION:

1. Approve Contract Change Order No. 1 for the Stockton Avenue and Esplanade Intersection Improvements in the amount of \$44,645 for the addition of sidewalk adjacent the David Lyng Real Estate office at the corner of Stockton Avenue and Capitola Avenue; and
2. Authorize and budget amendment receiving unanticipated revenue in the amount of \$10,000 from David Lyng for this project; and
3. Authorize the transfer of \$34,645 within the Capital Improvement Fund to cover the balance of this change order with funding coming from the Village Sidewalk Cooperative Project funding bank.

BACKGROUND: The scope of work for Stockton Avenue and Esplanade Intersection Improvement Project included the removal and replacement of the existing sidewalk in the immediate vicinity of the intersection. Upon completion of the project as designed, one section of old sidewalk would remain away that fronts the David Lyng Realty office at the corner of Stockton Avenue and Capitola Avenue.

DISCUSSION: The approval of Contract Change Order No. 1 will complete all the sidewalk replacement work along Stockton Avenue between Capitola Avenue and the Esplanade. The contribution amount from David Lyng is consistent with the contributions received from restaurants along the Esplanade in 2014 and from the property owner of the property at 208 and 210 Stockton Avenue. The cooperative agreements call for a cost share for the replacement of the sidewalk but do not cover curb ramps, conform paving, traffic control, and other ancillary costs.

Anderson Pacific is currently scheduled to begin this phase of work on April 18th, and it will be completed by April 22nd.

FISCAL IMPACT: The transfer of funding from the Village Sidewalk Cooperative Bank of \$34,645 will reduce the fund balance in this account to \$56,355. The next phase of sidewalk work is scheduled to be along the west side of Capitola Avenue in the 300 block area next to the Trestle Building and neighboring properties.

ATTACHMENTS:

1. Stockton and Esplanade CCO No 1

Stockton and Esplanade Improvement Project CCO No. 1
April 14, 2016

2. Budget Amendment

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Mark Welch, Finance Director

4/7/2016



March 30, 2016

City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Attn: Steven E. Jesberg
Re: Stockton Avenue and Esplanade Intersection Improvements

Mr. Jesberg:

Per your request, we are providing a proposal to perform additional concrete improvements on the above referenced project. This work will consist of removing and replacing existing concrete and asphalt pavement along the north side of Stockton Avenue between Capitola Avenue and Riverview Avenue. A detailed cost breakdown is provided below.

Proposed Change Order #02

BID ITEM	DESCRIPTION	QNTY	UNIT	U/C	TOTAL
1	Mobilization (supervision & overhead)	1	LS	\$ 3,000.00	\$ 3,000.00
2	Traffic Control and Construction Area Signs	1	LS	\$ 4,000.00	\$ 4,000.00
3	Demolition	1	LS	\$ 5,000.00	\$ 5,000.00
5	Temporary Water Pollution Control & Erosion Control	1	LS	\$ 1,000.00	\$ 1,000.00
6	Subgrade Preparation	1,090	SF	\$ 2.00	\$ 2,180.00
7	Roadway Excavation	21	CY	\$ 85.00	\$ 1,785.00
8	Aggregate Base	25	TN	\$ 95.00	\$ 2,375.00
9	Concrete Curb & Gutter (Detail S-1)	77	LF	\$ 50.00	\$ 3,850.00
11	Concrete Sidewalk	680	SF	\$ 10.00	\$ 6,800.00
12	Driveway Approach	76	SF	\$ 10.00	\$ 760.00
14	Case G Curb Ramp	1	EA	\$ 1,700.00	\$ 1,700.00
15	Brick Pavers	70	SF	\$ 48.00	\$ 3,360.00
16	Asphalt Concrete	26	TN	\$ 325.00	\$ 8,450.00
17	Asphalt Grinding	77	LF	\$ 5.00	\$ 385.00
18	Thermoplastic Traffic Stripes and Pavement Markers*		LS	\$ -	\$ -
				Total:	\$ 44,645.00**

1390 Norman Avenue
Santa Clara, CA 95054
Fax: 408/970-9975
408/970-9900
Lic. No. 245215



* Please note that no additional cost is currently provided for additional traffic stripes and pavement markers until further information is provided showing what is required at this location.

** Also, a contingency of 10% of the original contract in the amount of approximately \$22,500 and of PCO #02 in the amount of approximately \$4,500 for a total of **\$27,000** should be added to account for unforeseen conditions encountered during the construction process.

Please review the above cost summary and issue a contract change order for this work at your earliest convenience. If you have any questions, regarding this matter, please contact me at (408) 318-0613.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott L. Schumacher', with a long horizontal flourish extending to the right.

Scott L. Schumacher
Project Manager

City of Capitola Budget Adjustment Form



Date 4/14/2016

Requesting Department Public Works

Administrative Council

Item # _____ 8.D.
Council Date 4/14/2016
Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
1200-00-00-000-3700.001	Other revenue other grants, donations, contri	10,000
Total		10,000

Expenditures		
Account #	Account Description	Increase/Decrease
1200-00-00-000-4390.400	Construction service Project constr	\$ 10,000
Total		10,000

Net Impact -

Purpose: Receive David Lyng contribution to Stockton and Esplandade Improvement Project

Department Head Appro _____

Finance Department Approval _____

City Manager Approval _____

Attachment: Budget Amendment (1425 : Stockton and Esplandade Improvement Project CCO No. 1)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Community Development

SUBJECT: Professional Services Agreement with Ben Noble: Urban and Regional Planning for the Zoning Code Update

RECOMMENDED ACTION: Authorize the City Manager to enter into an agreement with Ben Noble Urban and Regional Planning in the amount of \$26,110 for completion of the Zoning Code Update.

BACKGROUND: The City Council approved a contract with Placeworks (formerly Design, Community, and Environment) in 2010 to prepare the General Plan Update, Climate Action Plan, Zoning Code Update, Environmental Impact Report (EIR), and supporting technical studies and reports. Work has been completed on the General Plan Update, Climate Action Plan, and EIR. A Draft Zoning Code has also been released; however, substantial work remains including several additional public hearings with the Planning Commission and City Council. The original Placeworks contract has less than \$9,000 remaining and will not be sufficient to complete the Zoning Code Update.

DISCUSSION: In 2015, Ben Noble began an independent planning firm, Ben Noble Urban and Regional Planning. Mr. Noble continued in his role managing the Capitola Zoning Code Update as a contract employee for PlaceWorks. Due to the consultant's satisfactory work on the General Plan Update, the Zoning Code Update, and his acquired extensive background and working knowledge of the project, staff is recommending Mr. Noble be contracted for the completion of Zoning Code Update consistent with the sole source purchase policy within Administrative Policy III-4.

The proposal by Ben Noble Urban and Regional Planning to complete of the Zoning Code Update includes a contract amount of \$26,110 (Attachment 1). The funds for the new contract are available from the General Plan Maintenance Fund. The total cost includes all items outlined in the scope of work, as well as administrative and travel expenses associated with the project.

FISCAL IMPACT: Staff recommends \$26,110 be allocated from the General Plan Maintenance Fund to contract Ben Noble Urban and Regional Planning to complete the Zoning Code Update.

ATTACHMENTS:

1. Ben Noble Urban and Regional Planning Proposal
2. Standard Agreement Form - Zoning Code Update
3. Sole Source Purchase Memo

Report Prepared By: Katie Cattan
Senior Planner

Zoning Code Update Professional Service Agreement Contract
April 14, 2016

Reviewed and Forwarded by:



Mark Welch, Finance Director

4/7/2016

BEN NOBLE
 City and Regional Planning
 510.529.8820 | bnoble@bnplanning.com

April 5, 2016

Richard Grunow, Community Development Director
 City of Capitola
 420 Capitola Ave
 Capitola, California 95010

Re: Zoning Code Update Proposal

Dear Rich,

Thank you for inviting me to submit a proposal to provide continued assistance to the City of Capitola to complete the Zoning Code Update. Below is additional information on my qualifications, a proposed scope of work, and a cost estimate for this scope of work.

QUALIFICATIONS

As you know, I have been working with the City of Capitola since 2010 on the General Plan Update, Zoning Code Update, and other tasks associated with that effort. I originally began working with the City as an employee of PlaceWorks (formerly DC&E), where I was an Associate Principal in charge of the company's zoning practice. In 2014 I left PlaceWorks and began my own city planning consulting practice which continues to specialize in zoning code updates as well as other comprehensive planning projects. Attached to this proposal is my resume which identifies the full extent of my experience relevant to Capitola's Zoning Code Update. I believe I am well qualified to assist the City complete the Zoning Code Update and look forward to continuing to work with you on this effort.

SCOPE OF WORK

Below is my proposed scope of work to assist the City of Capitola complete the Zoning Code Update. As a sole proprietor consultant, all work will be completed by me.

Task 1. Public Review Draft Zoning Code Meetings

a. Planning Commission Meetings (8)

I will attend eight Planning Commission meetings to receive feedback on the Public Review Draft Zoning Code. These eight meetings include the two Planning Commission meetings I have already attended in March of this year. Costs to attend these meetings assumes that City staff will assume the lead role in preparing meeting materials.

b. City Council Meetings (2)

I will attend two City Council meetings to receive feedback on the Public Review Draft Zoning Code.

Task 2. Redline Zoning Code**a. Administrative Draft Redline Zoning Code**

Based on input from the Planning Commission and City Council, I will prepare an Administrative Redline Zoning Code for review by City staff. This Zoning Code will show all changes made to the Public Review Draft Zoning Code in underline ~~striketrough~~ text. I will also make changes to the Zoning Code graphics and Zoning Map as needed.

b. Screencheck Draft Redline Zoning Code

I will prepare a Screencheck Draft Redline Zoning Code for review by City staff that addresses City staff comments on the Administrative Redline Zoning Code.

c. Final Redline Zoning Code

I will prepare a Final Redline Zoning Code for public review that addresses City staff comments on the Screencheck Draft Redline Zoning Code.

d. Planning Commission Meetings (2)

I will attend two Planning Commission meetings to receive comments on the Redline Zoning Code.

e. City Council Meetings (2)

I will attend two City Council meeting to receive comments on the Redline Zoning Code.

Task 3. Final Zoning Code**a. Draft Final Zoning Code**

Based on input from the Planning Commission and City Council, I will prepare a Draft Final Zoning Code for review by City staff and the Planning Commission and City Council if needed. I will also make changes to the Zoning Code graphics and Zoning Map as needed.

b. Final Zoning Code

I will prepare a Final Zoning Code that addresses any final revisions to reflect the Zoning Code as adopted by the City Council.

BUDGET

As shown in Table 1 on the following page, I can complete the scope of work described above for a total cost of \$26,110. These costs assume a billing rate of \$135 per hour and include mileage expenses for 14 meetings.

Table 1: Budget

Task	Hours	Cost
1. Public Review Draft Zoning Code Meetings		
a. Planning Commission Meetings (8)	56	\$7,560
b. City Council Meetings (2)	14	\$1,890
2. Redline Zoning Code		
a. Administrative Draft Redline Zoning Code	40	\$5,400
b. Screencheck Draft Redline Zoning Code	12	\$1,620
c. Final Redline Zoning Code	8	\$1,080
d. Planning Commission Meetings (2)	14	\$1,890
e. City Council Meeting (2)	14	\$1,890
3. Final Zoning Code		
a. Draft Final Zoning Code	18	\$2,430
b. Final Zoning Code	8	\$1,080
Labor Cost		\$24,840
Expenses		
Travel (14 trips, 168 miles each, \$0.54 per mile)		\$1,270
TOTAL		\$26,110

Please do not hesitate to contact me with any additional questions. I look forward to continuing to work with you on the Zoning Code Update.

Sincerely,



Ben Noble
Urban and Regional Planning

Attachments:
Resume

Attachment: Ben Noble Urban and Regional Planning Proposal (1422 : Zoning Code Update Professional Service Agreement Contract)

BEN NOBLE

City and Regional Planning



Ben Noble has over a decade of experience preparing zoning codes, general plans, and other planning documents for communities throughout California. Over his career Ben has worked in a diversity of settings, including urban centers, small towns, and rural counties. To each project Ben brings creative problem-solving instincts, strong project management skills, and a collaborative work style. Ben is particularly passionate about preparing zoning codes and development regulations that are carefully tailored to each client's unique needs. Ben is a leader in the development of evidence-based "smart regulation" that aims to maximize public benefits while minimizing private costs.

PROJECT EXPERIENCE

All projects are within California unless otherwise noted.

Development Codes

- Morgan Hill Residence Development Control System and Zoning Ordinance
- Concord Subdivision Ordinance
- Sonoma County Development Code
- Moraga Hillside and Ridgelines Regulations
- Corcoran Zoning Code
- Milpitas Housing Element Code Amendments
- Upland Zoning Code
- Butte County Zoning Ordinance
- Butte County Alternative Energy Overlay
- Morgan Hill Zoning Code and Residential Growth Control System
- Oroville Development Code Update and Sustainable Code Amendments
- Capitola Zoning Code
- Merced Zoning Code
- Chino Zoning Code and Subdivision Ordinance
- Tulare Subdivision Ordinance
- Westminster Sign Code
- National City Land Use Code
- San Bruno Zoning Code
- San Luis Obispo County Infill Design Standards
- San Bernardino Transit-Oriented Development Overlay Zone
- Madera Zoning Code
- Tracy Zoning Code
- Hughson Subdivision and Zoning Ordinances
- Yuba City Zoning Code
- Morro Bay Zoning Code
- El Cerrito Zoning Code
- Manteca Zoning Code

Transfer of Development Rights

- Transfer of Development Rights Implementation Plan, Beaufort, South Carolina
- Transfer of Developments Rights Program, Daufuskie Island, South Carolina

General Plans

- Capitola General Plan
- Larkspur General Plan Update Facilitation Services
- San Carlos General Plan
- Monte Sereno General Plan
- Novato General Plan
- Concord General Plan

Housing Elements

- San Carlos Housing Element
- Windsor Housing Element
- Monte Sereno Housing Element
- Yolo County Housing Element
- Sausalito Housing Element

Area Plans

- Santa Cruz Ocean Street Area Plan
- Upper Wisconsin Avenue Transit-Oriented Development Specific Plan, Washington, D.C.
- Dell Avenue Precise Plan Implementation Program, City of Campbell

Regional and Countywide Planning

- Sustainable Santa Cruz County Plan
- Sustainable Communities Strategy - Phase 1, Association of Monterey Bay Area Governments
- Sustainable Communities Strategy Implementation Project, Association of Monterey Bay Area Governments
- Smart Valley Places Cities COMPACT Cities Executive Committee Coordination
- San Luis Obispo County Complete Communities Survey
- Contra Costa Transportation Authority Countywide Transportation Plan

EMPLOYMENT HISTORY

PlaceWorks (formerly The Planning Center | DC&E)

- Associate Principal, 2012-2014
- Senior Associate, 2008-2012
- Associate, 2006-2008

City of Sausalito

- Associate Planner, 2004-2006

Dyett & Bhatia

- Planner, 2002-2004

District of Columbia Office of Planning

- Intern, 2001

EDUCATION

- Masters in City and Regional Planning, University of North Carolina, Chapel Hill
- BA, History and Southeast Asian Studies, University of Wisconsin, Madison

SPEAKING ENGAGEMENTS

- *Going Downtown: New Centers for Suburban Communities*, 2015 American Planning Association California Chapter State Conference
- *Public Engagement Strategies in an Adversarial Environment*, 2014 California League of Cities Planning Commissioners Academy
- *Implementing Sustainability: General Plans in the Central Valley*, 2013 American Planning Association California Chapter State Conference
- *Planning in an Adversarial Environment*, 2013 American Planning Association California Chapter State Conference
- *Smart Valley Places: A Model of Regional Collaboration in the Central Valley*, 2012 San Joaquin Valley Fall Policy Conference
- *Preparing Successful Grant Applications*, 2012 American Planning Association California Chapter State Conference
- *Plan Implementation Tools*, 2010 and 2011 University of California Extension Land Use and Environmental Planning Certificate Program
- *Youth Make the Call: Including Younger People in the Community Planning Process*, 2010 American Planning Association California Chapter State Conference
- *Form-Based Codes in the Real World*, 2009 American Planning Association California Chapter State Conference

ARTICLES & PUBLICATIONS

- *Going Downtown: Suburban Communities Creating New Centers*, Planning Magazine, forthcoming
- *Zoning Codes in Plain English*, American Planning Association Zoning Practice, January 2015
- *Governor Expected to Sign SB 375*, American Planning Association Northern California Section Northern News, October 2008

AWARDS

- 2013 American Planning Association Northern California Section Award of Merit for Outstanding Urban Design Category, *Ocean Street Area Plan*, Santa Cruz CA
- 2010 American Planning Association Northern California Section Award of Merit for Outstanding Planning, Comprehensive Planning Small Jurisdiction Category, *San Carlos General Plan*, San Carlos CA

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Zoning Code Update
 Ben Noble Urban and Regional Planning

THIS AGREEMENT is entered into on April 14, 2016, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Ben Noble Urban and Regional Planning, hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for Completion of the Capitola Zoning Code Update and further detailed in Appendix One.

SECTION 2
Duties of Consultant

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with the Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

SECTION 4 **Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City when the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 **Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 **Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- I The date Consultant completes the services required by this Agreement, as agreed by the City; or
- I The date either party terminates the Agreement as provided below.

Work shall begin on or about April 15, 2016.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 **Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|--|
| 1. General Liability:
(including operations, products and completed operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage). |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. Errors and Omissions Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant and automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

Consultant shall hold harmless, defend, and indemnify City and its officers, officials, employees, agents, and volunteers from and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10
Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11
Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12
Assignment

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13
Amendments

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14
Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.

Professional Services Agreement April 14, 2016
Zoning Code Update
Ben Noble Urban and Regional Planning
Page 7

9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT
Ben Noble City and Regional Planning
733 Carmel Avenue
Albany, CA 94706
510-529-8820

By: _____
Benjamin Goldstein, City Manager

By: _____
Ben Noble, Consultant

Dated: _____

Dated: _____

Approved as to Form:

Anthony Condotti, City Counsel

Attachment: Standard Agreement Form - Zoning Code Update (1422 : Zoning Code Update Professional Service Agreement Contract)

APPENDIX ONE Scope of Services

Task 1. Public Review Draft Zoning Code Meetings

a. Planning Commission Meetings (8)

Consultant will attend eight Planning Commission meetings to receive feedback on the Public Review Draft Zoning Code. These eight meetings include the two Planning Commission meetings consultant has already attended in March of this year. Costs to attend these meetings assumes that City staff will assume the lead role in preparing meeting materials.

b. City Council Meetings (2)

Consultant will attend two City Council meeting to receive feedback on the Public Review Draft Zoning Code.

Task 2. Redline Zoning Code

a. Administrative Draft Redline Zoning Code

Based on input from the Planning Commission and City Council, consultant will prepare an Administrative Redline Zoning Code for review by City staff. This Zoning Code will show all changes made to the Public Review Draft Zoning Code in underline ~~striketrough~~ text. Consultant will also make changes to the Zoning Code graphics and Zoning Map as needed.

b. Screencheck Draft Redline Zoning Code

Consultant will prepare a Screencheck Draft Redline Zoning Code for review by City staff that addresses City staff comments on the Administrative Redline Zoning Code.

c. Final Redline Zoning Code

Consultant will prepare a Final Redline Zoning Code for public review that addresses City staff comments on the Screencheck Draft Redline Zoning Code.

d. Planning Commission Meetings (2)

Consultant will attend two Planning Commission meetings to receive comments on the Redline Zoning Code.

e. City Council Meeting (2)

Consultant will attend two City Council meeting to receive comments on the Redline Zoning Code.

Task 3. Final Zoning Code

a. Draft Final Zoning Code

Based on input from the Planning Commission and City Council, consultant will prepare a Draft Final Zoning Code for review by City staff and the Planning Commission and City Council if needed. Consultant will also make changes to the Zoning Code graphics and Zoning Map as needed.

b. Final Zoning Code

Consultant will prepare a Final Zoning Code that addresses any final revisions to reflect the Zoning Code as adopted by the City Council.

APPENDIX TWO Fees and Payments

For the services performed, City will pay consultant on a time-charge plus expense basis, monthly as charges accrue, the sum of consultant's salary expenses and non-salary expenses.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$26,110.00 (Twenty-six Thousand One Hundred Ten dollars and Zero Cents), without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of Ben Noble Urban and Regional Planning, that the charge of \$26,110.00 as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated April 14, 2016, and has not been previously paid."

APPENDIX THREE
Fee Schedule from Ben Noble Urban and Regional Planning Proposal

FEE SCHEDULE/BUDGET

The following costs assume a billing rate if \$135 per hour and include mileage expenses for twelve meetings.

Table 1: Budget

Task	Hours	Cost
1. Public Review Draft Zoning Code Meetings		
a. Planning Commission Meetings (8)	56	\$7,560
b. City Council Meetings (2)	14	\$1,890
2. Redline Zoning Code		
a. Administrative Draft Redline Zoning Code	40	\$5,400
b. Screencheck Draft Redline Zoning Code	12	\$1,620
c. Final Redline Zoning Code	8	\$1,080
d. Planning Commission Meetings (2)	14	\$1,890
e. City Council Meeting (2)	2	\$1,890
3. Final Zoning Code		
a. Draft Final Zoning Code	18	\$2,430
b. Final Zoning Code	8	\$1,080
Labor Cost		\$28,840
Expenses		
Travel (12 trips, 168 miles each, \$0.54 per mile)		\$1,279
TOTAL		\$26,110



CITY OF CAPITOLA MEMO

Date: **April 14, 2016**
 To: **City Council**
 From: **Richard Grunow, Community Development Director**
 Re: **Sole Source Purchases Determination – Ben Noble Urban and Regional Planning,
 \$26,110.00, April 14, 2016**

BACKGROUND: The City of Capitola Purchasing and Procurement policy (Administrative Policy III-4), Section II B and C requires telephone quotes for purchases up to \$5,000, and requires a formal RFP bid procedure for purchases over \$5,000. The policy also includes Sole Source exemption, as follows:

B. Sole Source

1. Materials, Supplies & Equipment:

a. Definition. Sole source purchases are used where no secondary source is reasonably available precluding the use of a competitive process.

2. Consultant or General Services:

a. In the case where a consulting firm has satisfactorily performed the previous stage of a project (e.g. a pre-design), or has acquired extensive background and working knowledge, the firm may be selected for follow-up work without solicitations from other firm upon written justification and recommendation of the department head and approval by the City Manager or designee.

b. If a firm is a highly recognized authority in a field or specialty, or has unique specific knowledge regarding the project, then the firm may be selected without other solicitations for contracts and upon written justification and recommendation of the department head and approval by the City Manager or designee.

c. Upon those infrequent occasions when confidence in the consultant and quality of service are important.

3. Documentation: It is the responsibility of the requesting department to maintain in their files a complete, written justification of the sole source purchase approved by the City Manager.

4. Authorization & Reporting: All sole source purchases of more than \$25,000 are authorized by the City Council and fully disclosed in the staff agenda report. Sole source purchases between \$5,000 and \$25,000 are authorized by the City Manager. Sole source purchases less than \$5,000 are authorized by the Department Heads.

DISCUSSION: The contract with **Ben Noble Urban and Regional Planning**, in the amount of **\$26,110.00**, dated **April 16, 2016** has been determined to be a Sole Source because the consulting firm has performed previous stages of the project to the City’s satisfactory and the firm has extensive background and working knowledge of the zoning code update project.

Dept Head	Date	City Manager	Date
-----------	------	--------------	------

Attachment: Sole Source Purchase Memo (1422 : Zoning Code Update Professional Service Agreement Contract)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Public Works Department

SUBJECT: Accept Report on the Capitola Wharf Condition Assessment and Wharf Resiliency Study (Study) and Provide Direction to Staff

RECOMMENDED ACTION: Accept the Study and provide direction to staff on a 10-year plan of improvements for the Capitola Wharf.

BACKGROUND: In November 2015 the City Council authorized a contract with Moffatt and Nichol for preparation of a condition assessment of the Capitola Wharf and the development of options for strengthening the wharf to be more resilient to storm damage and deterioration from the marine environment. The report has been completed and is included as Attachment 1. A draft copy of the report was presented to the Wharf Working Group on February 22, 2016, at which time the group discussed the long term needs of the wharf. The group recommended that the City look at a 10 year window and determine what improvements and repairs should be made in this timeframe to ensure the wharf can be sustained in to the future.

DISCUSSION: The Wharf is comprised of three distinct sections, the base area over the beach, the trestle area in the middle, and the head where the buildings are located. Of these three areas the trestle is the most susceptible to failure due to the fact that each discrete section is dependent on three piles and the loss of any one of the three piles could potentially require closing the wharf. At the base and head of the wharf, where it is wider and multiple pilings support the structure, loss of a single pile, while not insignificant, can usually be mitigated on a temporary basis without closing down the wharf. Of course, catastrophic loss of multiple piles and other structural elements can certainly occur in large storms and result in heavy damage and long term closures.

As detailed in the report, Capitola Wharf is generally in fair to good condition and should remain in service with ongoing maintenance and repairs, consisting primarily of pile repair and replacement. It is recommended that in the near future three wooden piles and twelve steel piles at the end of the wharf be replaced or strengthened.

Section 4 of the report discusses strategies for improving the resiliency of the wharf caused by storms. Heavy storm damage may result in non-structural damage to such things as the wharf decking and hand rails, to significant structural damage from the loss of pilings or damage to exposed utility lines.

To try to minimize the impacts and damage to the wharf Moffatt and Nichol have developed three potential strategies for strengthening the structure so that critical elements of the wharf, such as the stingers which run parallel to the wharf and support the loads placed on the structure, are less reliant on individual elements (piles) and therefore stronger as a unit. These strategies include:

Wharf Condition Report
April 14, 2016

1. Strengthening existing piles
2. Adding redundant piles
3. Strengthening the stringers

The costs for these improvements vary on the scope of effort. For example, the piles on the western side of the wharf, which are more exposed to storms and debris, could be strengthened or all of the outside piles strengthened. The costs for the various improvement strategies range in cost from \$200,000 to \$4,000,000 and are detailed in the report.

At the Wharf Group meeting an idea was discussed about widening the wharf through the trestle area. This strategy would strengthen the wharf by providing piling redundancy in this area. Analysis of this approach, including cost estimates, was beyond the scope of Moffatt and Nichol's original contract. They have provided a proposal to complete this analysis as an addendum to the report at a cost of \$6,300 which is included as Attachment 2.

Mr. Brad Porter from Moffatt and Nichol will present the report findings to the City Council and answer any questions. As proposed by the Wharf Group, it is recommended that the City Council provide direction on the scope of work for a 10 year improvement plan. If widening the trestle section is to be considered further, approval of a contract amendment to analyze this strategy further is recommended. Once project description is developed and approved, financing plans and schedules will be developed.

FISCAL IMPACT: Sufficient funding is available for the widening analysis within the Wharf Fund. Based on the direction provided by the Council a project description and detailed estimate will be prepared and then grant funding will be sought through the CDBG program, Coastal Conservancy, Wildlife Conservation Board, Department of Boating and Waterways, and other agencies yet to be identified.

ATTACHMENTS:

1. Capitola Wharf Condition Assessment and Resiliency Study
2. Wharf Widening Study Proposal

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:


Mark Welch, Finance Director

4/7/2016



2185 N. California Blvd., Suite 500
Walnut Creek, CA 94596

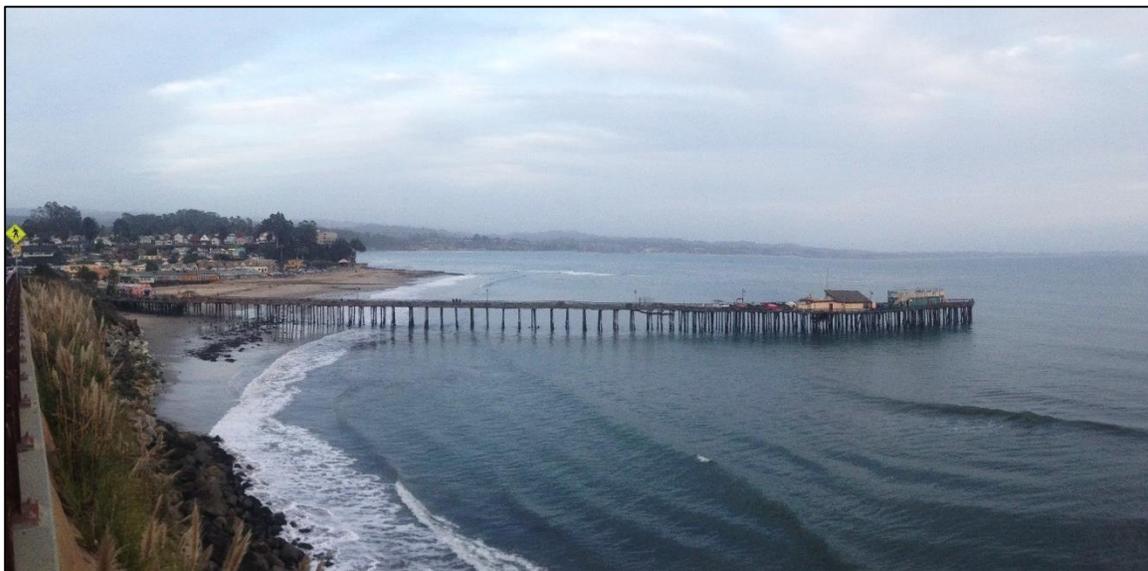
(925) 944-5411 ❖ Fax: (925) 944-4732
www.moffattnichol.com

Memorandum

To: Mr. Steve Jesberg, Public Works Director, City of Capitola
From: Brad Porter, PE
Date: April 6, 2016
Subject: Capitola Wharf Condition Assessment and Wharf Resiliency Study
Project: Capitola Wharf Engineering Services (MN # 9154)
CC:

1.0 SUMMARY

The purpose of this memo is to describe the observations of the structural condition of the Capitola Wharf (“the Wharf”, shown in Photograph 1), present concepts to increase the resiliency of the Wharf, and concept costs as input to planning. The wharf is generally in fair to good condition and may remain in service with ongoing maintenance and repairs, consisting primarily of pile repair or replacement. Approximately 3 timber piles need replacement at an estimated cost of \$70k-\$100k; the steel piles at the south Wharf end need replacement at an estimated cost of \$150-\$250k. Alternatives to increase Wharf resiliency to wave damage include adding or strengthening piles on the Wharf outside edge and increasing the span length of the stringers. Costs for these alternatives range from \$150k to \$4.4 mil.



Photograph 1. Capitola Wharf (looking east)



1.1 Background

The Wharf is an existing timber structure used primarily for recreation activities and contains a bait shop, boat rentals, boat launch, restaurant, restroom facilities, and fish cleaning stations. Limited motor vehicle access is permitted and a floating dock with access onto the Wharf is available in the summer.

The Wharf has been inspected and repaired over its life. Available records go back to the early 1980s that include a soils report (Soil Investigation, Capitola Municipal Wharf, Harding Lawson, April, 1980) a dive inspection (Underwater Inspection Report, Marine Interface, January 1981) and repair drawings (Storm Damage Repairs, HV Anderson Engineers, April 1983) for major repairs to the south end of Wharf from storm damage in 1983. More recently, condition assessments have been performed by Moffatt & Nichol: 1996 Inspection and Renovation Report, 2008 Inspection Report after damage from a large wave event as well as other small investigations during this period.

Previous assessments have concluded that the elevation (20 ft MLLW) of the Wharf's deck structure is below the crest elevation of attacking waves in large events. Therefore, the Wharf is at risk of being damaged by relatively frequent storms.

1.2 Scope and Purpose

The purpose of this inspection is to identify deterioration in members, identify members in need of replacement, and make recommendations for repair and costs.

2.0 WHARF CONDITION ASSEMENT

2.1 Description of Wharf

The Wharf is approximately 866 feet long from the shore to the wharf face, and can be divided into two sections: the trestle and Wharf Head, See Figure 1. The Wharf trestle is typically approximately 20 feet wide and 543 feet long. The trestle connects the shore to the larger wharf head, which is approximately 323 feet long and 60 feet wide. The restaurant, boat rentals, boat launch, summer dock, and restroom facilities are located on the Wharf head.

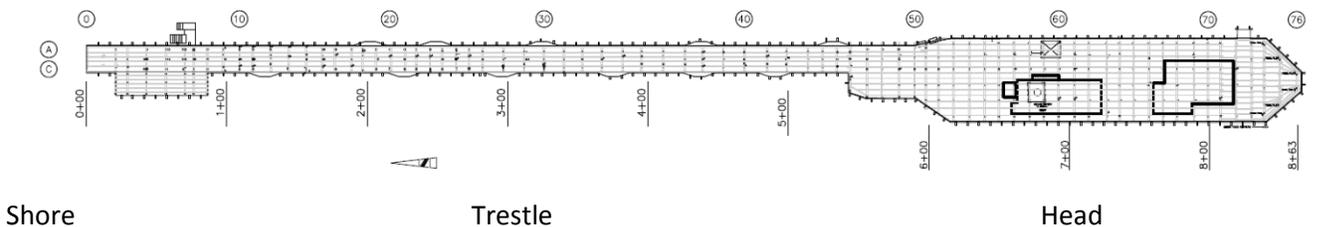
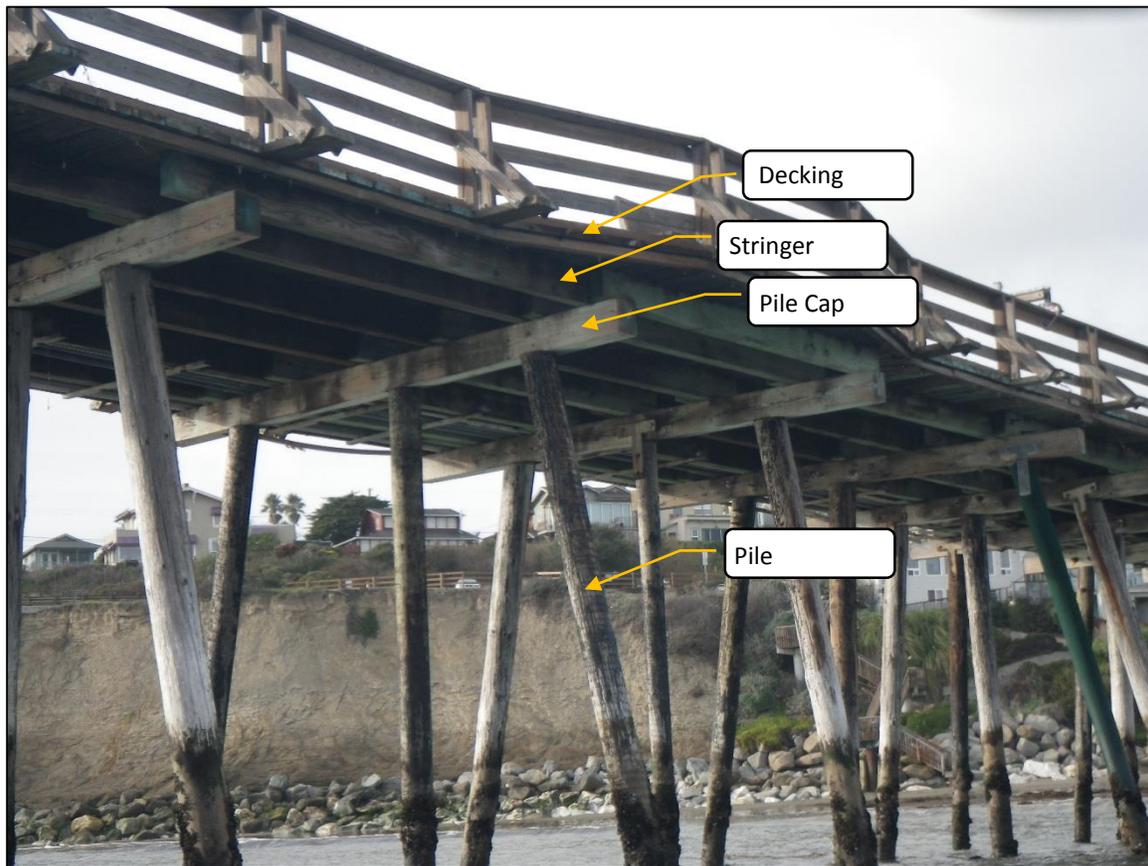


Figure 1 Wharf Plan and Pile Grid (Bent, Row)

Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)



The Wharf is constructed of timber structural elements similar in configuration to other ocean piers (a “pier” is perpendicular to the shore, as is Capitola Wharf, where as a “wharf” is parallel to shore, although these terms are often used interchangeably). The piles are 12 - 14 inch diameter creosote treated timbers aligned in rows (“bents”) perpendicular to the Wharf centerline at 12 ft nominal spacing. The piles support timber cap (10 x 12) beams (pile caps) that span across the bent. The caps support stringers (6 x 12) that supports the Wharf decking (3 x 12). Photograph 2 shows the structural framing configuration. The stringers are lapped at bents, but typically only span between adjacent bents--are “simply supported”. This provides no redundancy if there is loss of support from one of the pile bents. Alternatively, if they were extended past the cap to the next cap that would form a “continuous beam” and would provide some redundant support if one pile cap support is lost (see section 4 for further discussion).



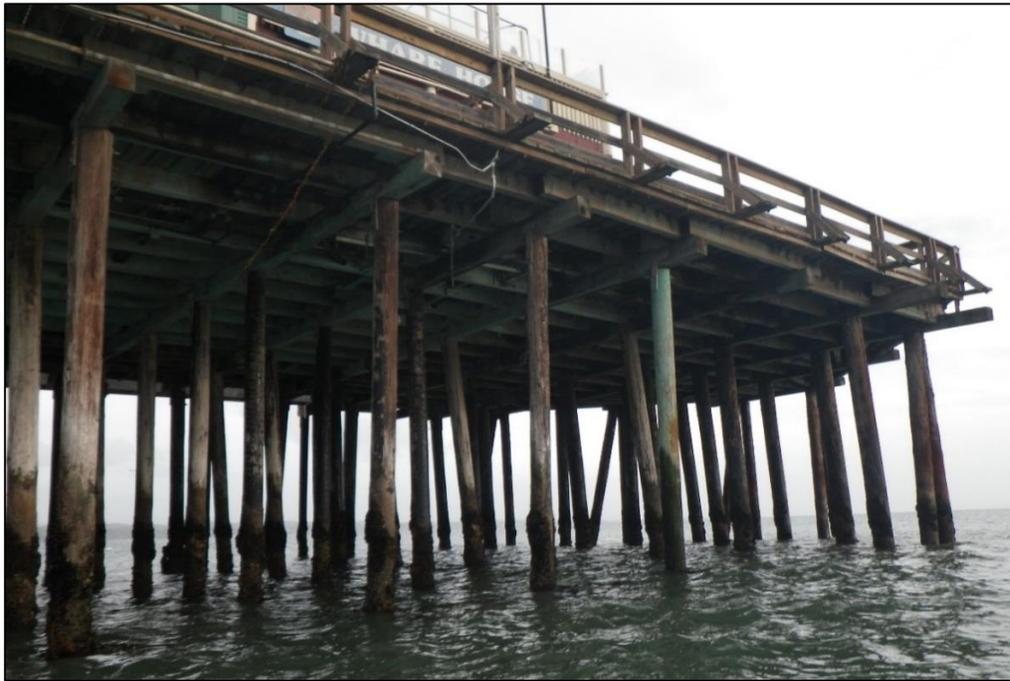
Photograph 2. Typical Structural Framing

The trestle includes the structure from Bent 0 to Bent 46 with bents typically support by a three-pile arrangement, shown in Photograph 3.

The wharf head is located at the seaward end of the wharf and includes the restaurant and bait shop buildings. The framing at this portion is typically six piles wide with some additional irregular piles. The remaining wharf deck structure is similar to the trestle. Photograph 5 and 5 show the wharf head structure and framing configuration; additional photos are shown in Appendix A.



Photograph 3. Capitola Wharf Trestle Underside



Photograph 4. Capitola Wharf Head Platform Underside

The Wharf Head also includes twelve steel piles (six plumb and six batter) at the face (see Photograph 6). These piles were installed in 1983 after storm waves overtopped the Wharf and did significant damage to the south end of the Wharf that faces the incoming waves. These steel piles, with batter (slanted) piles were installed to increase the stiffness of the Wharf end to resist wave forces and resulting deflection.

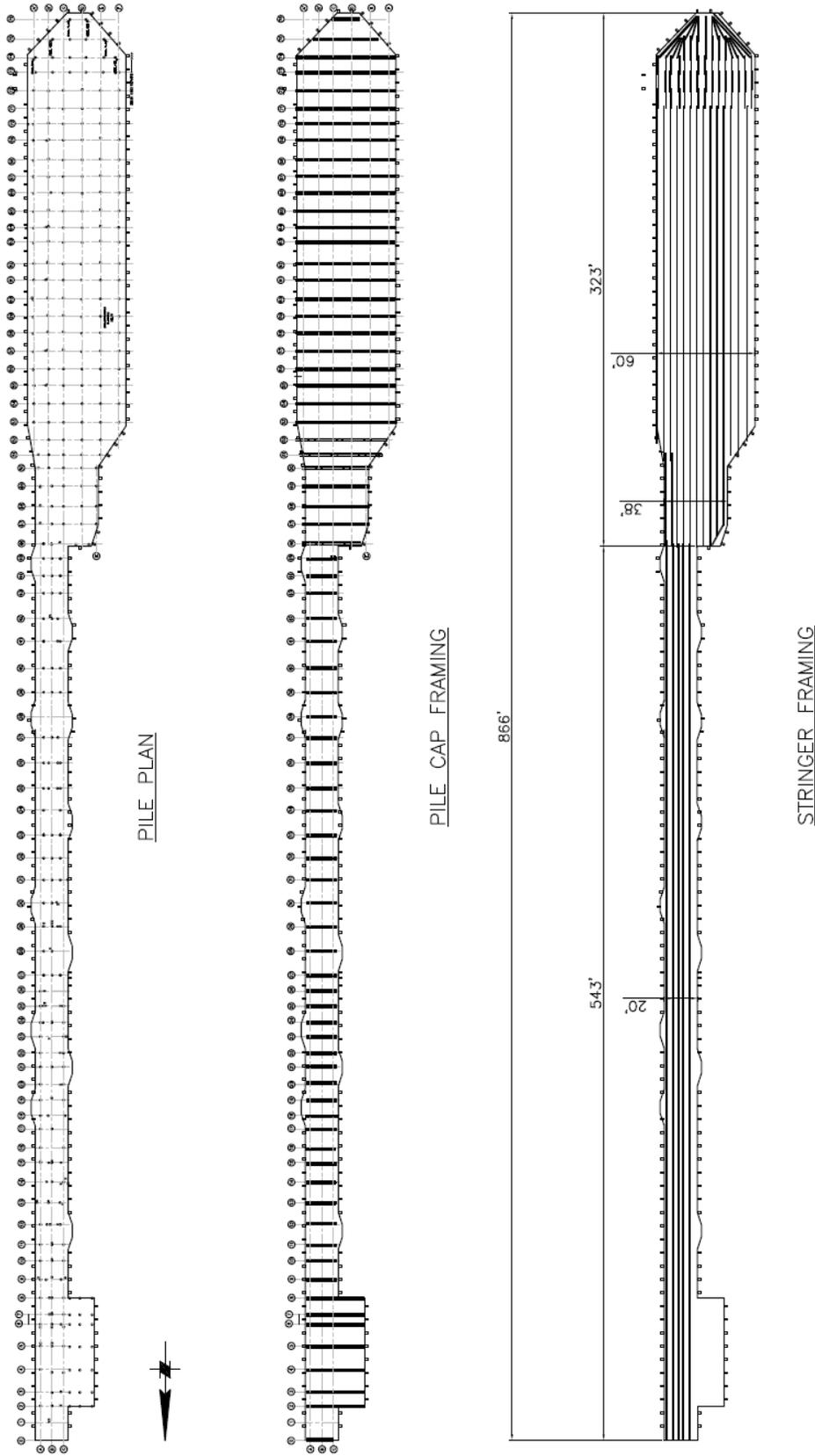
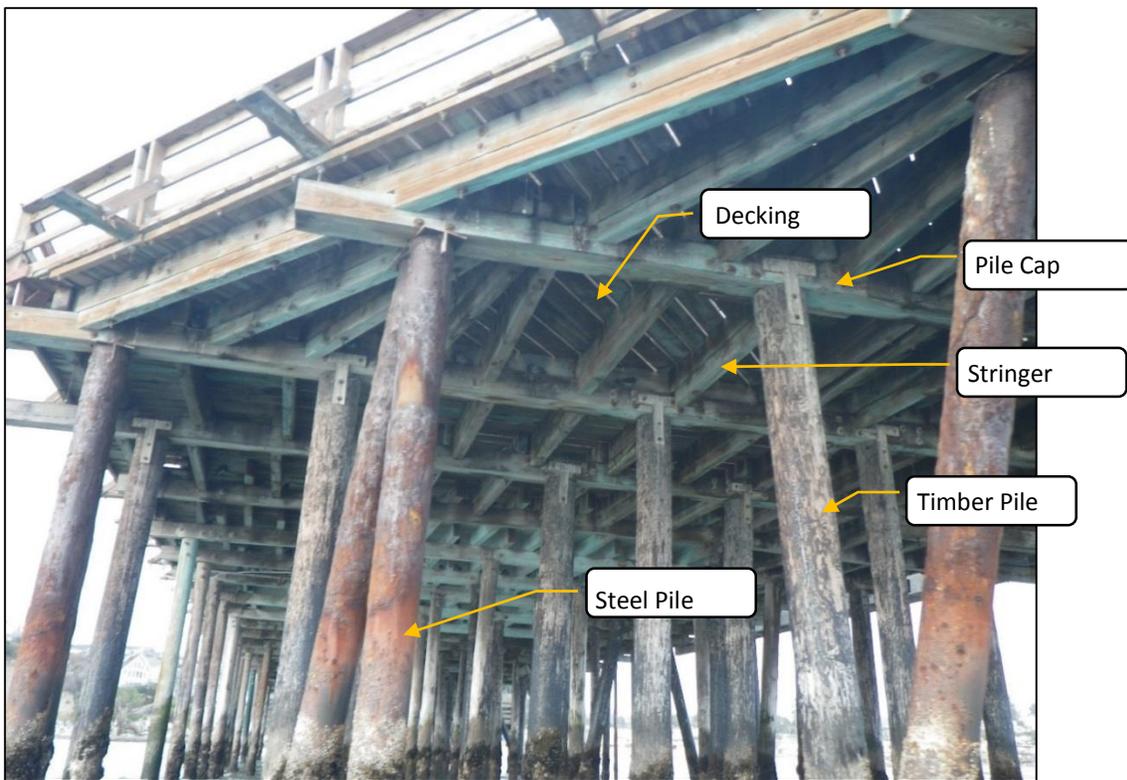


Figure 2-Wharf Structure Configuration



Photograph 5. Structural Framing at Wharf Head



Photograph 6. Steel Piles at Wharf Head



2.2 Structure Condition

The structural inspection was conducted above water observing the condition of the Wharf deck from above and underside from a boat at low tide. The inspection was performed on November 23, 2015 (tide, -0.3 MLLW at 2 pm) and on the December 10, 2015 (tide, -0.5 feet MLLW at 4 pm). An underwater inspection (dive) was not included in the scope of this investigation.

The horizontal framing of the Wharf (decking, stringers, caps) are in overall fair condition. The decking has been replaced periodically as needed.

The timber piles throughout the structure are generally in fair condition above the splash zone. Piles previously noted to require repair have been replaced and the replacements are performing adequately. One pile at 72-F has been lost, damage likely occurring from debris propelled during a large wave event. At 72-F emergency stabilization shoring beams (“strong back”) have been installed--as has been used successfully in the past at the Wharf--and the pile should be replaced as soon as possible. A second pile at 68-A has experienced deterioration in the splash zone. This pile was observed from a boat at low tide with significant section loss (the pile core has completely degraded leaving a void). This pile should be replaced or repaired.

All twelve steel piles at the Wharf Head have advanced corrosion and section loss. Several piles have wall areas that are gone with large holes (shown below in Photograph 7).



Photograph 7. Steel Plumb and Batter Pile at 75-B

Even with severe section loss, these piles continue to support the light loads from the timber wharf structure and pedestrian access. However, these piles likely have little capacity to carry larger lateral loads, for which the steel batter piles (installed in 1983) were likely installed to resist. But even without the batter piles, the Wharf deck will distribute the load to the other Wharf vertical piles as a wave passes under the Wharf, as it did for the 80+ years prior to the steel pile installation. The vertical piles resist the lateral wave force by bending, which results in deflection



or “sway” in the Wharf. This is often unsettling to people if they are on the Wharf during a large wave event, but the Wharf structure is able to resist these forces

2.3 Structural Damage since Observation

Since the structural inspection in late 2015, described above, the Capitola Wharf has endured several large storm events during the “El Nino” 2015/16 winter. Photograph 8 shows the wave climate during a recent storm with waves cresting near the top of the Wharf deck. On January 26, 2016 such a large storm event broke pile 17-B on the trestle. Since this is a middle pile, the cap can still span to adjacent outside piles, and the trestle can support light pedestrian loads. This pile should be replaced as soon as practical because any further damage at Bent 17 from a subsequent storm event would risk collapse of Bent 17 and would require Wharf closure.



Photograph.8- Large Waves at Capitola Wharf (January, 2016)

3.0 CONCLUSIONS/RECOMMENDATIONS

3.1 Discussion/costs

Timber Piles—the damaged timber piles (at 98-A, 72-F, and 17-B) should be replaced soon. Installing new timber piles would likely require crane matting to support the crane weight to access the end from the deck, as has been done in the past. Alternatively, a barge mounted crane from the water could be used, but mobilization costs for the barge would be considerable.

Estimated Replacement Cost 3 Piles: \$70-\$100K

Steel Piles— if the steel piles at the Wharf Head continue to degrade, they will eventually fail. At this time, an underwater inspection of the piles in question has not been completed. Assuming



that the corrosion damage is limited to the areas observed (i.e. within the splash zone), there may be an option to repair or replace the steel piles.

A repair option may include a splice of a competent pile section. An option to this would be to install a fiberglass jacket and fill the existing section with grout to regain lost capacity (Information on a commercially available jacket system is contained in Appendix B).

Estimated Repair Cost: \$150-250K

3.2 Recommendations

1. Replace missing and damaged timber piles.
2. Repair or replace damaged steel piles.

4.0 WHARF RESILIENCY IMPROVEMENTS

4.1 Background

As described in the previous section, Capitola Wharf is a pile supported timber pier structure located on the California coastline in Monterey Bay. Historic evidence indicates a wharf has existed at the site since the late 1800's, and has been damaged and renovated many times. Its location within Monterey Bay, east of Soquel Pt and orientation towards the south/southwest provides partial protection from the predominantly northwest winds and swells but is exposed to waves from the south and southwest. Damages due to storm waves have occurred frequently in the winter months.

Detailed information regarding storm damages is limited to recent years. Significant storm events in the early and mid 1980's required that repairs and improvements be made to the structure. In mid-1981, approximately sixty of the timber piles, mainly at the northern (inshore) end, as well as a large number of timber framing members and decking were repaired and/or replaced. In approximately 1983, additional repairs were undertaken, mainly at the southern (offshore) end of the structure, to repair storm damage incurred that year. Damage has occurred in the winters of 1994/95, 1997/98, 2002/03, 2008/09 and 2015/2016. Winter storms in Feb 1998 and December 2002 developed waves that exceeded the deck height (20 ft above MLLW) and damaged the wharf deck structure and many piles. In addition to wave damage, the timber piles are subject to damage caused by marine boring organisms. Periodic maintenance has occurred over the life of the Wharf, however detailed information is limited to more recent years. Figure 3 summarizes the damage and repair work performed during the past 35 years on the Wharf and Figure 4 shows the recent history of pile damage and replacement.

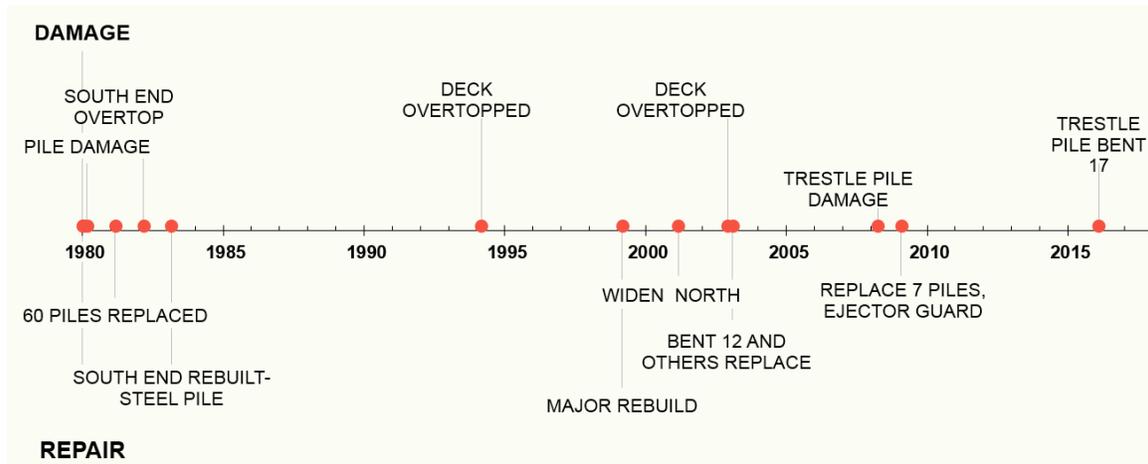


Figure 3-Timeline of Recent Major Wharf Damage and Repairs.

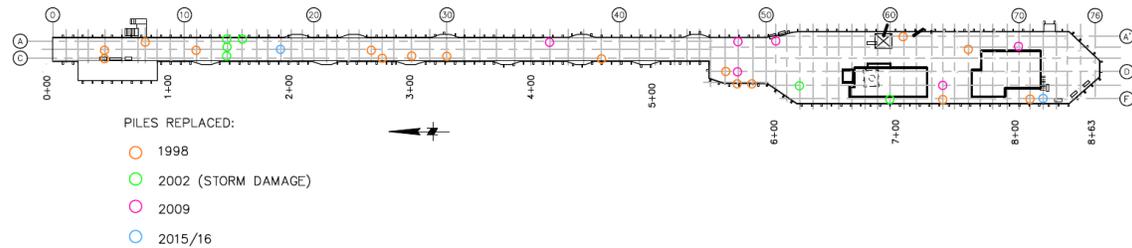


Figure 4- Pile Damage/Replacements, Since Late 1990s

4.2 Damage Characterization

As noted above, there are two primary sources of damage to the Capitola Wharf:

1. Deterioration from age
2. Storm wave damage.

Timber wharves in a coastal environment are subject to deterioration, over time, due to marine borers in the submerged zone (piles) and fungal rot in the upper members in the deck structure which is caused by wetting and drying of the timber, often from a leaking water pipe. A timber structure in this area would be expected to have a service life of around 30-50 years, with only minimal maintenance. The service life can be increased with regular or periodic maintenance. With regular maintenance comprised of continual replacement of deteriorated members, including the timber piles, the service life can be extended to more than 100 years. This requires a full time maintenance crew with the capabilities to construct the large beams (stringers and caps) and install piles. Periodic maintenance can be performed as an alternative to regular maintenance and would be performed at intervals of about 10-15 years. Capitola Wharf has limited regular maintenance performed and has had periodic maintenance of the major structural components as described in the previous section.



Capitola Wharf has experienced considerable damage from storm waves over its life. The primary damage that has been observed are:

1. Deck and railing
2. Under deck utilities
3. Pile breakage

The primary cause of damage for items 1) and 2) are wave overtopping of the Wharf. The Wharf deck elevation is 20 ft above mean lower low water (MLLW), which is below the crest height of waves that would be expected to occur every few years at this location. Photograph 9 shows typical damage of this type that occurred on the south end of the Wharf in 2002. The cause of item 3) is usually due to flotsam (large logs) hurled against the piles by the large waves. Photograph 10 shows a critical example of this where 3 piles that support one pile bent (row of piles that supports the beam, or cap).

There is little that can be done to mitigate the wave forces the Wharf is exposed to. If the Wharf deck were elevated 3-4 feet higher than it is, above the highest waves, this would mitigate damage to the deck and utilities. It is impractical to raise the entire deck structure due as it would require extending the length of the piles, and to do that would require removing the entire deck structure and all its supports.



Photograph 9- Wave Damage at South End of Wharf (2002)



Photograph 10-All Piles Broken at Bent 12 (2002)

4.3 Structural Response to Damage

The vertical timber piles support the bottom structure of the Wharf deck, the pile caps. The pile caps are continuous in that they span across multiple piles. If one pile is lost, the cap still has support from the other piles and has diminished capacity but not total loss of support. The worst case is when the outside pile of the bent is lost that increases the free unsupported length (“cantilever”) of the cap. The stringers are the critical member of the structure in that they are simply supported by the caps, as described in section 2.1. If there is a loss of support from a cap beam to either end of the stringer, the stringer and decking it supports could collapse as the stringers do not extend beyond to the next cap. This loss of support below of the pile cap has occurred at the Wharf and to remedy this in the short term, a long beam (“strong back”) can be placed above deck that spans over to the adjacent caps and a cable slung below to support the cap with loss of pile support below. Photograph 11 shows this arrangement that was constructed during the storm waves in 2002. That season of waves had scoured the sand on the beach to one of the lowest levels observed in recent history (see photograph 13).

4.4 Potential improvements

It is desirable to make modifications to the wharf that would increase the resiliency of the wharf to the inevitable storm damage it is exposed to. As noted above, the critical element of the structure are the simply supported stringers. To achieve this there are 2 general strategies that were studied: Increase pile strength, provide “continuous beam” stringers.



Photograph 11-Strong-back Beam Support Cap at Bent 12 (2002)



Photograph 13-Scoured Beach at Wharf North End (2002)

To achieve these goals 3 primary options were developed;

1. Strengthen Existing Piles
2. Provide redundant, added pile
3. Provide continuous stringers

4.4.1 Pile Improvements

The loss of multiple piles, or the end pile, results in loss of the cap support to the stringers. As seen in Figure 4, it is often the outside piles, on the west side, that occurs during storms where they are most exposed to floating logs. Various schemes have been considered to strengthen or replace these end piles:



- Option 1- Fiber Reinforced Plastic (FRP) Pile Jacket on Existing Piles
- Option 2- Added Pile

4.4.2 Stringer Improvements

Constructing stringers that can span across multiple caps will provide redundancy support in the event the cap below has lost support. The capacity of the stringer would be reduced in this event, but collapse would be avoided and would allow that area of the wharf to remain in limited use until support from the cap can be repaired. The follow alternative concepts would provide this:

- Option 3a-Continuous New Stringers
- Option 3b-Splice Plates on Existing Stringers

Appendix B contains figures of these conceptual options for resilience improvements.

4.5 Planning Considerations

In planning the extents of resiliency options balancing risk and costs are primary consideration. Based upon the past damage, the outside edge of the Wharf has sustained the most damage, and the west side has sustained more damage than the east. Some damage to piles, from waves, has occurred on the interior but much less.

4.5.1 Costs

The cost to provide reinforcement throughout the wharf would not be cost effective. Consider that to jacket all of the approximately 300 piles on the wharf would cost over \$5 million (300 piles at \$15,000 to \$20,000 per pile). Therefore reinforcements would be planned in areas of most likely damage.

Costs have been developed for a range of reinforcement/resiliency alternatives. These costs are conceptual and are intended for planning to assess the cost/benefit of performing preventative repair in order to minimize emergency repairs after damage has occurred. The following Table 1 presents these alternatives (corresponding figures are presented in Appendix C).



Alternative		Total	
No.	Description	Low	High
1 .1	Pile jacket on outside pile, west side only	\$1,200,000	\$2,100,000
1 .2	Pile jacket on outside pile, entire wharf Edge	\$1,900,000	\$4,400,000
2 .1	Added pile on outside on west side only	\$900,000	\$1,200,000
2 .2	Added Pile on outside, entire Wharf edge	\$1,900,000	\$2,500,000
3a .1	Added Stringer on 1 line, west side only	\$150,000	\$200,000
3a .2	Added Stringer on 1 line, entire wharf perimeter from bent 10	\$400,000	\$500,000
3b .1	Install Splice plate at each lap on outside stringer on west side	\$200,000	\$200,000
3b .2	Install Splice plate at each lap on outside stringer on entire perimeter from bent 10	\$300,000	\$400,000
3b .3	Install Splice Plate on each lap of 2 outside lines of stringers along entire wharf perimeter from bent 10	\$600,000	\$800,000

Table 1- Resiliency Alternative Concept Costs

The following concept level unit costs (cost for each individual pile jacket, pile, stinger or splice plate) were developed to prepare the alternative costs for the options described above.

<u>Option</u>	<u>Unit Cost</u>
1 Pile Jacket	\$20-35K
2 Added Pile	\$15-20k
3a Continuous New Stringer	\$5-7k (spans 2 bents)
3b Splice Plate on Stringer	\$2-3k



4.6 Recommendations/Discussion

There are a number considerations in developing an appropriate plan for wharf structure maintenance and added resiliency. It is intended for this draft report to provide background and basis for discussion with City staff and their stakeholders to develop a viable plan for the Wharf.

It is recommended to meet with City staff, to gather input on risk and benefit that will guide recommendations for structural resiliency.



Appendix-A Additional Photographs

Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)



Photograph 9. Piles 74-F (left) 75-E (center)



Photograph 10. Piles 76-D (left) and 76-C (right)



Photograph 11. Piles 76-C (left), 75-B' (center), and 74-A' (right)



Photograph 12. Bents 46-48 shown



Photograph 13. Bents 49-51 shown



Photograph 14. Bents 52-53 shown



Photograph 15. Bents 54-55 shown



Photograph 16. Bents 56-57 shown



Photograph 17. Bents 58-60 shown



Photograph 18. Bents 61-64 shown



Photograph 19. Bents 65-67 shown



Photograph 20. Bents 68-69 shown



Photograph 21. Bent 70 shown



Photograph 22. Bent 71 shown



Photograph 23. Bents 72-76 shown

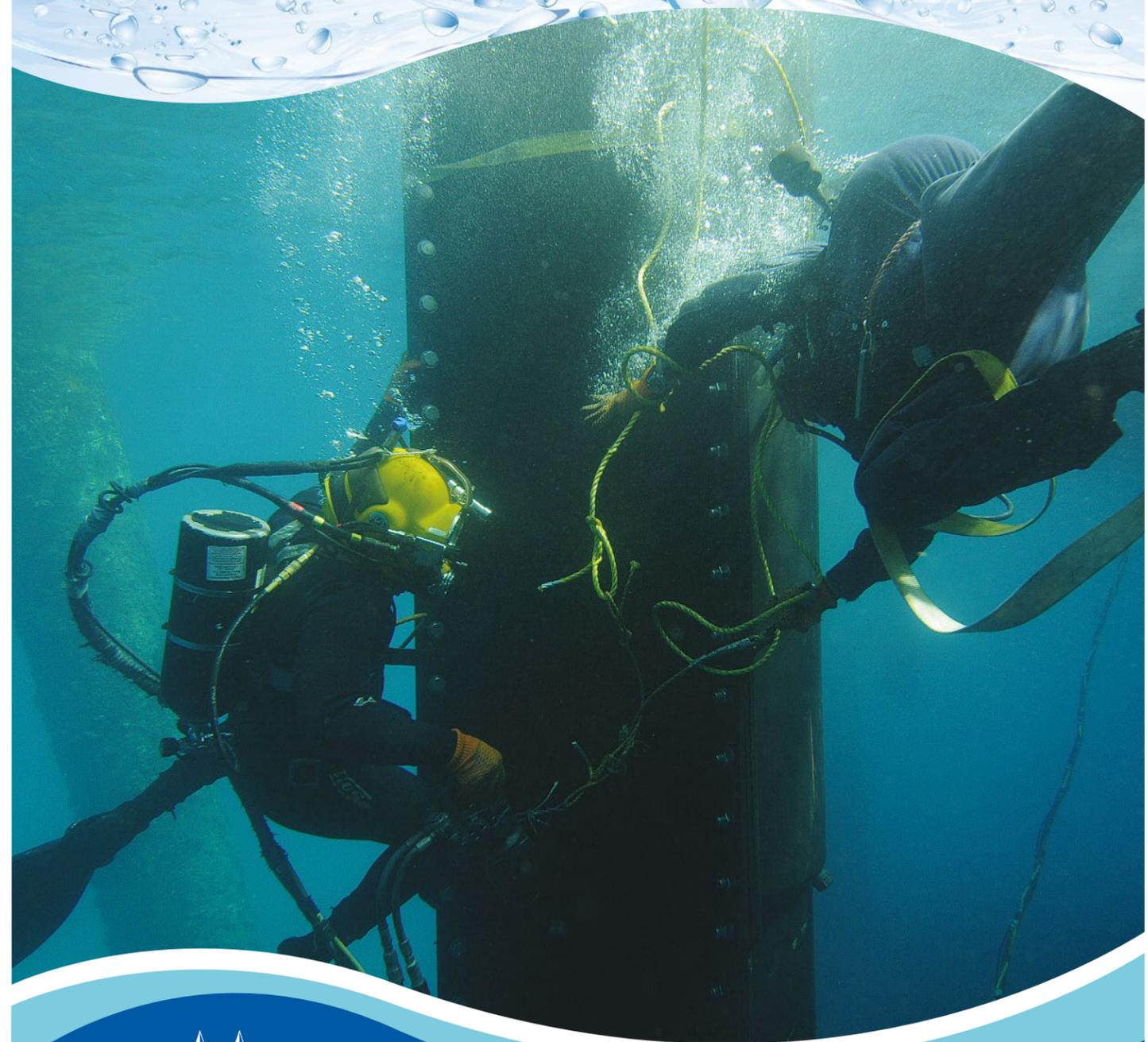


Appendix-B Product Information

FIVE STAR PRODUCTS, INC.

Pilecap® Systems

Marine Piling Restoration Systems



Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)

About Five Star Marine Products

Five Star Products, Inc. is the industry leader in the development of systems and products designed for the rehabilitation and stabilization of marine facilities and underwater structures. All of our products are designed and field-tested by experienced commercial divers and engineers with an emphasis on ease of installation, reliability, safety and consistency.

From preventive measures to full structural rehabilitation, Five Star's comprehensive range of products and services has the solution you need for today's harsh marine environments. With an outstanding track record of customer satisfaction, our staff of committed, experienced personnel is available for job site assistance whenever you need it.

Five Star Products, Inc. has been a top-tier supplier of high-performance cement and epoxy-based products for the industrial, infrastructure, commercial and marine markets since 1955.

For worldwide availability, additional product information and technical support, contact your local Five Star® local sales representative, or call Five Star Products' Engineering and Technical Service Center at 1-800-243-2206.

WARRANTY: "FIVE STAR PRODUCTS, INC. (FSP) PRODUCTS ARE MANUFACTURED TO BE FREE OF MANUFACTURING DEFECTS AND TO MEET FSP'S CURRENT PUBLISHED PHYSICAL PROPERTIES WHEN APPLIED IN ACCORDANCE WITH FSP'S DIRECTIONS AND TESTED IN ACCORDANCE WITH ASTM AND FSP STANDARDS. HOWEVER, SHOULD THERE BE DEFECTS OF MANUFACTURING OF ANY KIND, THE SOLE RIGHT OF THE USER WILL BE TO RETURN ALL MATERIALS ALLEGED TO BE DEFECTIVE, FREIGHT PREPAID TO FSP, FOR REPLACEMENT. THERE ARE NO OTHER WARRANTIES BY FSP OF ANY NATURE WHATSOEVER, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IN CONNECTION WITH THIS PRODUCT. FSP SHALL NOT BE LIABLE FOR DAMAGES OF ANY SORT, INCLUDING PUNITIVE, ACTUAL, REMOTE, OR CONSEQUENTIAL DAMAGES, RESULTING FROM ANY CLAIMS OF BREACH OF CONTRACT, BREACH OF ANY WARRANTY, WHETHER EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR FROM ANY OTHER CAUSE WHATSOEVER. FSP SHALL ALSO NOT BE RESPONSIBLE FOR USE OF THIS PRODUCT IN A MANNER TO INFRINGE ON ANY PATENT HELD BY OTHERS."

FIVE STAR PRODUCTS, INC.
60 Parrott Drive
Shelton, CT 06484-4733 U.S.A.
Phone: +1 203-336-7900
Toll-Free: 1-800-243-2206 (U.S.)
Fax: +1 203-336-7913
FiveStarProducts.com



Specifications subject to change.

PILECAP, PILECOAT and PILEBOND are registered trademarks of PILECAP, Inc.

© 2015 Five Star Products, Inc.
12084 Rev. C • 110215



**FIVE STAR
MARINE**

1-800-248-2206
FiveStarProducts.com

Most trusted to provide the total solution.



**FIVE STAR
MARINE**

1-800-336-7900
FiveStarProducts.com

Most trusted to provide the total solution.

Marine Piling Restoration Systems

Pilecap® Marine Piling Restoration Systems cover repairs from simple corrosion protection to the capability to completely reload a damaged pile to 100% structural, load bearing integrity.

All Pilecap® Systems are designed with the client's individual needs in mind with many applications requiring no downtime or interruption to the normal business activity.

Concrete System

A 100% structural jacket designed to repair severely spalled and damaged sections back to full structural integrity. These structural jackets can also be injected with Five Star® Grout or Five Star® Epoxy to fill voids and damaged areas. Existing steel, reinforcing mesh, or rebar rods remain internal and require minimal preparation and thus less time and hardware for installation.



Steel System

Designed to repair severely corroded or damaged steel piling. The structural jacket becomes a permanent form for strength and durability by bearing the pile's intended load while eliminating corrosion and preventing further damage to the pile.



H-Pile System

Fully restore the load bearing integrity to an existing pile by removing the damaged portion and replacing it with a new portion. The new section of piling is connected to the existing.



Timber System

Extends the life of existing wood piles by removing a portion of damaged or deteriorated piling and installing new sections without adding additional weight or causing further stress to the wood pile. The wood piling is brought back to 100% structural integrity.



Commercial structures such as piers, docks, and bridges, rely on the incredible strength of their substructure. Pilecap® Marine Piling Restoration Systems address the constant threat of corrosion and erosion. Combined with the patented friction coupler system, these systems offer the longest life expectancy in the marine industry today. All Pilecap® systems have been tested and proven in the field and by the manufacturer to withstand the harshest of marine environments.

POWERFUL ADVANTAGES

- Cost effective alternative to driving new piles
- Patented friction coupler system is the only system able to fully restore structural integrity to an existing pile
- Provides an excellent barrier to corrosive marine elements
- Adds less weight to the piling

PROFESSIONAL SUPPORT

Five Star® professional support engineers will help you consider a number of design elements for the perfect custom solution.

Call for a free consultation:
1-800-243-2206

Further extend piling life.

PILECOAT Spray Coating

Forms one solid membrane adhering and encapsulating your piling structures, regardless of the material.

This environmentally friendly multi-surface elastomer spray coating is a cost effective method of coating pile in the splash zone and above the waterline at docks or commercial and industrial structures.



FIVE STAR
MARINE

SIMPSON

Strong-Tie

In the Specs – On the Job – At Your Service

FX-70[®]

**Inert Corrosion-Free
Structural Repair and
Protection System**

Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)

(800) 999-5099

www.st

Packet Pg. 81

Installation Procedures

Evaluation

On-site evaluation should be conducted by a licensed inspector before initiating any repair protocol. This evaluation is critical when planning any marine repair to develop the most effective repair solution for each situation, and should include:

- Column type, shape, diameter
- Overall length of affected area
- Estimated % section loss of affected area
- Water temperature range
- Tidal zone range
- Notation of environmental factors potentially contributing to damage

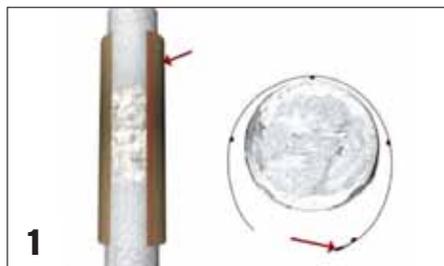
Site Preparation

Areas of application must be free of marine growth, laitance, grease, oil, and debris that could inhibit bond. For best results, prepare surface to be treated with water or sand blasting. Blow or brush clean to remove remaining debris.

FX-70 Jacket Spacers

Spacers to ensure a consistent annular void surrounding the area to be repaired may be installed during jacket fabrication, or in the field. Field installation is advisable for large jobs to maximize shipping efficiency. See pg. 9 for recommended annular void recommendations.

Installation (Round pile shown; other applications similar)



1 Install a bead of FX-763 Hydro-Ester® Low-Modulus Trowel Grade Epoxy into the locking groove of the jacket and place FX-70 jacket around the pile to be repaired.



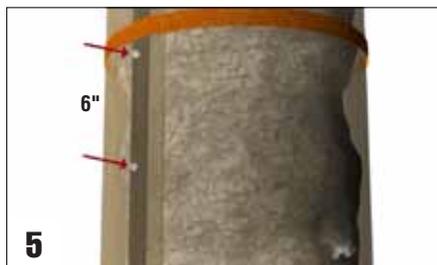
2 “Close” the jacket by inserting the tongue into the locking groove of the jacket. Position the jacket so there is 18–24” of undamaged pile inside the jacket above and below the damaged area.



3 Install temporary bottom seal at base of jacket. Seal may be installed prior to placing jacket.



4 Install external bracing. Ratchet straps shown for round pile bracing.



5 Install a stainless steel, self-tapping machine screw every 6” o.c. to secure the tongue-and-groove joint.



6 Install 6” of properly mixed FX-70-6 Hydro-Ester® Multi-Purpose Marine Epoxy Grout to create bottom seal; **allow grout to cure overnight.**



7 For piles with ≤ 25% section loss, fill remaining void in jacket with FX-70-6 MP. For piles with > 25% section loss fill void with FX-225 Non-Shrink Non-Metallic Underwater Grout, leaving 4” open at head of jacket. Allow repair grout to cure overnight. For FX-225 repairs, fill remaining 4” void with FX-70-6 MP, and allow grout to cure overnight.



8 Install FX-763 Hydro-Ester® Low-Modulus Trowel Grade Epoxy at the head of the jacket and finish to a 45° tapered bevel, creating a water- and chemical-resistant barrier to the repair system.



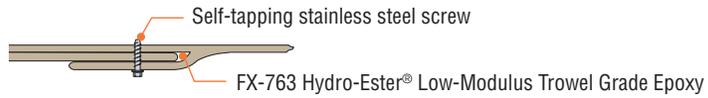
9 Remove ratchet straps. Repair complete.

FX-70® Inert Corrosion-Free Structural Repair and Protection System

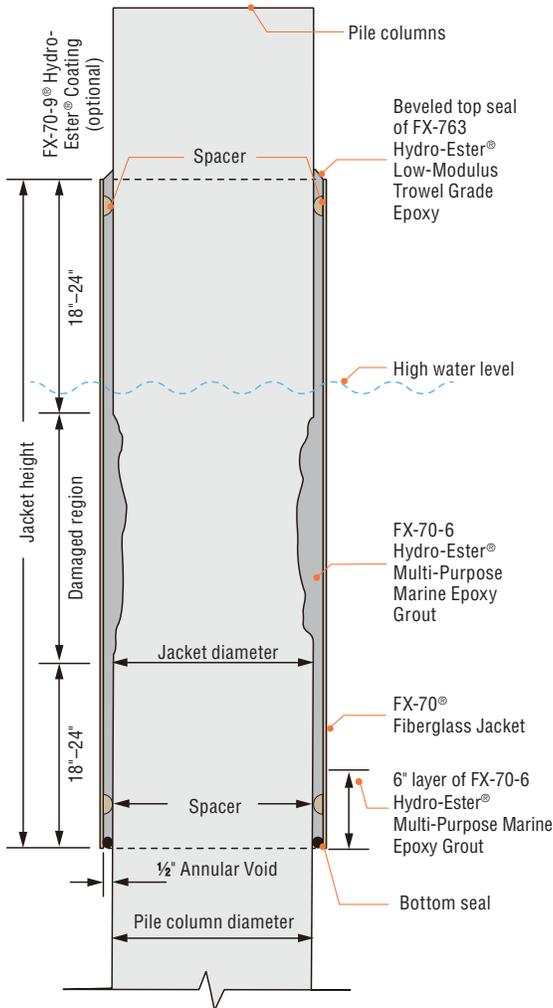


Repair Options Based on Section Loss

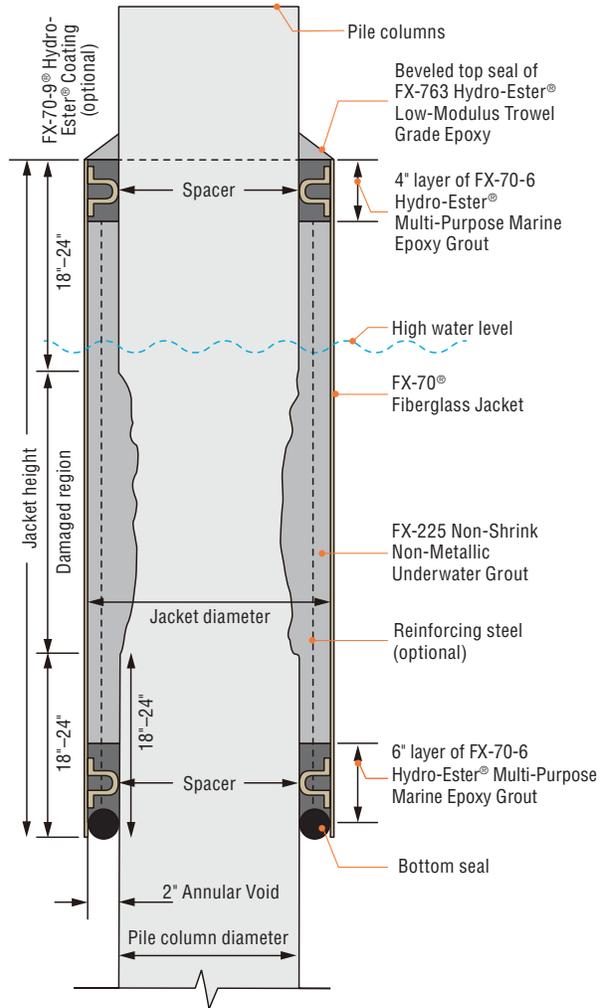
CROSS-SECTION OF TONGUE-AND-GROOVE JOINT



Section Loss ≤ 25%



Section Loss > 25%

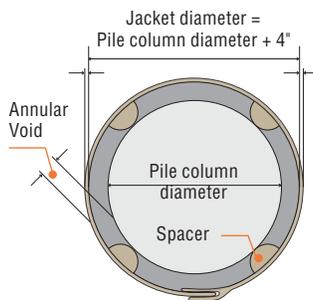


Section Loss ≤ 25%

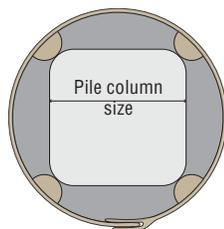
- FX-70-6 Hydro-Ester® Multi-Purpose Marine Epoxy Grout used for bottom seal and repair
- Typical annular void of 1/2"
- 3/4" annular void for H-piles

Section Loss > 25%

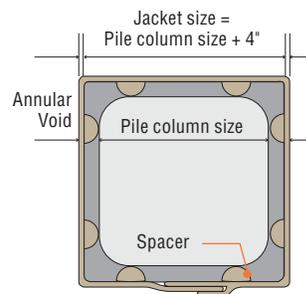
- FX-70-6 Hydro-Ester® Multi-Purpose Marine Epoxy Grout used for top and bottom seal
- FX-225 Non-Shrink Non-Metallic Underwater Grout used for repair
- Typical annular void of 2"



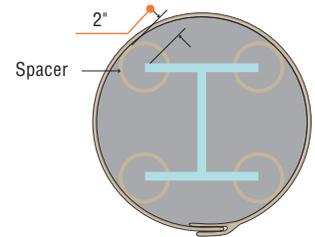
MODEL ONE



MODEL TWO



MODEL THREE

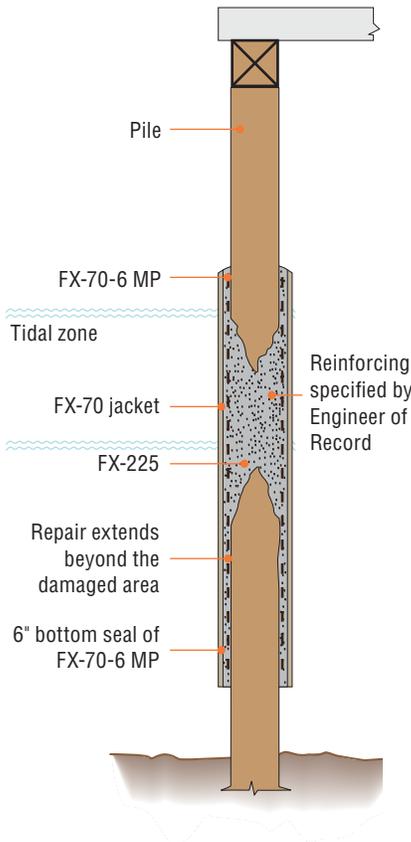


MODEL FOUR

FX-70® Inert Corrosion-Free Structural Repair and Protection System

Wooden Pile Repair

The FX-70® Inert Corrosion-Free Structural Repair and Protection System is an effective repair solution in instances of full-section loss of wooden piles. After removing the damaged or rotten wood, the two sections are connected with steel reinforcement. Using FX-70-6 Multi-Purpose Marine Epoxy Grout and FX-225 Non-Shrink Non-Metallic Underwater Grout inside an FX-70 Jacket can restore capacity of the wooden pile.



New Pier Reinforcement



Case Studies – Concrete Pile Repair

Chesapeake Bay Bridge-Raymond Hollow

- Repaired and protected over 300 piles
- Exhibited cracks that allowed moisture and salt to penetrate pile
- Exposed to temperatures from 0°F to 100°F
- If untreated, structure was in danger
- Jackets measured: 55" diameter x 1/8" thick x 8' long, with a 1/2" annular void
- Placed in splash zone
- Filled with FX-70-6 Hydro-Ester® Multi-Purpose Marine Epoxy Grout
- No dewatering required



1
▲ Workboat and divers preparing piling for installation of FX-70® System



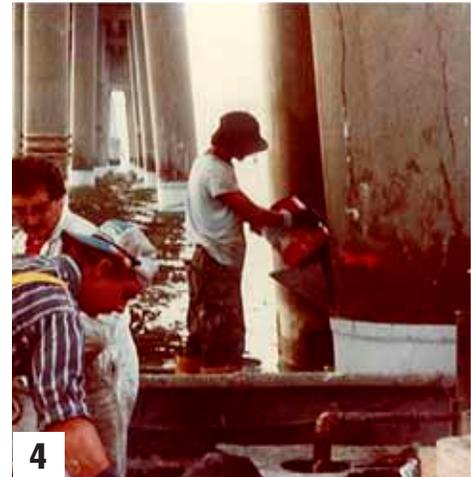
2
▲ FX-70® System in place and ready for FX-70-6 MP grout



▲ Example of pile "scour"



3
▲ FX-70-6 grout mixed in work boat



4
▲ FX-70-6 MP grout placed in jacket without dewatering

30 Years Later



View of piles repaired with FX-70® System on western shore approach



Close up of FX-70® repair to Bent #1A; in service 30 years

Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)

Installation Images

Before



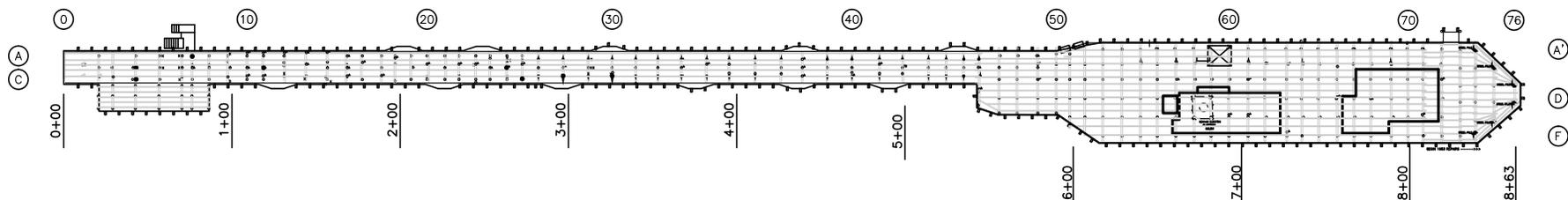
After



Attachment: Capitola Wharf Condition Assessment and Resiliency Study (1417 : Wharf Condition Report)

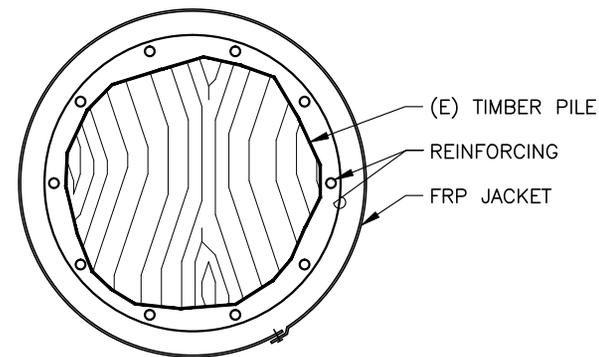
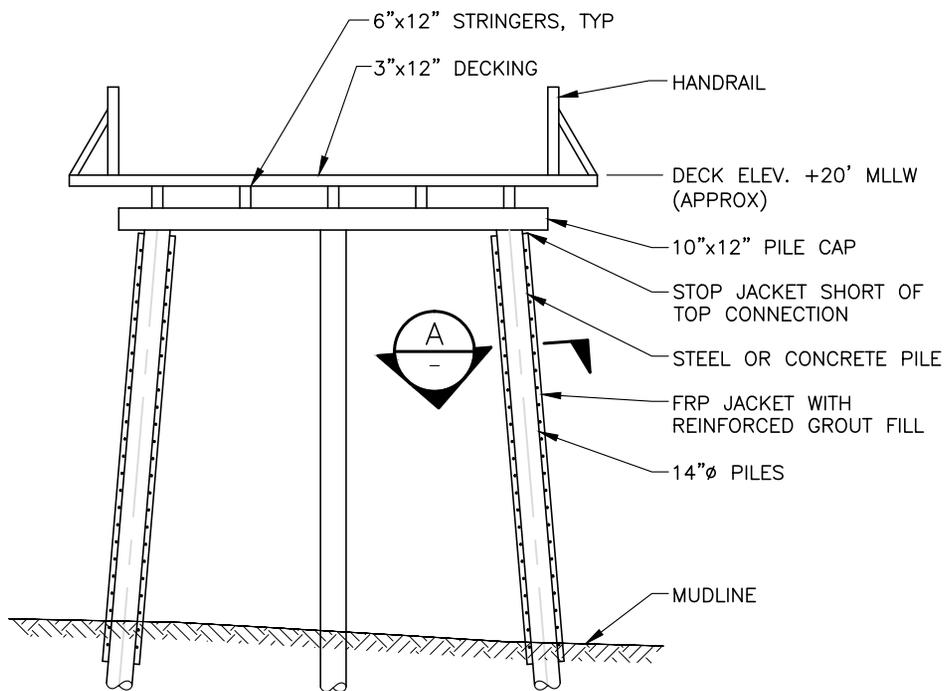


Appendix C Resiliency Figures



PIER PLAN
SCALE: 1" = 100'

PILES TO BE RETROFIT



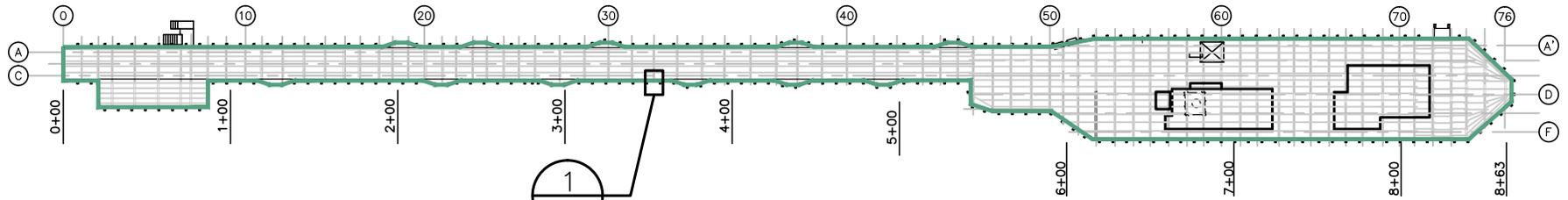
A SECTION
NTS

OPTION 1 – FRP JACKET WITH REINFORCED FILL

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

moffatt & nichol
WALNUT CREEK, CALIFORNIA

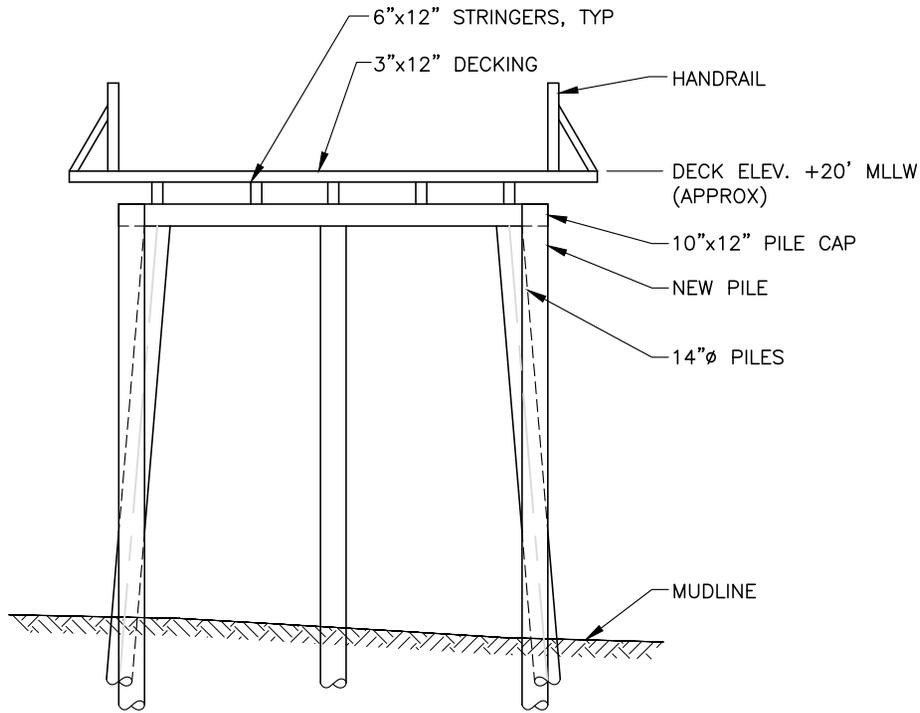
CAPITOLA WHARF
FIGURE 1



PIER PLAN

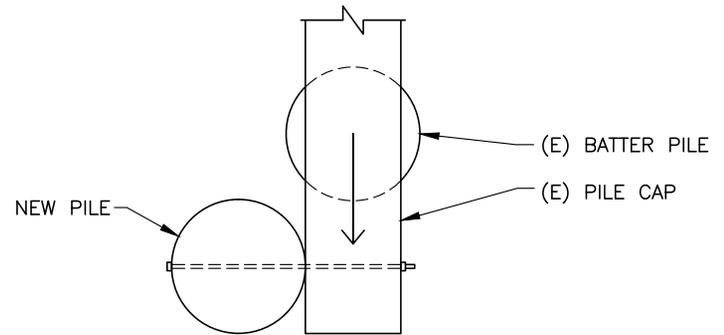
SCALE: 1" = 100'

NEW PILE LOCATIONS

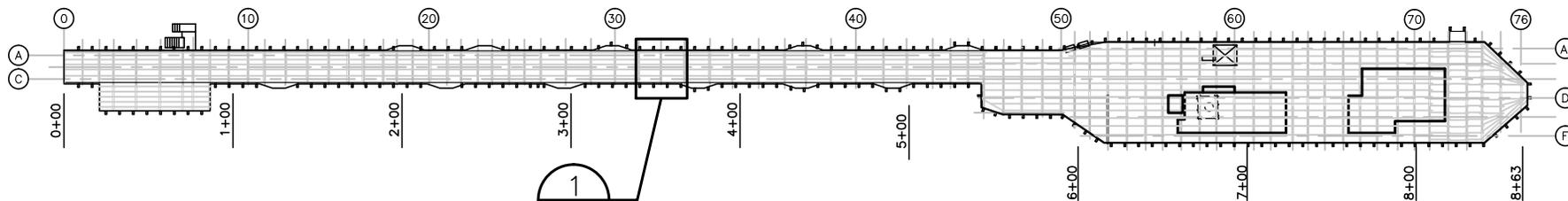


OPTION 2 - ADDED EDGE PILE

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

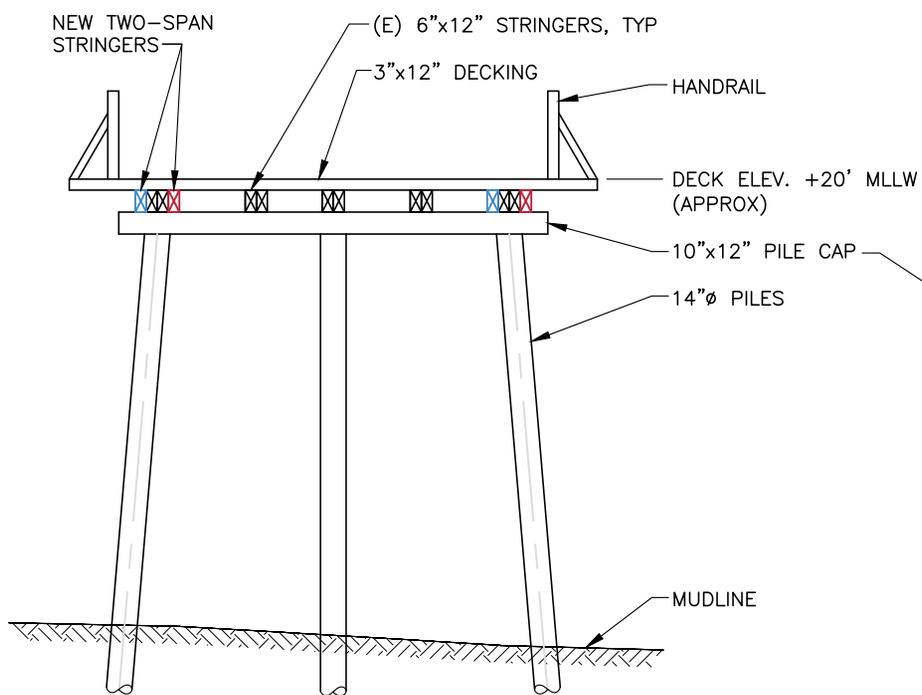


1 DETAIL AT BATTER PILE
NTS



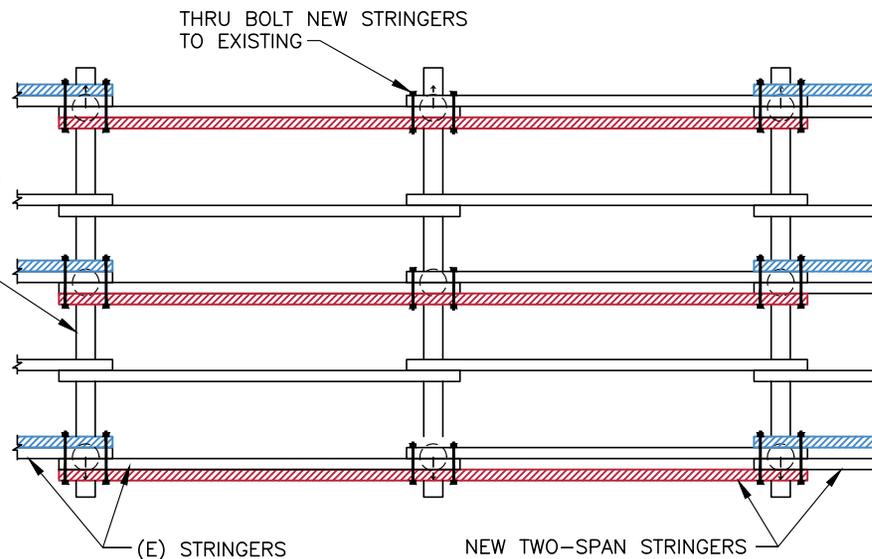
PIER PLAN

SCALE: 1" = 100'



OPTION 3 – CONTINUOUS NEW STRINGERS

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



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

NOTE:

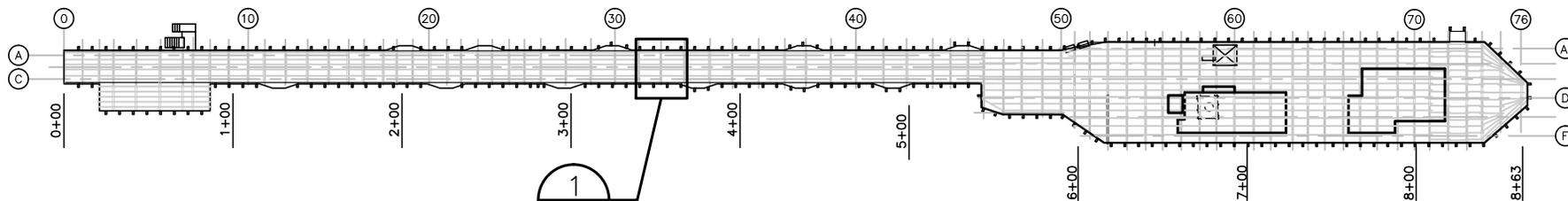
RETROFIT DOES NOT ADDRESS LOSS OF PILES, BUT REDUCES LIKELIHOOD OF DECK COLLAPSE DUE TO LOSS OF PILES. PILE REPLACEMENT WOULD BE REQUIRED.



WALNUT CREEK, CALIFORNIA

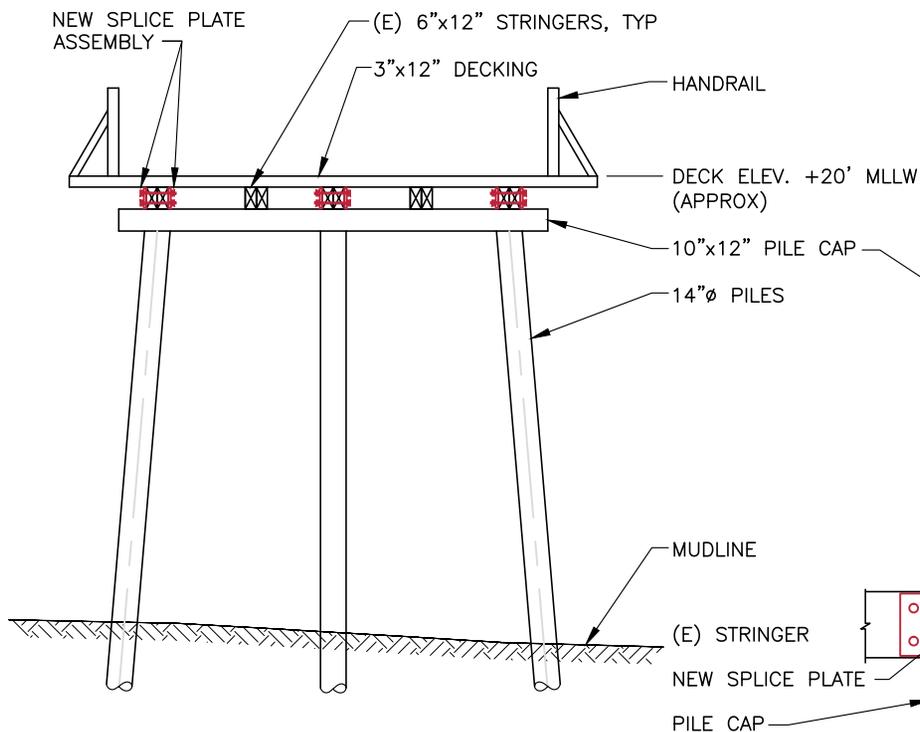
CAPITOLA WHARF

FIGURE 3



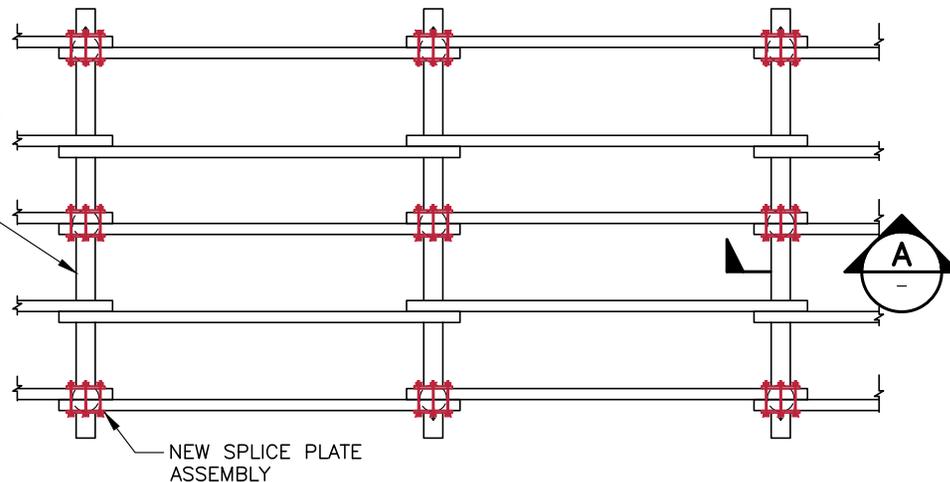
PIER PLAN

SCALE: 1" = 100'



OPTION 3B - SPLICE PLATES

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



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



A SECTION

NTS

NOTE:

RETROFIT DOES NOT ADDRESS LOSS OF PILES. REDUCED ALLOWABLE DECK LOADS WOULD BE REQUIRED FOLLOWING LOSS OF PILE. PILE REPLACEMENT WOULD BE REQUIRED.



WALNUT CREEK, CALIFORNIA

CAPITOLA WHARF

FIGURE 4



2185 N. California Blvd., Suite 500
Walnut Creek, CA 94596-3500

(925) 944-5411 Fax (925) 944-4732
www.moffattnichol.com

April 6, 2016

Mr. Steve Jesberg, Public Works Director
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Subject: Proposal to Provide Engineering Services Capitola Wharf Trestle Widening

M&N Project No. PWCGEN-55

Dear Steve,

We are writing to describe the engineering services we propose to provide to the City of Capitola (the City) for engineering services to study the widening of the trestle portion of the Wharf. These services are an addition to the condition assessment/planning studies we are currently performing (see proposal of October 14, 2015) and were identified during discussion at our site meeting on February 22, 2016 with the Wharf Committee. To accomplish this, the City has requested the following services:

1. Develop Concept Drawings for Trestle Widening
2. Develop Associated Concept costs

To assist the City in this evaluation we propose to provide the following services.

Scope of Services

Trestle Widening

We will develop a concept level drawing of a widened trestle, using 5-6 piles per bent (add 2-3 piles). The widening will be on the west side of the Wharf extending from the widened portion at the shore at Bent 8, out to the main Wharf at bent 46.

We will prepare a plan and section to depict the widening, along with dimensions and square footage. These figures will be at a level of detail that could be used to conduct preliminary applications to permit agencies and associated discussion of feasibility.

We will provide an estimate range of costs within which the probable cost of construction would fall. The intent of this estimate would be to allow planning of such a potential widening to the Wharf.

Steve Jesberg
City of Capitola
April 6, 2016

M&N PWCGEN-55

Fee

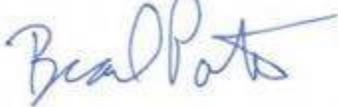
We propose to provide these services to the City on a time and material basis per our standard hourly rates and estimate that our fee for this task will not exceed \$6,300.

If this is acceptable we assume that you will issue a contract modification authorizing us to proceed with these services.

We look forward to being of further assistance to the City of Capitola and the Capitol Wharf. Please feel free to call me with any questions you may have regarding our proposal.

Sincerely,

MOFFATT & NICHOL



Brad Porter, PE
Project Manager

Attachment: Wharf Widening Study Proposal (1417 : Wharf Condition Report)





CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: Community Development

SUBJECT: Appeal of a Planning Commission Approval of a Design Permit and Variance for a Garage Addition to a Single-family Home Located at 4980 Garnet Street

RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.

BACKGROUND: The Planning Commission considered an application on February 4, 2016, for a Design Permit and variance for a garage addition to an existing single-family home at 4980 Garnet Street. The existing home is located in the R-1 (Single-Family Residential) zoning district. The proposed home addition includes converting the existing two-car carport into a garage, replacing the existing decks with smaller decks, and creating a new entryway along the front elevation. The applicant is seeking a variance to extend the proposed garage six feet into the required 20 foot front yard setback. The remodel also includes modifications to window and door placement to create increased privacy along the side elevations and an updated appearance of the front elevation (Attachment 3).

The existing carport is non-conforming in that it does not meet the front yard setback requirement of 20 feet and is not large enough to contain a legal, 20 foot deep covered parking space. The existing carport is setback 19 feet from the property line and the interior is only 15 feet in depth. In order to enclose the existing carport and create the two conforming, covered parking spaces, the applicant is requesting a variance from the front yard setback requirements to further extend the non-conforming covered parking area an additional five feet into the required front yard setback. The finished garage would have a 14 foot front yard setback, however there are 12 feet of unutilized right-of-way between the property line and the curb in this sidewalk exempt neighborhood. As proposed, the garage would be located 26 feet from the curb, which allows for two full-sized uncovered parking spaces in the front yard.

The existing home also contains a non-conforming second story deck in the front that is setback 13 feet from the front property line. The applicant proposes to reduce the size of the deck from 156 to 104 square feet, but continue the non-conforming setback at 13 feet. The variance for the garage addition will allow the front wall of the garage to encroach within 14 feet of the front property line, thus the garage will be setback further than the existing second story deck. Prior to the Planning Commission hearing, the applicant submitted additional material to represent the massing proposed in the front setback areas relative to neighboring properties (Attachment 6).

From a cursory review of the neighborhood, staff found that there are other properties within this neighborhood that do not meet the front yard setback requirements, and that the existing home at 4980 Garnet Street is the only home within this block of Garnet that has a carport instead of an enclosed garage (Attachment 7).

4980 Garnet St Design Permit and Variance Appeal
April 14, 2016

After considering the staff report and testimony from the applicant and members of the public, the Planning Commission voted unanimously to approve the Design Permit and Variance request (Attachment 1). The Planning Commission based their decision on the fact that the project will have minimal impacts on the neighborhood due to the non-conforming setbacks of neighboring properties, and that the subject property will be able to utilize the sidewalk exempt right-of-way in front of their property for uncovered parking. The Planning Commission felt that the impact on the neighborhood was minimal, and that the project would enhance the existing character of the neighborhood by enclosing the existing carport. An appeal of the Planning Commission decision was received on February 16, 2016.

DISCUSSION: On February 16, 2016, the City received an appeal of the Planning Commission decision (Attachment 8). The appeal cites concerns with the impact to community character as it relates to the uniformity of the surrounding neighborhood and that the garage variance would constitute the granting of a special privilege.

Community Character: The appellants identified concerns that the proposed garage enclosure and front yard setback encroachment would have a negative effect on the character and “uniformity” of the existing neighborhood. Specifically, *“this variance reflects a 30% encroachment of the front yard setback, which is unprecedented in the 4900 block of Garnet Street. Currently the homes on this block line up visually as a result of the setback ordinance.”*

Staff conducted a survey on the Garnet Street neighborhood (Attachment 7). The survey identifies 12 other properties in the area that do not meet front yard setback requirements along the entirety of Garnet Street, and three that do not conform within the specific 4900 block of Garnet. The appellant claims that these three homes (5005, 4955, and 5080 Garnet St) are not comparable.

The property at 5005 Garnet Street received a variance in 1999 to reduce parking requirements on a property that did not meet setback standards. 4955 Garnet Street is an existing, non-conforming property that was remodeled in 2000. 5080 Garnet Street is an existing apartment complex that, in 1987, apparently met all setback requirements. However, the plans submitted did not accurately represent the property setbacks, and after construction, staff realized the error. Staff required the applicant to resubmit for a variance in 1988 for the deck encroachment, which was approved. Although the three properties are not identical in nature to the subject property at 4980 Garnet St, they similarly benefit from reduced setback requirements.

Staff also observed that the home at 4980 Garnet Street is the only home within 4900 block that has a carport rather than a garage. The proposed remodel would update the property with a more compatible aesthetic to the existing homes within the block.

Variance Findings: The appellants identified concerns that the variance approval constitutes a granting of a special privilege as the existing parcel contains sufficient space to incorporate the new garage within allowable setbacks by pushing the home further into the rear yard.

During the Planning Commission review, it was noted that there is adequate room on the lot to accommodate a single-family home which complies with front yard setback requirements. However, to do so, the applicant would need to remove the existing stairwell located behind the back wall of the garage, which would require the applicant to demolish and rebuild much of the existing lower and upper floors of the home.

4980 Garnet St Design Permit and Variance Appeal
April 14, 2016

Although there are no special circumstances applicable to the subject property in terms of size, shape, or configuration, several other properties in the vicinity and under identical zoning enjoy privileges of decreased front yard setbacks.

Staff recommends that the City Council uphold the Planning Commission approval of the variance due to the existing non-conforming setbacks throughout Garnet Street, the presence of 12 additional feet of unutilized right of way between the property line and the curb, and because the garage enclosure will complement the existing character of the neighborhood.

FISCAL IMPACT: None

ATTACHMENTS:

1. Planning Commission 2-4-16 minutes
2. Planning Commission 2-4-16 Staff Report
3. Project Plans
4. Permissible Structural Alterations Calculation
5. Applicant's Variance Request
6. Applicant Presentation 2-4-16 Planning Commission Hearing
7. Neighborhood Setback Survey
8. Appeal Letter

Report Prepared By: Ryan Safty
Assistant Planner

Reviewed and Forwarded by:


Mark Welch, Finance Director

4/7/2016



**FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 4, 2016
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

C. 4980 Garnet St #15-181 APN: 034-043-16

Design Permit and Variance request for a garage addition to be located in the front yard setback area of an existing residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
Property Owner: David Aaron
Representative: Chris Sandman, filed 11/4/15

Commissioner Smith recused herself since she owns property within 500 feet of the project and left the dais.

Assistant Planner Safty presented the staff report. He noted the project includes a reduction in the size of a nonconforming deck and that existing parking in the carport is nonconforming. The proposal creates two full-size covered spaces in exchange for additional encroachment into the front yard setback. The subject property has no special circumstances, but other properties in the area have a similar encroachment.

Dave Aaron, applicant, spoke on behalf of the project and offered images showing the impact of the additional encroachment.

Commissioner Ortiz confirmed that garbage cans will be screened behind the stairway.

Commissioner Newman confirmed the project will have four parking spaces with use of the right-of-way in the sidewalk exempt area.

Jan Caldarella, neighbor, noted that the original application notice did not include a variance. She does not feel that in the immediate neighborhood properties with encroachments are comparable and her family and others have remodeled subject to the required setback.

Commissioner Ortiz said this is a difficult application. When she considers a variance, she asks is it moderate and does it enhance the neighborhood? She also suggested if there are many nonconforming properties in this neighborhood, perhaps an ordinance change is appropriate. Commissioner Westman agreed and noted the large second-story rear deck is being reduced.

Commissioner Newman said he feels the project is positive, but has technical concerns about meeting variance standards. Properties two blocks away with encroachments are not in the immediate neighborhood.

Chairperson Welch said he looks at the impact on the neighborhood. In this case, he feels there has been compromise and the benefits outweigh the concerns.

Motion: Approve a Design Permit and Variance with the following conditions and findings:

CONDITIONS

1. The project approval consists of a garage enclosure, deck remodel, and variance to front yard setback requirements to an existing single-family home. The maximum Floor Area Ratio for the 3,200 square foot property is 57% (1,824 square feet). The total FAR of the project is 56.6% with a total of 1,813 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 February 4, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall 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 #15-181 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. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.

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

The proposed garage addition at 4980 Garnet would not comply with the setback standards of the Zoning Ordinance, but special circumstances exist in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12 feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.

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

The proposed garage addition and enclosure will slightly modify the character of the neighborhood by bringing the garage closer to the street. However, the conversion from a carport to a garage will better complement the existing character and form of the neighborhood by eliminating the presence of carports within this block of Garnet Street.

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.

This project involves the addition to an existing single-family residence and a garage enclosure in the R-1 (Single-Family Residential) Zoning District. Section 15301-E of the CEQA Guidelines exempts additions to existing homes in a residential zone.

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;

There are special circumstances applicable to the property in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12-feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.

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

The grant of a variance permit to front setbacks would not constitute the grant of a special privilege. There are at least 12 other properties on Garnet Street that similarly do not meet current front-yard setback requirements.

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

Attachment: Planning Commission 2-4-16 minutes (1401 : 4980 Garnet St Design Permit and Variance Appeal)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 4, 2016
 SUBJECT: **4980 Garnet St #15-181 APN: 034-043-16**

Design Permit and Variance request for a garage addition to be located in the front yard setback area of an existing residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
 Property Owner: David Aaron
 Representative: Chris Sandman, filed 11/4/15

APPLICANT PROPOSAL

The application is for a remodel at 4980 Garnet Street. The existing two-story home is located in the R-1 (Single-Family Residential) Zoning District. The existing home is not listed on Capitola's 2005 Historic Structures List. The remodel includes converting the existing two car carport into a garage, replacing the existing decks with smaller decks, and creating a new entryway along the front elevation (Attachment 1). The applicant is seeking a variance to extend the proposed garage six feet into the required 20 feet front yard setback. The remodel also includes modifications to window and door placement to create increased privacy along the side elevations and an updated appearance of the front elevation.

BACKGROUND

The above matter was reviewed by the Architectural and Site Review Committee on November 18th, 2015. The following direction was provided to the applicant in regards to the original proposal:

- City Public Works representative, Danielle Uharriet, requested that the applicant submit storm water calculations, clarify the type and location of impervious materials, obtain a Revocable Encroachment Permit for landscaping in the right-of-way, and disconnect downspouts.
- City Building Official, Brian Van Son, explained that egress rules must be met on the window on the north side of the second story bedroom and that the eastern second-story wall will need to be fire-rated.
- City Architect Representative, Frank Phanton, recommended that the applicant move the new entrance area behind the garage.
- City Landscape Architect Representative, Craig Walsh, had no comments.
- City Planner, Ryan Safty, explained that the driveway approach proposal is 20 feet wide and the maximum allowed is 40% of property width (16 feet), the shed on the first floor should be labeled "existing" on the site plan, the application requires a an 80% non-

conforming calculation, the proposed extension of the front deck does not comply with code, and the new entry wall must be 15 feet back from the property line to comply with the front yard setback.

Following the Architectural and Site Review meeting, the applicant submitted storm water calculations and obtained a revocable encroachment permit for landscape work in the right-of-way from the Public Works Department. The applicant submitted a “Construction Cost Breakdown” sheet to the Building Department, ensuring that the addition will not result in greater than an 80% increase to the structures value (Attachment 2). The applicant revised the site plan to clarify the type and location of impervious materials, reduced the driveway approach width to 16 feet, labeled the first floor shed “existing”, reduced the front deck, and relocated the entryway to comply with the 15 foot front yard setback.

ZONING SUMMARY

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

R-1 (Single Family Residential) Zoning District

Development Standards				
Building Height	R-1 Regulation		Existing	Proposed
	25'-0"		22'-11"	22'-11"
Floor Area Ratio (FAR)				
Lot Size	3,200 sq. ft.			
Maximum Floor Area Ratio	57% (Max 1,824 sq. ft.)			
First Story Floor Area			468 sq. ft.	507 sq. ft.
Carport/ Garage Area			390 sq. ft.	440 sq. ft.
Second Story Floor Area			858 sq. ft.	858 sq. ft.
Second Story Decks (first 150 sq.ft. of second story decks do not count towards FAR)			386 sq. ft. (-150sq. ft.) = 236 sq. ft.	158 sq. ft. (-150 sq. ft.) = 8 sq. ft.
TOTAL FAR			1,952 sq. ft.	1,813 sq. ft.
Yards (setbacks are measured from the edge of the public right-of-way)				
	R-1 Regulation		Existing	Proposed
Front Yard 1st Story	15 ft.		19 ft.	15.6 ft.
Front Yard Garage	20 ft.		19 ft. <i>Existing Non-Conforming</i>	14 ft. Variance Requested
Front Yard 2nd Story	20 ft.		19 ft. <i>Existing Non-Conforming</i>	19 ft. <i>Existing Non-Conforming</i>
Front Yard 2nd Story Deck	20 ft.		13 ft. <i>Existing Non-Conforming</i>	13 ft. <i>Existing Non-Conforming</i>
Side Yard 1st Story	10% lot width	Lot width 40 ft. min.	4.6 ft. (Right) 5.5 ft (Left)	4.6 ft. (Right) 5.5 ft (Left)
Side Yard 2nd Story	15% of width	Lot width 40 ft. min	4.6ft. (Right) <i>Ex. non-conforming</i> 9 ft. (Left)	4.6 ft. (Right) <i>Ex. non-conforming</i> 9 ft. (Left)
Rear Yard 1st Story	20% of lot	Lot depth 80	27.6 ft	27.6 ft

Attachment: Planning Commission 2-4-16 Staff Report (1401 : 4980 Garnet St Design Permit and Variance Appeal)

	depth	16 ft. min.		
Rear Yard 2nd Story	20% of lot depth	Lot depth 80 16 ft. min	28 ft.	28 ft.
Rear Yard 2nd Story -Stairs-	10 ft.		28 ft.	15 ft.
Encroachments:	Water Heater Shed (side yard)		Encroaches 2 ft. <i>Existing Non-Conforming</i>	Encroaches 2 ft. <i>Existing Non-Conforming</i>
	2 nd Story Deck into front yard		Encroaches 6 ft. <i>Existing Non-conforming</i>	Encroaches 6 ft. <i>Existing Non-conforming</i>
Parking				
	Required		Existing	Proposed
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total: 1 covered 1 uncovered		2 uncovered	2 covered
Underground Utilities: required with 25% increase in area			N/A	

DISCUSSION

The applicant is proposing to convert an existing carport into a two-car garage. The existing carport is only 15 feet deep when the code requires 20, and is thus undersized. The applicant is proposing to extend the garage five feet forward, converting the undersized carport into a full-sized two-car garage. A variance is required to extend the garage into the required front yard setback.

Adjacent to the garage, the applicant is proposing an entryway leading to the side patio area. The entry wall contains a front door, vertical “fir” siding, stone pillars, and a gable roof design to match the existing home and give the appearance of an enclosed front entrance. Additionally the remodel includes modifications to window and door placement to create increased privacy along the side elevations and an updated look on the front elevation.

Lastly, the applicant is proposing to modify the design of the exterior stairways and second-story deck space. The front yard second-story deck is currently non-conforming, in that it is only setback 13 feet when 20 are required (§17.15.130). The applicant is proposing to reduce the size of the deck from 156 to 104 square feet, but continue the non-conforming setback at 13 feet. The rear yard deck will be reduced from 230 to 54 square feet. In total, the second-story deck space would be reduced by 228 square feet.

Parking

The existing setbacks and parking at 4980 Garnet Street are non-conforming pursuant to section 17.15.130 of the Capitola Municipal Code. The existing 1,813 square foot home is required to have two parking spaces, one of which must be covered. Currently, the applicant has room for two full-size 18 feet by 10 feet uncovered parking spaces in the 19 foot deep driveway. Since the home is located in a sidewalk exempt area, the required length for uncovered parking spaces is reduced from 20 feet to 18. However, the existing 15 foot deep carport is undersized and therefore the applicant currently has no compliant covered parking spaces on-site. Additionally, front yard setbacks to garages are required to have 20 feet. The existing carport is located 19 feet from the property line and is non-conforming.

Attachment: Planning Commission 2-4-16 Staff Report (1401 : 4980 Garnet St Design Permit and Variance Appeal)

The applicant is proposing two covered parking spaces within the garage by extending the front elevation of the first story five feet forward. The additional five feet decreases the existing front yard from 19 feet to 14 feet. Although the plan would create two full sized covered parking spaces, the new garage would increase the existing non-conforming front yard setback. The uncovered parking spaces in the front of the home will decrease from 19 feet to 14 feet in depth. It should be noted that there is an additional 12 feet of unutilized right of way between the property line and the curb. As proposed, the garage will be located 26 feet from the curb.

The Municipal Code requires minimum parking requirements be met with an increase of 10% to the existing floor area of the home. In total, the applicant is proposing to remove 139 square feet of floor area on the property and is therefore not required to meet minimum parking as a part of this remodel. However, the application as proposed will bring the site into compliance with two onsite covered parking spaces.

Variance

The applicant is requesting a variance to allow the new garage to further encroach into the front yard setback area. Pursuant to §17.66.090, the Planning Commission may grant a variance permit when it finds:

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

The property at 4980 Garnet Street is a regular-shaped, flat lot. Properties within the block are generally of similar size. There are no special circumstances applicable to the lot related to the size, shape, or topography.

The applicant is requesting a variance due to the current built conditions within the property. The applicant considered extending the interior wall of the carport four feet into the existing home but found this alternative would cause major changes to the internal layout of the home due to the staircase location behind the wall of the carport. The bedrooms on the bottom and top floor would be impacted. The proposed minor remodel would become a major remodel if they were required to relocate the internal staircase. The applicant is requesting the variance to maintain the staircase location and the existing internal layout of the home.

The Planning Commission could find that the grant of a variance permit would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity. From a cursory review, staff found that there are other properties within this neighborhood that do not meet the front yard setback requirements (Attachment 3). Staff was able to locate 12 properties along Garnet Street that do not meet the required front yard setbacks. Staff also observed that the home at 4980 Garnett Street is the only home within this block that has a carport rather than a garage. The proposed remodel would update the property with a more compatible aesthetic form to the existing homes within the block.

Although there are not special circumstances applicable to the subject property, other properties in the vicinity and under identical zoning do enjoy privileges of decreased front yard setbacks. If

a variance were granted by the Planning Commission, the analysis would support that this is not a grant of special privileges. Staff recommends Planning Commission approve of the variance due to the existing non-conforming setbacks throughout Garnet Street, the presence of 12 additional feet of unutilized right of way between the property line and the curb, and because the garage enclosure will complement the existing character of the neighborhood.

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves the enclosure of a garage in the front-setback area of an existing home in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #15-181 and associated variance request, based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a garage enclosure, deck remodel, and variance to front yard setback requirements to an existing single-family home. The maximum Floor Area Ratio for the 3,200 square foot property is 57% (1,824 square feet). The total FAR of the project is 56.6% with a total of 1,813 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 February 4th, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall 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 # 15-181 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. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.
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 application, subject to the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
The proposed garage addition at 4980 Garnet would not comply with the setback standards of the Zoning Ordinance, but special circumstances exist in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12-feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.
- B. **The application will maintain the character and integrity of the neighborhood.**
The proposed garage addition and enclosure will slightly modify the character of the neighborhood by bringing the garage closer to the street. However, the conversion from a carport to a garage will better complement the existing character and form of the neighborhood by eliminating the presence of carports within this block of Garnet Street.
- 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.**
This project involves the addition to an existing single-family residence and a garage enclosure in the R-1 (Single-Family Residential) Zoning District. Section 15301-E of the CEQA Guidelines exempts additions to existing homes in a residential zone.
- 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;**
There are special circumstances applicable to the property in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12-feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.
- E. **The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**
The grant of a variance permit to front setbacks would not constitute the grant of a special privilege. There are at least 12 other properties on Garnet Street that similarly do not meet current front yard setback requirements.

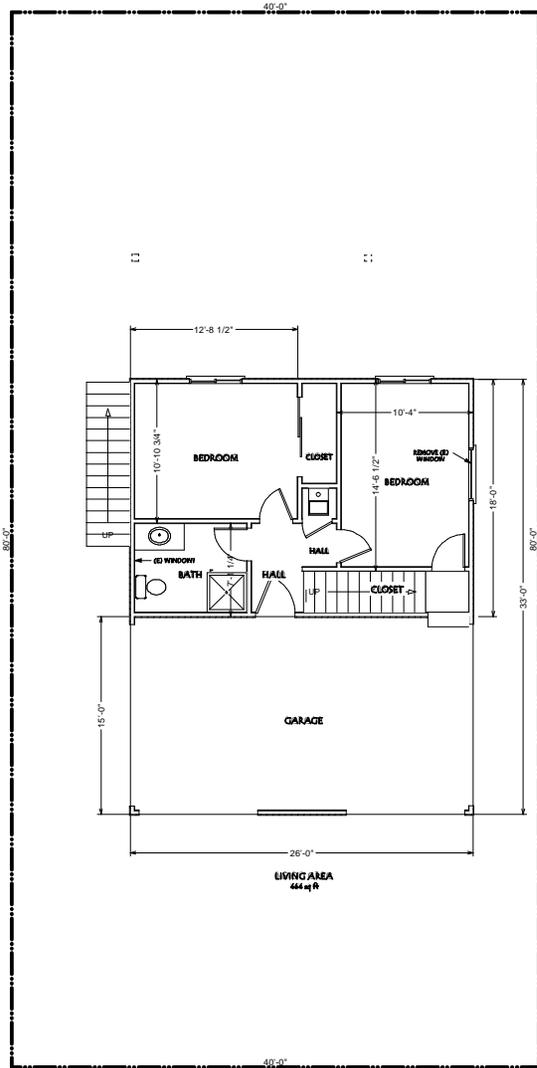
ATTACHMENTS:

1. Project Plans
2. Permissible Structural Alterations

3. Neighborhood Setback Survey
4. Variance Request

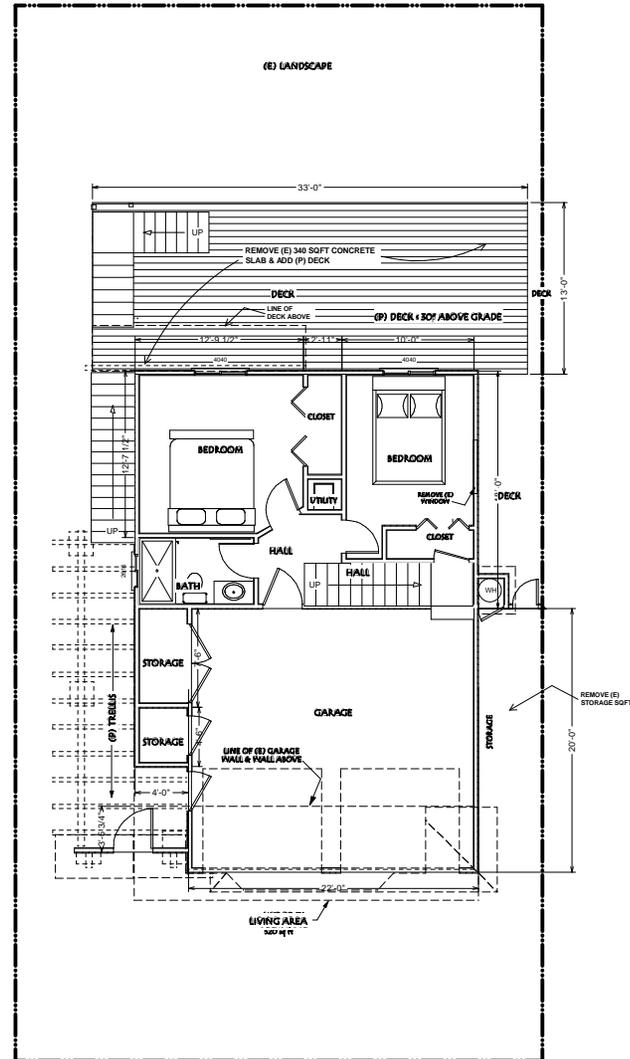
Prepared By: Ryan Safty
Assistant Planner

A.P.N. 034-043-16



WALL LEGEND

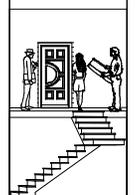
EXISTING WALLS	—
PROPOSED WALLS	—
ALTERED WALLS	—
TO BE REMOVED	----



CADHOMES
BUILDING DESIGN
308 SANTA MARCITA DRIVE
ATLANTA, GA 30307 CONTACT:
PHOTO: HILLHOUSE OF DESIGN
CADHOMES@NETSCAPE.COM



PLAN DATE:
12-07-15
A.P.N. 034-043-16



PROPOSED REMOVAL:
DAVID AND DEB BARON
4980 GARNET STREET
CAPITOLA, CA 95010

A.P.N. 034-043-16

SHEET NUMBER

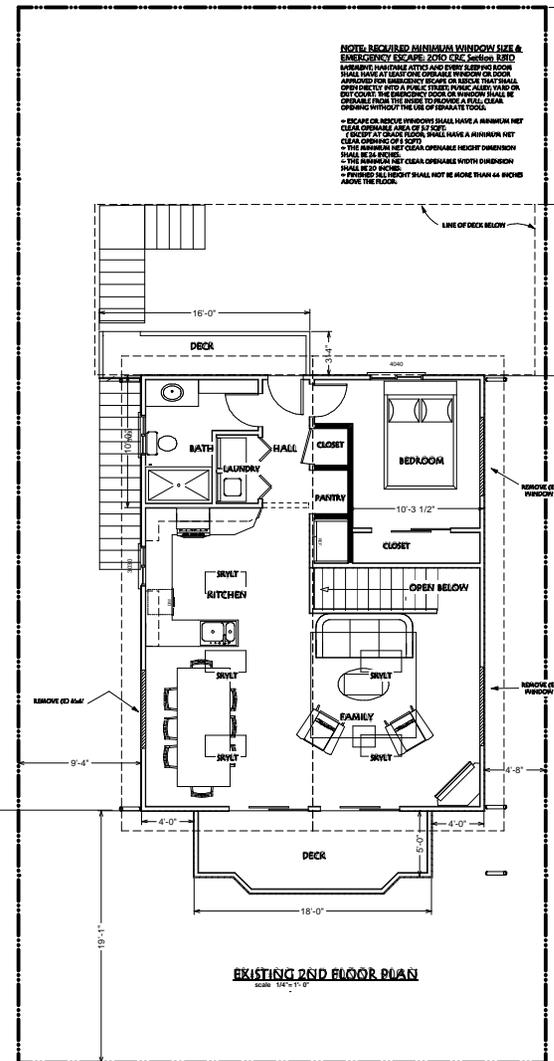
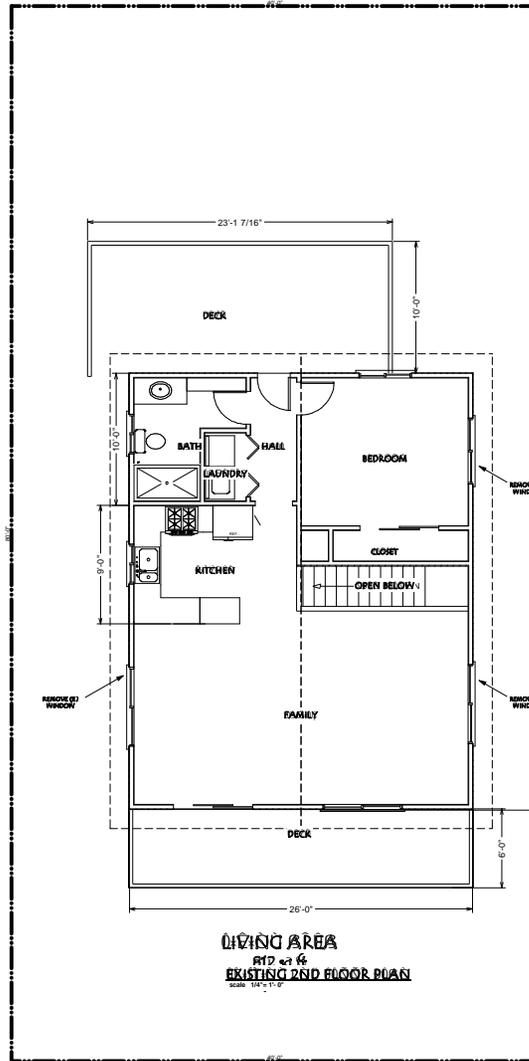
82

Attachment: Project Plans (1401 : 4980 Garnet St Design Permit and Variance Appeal)

A.P.N. 034-043-16

WALL LEGEND

EXISTING WALLS	
PROPOSED WALLS	
ALTERED WALLS	
TO BE REMOVED	



CAD HOMES BUILDING DESIGN
 508 SANTA ANA AVENUE, SUITE 200
 ANAHEIM, CA 92801
 PHONE: 714.946.0000
 FAX: 714.946.0000

PLAN DATE:
12-07-15

A.P.N. 034-043-16

DARRIN AND DEB BARON
 4980 GARNET STREET
 CAPITOLA, CA 95010

A.P.N. 034-043-16

SHEET NUMBER
BB

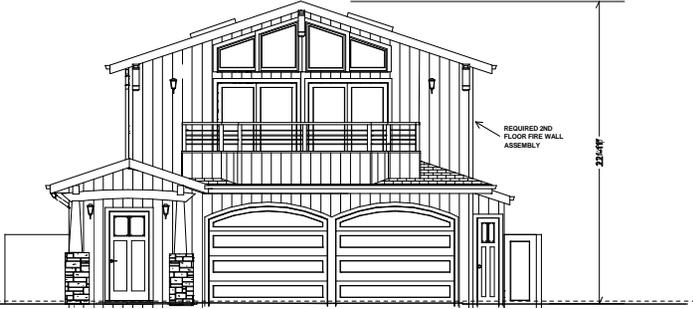
Attachment: Project Plans (1401 : 4980 Garnet St Design Permit and Variance Appeal)

A.P.N. 034-043-16

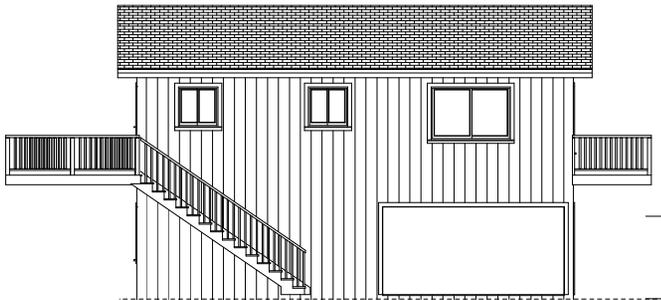
CADHOMES
BUILDING DESIGN
308 SANTA MARCANTONIA DRIVE
ATLISO, CA 95020 CONTACT:
PHONE 925-938-0800 OR EMAIL
CADHOMES@NETSCAPE.COM



EXISTING NORTH ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED NORTH ELEVATION
SCALE 1/8" = 1'-0"

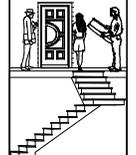


EXISTING EAST ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED EAST ELEVATION
SCALE 1/8" = 1'-0"

PLAN DATE:
12-07-15
A.P.N. 034-043-16



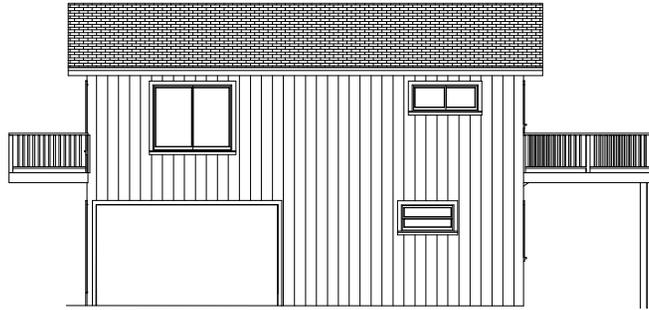
PROPOSED REMODEL:
DAVID AND DEB BARON
4980 GARNET STREET
CAPITOLA, CA 95010

A.P.N. 034-043-16

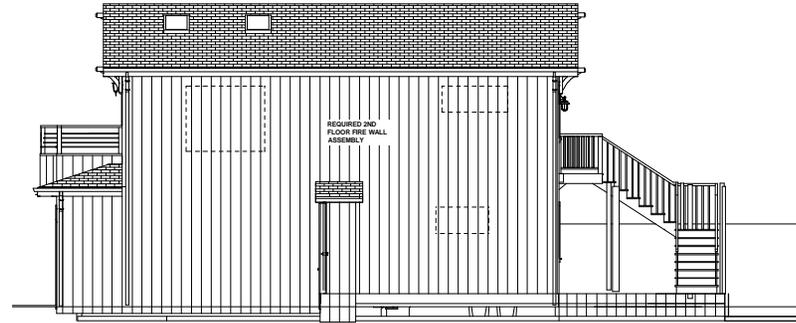
SHEET NUMBER
B4

Attachment: Project Plans (1401 : 4980 Garnet St Design Permit and Variance Appeal)

A.P.N. 034-043-16



EXISTING WEST ELEVATION
Scale 1/4" = 1'-0"



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



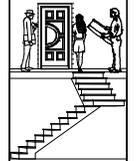
EXISTING SOUTH ELEVATION
Scale 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION
Scale 1/4" = 1'-0"

CADHOMES
BUILDING DESIGN
308 SANTA MARCITA DRIVE
ATLANTA, GA 30307 CONTACT:
PHOTO: HILLIER-SCOTT CO. DESIGN
CADHOMES@HILLIERSCOTT.COM

PLAN DATE:
12-07-15
A.P.N. 034-043-16



PROPOSED NUMBER:
4980 GARNET STREET
CAPITOLA, CA 95010

A.P.N. 034-043-16

SHEET NUMBER
B5

Attachment: Project Plans (1401 : 4980 Garnet St Design Permit and Variance Appeal)

A.P.N. 034-043-16

COLORS & MATERIALS

- 1) **BODY COLOR: LIGHT FRENCH BLUE**
- 2) **TRIM COLOR: PURE WHITE**
- 3) **DOOR CUTTER: DOVER WHITE**
- 4) **ROOFING: (E) GRAY CLASS 1B COMP SHINGLES**
- 5) **FRONT DOOR: MAHOGANY STAINED WOOD**
- 6) **WINDOWS: WHITE VINYL MILUGARD**
- 7) **EXISTING FENCE: ENTREATED REDWOOD**
- 8) **ROCK POST BASE: COUNTRY LEDGESTONE**
- 9) **DECK RAILING: 4x4 REDWOOD POSTS W/ CABLE BALUSTRADE**
- 10) **SIDE & REAR DECK RAILINGS: 4x4 REDWOOD POST W/ 2x2 BALUSTRADE**
- 11) **MATCH EXISTING T1-11 FIR SIDING**



EXISTING NEIGHBORHOOD SETBACKS



CADHOMES
BUILDING DESIGN

308 SANTA MARICITA DRIVE
APTOS, CA 95027 CONTACT:
PHONE 831.426.0100 OR EMAIL
CADHOMES@NETSCAPE.COM

PLAN DATE:
12-07-15

A.P.N. 034-043-16

PROPOSED NUMBER:
034000000000

4980 GARNET STREET
CAPITOLA, CA 95010

A.P.N. 034-043-16

SHEET NUMBER

07

Attachment: Project Plans (1401 : 4980 Garnet St Design Permit and Variance Appeal)

CADHOMES BUILDING DESIGN
 508 SANTA MARGUARITA DRIVE
 APTOS, CA. 95003
 PHONE - 831-345-6892



12-3-15

CLIENT: David and Deb Aaron
 4980 Garnet Street
 Santa Cruz, CA 95062

PROJECT: Addition & remodel to 4980 Garnet St.

Construction Cost Breakdown

EXISTING BUILDING COSTS:		
Existing Residence	1326 sqft @ \$200/sqft	\$ 265,200
Existing Garage	390 sqft @ \$90/sqft	\$ 35,100
Existing Deck	386 sqft @ \$25/sqft	\$ 9,650
Total Existing Value		\$ 309,950
80% Total Existing Value		\$ 247,960
REMODEL COSTS		
1st Floor Garage Addition	110 sqft @ \$90	\$ 9,900
1st Floor Bath (existing)	55 sqft @ \$100	\$ 5,500
1st Floor Bath (proposed)	30 sqft @ \$200	\$ 6,000
1st floor closet	19 sqft @ \$100	\$ 1,900
1st floor bedroom	18 sqft @ \$100	\$ 1,800
2nd floor closet/pantry	37 sqft @ \$100	\$ 3,700
2nd floor kitchen	118 sqft @ \$300	\$ 35,400
2nd floor family/dining	370 sqft @ \$100	\$ 37,000
2nd flr remove (E) deck	386 sqft @ \$25/sqft	-\$ 9,650
1st floor Proposed Deck	429 sqft @ \$25/sqft	\$ 10,725
2nd floor Deck Repair	104 sqft @ \$25/sqft	\$ 2,600
TOTAL	32.77 %	-\$ 104,875

#114,525

APPROVED

Signed 
 Date 12/14/15
 Permit No. 20150435

Attachment: Permissible Structural Alterations Calculation (1401 : 4980 Garnet St Design Permit and Variance Appeal)

CADHOMES BUILDING DESIGN
 508 SANTA MARGUARITA DRIVE
 APTOS, CA. 95003
 PHONE - 831-345-6892



11-25-15

CLIENT: David and Deb Aaron
 4980 Garnet Street
 Santa Cruz, CA 95062

PROJECT: Addition & remodel to 4980 Garnet St.

Construction Cost Breakdown

<u>EXISTING BUILDING COSTS:</u>			
Existing Residence	1326 sqft @ \$200/sqft		\$ 265,200
Existing Garage	390 sqft @ \$90/sqft		\$ 35,100
Existing Deck	386 sqft @ \$25/sqft		\$ 9,650
Total Existing Value			\$ 309,950
80% Total Existing Value			\$ 247,960
<u>REMODEL COSTS</u>			
1 st Floor Bath	112 sqft @ \$100 ^{*200}		\$ 11,200 *22,400
1 st floor closet	19 sqft @ \$100		\$ 1,900
1 st floor bedroom	18 sqft @ \$100		\$ 1,800
2 nd floor closet/pantry	37 sqft @ \$100		\$ 3,700
2 nd floor kitchen	118 sqft @ \$100 ^{*300}		\$ 11,800 *35,400
2 nd floor family/dining	370 sqft @ \$100		\$ 37,000
TOTAL	21.74%		\$ 67,400 *102,200

Attachment: Permissible Structural Alterations Calculation (1401 : 4980 Garnet St Design Permit and Variance Appeal)

January 28, 2016

RECEIVED

JAN 28 2016

CITY OF CAPITOLA

Katie Cattan
Senior Planner
City of Capitola Planning Commission
420 Capitola Ave.
Capitola, California 95010

Re: Design Permit and Variance request for 4980 Garnet Street
#15-181 APN: 034-043-16

Dear Ms. Cattan:

This letter is provided in support of our request for a Design Permit and Variance for a garage addition to be located in the front setback area of our home at 4980 Garnet Street. Our family has lived in Santa Cruz county for the past 11 years, and we purchased our home at 4980 Garnet Street to be our full time residence. We plan to invest a substantial portion of our savings in order to improve the appearance and functionality of the house, and to bring its condition up to match the condition of the other homes in the neighborhood. The designs submitted in support of our Design Permit and Variance reflect a Craftsman-style design appearance that is consistent with the character of the neighborhood.

We plan to live in this house for many years and be a part of this community. We are not undertaking this effort in order to resell for a profit. David works at a high tech company in Silicon Valley, and Deb is responsible for home schooling our daughter. We have walked around the neighborhood, and chose these design plans (5 foot encroachment, not greater) because we believe they conform with the overall aesthetic of the neighborhood. We believe our family and the community will benefit from the exterior improvements to the house. Our request is based on the following circumstances:

1. Variance Consistent with Houses in Neighborhood.

Other houses on Garnet Street, and the nearby Lincoln Avenue and Prospect Avenue, are already built in the front setback area. The Design Permit and Variance requested is consistent with what currently exists, so the expansion of our house in the front setback area will not be unique in the neighborhood. The grant of our requested variance would not be a special privilege inconsistent with other properties in the vicinity. Attached is an aerial photo showing the existing neighborhood setbacks. Our house is marked with a red "X". The easement is calculated from the black line in the center of the street, and the setback calculated from the thin black line ("Easement Line") that cuts across each property. The setback is 20 feet from the thin black Easement Line. So, a property in compliance with code would be 20 feet back from the Easement Line.

On our side of Garnet Street there are three structures that are built on or beyond the Easement Line, and which do not comply with the 20 foot setback requirement. On the opposite side of Garnet Street there are two structures build on or beyond the Easement Line, and which do not observe the 20 foot code setback. On Lincoln Avenue, there is one long structure that is built across the Easement Line, and which does not observe the 20 foot code setback. On Prospect Avenue, almost every house in the picture is built across the Easement Line (only two have arrows), and which do not observe the 20 foot code setback. If we were to expand the photo to include other neighborhood streets, this same theme is repeated over and over. Many houses are built on or across the Easement Line, and many others do not observe the 20 foot code setback.

2. Benefits to Neighborhood and Code Compliance.

Updates to the house provide benefits to adjoining neighbors:

- We are removing the second story windows at the front of both sides of the house, which will improve privacy and reduce noise for neighbors on the east and west adjoining parcels. Currently, these windows open directly into the neighbor's side yards and look directly into similarly placed windows on both neighbors' houses.
- We are also removing the first floor window on the back bedroom on the west side of our house, which will also decrease noise and improve privacy for the west side adjoining neighbor.
- Our current front deck extends the length of the front of the house from the west to east side of the property, giving us a line of site view into our neighbor's yards on both sides, We are decreasing the size of the front deck so that it does not extend to the outer edges of the property and thereby improve privacy for both neighbors.
- We are removing the large cement driveway in front of our house, and replacing it with a permeable material with significantly smaller footprint. This will reduce water runoff to the street and adjoining parcels.

Our house to lot size ratio is currently 39.43%, which is greater than the maximum 30% ratio under the current code. Our designs will bring the house to lot ratio down to 29.5%, and bringing it into conformance with current code requirements.

3. Safety.

Simply enclosing the existing carport will not provide adequate functionality or the safe environment that our family needs. If the existing carport were to be enclosed, there would be approximately 15 feet of length for a vehicle (180 inches). Our current vehicle is a mid-size car Volkswagen Passat, which is 188 inches in length. Our current car will simply not fit if we enclose but not expand the carport. Even with a smaller car there would not be adequate room for ingress and egress around the vehicle to the house. While we have a mid-sized car at this point, it is likely that someday we will purchase a full sized car, truck or SUV that will be closer

to 200 inches or longer. Even if a smaller car could be parked in the garage, the passengers would not be able to walk around the vehicle without the garage door being open.

Additionally, this is where our daughter's circumstances make the carport or a small garage personally unsafe for her. Our daughter is diagnosed with Autism and she has sensory processing challenges, creating a unique set of special circumstances for our family. She is extremely sensitive to noise, which cannot be avoided while driving in a car. Everyday noises like unexpected fire sirens, barking dogs, loud truck engines, motorcycles, or any number of common sounds trigger a fear response in her. A simple drive to the market can send her into a panic, resulting in an inability to make safe choices for herself. One way to allow her to calm herself is to park the car in the garage and sit quietly in the car until she is able to compose herself. Without having an enclosed garage, there is risk that she will run from the vehicle when we park. And, if the garage is not long enough to walk around it, we will not be able to prevent her tendency to run since the garage door would have to open to access the house. We believe that an additional 5 feet of garage length solves this safety risk in that we can safely park the car in the closed garage.

4. Security.

Although Capitola is a safe community, the configuration of the current carport on the lot creates a security risk. The carport is divided in three portions, with the west and east portions of the carport each having space for a vehicle to park. The center portion is an enclosed storage area that separates the two parking spaces. The front door to the house and an approximately 6 foot by 6 foot ingress/egress area is behind the enclosed storage area. This area behind the enclosed storage area is covered and cannot be seen from the street, nor by a car as it approaches the carport. Having this unsecured area that cannot be seen from the street creates a security risk for our family and visitors to our house because a person could remain in that area undetected. By enclosing the carport, we will eliminate this security risk.

5. Tear Down Not Financially Viable Option.

As discussed above, having an additional 5 feet added to the carport footprint is necessary for our family. The other option for the desired 20 foot garage is to add 5 feet of garage space in the opposite direction. Doing so would require the demolition of the downstairs bathroom, the staircase to access the upstairs of the house, a portion of the two small bedrooms, as well as impact numerous structural and load bearing walls. It is also not possible to expand in the rear direction of the house without crossing the rear setbacks. Our goal has been to enhance the existing home lot, while also complying with the city's code requirements. However, it is not financially viable to tear down the structure, and re-design the house to comply with our goals and the current code.

We believe that the proposed additional 5 feet of length to the garage will create only minimal impact on adjoining neighbors. The 5 foot length increase applies only to the first floor of the structure. In fact, we have decreased the size of the second story front deck, thereby minimizing the impact on visual site corridor and light on adjoining parcels. The house on the east side of the property will have little to no impact on visual and light as existing trees on the property

already block the westerly visual site corridor and some light. The house on the west side of the property will have some impact from the 5 foot expansion, however the house already has no view of the site corridor in a easterly direction because the house is set back approximately 3 feet behind the front of our existing structure. We appreciate that the requested 5 feet will have some impact their visual site line from the middle of their driveway. Any expansion in any direction would have some impact on neighbors. However, the additional 5 feet will not create a new condition from their house. The house on the west side property does not have a view of the site corridor now, so we believe the requested variance will not create an undue burden.

Thank you for your consideration of our request. We are happy to answer questions or provide additional information about the proposed project.

Very truly yours,

David & Deb Aaron

Attachment: Applicant's Variance Request (1401 : 4980 Garnet St Design Permit and Variance Appeal)



Attachment: Applicant's Variance Request (1401 : 4980 Garnet St Design Permit and Variance Appeal)

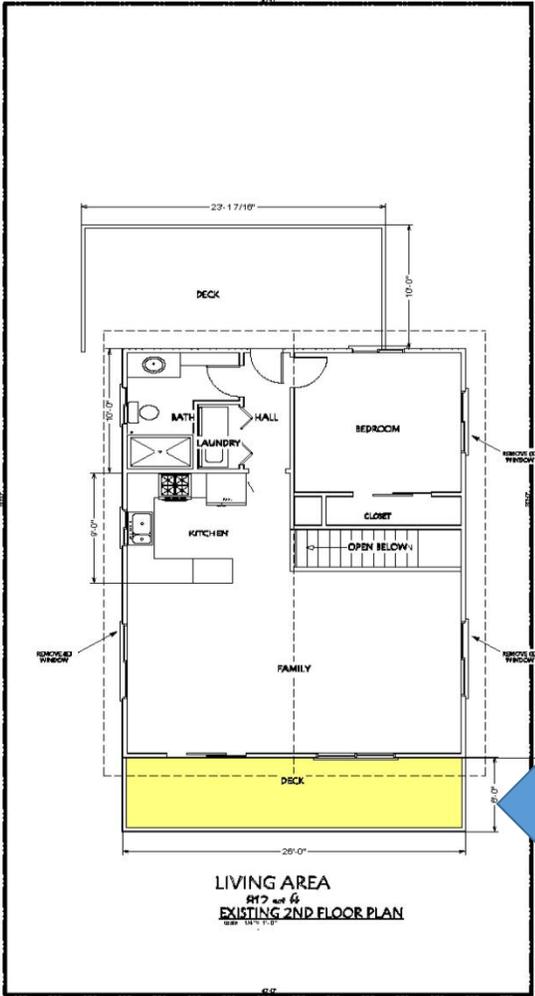
City of Capitola Planning Department
February 4, 2016 Meeting
Design Permit and Variance request for 4980 Garnet Street
David and Deb Aaron



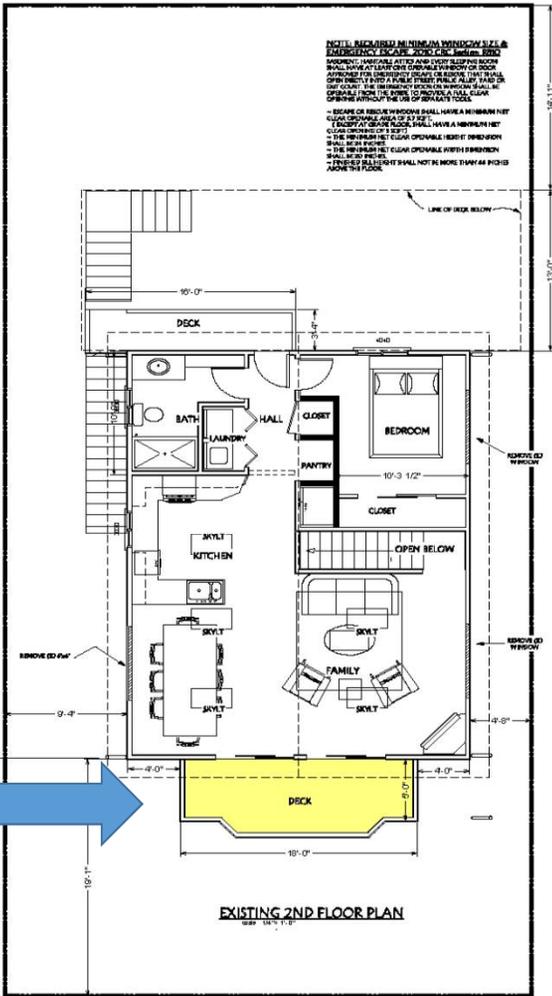
Photo from Caldarella letter, page 4 (cropped)



Attachment: Applicant Presentation 2-4-16 Planning Commission Hearing (1401 : 4980 Garnet St Design



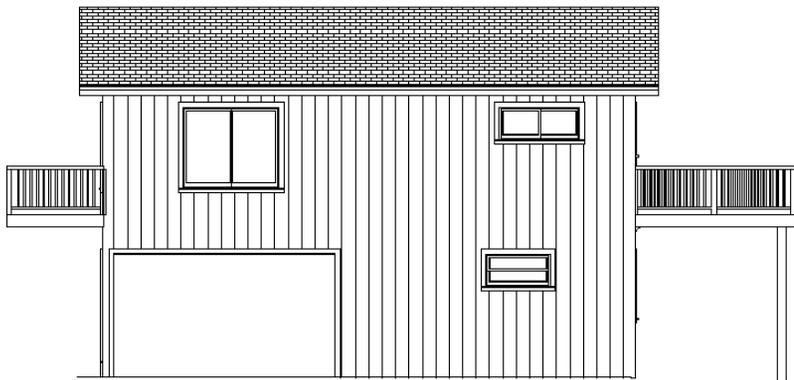
Before



After

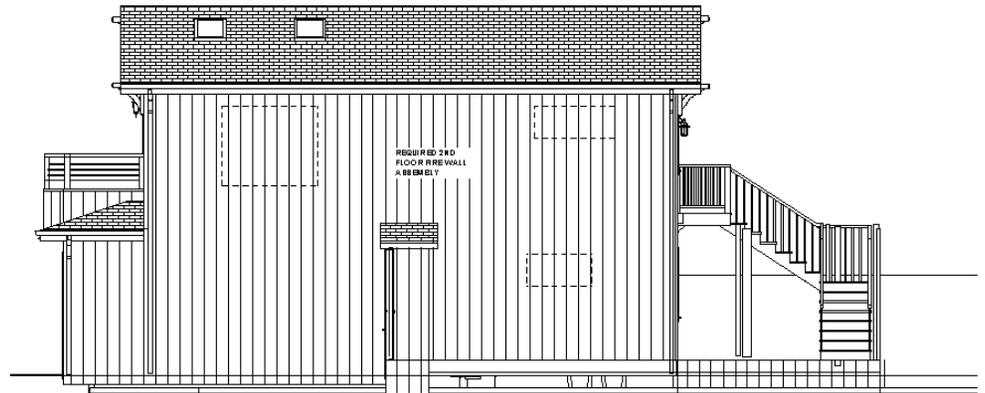
NOTE: EXISTING MINIMUM WINDOW SIZE & PERFORMANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL TIMES. ANY WINDOW OR DOOR SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. THIS SHALL BE THE CASE FOR ALL WINDOWS AND DOORS. ALL WINDOWS SHALL BE OPERABLE FROM THE INSIDE. OPERABLE SHALL BE CLEAR OF OBSTRUCTIONS WITHOUT THE USE OF SPECIAL TOOLS.

- WINDOW OR DOOR WITH ONE OPERABLE WINDOW OR DOOR SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. THIS SHALL BE THE CASE FOR ALL WINDOWS AND DOORS. ALL WINDOWS SHALL BE OPERABLE FROM THE INSIDE. OPERABLE SHALL BE CLEAR OF OBSTRUCTIONS WITHOUT THE USE OF SPECIAL TOOLS.
- WINDOW OR DOOR WITH ONE OPERABLE WINDOW OR DOOR SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. THIS SHALL BE THE CASE FOR ALL WINDOWS AND DOORS. ALL WINDOWS SHALL BE OPERABLE FROM THE INSIDE. OPERABLE SHALL BE CLEAR OF OBSTRUCTIONS WITHOUT THE USE OF SPECIAL TOOLS.
- WINDOW OR DOOR WITH ONE OPERABLE WINDOW OR DOOR SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. THIS SHALL BE THE CASE FOR ALL WINDOWS AND DOORS. ALL WINDOWS SHALL BE OPERABLE FROM THE INSIDE. OPERABLE SHALL BE CLEAR OF OBSTRUCTIONS WITHOUT THE USE OF SPECIAL TOOLS.
- WINDOW OR DOOR WITH ONE OPERABLE WINDOW OR DOOR SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. THIS SHALL BE THE CASE FOR ALL WINDOWS AND DOORS. ALL WINDOWS SHALL BE OPERABLE FROM THE INSIDE. OPERABLE SHALL BE CLEAR OF OBSTRUCTIONS WITHOUT THE USE OF SPECIAL TOOLS.



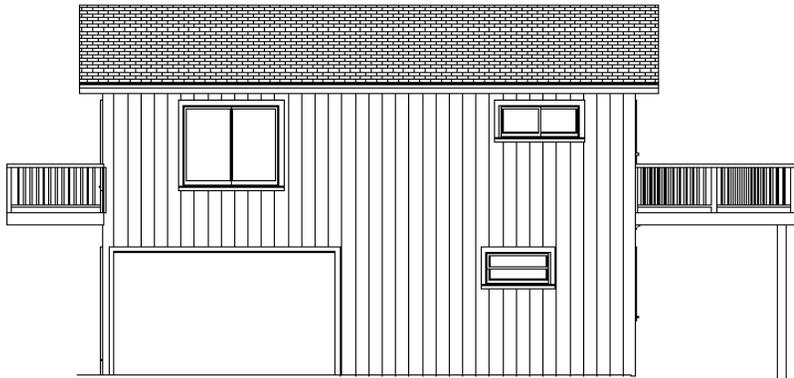
EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"

Before



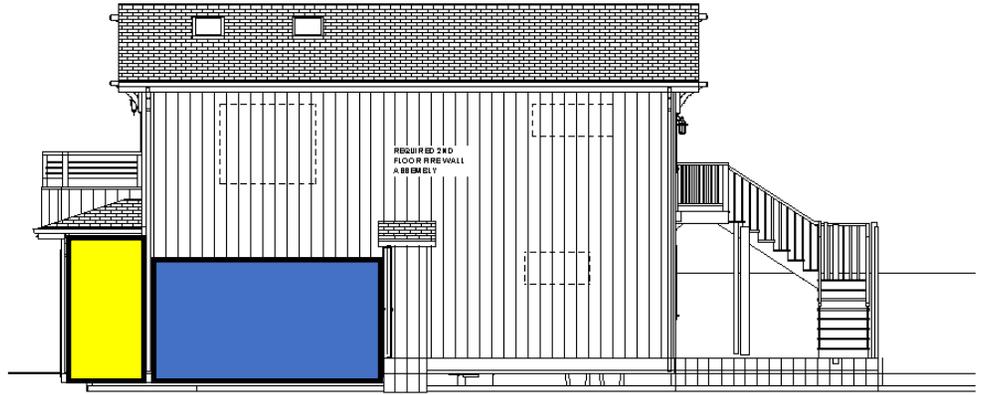
PROPOSED WEST ELEVATION
SCALE 1/4" = 1'-0"

After



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

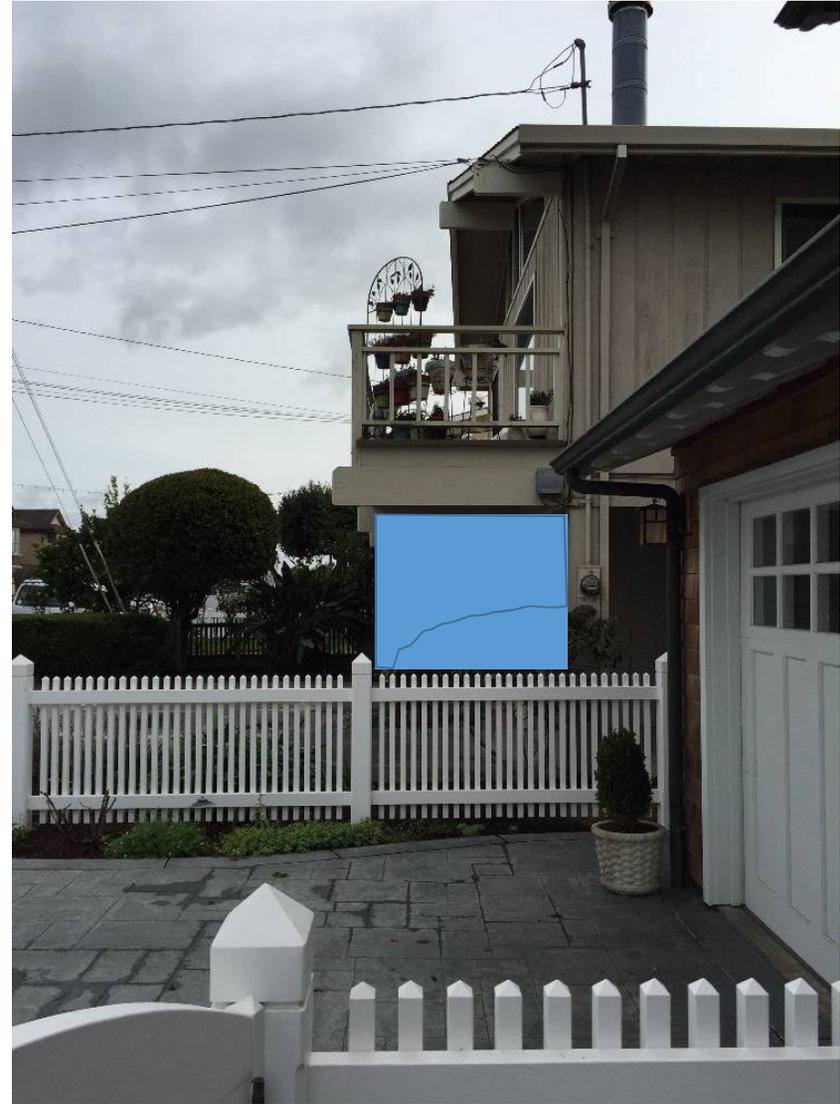
Before



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

After

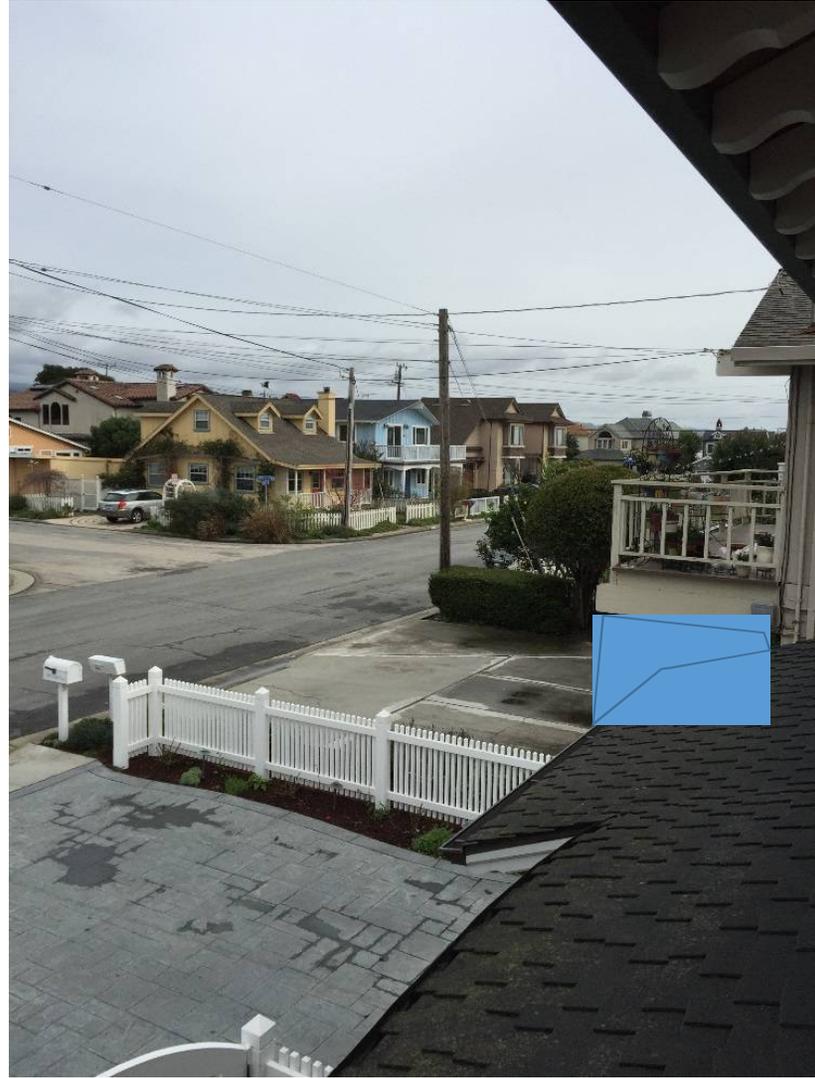
Before



After

Photo from Caldarella letter, page 5
Attachment: Applicant Presentation 2-4-16 Planning Commission Hearing (1401 : 4980 Garnet St Design

Before



After

Photo from Caldarella letter, page 5
Attachment: Applicant Presentation 2-4-16 Planning Commission Hearing (1401 : 4980 Garnet St Design

Before



After

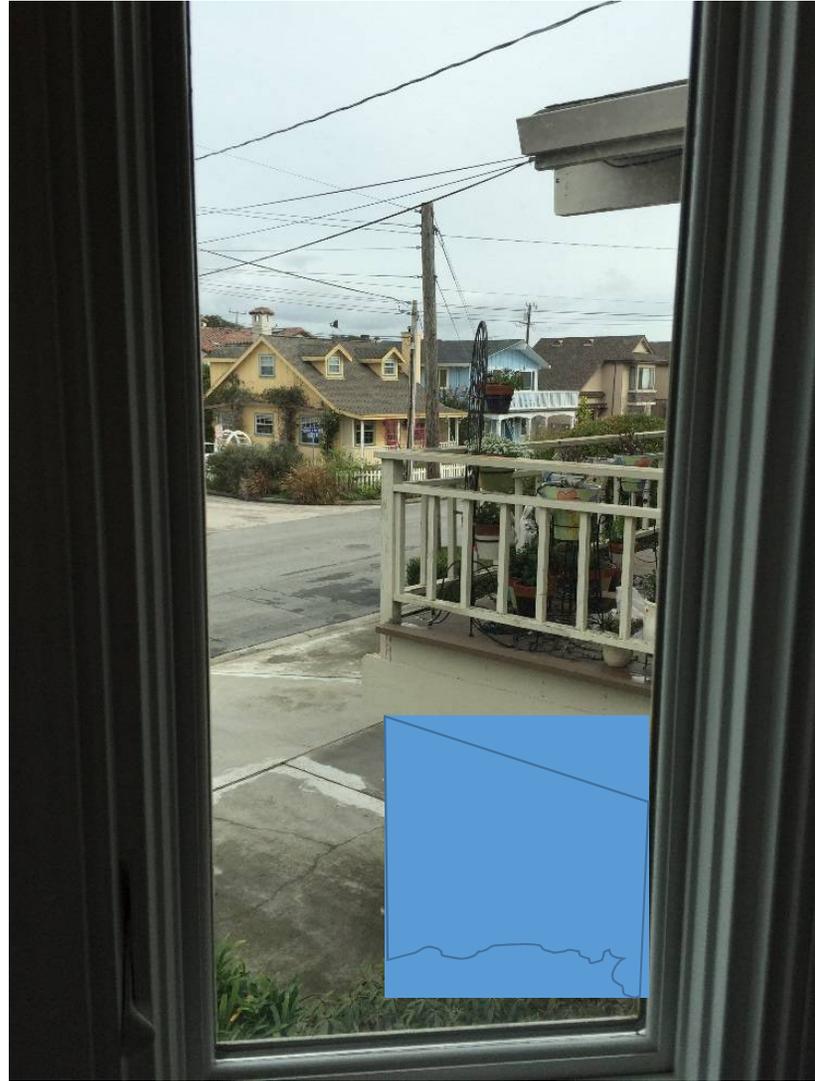


Photo from Caldarella letter, page 7
Attachment: Applicant Presentation 2-4-16 Planning Commission Hearing (1401 : 4980 Garnet St Design

Garnet Street



 Property with a front yard setback less than 15ft



1525 49th Avenue – 3 ft



4610 Garnet Street – 14 ft



4650 Garnet Street – 8 ft



4670 Garnet Street – 8 ft



4675 Garnet Street – 12 ft



4725 Garnet Street – 11 ft



4755 Garnet Street – 10 feet



4760 Garnet Street – 10 ft



4810 Garnet Street – 13 ft



4955 Garnet Street – 13 ft



5005 Garnet Street – 4 ft



5080 Garnet Street – 11 ft

2/14/2016

Capitola City Council
420 Capitola Ave.
Capitola, CA 95010

FEB 16 2016
CITY OF CAPITOLA
CITY CLERK

RE: Appeal: Capitola Planning Commission Variance
4980 Garnet Street #15-181 APN:034-043-16

Dear Capitola City Council,

This submittal is an appeal of the Capitola Planning Commissions decision to grant a variance at 4980 Garnet Street for a garage addition to extend the garage six feet into the required 20-foot front yard setback. We have lived at the 4960 garnet Street for over 30-years and feel this variance would negatively affect the neighborhood.

- This variance reflects a 30% encroachment of the front yard setback, which is unprecedented in the 4900 block of Garnet Street. Currently the homes on this block line up visually as a result of the setback ordinance. There are only three properties on this block that do not meet the setback requirements and they are not comparable properties; 1) sub-standard lot with no garage 2) multi-family that has been existing for over 30-years 3) pre-existing single story.
- The approval of this variance is granting special privilege as the current lot and existing structure do support a new garage within the allowable setback without the need of a variance. Extending the first floor into the rear setback will gain the desired six feet of extra depth for the garage and would maintain the uniform and setback currently established in the neighborhood.
- Several of the neighbors within the vicinity are adamantly opposed to the variance as it will detract from the uniformity of the neighborhood and set a precedent within the neighborhood. We all disagree with the Planning Commissions opinion that bringing the garage to closer to the street will only 'slightly' modify the character of the neighborhood.

Attachment: Appeal Letter (1401 : 4980 Garnet St Design Permit and Variance Appeal)

We are not opposed to the enclosure of the carport as long as it does not encroach upon the established setback. The neighborhood can be upgraded without impacting the neighbors or the look and feel of the neighborhood. As with any major remodel there are always trade-offs to be made, limitations to accept, and codes and regulations to adhere to. I'm sure that the property owners were never 100% certain that a variance would be granted, and so other building plans and budgets would have to have been a consideration and a reality.

Thanking you in advance,

Jan and Rick Caldarella
4960 Garnet Street

Len and Kathy Brewster 4940 Garnet St.

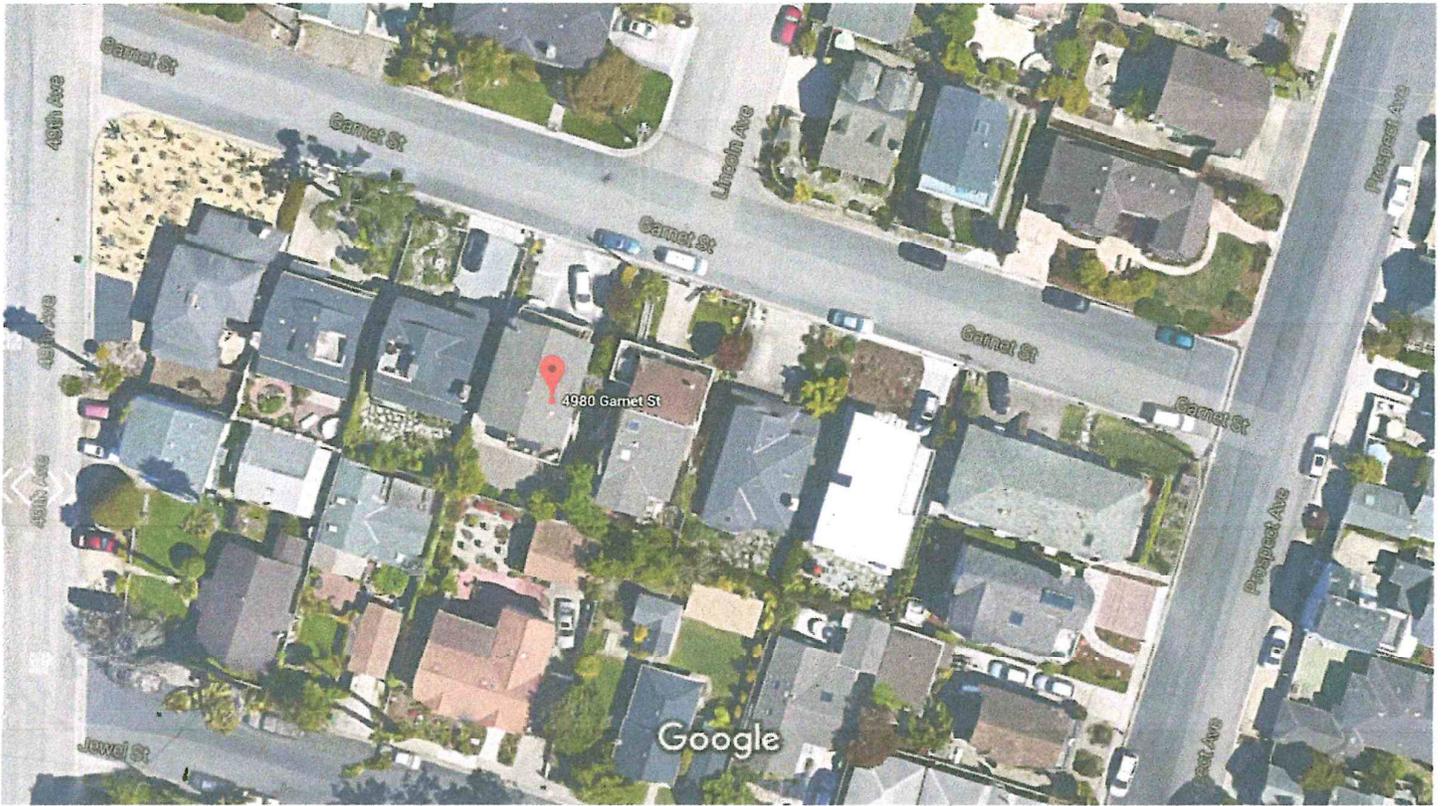
James Salet
Suzanne Dalata 1505 Lincoln Ave

Oliver Sun 1504 Lincoln Ave

Ph [Signature] 5005 Garnet St.

Kit Marten 1515 Lincoln Ave.

Attachment: Appeal Letter (1401 : 4980 Garnet St Design Permit and Variance Appeal)



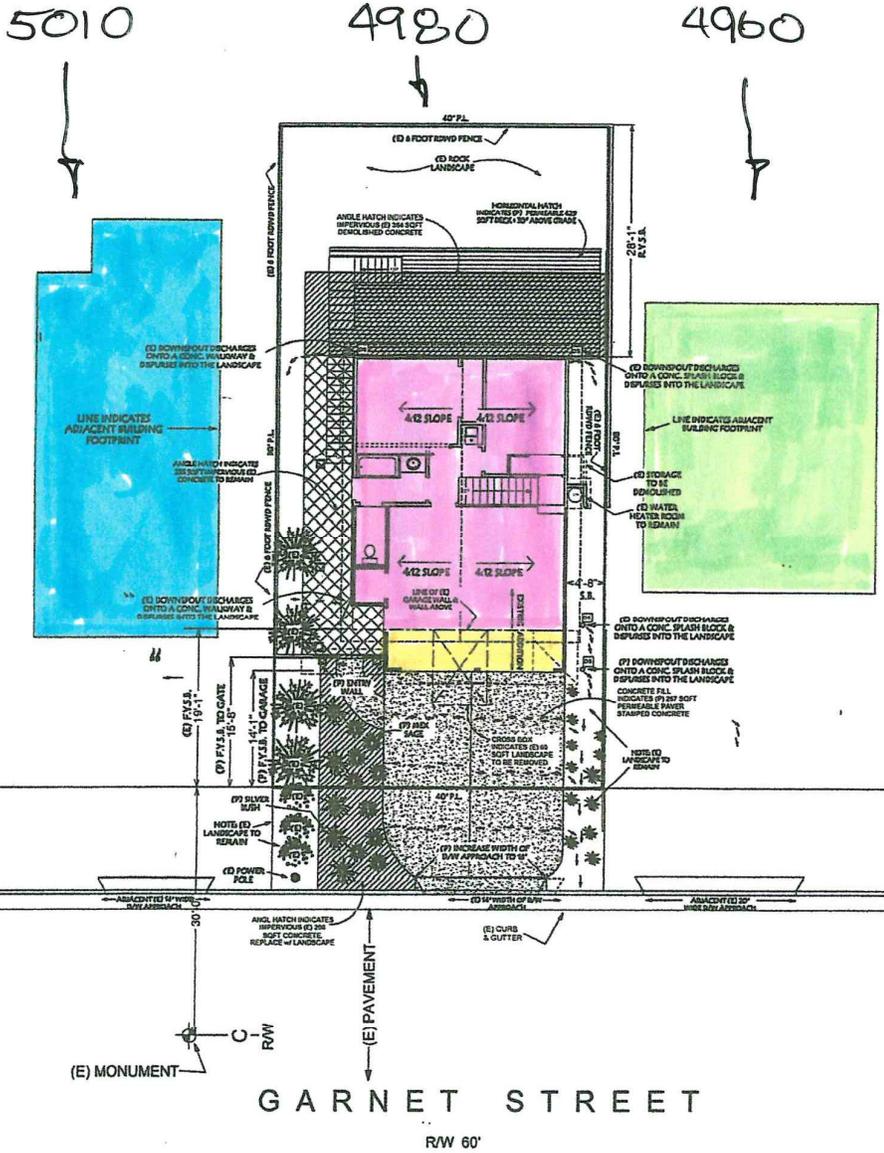
Imagery ©2016 Google, Map data ©2016 Google 20 ft

CURRENT ALIGNMENT OF HOUSES IN IMPACTED AREA

Attachment: Appeal Letter (1401 : 4980 Garnet St Design Permit and Variance Appeal)

PINK IS EXISTING / YELLOW IS ENCROACHMENT

GARNET ST.



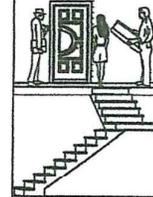
CADHOMES BUILDING DESIGN

503 SANTA MARGARITA DRIVE
APTOS, CA 95026 CONTACT:
PHONE 831-352-8222 OR EMAIL:
CADHOMES@NETSCAPE.COM

PLAN DATE

12-07-15

A.P.N. 034-043-16



PROPOSED REMODEL:
DAVID AND DEB AARON

4980 GARNET STREET
CAPITOLA, CA 95010

A.P.N. 034-043-16

SHEET NUMBER

A6

Attachment: Appeal Letter (1401 : 4980 Garnet St Design Permit and Variance Appeal)

Safty, Ryan (rsafty@ci.capitola.ca.us)

From: Tom Evans <tcevans@sbcglobal.net>
Sent: Friday, April 01, 2016 12:34 PM
To: Safty, Ryan (rsafty@ci.capitola.ca.us)
Subject: 4980 Garnet Appeal Letter

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ryan,

I am writing to ask you to remove my signature from the 4980 Garnet Appeal Letter.

Upon reviewing the plans and understanding the project I now support it.

As discussed, I am planning a 2nd story deck for my home at 5005 Garnet which would require a front yard setback variance, but would be comparable to other homes in the neighborhood & maintain a reasonable setback from the back of curb considering the unused right-of-way.

Thanks you & best regards,

Thomas Evans
5005 Garnet St

Attachment: Appeal Letter (1401 : 4980 Garnet St Design Permit and Variance Appeal)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 14, 2016

FROM: City Manager Department
SUBJECT: Consider a Wharf House Lease Extension

RECOMMENDED ACTION: Give staff direction on the terms of the Wharf House Lease Extension and whether to prepare a competitive proposal process for the facility.

BACKGROUND: The City owns the restaurant facility on the wharf which is currently being leased to Willie Case for use as the Wharf House Restaurant. The current lease expires on May 10, 2016. The City has leased the restaurant facility to Mr. Case since 2001 and extended the original lease for five years in 2011.

DISCUSSION: Staff would like direction on whether Council would like to extend the lease with the current lessee for another five-year term with an option for an additional five-year term. Alternatively, the City could initiate a competitive process and request proposals for the use of the facility and extend the current lease for one additional year until May 2017.

FISCAL IMPACT: Current monthly lease for the restaurant is \$3,683.95.

Report Prepared By: Larry Laurent
Assistant to the City Manager

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to read "Susan", is written over a horizontal line.

Susan Sneddon, City Clerk

4/8/2016