



# AGENDA

## CAPITOLA PLANNING COMMISSION

### Thursday, May 7, 2020 – 7:00 PM

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

#### **NOTICE OF REMOTE ACCESS ONLY:**

In accordance with the current Shelter in Place Order from Santa Cruz County Health Services and Executive Order N-29-20 from the Executive Department of the State of California, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting online at <http://capitolaca.igam2.com/Citizens/Default.aspx> or live on Spectrum Cable Television channel 8.

Remote participation is possible in the form of emailed public comment.

#### **How to comment via email:**

1. As always, send additional materials to the Planning Commission via [planningcommission@ci.capitola.ca.us](mailto:planningcommission@ci.capitola.ca.us) by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
2. During the meeting, send comments via email to [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us)
  - Identify the item you wish to comment on in your email's subject line.
  - Emailed comments will be accepted from the start of the meeting until the Chair announces that public comment for that Consent Agenda/Public Hearing item is closed.
  - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
  - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
  - Emails received by [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us) outside of the comment period outlined above will not be included in the record.

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE****2. ORAL COMMUNICATIONS****A. Additions and Deletions to Agenda****B. Public Comments**

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

**C. Commission Comments****D. Staff Comments****3. APPROVAL OF MINUTES****A. Planning Commission - Regular Meeting - Mar 5, 2020 7:00 PM****4. PUBLIC HEARINGS**

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

**A. 319 Riverview Avenue****#18-0609****APN: 035-171-05**

Design Permit and Conditional Use Permit for reconstruction of an historic structure with new addition for a second unit (duplex) located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Pauline & Bud LoMonaco

Representative: Dennis Norton, Filed: 11.30.2018

**B. 115 San Jose Avenue****#19-0186****APN: 035-221-18&19**

Master Conditional Use Permit for the mixed-use Capitola Mercantile including specific allowances for to-go food establishments, tasting rooms, retail sales, personal services, and designated shared seating areas with onsite consumption of beer and wine located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Capitola Associates, LLC

Representative: Dennis Norton, Filed: 04.19.2019

**5. DIRECTOR'S REPORT****6. COMMISSION COMMUNICATIONS****7. ADJOURNMENT**

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

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

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

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

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

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

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



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 5, 2020  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda – none**

**B. Public Comments**

Mr. Sonnenfeld announced his disappointment in the recent City Council decision to require off-street parking for all Accessory Dwelling Units in the Cliffwood Heights neighborhood.

**C. Commission Comments**

Commissioner Wilk acknowledged Mr. Sonnenfeld's concerns and explained that he feels his responsibility to uphold Council's will as they are the elected officials; and in this case, Council directed the Planning Commission to adhere to new Statewide ADU rules as strictly as possible.

**D. Staff Comments**

Director Herlihy said that the ADU ordinance was introduced at the most recent Council meeting and that some recommendations from the California Department of Housing and Community Development (HCD) will be incorporated before the ordinance returns to Council for its first reading.

Director Herlihy announced that Mattress Firm has come into compliance with the City's sign code and that the project at 401 Capitola Avenue is also now in compliance.

Lastly, Director Herlihy said that she and City's Finance Director are in touch with a vacation rental compliance company to learn how their services could benefit Capitola.

**3. APPROVAL OF MINUTES**

**A. Planning Commission - Regular Meeting - Jan 16, 2020 7:00 PM**

MOTION: Approve the minutes

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Welch
<b>SECONDER:</b>	Wilk
<b>AYES:</b>	Newman, Welch, Wilk, Routh, Christiansen

**B. Planning Commission - Regular Meeting - Feb 6, 2020 7:00 PM**

MOTION: Approve the minutes.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Wilk
<b>SECONDER:</b>	Routh
<b>AYES:</b>	Newman, Wilk, Routh
<b>ABSAINTED:</b>	Christiansen, Welch

Minutes Acceptance: Minutes of Mar 5, 2020 7:00 PM (Approval of Minutes)

**4. CONSENT CALENDAR****A. 1530 49th Avenue****#19-0665****APN: 034-042-07**

Design Permit for demolition of an existing one-story single-family residence and construction of a new two-story single-family residence and accessory dwelling unit located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted.

Environmental Determination: Categorical Exemption

Property Owner: Rodger Shaheen

Representative: Francisco Torres, Filed: 12.02.2019

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

**CONDITIONS:**

1. The project approval consists of the demolition of an existing one-story, single family residence construction of a 3,392-square-foot single-family residence that includes a 499-square-foot attached accessory dwelling unit. The maximum Floor Area Ratio for the 5,663 square foot property is 60% (3,398 square feet). The total FAR of the project is 59.9% with a total of 3,392 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 March 5, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #19-0665 shall be paid in full.
8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree planting requirement to meet the goal of 15% tree canopy coverage. Trees shall not be of fruit-bearing variety and shall be 15-gallon or larger in size.
17. 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

- 22. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals (30 days or less); and
  - b. The secondary dwelling unit shall not be sold separately from the primary dwelling.
- 23. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized street right-of-way.

**FINDINGS:**

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
 Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed two-story single-family residence with a 499-square-foot attached accessory dwelling unit complies with the development standards of the R-1 (Single-Family Residential) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
- B. The project will maintain the character and integrity of the neighborhood.**  
 Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the two-story single-family residence with a 499-square-foot attached accessory dwelling unit. The design of the home, with board and batten siding, hipped roof, and composition shingles, will fit nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
- C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
 Section 15303(a) of the CEQA Guidelines exempts one single family residence, or a second dwelling unit in a residential zone. This project involves a single-family residence with an attached accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Routh
<b>SECONDER:</b>	Wilk
<b>AYES:</b>	Welch, Wilk, Routh, Christiansen
<b>ABSTAIN:</b>	Newman

- B. 115 San Jose Avenue #19-0186 APN: 035-221-17&18**  
**REQUEST TO CONTINUE** Master Use Permit including designated shared seating areas with onsite consumption of beer and wine for the Capitola Mercantile located within the C-V (Central Village) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Peter Dwares  
 Representative: Dennis Norton, Filed: 04.19.2019

MOTION: Continue to the next regular meeting of the Planning Commission on April 2, 2020.

Minutes Acceptance: Minutes of Mar 5, 2020 7:00 PM (Approval of Minutes)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Welch
<b>SECONDER:</b>	Christiansen
<b>AYES:</b>	Newman, Welch, Wilk, Routh, Christiansen

## 5. PUBLIC HEARINGS

### A. 2163 Francesco Circle #19-0661 APN: 034-541-15

Tree Removal Permit to remove three healthy palm trees and plant six trees within the PD (Planned Development) zoning district.

This project is outside the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Satu Larson

Representative: Satu Larson, Filed: 11.25.19

Assistant Planner Sesanto presented the staff report.

Commissioner Wilk asked if previous wording was available from a previously approved tree removal condition, which was based on canopy coverage rather than the number of trees. If so, he requested that same language also be used for this tree-removal and replacement project.

Commissioner Welch agreed that the typical two-for-one replacement requirement can be overwhelming for Capitola lot sizes.

Chair Newman said that Capitola City Code does not provide for this situation because there is no code-compliant basis for the trees' removal. Director Herlihy agreed that the tree-removal section of Code could be updated to be more realistic.

Chair Welch stated that he prefers a percentage canopy coverage requirement to a certain number of trees. Chair Newman said that the ordinance needs to be revised if the Commission desires a more liberal tree-removal policy.

Commissioner Routh asked why this application would be treated differently than the one in the past with the 15% replacement canopy coverage condition. Chair Newman said that per Capitola Code specific reasons are required in order to remove trees, none of which this applicant fulfills.

MOTION: Approve the Tree Removal Permit with the following conditions and findings; a 15% replacement canopy coverage will be required, instead of a two-for-one replacement.

### CONDITIONS:

1. The project approval consists of the removal of three queen palm trees. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 palm trees to be removed from the property. ~~Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.~~ The landscape plan shall reflect the Planning Commission approval, with an allowance to reduce the 6-tree replanting requirement as long as the 15% minimum canopy coverage is met, and shall identify type, size, and location of species.

**FINDINGS:**

- 1. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance including the city goal of 15 percent canopy coverage.**

Community Development Department Staff and the Planning Commission have both reviewed the major landscape renovation project. Although the home is not being remodeled, the property is doing extensive work to the landscaping including the removal of existing hardscape within the rear yard, removal of the three palms, and the establishment of six new trees more complimentary to the region. The major landscape renovation could be considered as a major remodel in the discretionary review by the Planning Commission. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest management Ordinance to meet the city goal of 15 percent canopy coverage

- 2. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

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

- 3. The project secures the policy of the city to protect the locally significant, scenic and mature trees as listed in the heritage tree list to be adopted pursuant to this chapter, in order to protect the character of Capitola.**

The proposal would remove three trees, but would preserve the coast live oak, which is a mature and locally significant tree.

- 4. The project secures the overall goals of the Community Tree and Forest Management Ordinance to protect and increase the level of tree cover on public and private lands within the city, maintain trees in a healthy and non-hazardous condition, and promote planting of additional trees to increase tree cover (hereby referred to as canopy coverage) throughout the city.**

The proposal would increase the level of tree cover on private lands within the city.

- 5. The project secures the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing community forest.**

The proposal would remove three trees and add six new trees, for a total of eight on-site trees.

- 6. The project secures the goal of the city to maintain and enhance the tree canopy coverage existing at the time of adoption of the ordinance codified in this chapter (as determined through aerial photography taken within twelve months from adoption of the ordinance codified in this chapter), and to increase flowering tree canopy to help identify and beautify city streets and neighborhoods.**

The proposal would maintain the long-term tree canopy coverage and increase flowering tree canopy which helps identify and beautify city streets and neighborhoods.

7. **The project secures the goal of the city to maintain fifteen percent coverage of tree canopy on individual lots, consisting of flowering, deciduous, and evergreen trees, to be enforced on an on-going basis via the design review process.**

The proposal would exceed the city goal of fifteen percent coverage of tree canopy for individual lots and consist of flowering and evergreen trees.

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Wilk
<b>SECONDER:</b>	Welch
<b>AYES:</b>	Welch, Wilk, Routh, Christiansen
<b>NAYS:</b>	Newman

**B. 1115 41st Avenue #19-0534 APN: 034-163-02**

Amendment to a Master Sign Program for O'Neill Surf Shop located within the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: O'Neill Surf Shop

Representative: Mike Terron, Filed: 10.15.19

Chair Newman recused himself from this item as he has a commercial relationship with the applicant. He also recused from Item 5.C due to proximity. Chair Newman left and turned over the meeting to Vice-Chair Routh.

Assistant Planner Sesanto presented the staff report.

The applicant's representative Mark Mesara stated agreement with staff's conditions and was present to answer questions.

MOTION: Approve the Amendment to the Master Sign Program with the following conditions and findings.

**CONDITIONS:**

1. The project approval amends the Master Sign Program for O'Neill Surf Shop at 1115 41<sup>st</sup> Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2020, except as modified through conditions imposed by the Planning Commission during the meeting.
2. The Master Sign Program shall consist of the following:
  - a. Location:
    - i. One sign is permitted on the northeast corner of the building, facing Melton Street and 41<sup>st</sup> Avenue.
    - ii. Second sign is permitted on the southeast corner of the building, facing 41<sup>st</sup> Avenue and the train tracks.
    - iii. Sign shall be located between the first and second story as shown in exhibit A.
  - b. Lettering style and sign color is subject to Community Development Director's approval.
  - c. Maximum Sign Area:
    - i. Maximum sign area for each wall sign is 48 square feet.
    - ii. Sign area is measured as defined in Capitola Municipal Code.
  - d. Sign Dimensions: The maximum sign dimensions provide design flexibility, but a sign cannot exceed the maximum sign area established above.
    - i. Maximum sign height: 5'- 0"
    - ii. Maximum sign width: 11'- 9"
  - e. Lettering: 2 lines of copy permitted – maximum 30 inches combined height.

- f. Illumination: The signs may either be:
  - i. Internally illuminated with sign returns with a minimum of 5 inches in depth and black or dark in color.
  - ii. Externally illuminated. Letters and logo shall be raised, routed into the sign face or designed to give the sign variety and depth.
3. Individual sign permits may be issued by the Community Development Director or their designee with an administrative sign permit and building permit.
4. The projecting sign may not expose any direct lighting or electrical. All electrical shall be concealed. The lettering on the projecting sign will be backlit. The letters shall be routed out and remain open.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #19-0534 shall be paid in full.
7. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
8. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
9. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
10. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

#### **FINDINGS:**

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff and the Planning Commission have reviewed the project. The proposed master sign program amendment complies with the development standards of the CC (Community Commercial) Zoning District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
2. **Maintain the character and aesthetic integrity of the subject property and surrounding area.**  
Community Development Staff and the Planning Commission have reviewed the application for the master sign program amendment. The proposed amendments to the MSP allows signs of similar size and nature to the existing signage. The project will maintain the character and integrity of the neighborhood.

3. **Reasonably prevent and reduce the sort of visual blight which results when signs are designed without due regard to effects on their surroundings. Reasonable conditions may be imposed in approving applications which would otherwise be disapproved.**  
Community Development Staff and the Planning Commission have reviewed the application for the master sign program amendment. The proposed amendments to the MSP have been designed to limit light impacts to nearby properties and will reasonably prevent and visual blight.
4. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.** Section 15301 of the CEQA Guidelines exempts minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. This project involves amendments to an existing master sign program within the CC (Community Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Welch
<b>SECONDER:</b>	Christiansen
<b>AYES:</b>	Welch, Wilk, Routh, Christiansen
<b>RECUSED:</b>	Newman

**C. 201 Capitola Avenue #19-0375 APN: 035-231-09**  
Design Permit and Conditional Use Permit for modifications to an historic structure introducing new windows and doors along the San Jose Avenue façade and converting a second story office to a residential unit located within the C-V (Central Village) zoning district.  
This project is in the Coastal Zone but does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: WRR CA Properties LLC  
Representative: Dennis Norton, Filed: 08.12.2019

Chair Newman and Commissioner Wilk were recused due to proximity.

Associate Planner Orbach presented the staff report.

Applicant representative Dennis Norton was present to answer questions. He explained that the work proposed is designed to make the building attractive to renters, as it has been without a tenant for more than a year.

Commissioner Routh asked Mr. Norton about the different styles of awning over the Kinkaid Gallery and the other section of the building. He replied that the awnings can be changed to Planning Commission’s liking. Mr. Norton also answered Commissioner Routh’s question about the new window’s distance from the sidewalk.

**MOTION:** Approve the Design Permit and Conditional Use Permit for modifications to an historic structure with the following conditions and findings.

**CONDITIONS:**

1. The project approval consists of a major interior remodel of a 4,958-square-foot historic structure that includes a new recessed entryway along San Jose Avenue and the conversion of existing second-story commercial space into a new residential unit. The maximum Floor Area Ratio for the 5,140-square-foot property is 2.0 (10,280 square feet). The total FAR of the project is 0.93 with a total of 4,796 square feet, compliant with the maximum FAR within the zone. The proposed

Minutes Acceptance: Minutes of Mar 5, 2020 7:00 PM (Approval of Minutes)

project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #19-0375 shall be paid in full.
7. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works

Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.

15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. At time of building plan submittal, the plans shall include language on the cover sheet referring to the property as an "Historic Resource", requiring review of all design revisions, and that the project should include notes that the existing historic elements are to be protected during construction.
20. New commercial display window, transom window, and entrance door shall have anodized aluminum frames.
21. New commercial display window and transom window shall be sized so that they have bullnose stucco on both sides as well as at the top.
22. Exterior display-window sill and apron shall be traditional forms of wood or of anodized aluminum, or the stucco bullnose shall wrap the base of the window frame.
23. Note for windows to "match existing" shall apply only to the upstairs windows, not to the display windows.
24. Material of the apartment door shall be differentiated from the historic building.
25. New awning above the apartment door shall be differentiated from the recent awnings used on the historic building (e.g., by matching the color and/or the form of the awning at the storefront at 121 San Jose Avenue).
26. Prior to Planning final, existing awnings adjacent to San Jose Avenue and Capitola Avenue that were painted over shall be replaced in kind.

#### **FINDINGS:**

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed major interior remodel of a 4,958-square-foot historic structure that includes a new recessed entryway along San Jose Avenue and the conversion of existing second-story commercial space into a new residential unit complies with the development standards of the C-V (Central Village) Zoning District. The project secures

the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the major interior remodel of a 4,958-square-foot historic structure that includes a new recessed entryway along San Jose Avenue and the conversion of existing second-story commercial space into a new residential unit. The remodel, which retains the historic integrity of the building and adds new store frontage along San Jose Avenue, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

**C. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development when: the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. This project involves a major interior remodel of a 4,958-square-foot historic structure that includes a new recessed entryway along San Jose Avenue and the conversion of existing second-story commercial space into a new residential unit within the C-V (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Welch
<b>SECONDER:</b>	Christiansen
<b>AYES:</b>	Newman, Welch, Routh
<b>RECUSED:</b>	Newman, Wilk

**6. DIRECTOR'S REPORT – NONE**

**7. COMMISSION COMMUNICATIONS – NONE**

**8. ADJOURNMENT**

The meeting adjourned at 7:47pm to the next regular meeting of the Planning Commission on April 2, 2020.

Minutes Acceptance: Minutes of Mar 5, 2020 7:00 PM (Approval of Minutes)



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MAY 7, 2020

SUBJECT: **319 Riverview Avenue**                      **#18-0609**                      **APN: 035-171-05**

Design Permit and Conditional Use Permit for reconstruction of an historic structure with new addition for a second unit (duplex) located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Pauline & Bud LoMonaco

Representative: Dennis Norton, Filed: 11.30.2018

### **APPLICANT PROPOSAL**

The applicant is proposing to demolish and reconstruct an existing 1,777-square-foot historic structure and build a 2,876-square-foot, two-story addition which includes a second residential unit in the C-V (Central Village) zoning district. The application complies with all development standards of the zoning district. A modification to the historic structure requires approval of a Conditional Use Permit (CUP) by the Planning Commission.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on November 13, 2019, and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: informed that applicant that a detailed description of the stormwater filtration device indicated on the plan set, an updated stormwater application, and details of any proposed penetration of the existing bulkhead will be required prior to scheduling the project for a public hearing with the Planning Commission. Mr. Mozumder also requested additional information regarding utility connections.

Building Official, Robin Woodman: informed the applicant that any conditioned/habitable space must be above the Base Flood Elevation (BFE), and if the reconstructed historic portion of the building precludes the structure's continued designation as an historic structure, it would not be allowed to be constructed below the BFE. Ms. Woodman also stated that it is her job as Building Official and the City's Floodplain Administrator to enforce the requirements of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).

Local Architect, Frank Phanton: expressed concern that the proposed addition overwhelms the historic home and could compromise the historic integrity and noted concern that the project would deprive the adjacent property at 321 Riverview Avenue of solar access and adjacent open space.

Local Historian, Carolyn Swift: expressed concern about the integrity of the historic district, given the large number of modifications that have occurred since the district was established, and especially if this project were to be approved. Ms. Swift stated that it may have been lost already and recommended that the City study the current status of the district. Ms. Swift agreed with the assessment in the Archives & Architecture Secretary of the Interior’s Standards review, especially regarding the relocation and reconstruction of the historic structure, and strongly supported the Environmental Impact Report (EIR) requirement for the project, because it will analyze the impacts on the existing historic structure, the adjacent historic properties, and the surrounding historic district. She also stated that the Secretary of the Interior’s Standards should be met and that the project does not work as proposed.

Associate Planner, Matt Orbach: reviewed the outstanding issues related to the project, including the non-compliance with the Secretary of the Interior’s Standards related to massing and historic integrity, potential impacts on 321 Riverview Avenue, potential impacts on the historic district, and public access concerns of the California Coastal Commission regarding the existing pathway. Mr. Orbach also noted that the location of adjacent houses and decks along the Riverview pathway must be shown on the site plan and a no-rise study be completed prior to a scheduling a Planning Commission meeting. Mr. Orbach explained that if the project was not modified to comply with the Secretary of Interior Standards, an EIR would be required. Mr. Orbach clarified that if the structure lost its historic designation, it would not be allowed to be constructed below the base flood elevation.

Following the Architecture and Site Review Committee meeting, the applicant met with Staff and Architectural Historian Leslie Dill to discuss potential modifications to the project design that could bring it into compliance with the *Secretary of the Interior’s Standards for Rehabilitation* (Standards). Following that meeting, the applicant submitted plans with major revisions to the project design, including a significant reduction in massing, more articulation on the second story, roof changes, and window changes, that incorporated the suggestions of staff and the architectural historian and addressed the concerns raised at the Architecture and Site Review Committee meeting. The Architectural Historian Leslie Dill conducted a review of the revised project plans (see Conditional Use Permit section below) and found the project to be in compliance with the Secretary of the Interior’s Standards for Rehabilitation (Standards). Compliance with the Standards also allows reconstruction of the historic home within the FEMA floodplain.

**Development Standards**

The following table outlines the zoning code requirements for development in the C-V Zoning District.

**C-V (Central Village) Zoning District**

<b>Development Standards</b>
<b>Lot Size</b>
4,471 sq. ft. (Net – Not including path or area between path and Soquel Creek)

<b>Building Height</b>			
<b>CV Regulation</b>	<b>Existing</b>	<b>Proposed</b>	
27 ft.	10 ft. 11 in.	25 ft. 5 in.	
<b>Maximum Floor Area</b>			
<b>General Plan Maximum</b>	<b>Existing</b>	<b>Proposed</b>	
2.0	0.31	1.01	
<b>Floor Area</b>			
	<b>Existing</b>	<b>Proposed</b>	
First Story Floor Area	2,174 sq. ft.	2,798 sq. ft.	
Second Story Floor Area	0 sq. ft.	1,855 sq. ft.	
<b>Total Floor Area</b>	2,174 sq. ft.	4,653 sq. ft.	
<b>Lot Coverage</b>			
Sufficient space for required parking		Yes	
Lots on the south side of Riverview Avenue which are greater than 1,200 square feet shall be allowed 70% lot coverage. <u>When calculating square footage for development, lot size shall not include parcels on the river side of the pathway.</u>		<b>Existing Lot Coverage:</b> 49% of lot or 2,174 sq. ft.	<b>Proposed Lot Coverage:</b> 63% of lot or 2,798 sq. ft.
<b>Yards</b>			
10% of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking.		<b>Required Open Space:</b> 10% of Lot (Net) 447 sq. ft.	<b>Existing Open Space:</b> 34.3% of Lot (Net) 1,536 sq. ft.  Also, 1,500 sq. ft. between path and creek
			<b>Proposed Open Space:</b> 33.8% of Lot (Net) 1,462 sq. ft.  Also, 1,500 sq. ft. between path and creek
<b>Parking</b>			
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Residential – Dwellings Duplex or Triplex</b>	4 spaces total 2 covered 2 uncovered	2 spaces total 1 covered 1 uncovered	4 spaces total 4 covered 0 uncovered
<b>Garage and Accessory Bldg.</b>	Complies with Standards?		List non-compliance
<b>Garage</b>	Yes		
<b>Underground Utilities – required with 25% increase in floor area</b>		Required	

### **DISCUSSION**

The existing residence at 319 Riverview Avenue is an historic one-story single-family home with a large shed located in the rear yard adjacent to the river pathway. The residence and shed are located on a 9,714-square-foot lot, which is the largest lot in the Riverview Avenue neighborhood. The portion of the lot between the Riverview Pathway and the Soquel Creek is approximately 1,590 square feet and must remain as open space.

The property is located in the Central Village zoning district and the Environmentally Sensitive Habitat Area (ESHA). The lot is also included in both the Riverview Avenue Residential Overlay

District and is a contributing structure within the Old Riverview Historic District which is on the National Register of Historic Places. The home is in disrepair and in need of major rehabilitation. The houses on Riverview Avenue are a mix of one-, two-, and three-story residential structures, many of which are historic. The project requires a Design Permit, Conditional Use Permit, and an appealable Coastal Development Permit.

#### Design Permit

The applicant is proposing to demolish the existing 1,777-square-foot historic residence and shed and build a 4,653-square-foot duplex that includes reconstruction of the historic structure. The footprint of the historic structure will be moved closer to the Riverview pathway. Four covered parking spaces will be provided in a two-car garage and a two-car carport adjacent to Riverview Avenue. A new residential unit will be added on the second story with the entrance on the first story between the parking areas and the rear unit.

The applicant is proposing to reconstruct the historic structure through documentation of existing materials to replicate the historic with in-kind materials. The reconstructed historic structure will match the seven-inch/three-inch lap siding, six-pane windows, multiple gable ends, eaves with plumb cut tails, and composition shingle roof. The reconstructed historic structure will also be raised three feet from grade to provide flood protection for the structure.

The new addition will be differentiated from the historic through introduction of different but compatible design features, including one by twelve lap siding, standing ridge metal roofs, and a two by twelve belly band with one by eight trim between the first and second stories along the north and south elevations. The addition also includes a tempered glass guardrail with no top cap along the edge of the second-story deck that extends on top of the historic structure to the ridge.

#### Conditional Use Permit

The proposed project includes a significant alteration to the historic structure at 319 Riverview Avenue. Significant alterations to a historic structure require approval of a Conditional Use Permit by the Planning Commission. Also, historic resources are identified as environmental resources within the California Environmental Quality Act (CEQA). Any modification to a historic resource must comply with the Secretary of Interior Standards to qualify for a CEQA exemption.

Architectural Historian Leslie Dill reviewed four revisions of the project for compatibility with the *Secretary of the Interior's Standards for Rehabilitation* (Standards). Upon the fourth submittal, Ms. Dill found that the proposed residential rehabilitation and addition project has been designed to comply as well as feasible with the Standards, and that, while the proposed project does not strictly meet the guidelines outlined in Standards 5 and 6, due to the nature of the resource and the reasons for significance, the project appears to meet the intent of those guidelines (Attachment 2). Therefore, the project qualifies for a CEQA exemption.

#### Flood Zone

Based on the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), 319 Riverview Avenue is located in a Special Flood Hazard Area Zone AE. The FIRM shows that 319 Riverview Avenue is located in the Regulatory Floodway with a base flood elevation (BFE) of approximately 19 feet.

New residential structures are not allowed to have conditioned/habitable space below the BFE. Historic structures, however, are allowed to be reconstructed with conditioned/habitable space below the BFE. The proposed project complies with these restrictions, and conditions of

approval requiring a no-rise study and an elevation certificate will be included in a project approval (Condition 25 and 26).

#### Coastal Access

There is a pathway between the existing residences at 319 Riverview Avenue and 317 Riverview Avenue that leads from Riverview Avenue to the Riverview pathway. The pathway currently has two gates: one short older wooden gate, which is attached to a post on the 319 Riverview Avenue side and does not have anything to attach to on the 317 Riverview Avenue side; and an approximately 6-foot-high ornate metal garden gate that is attached to posts on the north and south side of the pathway. The path is not designated on the City of Capitola's Coastal Land Use Plan Shoreline Access map.

The California Coastal Commission expressed concerns related to the elimination of the pathway proposed in the plan set that went to the Architecture and Site Review Committee on November 13, 2019 (Attachment 3). The gates were subsequently removed from the proposed site plan and landscape plan were updated. Condition of approval (Condition #27) has been included to ensure that the pathway is kept free from obstructions so that public access to the Riverview Pathway is maintained.

#### Environmentally Sensitive Habitat Areas (ESHA)

The project is located in the Soquel Creek Riparian Corridor, which is an Environmentally Sensitive Habitat Area (ESHA). Under Capitola Municipal Code §17.95.030 - Soquel Creek riparian corridor regulations, the project must comply with the following requirements:

- A. Development in areas adjacent to the Soquel Creek riparian corridor shall be sited and designed to prevent impacts which would significantly degrade the area.

Staff Analysis: The proposed development is located 39 feet from the bank of the Soquel Creek, there are no proposed changes to the Riverview pathway or the portion of the lot between the Riverview pathway and the Soquel Creek, and the large mature cypress tree is to remain. The development is sited and designed to prevent impacts which would significantly degrade the area.

- B. A minimum thirty-five-foot setback from the outer edge of riparian vegetation shall be required for all new development. On the heavily developed east side of the lagoon and creek (from Stockton Avenue to Center Street) the setback requirement shall be measured from the bank of Soquel Creek.

Staff Analysis: The proposed development is located on the east side of the Soquel Creek and is 39 feet from the bank of the Soquel Creek, so the proposed development complies with this requirement.

- C. The applicant shall be required to retain a qualified professional to determine the location of the outer edge of riparian vegetation on the site and to evaluate the potential impact of development on riparian vegetation and report to the city his or her findings before final action on the application is made. Mitigation measures, as contained in the evaluation, shall be made conditions of approval when needed to minimize impacts.

Staff Analysis: The proposed development is located on the heavily developed east side of the Soquel Creek, so this requirement is not applicable.

- D. Removal of native riparian trees within the Soquel Creek riparian corridor shall be prohibited unless it is determined by the community development director that such removal is in the public interest by reason of good forestry practice; disease of the tree; or safety considerations.

Staff Analysis: The proposed project does not include the removal of any native riparian trees within the Soquel Creek riparian corridor and the large mature cypress tree located between the Riverview pathway and Soquel Creek is to remain.

- E. Snags, or standing dead trees have high value as nesting sites and shall not be removed unless in imminent danger of falling. Removal shall be consistent with all applicable provisions of the Capitola tree cutting ordinance. Any such tree removal shall require replacement with a healthy young tree of an appropriate native riparian species.

Staff Analysis: The proposed project does not include the removal of any standing dead trees.

- F. Coastal development permit applications within or adjacent to the Soquel Creek riparian corridor shall contain a landscaping plan which sets forth the location and extent of any proposed modification to existing vegetation and the locations, kinds, and extent of new landscaping. The emphasis of such plans shall be on the maintenance and enhancement of native riparian species and the removal of existing invasive species. New invasive plant or tree species shall not be permitted.

Staff Analysis: A landscape plan is included in the plan set for the proposed development (Attachment 1). Approval of the landscape plan by the Community Development Department is included in the conditions of approval under Condition #6.

- G. Conformance to the Capitola erosion control ordinance (Chapter 15.28) shall be required. A drainage plan shall be provided for all projects adjacent to or in the riparian corridor. Grading shall be minimized within the riparian setback area. Grading shall not be permitted to damage the roots of riparian trees. Grading shall only take place during the dry season.

Staff Analysis: In order to ensure compliance with this requirement, the Public Works Department added Conditions 10 and 11 to the conditions of approval.

### **CEQA**

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Architectural Historian Leslie Dill reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation and found that the proposed residential rehabilitation and addition project has been designed to comply as well as feasible with the Standards, and that, while the proposed project does not strictly meet the guidelines outlined in Standards 5 and 6, due to the nature of the resource and the reasons for significance, the project appears to meet the intent of those guidelines. Therefore, the project qualifies for this CEQA exemption.

Section 15332 of the CEQA Guidelines exempts projects characterized as in-fill development when: the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres

substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The proposed project is consistent with the in-fill development exemption and no adverse environmental impacts were discovered by Planning Staff during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and approve project #18-0609 based on the following Conditions of Approval and Findings.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of demolition of an existing 1,777-square-foot historic structure and reconstruction of the historic structure with a new addition for a second unit (duplex). The maximum Floor Area Ratio for the 4,471-square-foot property is 2.0 (8,942 square feet). The total FAR of the project is 1.01 with a total of 4,653 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 date, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems. The plan shall emphasize the maintenance and enhancement of native riparian species and the removal of existing invasive species. New invasive plant or tree species shall not be permitted.
7. Prior to issuance of building permit, all Planning fees associated with permit #18-0609 shall be paid in full.

8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees 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 the Director of Public Works. All sediment and erosion control details shall be applicable to the specific project site. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160 (Coastal) or 17.156.080 (Outside Coastal).

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
21. Prior to issuance of building permits, the applicant shall submit a completed Stormwater Permit Application form accurately supporting the calculations of both pervious and impervious square footage shown on the approved final site plan.
22. Prior to issuance of building permits, the details of the serviceable infiltration system or biofiltration system shall be included in the building permit plans.
23. Prior to issuance of building permits, the details of the decomposed granite areas shall be included in the building permit plans.
24. This permit does not include any work on the existing bulkhead retaining wall. Work on the bulkhead shall be reviewed and if necessary approved by all relative regulatory agencies including U.S. Army Corp of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Coastal Commission.
25. At the time of building permit application, the applicant shall provide a "No Rise Study", performed by a licensed engineer, in which verification of the structure's impact on the floodplain or floodway is provided.
26. For new residential construction located within the floodplain/floodway, elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.
27. The pathway between Riverview Avenue and the Riverview Pathway that runs between 317 and 319 Riverview Avenue shall be kept open and free from obstructions such as gates, walls, or fences to ensure that public access is maintained.

### **DESIGN PERMIT FINDINGS**

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed reconstruction of an historic structure with new addition for a second unit (duplex) complies with the development standards of the C-V (Central Village) Zoning District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. The project will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed reconstruction of an historic structure with new addition for a second unit (duplex), with the one-story historic portion of the duplex adjacent to the river view pathway and the new two-story addition set back approximately 30 feet from the front façade of the historic structure, differentiated shiplap sidings on the historic first story and new second story, windows on the new second story that complement the windows on the historic first story, raised-seam metal roof, and creative articulation on the second story, will fit nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**A. This project is categorically exempt under Section 15331 and 15332 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Architectural Historian Leslie Dill reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation and found that the proposed residential rehabilitation and addition project has been designed to comply as well as feasible with the Standards, and that, while the proposed project does not strictly meet the guidelines outlined in Standards 5 and 6, due to the nature of the resource and the reasons for significance, the project appears to meet the intent of those guidelines. Therefore, the project qualifies for this CEQA exemption.

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

### **CONDITIONAL USE PERMIT FINDINGS**

**A. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur.**

Architectural Historian Leslie Dill reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation and found that the proposed residential rehabilitation and addition project has been designed to comply as well as feasible with the Standards, and that, while the proposed project does not strictly meet the guidelines outlined in Standards 5 and 6, due to the nature of the resource and the reasons for significance, the project appears to meet the intent of those guidelines. The Planning Commission reviewed the project and weighed the benefits of the proposed change against the detriment to the public welfare caused by a change in the feature and found that the

project will not be significantly detrimental to the historic feature in which the change in use is to occur.

### **ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA) FINDINGS**

- A. A minimum thirty-five-foot setback from the outer edge of riparian vegetation shall be required for all new development. On the heavily developed east side of the lagoon and creek (from Stockton Avenue to Center Street) the setback requirement shall be measured from the bank of Soquel Creek.**

The proposed development is located on the east side of Soquel Creek and is set back 39 feet from the bank of Soquel Creek.

### **COASTAL FINDINGS**

#### **D. Findings Required.**

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

- projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 319 Riverview Avenue. The home is located in an area with coastal access, and there is a walkway on the south side of the existing residence between 319 Riverview Avenue and 317 Riverview Avenue that provides access to the Riverview Pathway, but the walkway is not designated on the City of Capitola's Land Use Plan Shoreline Access map. However, to ensure coastal access, Condition #27 has been included in the conditions of approval, which states that the pathway shall be kept open and free from obstructions such as gates, walls, or fences to ensure that public access is maintained. Therefore, the home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Riverview Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- The Riverview Pathway, which runs parallel to Soquel Creek on the east side between Stockton Avenue bridge and just past the railroad trestle, crosses the

lot. The proposed project maintains the pathway in its current location, so there is no adverse impact on public use from the proposed development.

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

- The proposed project is located on private property on 319 Riverview Avenue. The Riverview Pathway runs across the property and a pathway runs between 317 Riverview Avenue and 319 Riverview Avenue connecting the Riverview Pathway to Riverview Avenue. Condition #27 has been included in the conditions of approval, which states that the pathway shall be kept open and free from obstructions such as gates, walls, or fences, to ensure that public access is maintained. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

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

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

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
    - The project is located in a residential area without sensitive habitat areas.
  - b. Topographic constraints of the development site;
    - The project is located on a flat lot.
  - c. Recreational needs of the public;
    - The project does not impact the recreational needs of the public.
  - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
  - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
  - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
5. **Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
6. **Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

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

- The project involves reconstruction of an historic structure with new addition for a second unit (duplex) on a residential lot of record.

**SEC. 30223**

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

- The project involves reconstruction of an historic structure with new addition for a second unit (duplex) on a residential lot of record.

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

- The project involves reconstruction of an historic structure with new addition for a second unit (duplex) on a residential lot of record.
- 7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**
- The project involves reconstruction of an historic structure with new addition for a second unit (duplex). The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
- 8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**
- The project complies with the design guidelines and standards established by the Municipal Code.
- 9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
- 10. Demonstrated availability and adequacy of water and sewer services;**
- The project is located on a legal lot of record with available water and sewer services.
- 11. Provisions of minimum water flow rates and fire response times;**
- The project is located 0.2 miles from the Central Fire Protection District Capitola Station. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
- The project is for a reconstruction of an historic structure with new addition for a second unit (duplex). The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
- 13. Provision of park dedication, school impact, and other fees as may be required;**
- The project will be required to pay appropriate fees prior to building permit issuance.
- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
- The project does not involve a condo conversion or mobile homes.

- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
  - Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
  - The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
  - Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- 18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
  - Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
  - Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
  - The proposed project is not located along a shoreline.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
  - This use is an allowed use consistent with C-V (Central Village) zoning district.
- 22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
  - The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- 23. Project complies with the Capitola parking permit program as follows:**

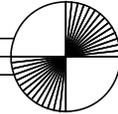
- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
  - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
  - c.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

**ATTACHMENTS:**

1. 319 Riverview Avenue - Full Plan Set - 03.17.2020
2. 319 Riverview Avenue - Historic Review
3. 319 Riverview Avenue - Coastal Commission Comments - 11.12.2019

Prepared By: Matt Orbach  
Associate Planner

# LOMONACO RESIDENCE (DUPLEX)



GENERAL INFORMATION:	
<b>SITE AREA:</b>	<b>ZONE:</b>
9,714 SQ. FT. (GROSS)	R-1
4,761 SQ. FT. (NET) (FROM RIVERVIEW AVE TO PATHWAY)	
<b>BUILDING:</b>	
EXISTING LIVING	778 SQ. FT.
GARAGE	999 SQ. FT.
OUTBUILDING	397 SQ. FT.
<b>TOTAL</b>	<b>2,174 SQ. FT.</b>
<b>PROPOSED DUPLEX:</b>	
UNIT 1 (DOWNSTAIRS):	
LIVING	1,232 SQ. FT.
UNIT 2 (UPSTAIRS):	
LIVING	1,684 SQ. FT.
ENTRIES (CONDITIONED)	274 SQ. FT.
<b>TOTAL LIVING</b>	<b>3,190 SQ. FT.</b>
<b>UNCONDITIONED:</b>	
GARAGE	451 SQ. FT.
CARPORIT	381 SQ. FT.
STORAGE	112 SQ. FT.
2ND FLOOR DECK	220 SQ. FT.
<b>TOTAL UNCONDITIONED SPACE</b>	<b>1,164 SQ. FT.</b>

**CODE ANALYSIS:**  
 THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH THE CALIFORNIA BUILDING AND FIRE CODES (2016)  
 OCCUPANCY CLASSIFICATION: R-3/U  
 BUILDING CONSTRUCTION TYPE: V-B  
 FIRE RATING: SPRINKLERED

THE DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES IN DIMENSIONS, FIELD CONDITIONS, OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR DIFFERS FROM THESE DOCUMENTS. THESE DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE DESIGNER DISCLAIMS ANY RESPONSIBILITY RESULTING FROM THEIR UNAUTHORIZED USE.  
 COPYRIGHT PROTECTION STARTS FROM THE EARLIEST DATE OF THE DESIGN CONTRACT, PRELIMINARY DESIGN WORK, OR THE CONSTRUCTION DOCUMENTS.

NOTE: ALL UTILITIES TO BE UNDERGROUND TO SERVICE TO STREET

THE EXISTING RESIDENCE AT 319 RIVERVIEW AVE. IS RECOGNIZED AS AN HISTORIC HOUSE (RESOURCE) BY SECRETARY OF THE INTERIOR STANDARDS. THIS HOUSE IS IDENTIFIED AS PART OF THE CAPITOLA ARCHITECTURAL SURVEY FOR CAPITOLA, PUBLISHED IN 1986.

THE PROPERTY IS A "HISTORIC RESOURCE", REQUIRING REVIEW OF ALL DESIGN REVISIONS, AND THAT THE EXISTING HISTORIC ELEMENTS ARE TO BE PROTECTED DURING CONSTRUCTION.

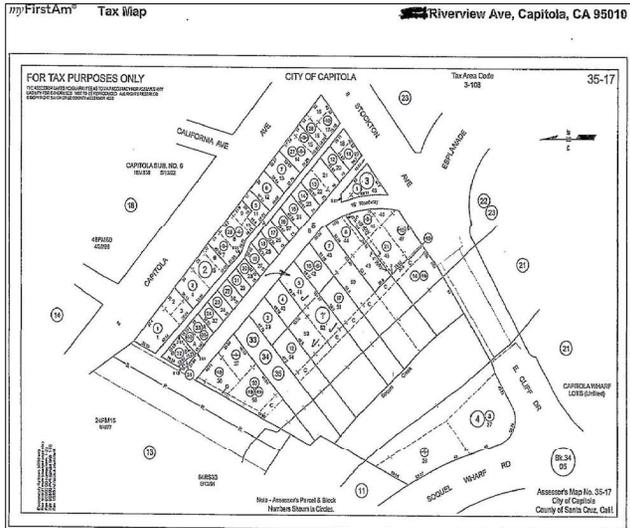
THE CALIFORNIA STATE HISTORICAL BUILDING CODE IS REFERENCED IN THE ARCHITECTURAL NOTES.

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 AND POTENTIALLY A REVIEW BY THE HISTORIC ARCHITECT FOR CONTINUED CONFORMANCE WITH THE SECRETARY OF INTERIOR STANDARDS.

PRIOR TO MAKING ANY CHANGES TO THE HISTORIC STRUCTURE, THE APPLICANT AND/OR CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS OF THE HISTORIC BUILDINGS AND MATCH REPLACEMENT ELEMENTS AND MATERIALS ACCORDING TO THE APPROVED PLANS. ANY DISCREPANCIES FOUND BETWEEN APPROVED PLANS, REPLACEMENT FEATURES AND EXISTING ELEMENTS MUST BE REPORTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT FOR FURTHER DIRECTION, PRIOR TO CONSTRUCTION.

**PROJECT DESCRIPTION**  
 REBUILD EXISTING HOUSE  
 REBUILD EXISTING HISTORIC HOUSE  
 NEW 4 CAR GARAGE IN A SECOND UNIT ABOVE. REBUILD EXISTING BELIEVED MEET FEMA COASTAL & HISTORIC REQUIREMENTS.

LEGEND OF SHEETS	
PAGE	TITLE
1	COVER SHEET, PROJECT INFO
1A	GENERAL NOTES
2	SITE PLAN
2A	DRAINAGE PLAN
3	PROPOSED LOWER FLOORPLAN
4	PROPOSED UPPER FLOORPLAN
5W	EXISTING & PROPOSED WEST ELEVATIONS
5E	EXISTING & PROPOSED EAST ELEVATIONS
5S	EXISTING & PROPOSED SOUTH ELEVATIONS
5N	EXISTING & PROPOSED NORTH ELEVATIONS
7	CREEK RETAINING WALL DETAILS
8A	EXISTING ROOF PLAN
8	PROPOSED ROOF PLAN
9	SITE PLANNING DETAILS
10	SECTIONS
BMP	BEST MANAGEMENT PRACTICES
SU	SURVEY
L	LANDSCAPE



PARCEL MAP

REVISIONS:	
△ 06/08/19	C
△ 07/13/19	C
△ 08/29/19	C
△ 09/25/19	C
△ 11/20/19	C
△ 01/21/20	C

OWNER:  
 PAULINE LOMONACO  
 7623 BUCKHAVEN I  
 SAN JOSE, CA 951  
 408-236-5012

LOMONACO RESIDENCE  
 319 RIVERVIEW AVE  
 CAPITOLA, CA 95010  
 ADN 036-171-06

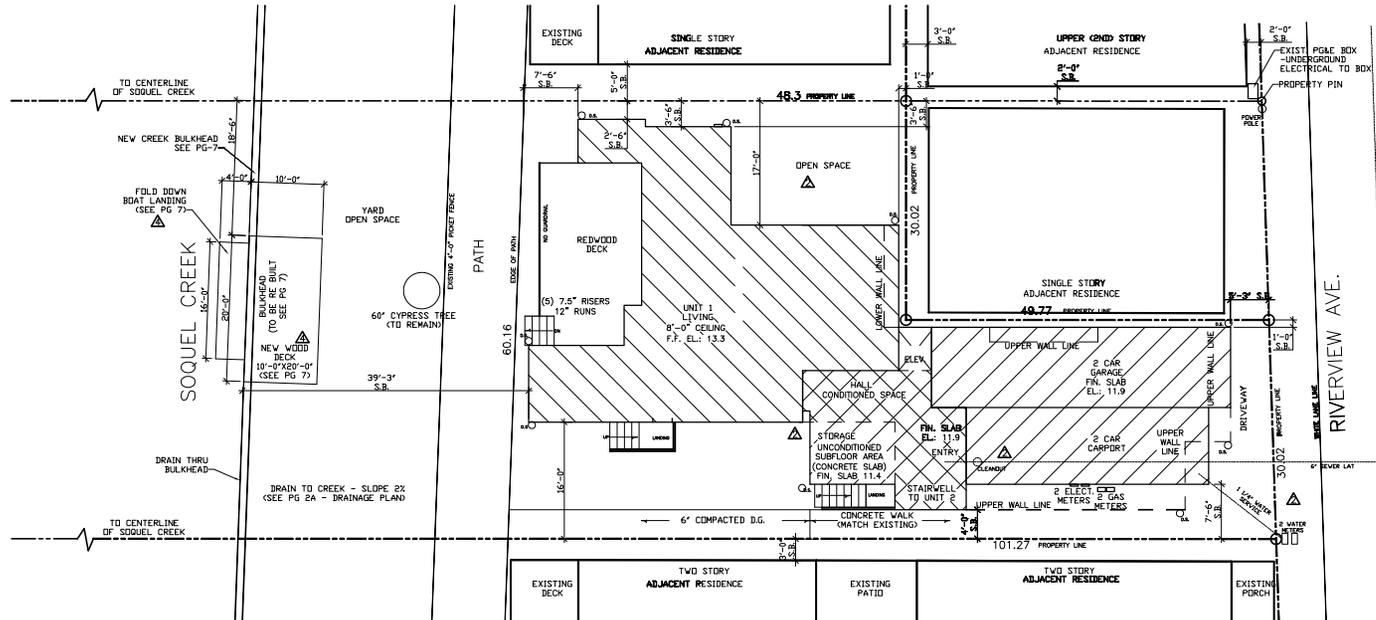
DENNIS NORTON  
 HOME DESIGN AND PROJECT PLANNING  
 775 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PHONE: (831) 476-2010 FAX: (831) 476-2010

COVER SHEET  
 LEGEND OF SHEETS

DRAWN:	C
CHECKED:	
JOB NO.:	319 RIV
DATE:	03/19/1
SHEET:	1
OF # SHEET:	

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)





**DRAINAGE NOTE:**  
 ALL DOWNSPOUTS  
 TO 4" RIGID PIPE  
 UNDERGROUND TO  
 FILTRATION SYSTEM  
 TO DRAIN TO CREEK  
 (SEE DRAINAGE PLAN  
 PAGE 2A)

**SITE PLAN**  
 SCALE: 1/8"=1'-0"

REVISIONS	BY
▲ 06/24/19	GG
▲ 07/13/19	GG
▲ 08/23/19	GG
▲ 12/28/19	GG
▲ 01/22/20	GG
▲ 03/17/20	GG

**OWNER:**  
 PAULINE LOMONACO  
 7623 BUCKHAVEN DR  
 SAN JOSE, CA 95135  
 408-236-5268

**LOMONACO RESIDENCE**  
 319 RIVERVIEW AVE  
 CAPITOLA, CA 95010  
 APN 035-171-05

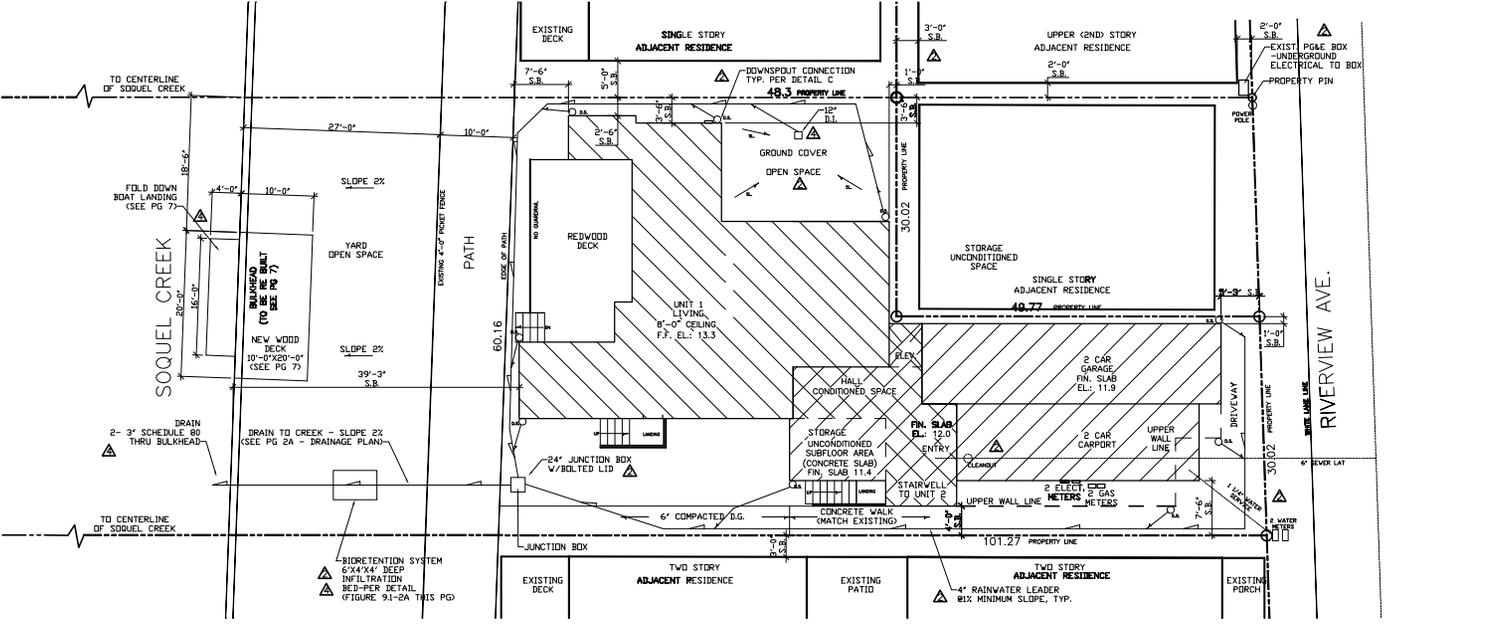
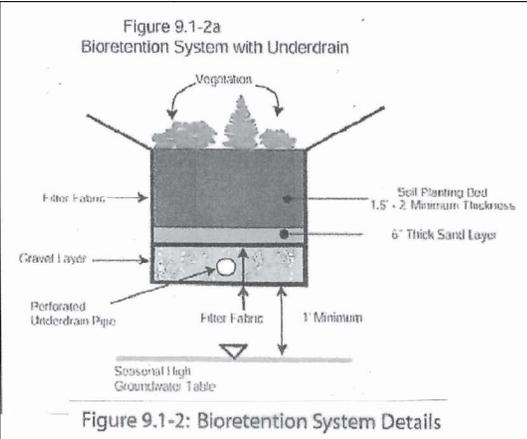
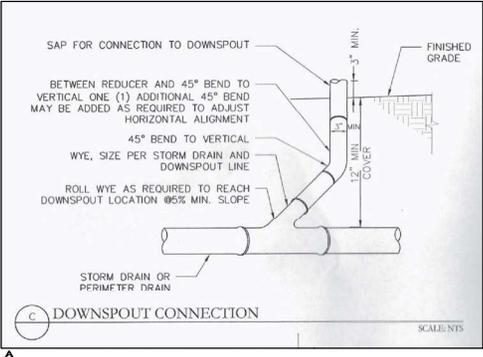
**DENNIS NORTON**  
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 717 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PH: 831.339.1111  
 WWW.DENNISNORTON.COM

**SITE PLAN**

**DRAWN:** GG  
**SCALE:** 1/8"=1'-0"  
**JOB NO.:** 319 RIV  
**DATE:** 03/19/19

**SHEET**  
 2  
 OF # SHEETS

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



**DRAINAGE NOTE:**  
 ALL DOWNSPOUTS  
 TO 4" RIGID PIPE  
 UNDERGROUND TO  
 FILTRATION SYSTEM  
 TO DRAIN TO CREEK

**DRAINAGE PLAN**  
 SCALE: 1/8"=1'-0"

REVISIONS	BY
△ 06/24/19	GG
△ 07/13/19	GG
△ 08/28/19	GG
△ 11/20/19	GG
△ 01/20/20	GG
△ 05/17/20	GG

**OWNER:**  
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 408-236-5286

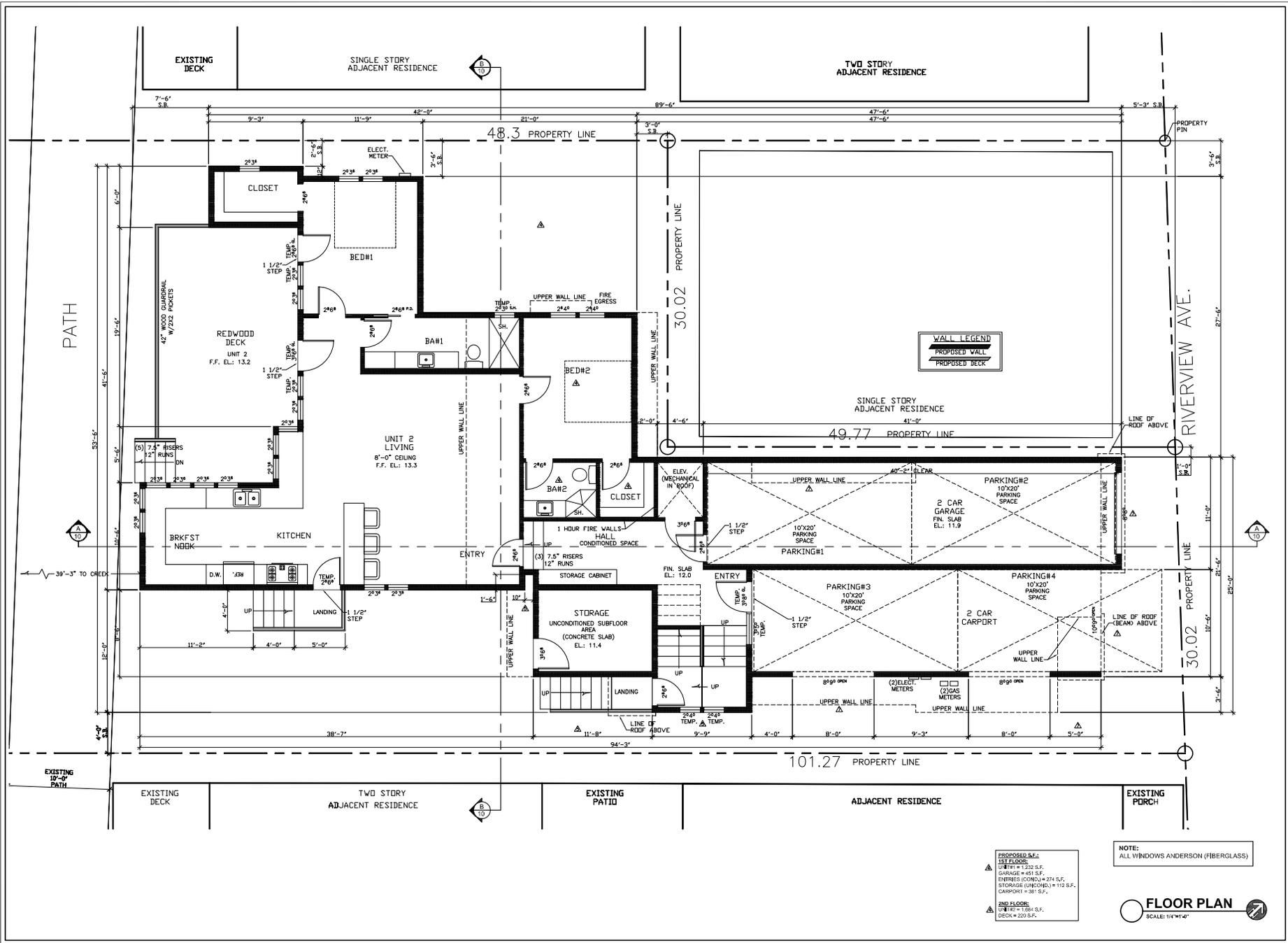
**LOMONACO RESIDENCE**  
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 CAPITOLA, CA 95010  
 APN 035-171-05

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 WEBSITE: www.dennisonorton.com

**DRAINAGE PLAN**

DRAWN:	GG
SCALE:	1/8"=1'-0"
JOB NO.:	319 RIV
DATE:	03/19/19
SHEET	2A
OF # SHEETS	

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



REVISIONS:	BY:
▲ 06/29/19	GG
▲ 09/25/19	GG
▲ 11/20/19	GG
▲ 12/24/19	GG
▲ 01/20/20	GG
▲ 02/13/20	GG

OWNER:  
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LOMONACO RESIDENCE  
319 RIVERVIEW AVE  
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APN 035-171-05

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TEL: 831-335-1111  
WWW.DENNISNORTONDESIGN.COM

PROPOSED LOWER FLOOR PLAN

DRAWN: GG

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

JOB NO. 319 RIV

DATE: 03/19/19

SHEET

3

OF SHEETS

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

REVISIONS:	BY:
▲ 06/29/19	GG
▲ 09/25/19	GG
▲ 11/20/19	GG
▲ 12/26/19	GG
▲ 01/20/20	GG
▲ 02/13/20	GG

OWNER:  
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 319 RIVERVIEW AVE  
 CAPITOLA, CA 95010  
 APN 035-171-05

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 112 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 WWW.DENNISNORTON.COM

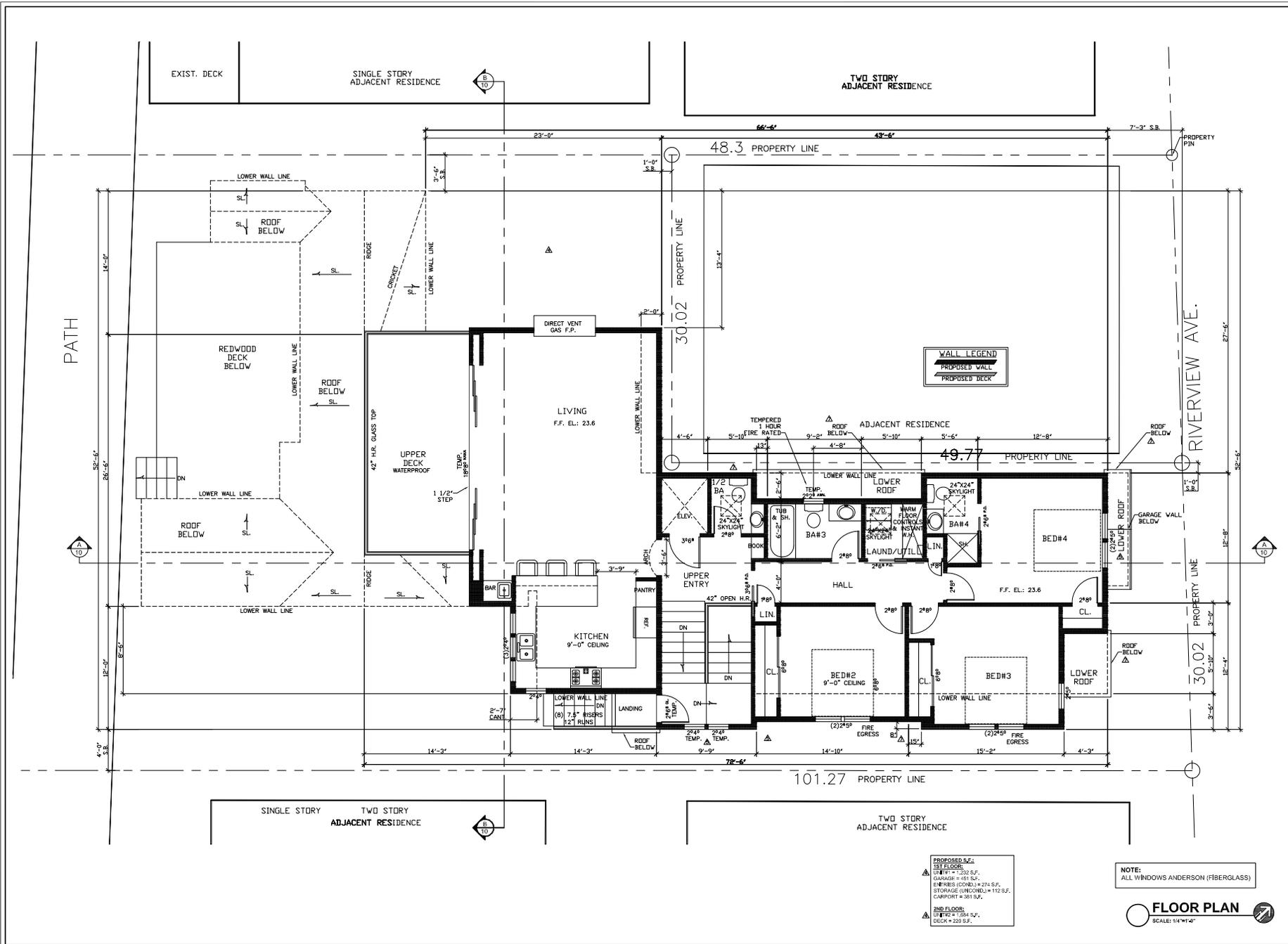
PROPOSED UPPER  
 FLOORPLAN

DRAWN: GG  
 SCALE: 1/4"=1'-0"  
 JOB NO. 319 RIV

DATE: 03/14/19

SHEET  
 4  
 OF # SHEETS

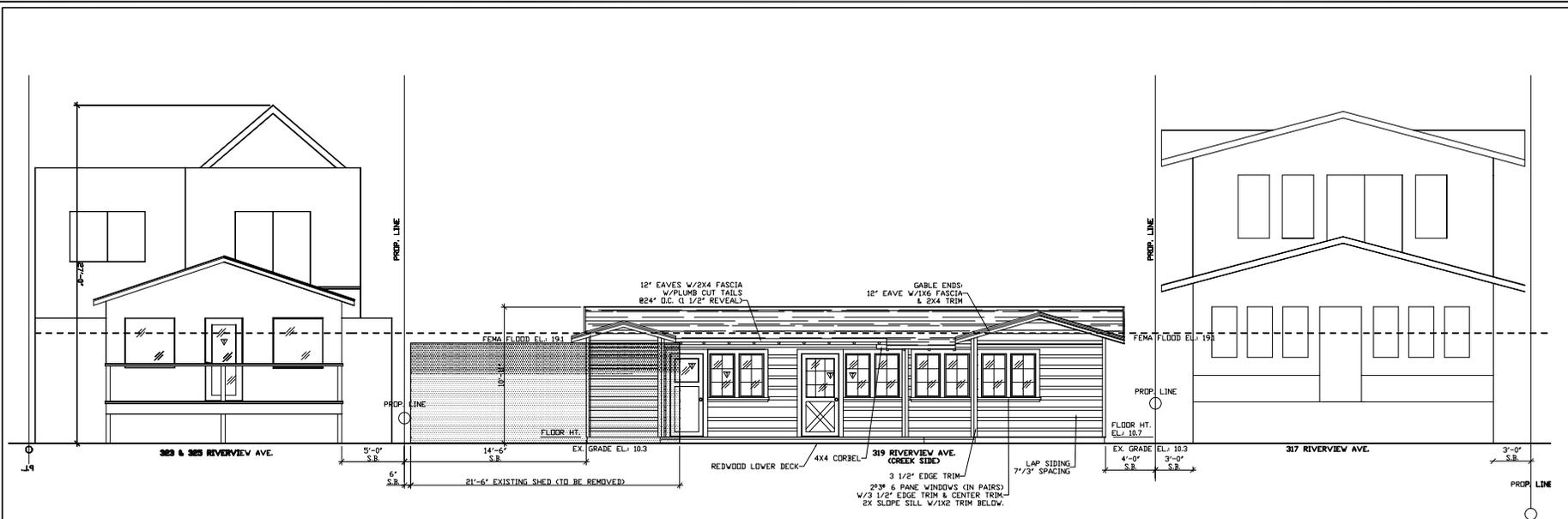
Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



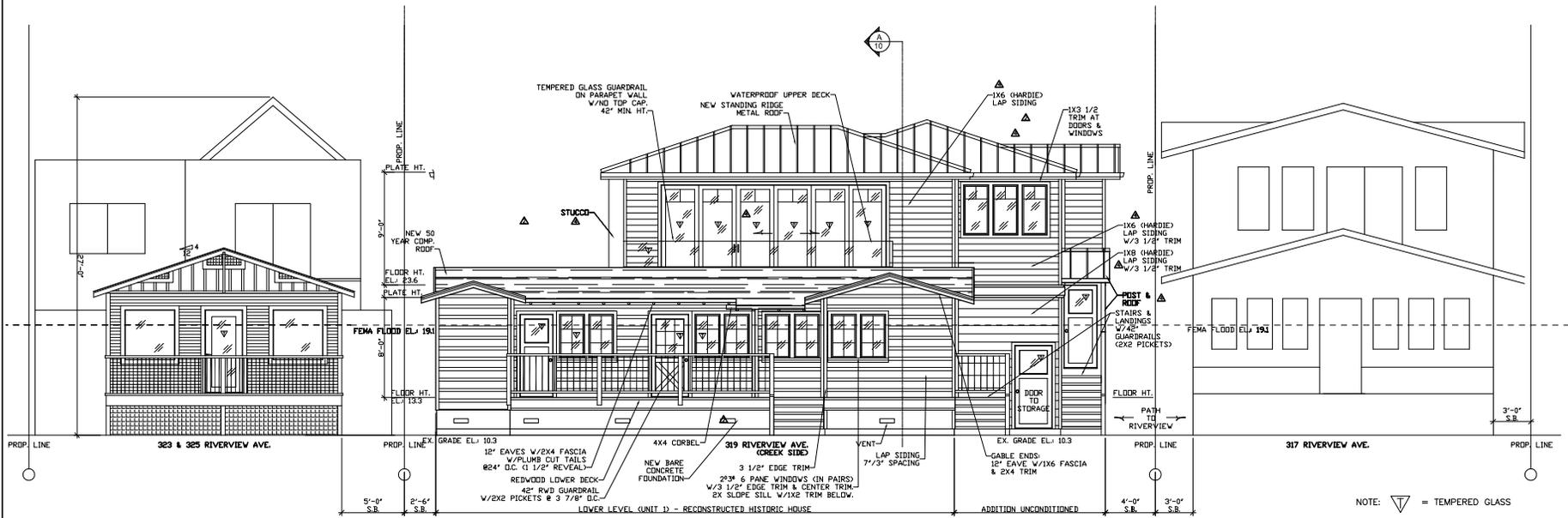
PROPOSED S.F.:  
 1ST FLOOR:  
 LIVING = 1222 S.F.  
 GARAGE = 461 S.F.  
 UNFINISHED (CONC.) = 214 S.F.  
 STORAGE (UNCONC.) = 112 S.F.  
 CLOSET = 361 S.F.  
 2ND FLOOR:  
 UNFINISHED (CONC.) = 684 S.F.  
 DECK = 230 S.F.

NOTE:  
 ALL WINDOWS ANDERSON (FIBERGLASS)

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



**WEST ELEVATION (EXISTING)**



**WEST ELEVATION (PROPOSED)**

NOTE: = TEMPERED GLASS

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

**REVISIONS:**

07/15/19	
08/28/19	
09/25/19	
12/24/19	
01/20/20	
02/13/20	

**OWNER:**  
PAULINE LOMONIA  
7623 BUCKHAVEN I  
SAN JOSE, CA 951  
408-236-5114

**LOMONACO RESIDENCE**  
319 RIVERVIEW AVE.  
CAPITOLA, CA 95010  
ADN 171-171-AE

**DENNIS NORTON**  
HOME DESIGN AND PROJECT PLANNING  
775 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: (408) 478-2818 FAX: (408) 478-2818

**EXISTING & PROPOSED WEST ELEVATIONS**

**DRAWING:**

SCALE:	1/4"=1'-0"
JOB NO.:	319 RIV
DATE:	04/25/20
SHEET:	5W
OF # SHEET:	

**Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)**

REVISIONS:	
07/17/19	
08/28/19	
09/25/19	
12/26/19	
01/02/20	
02/13/20	

OWNER:  
 PAULINE LOMONACO  
 7623 BUCKHAVEN I  
 SAN JOSE, CA 95131  
 408-236-5114

LOMONACO RESIDENCE  
 319 RIVERVIEW AVE  
 CAPITOLA, CA 95010  
 ADN 035\_171\_05

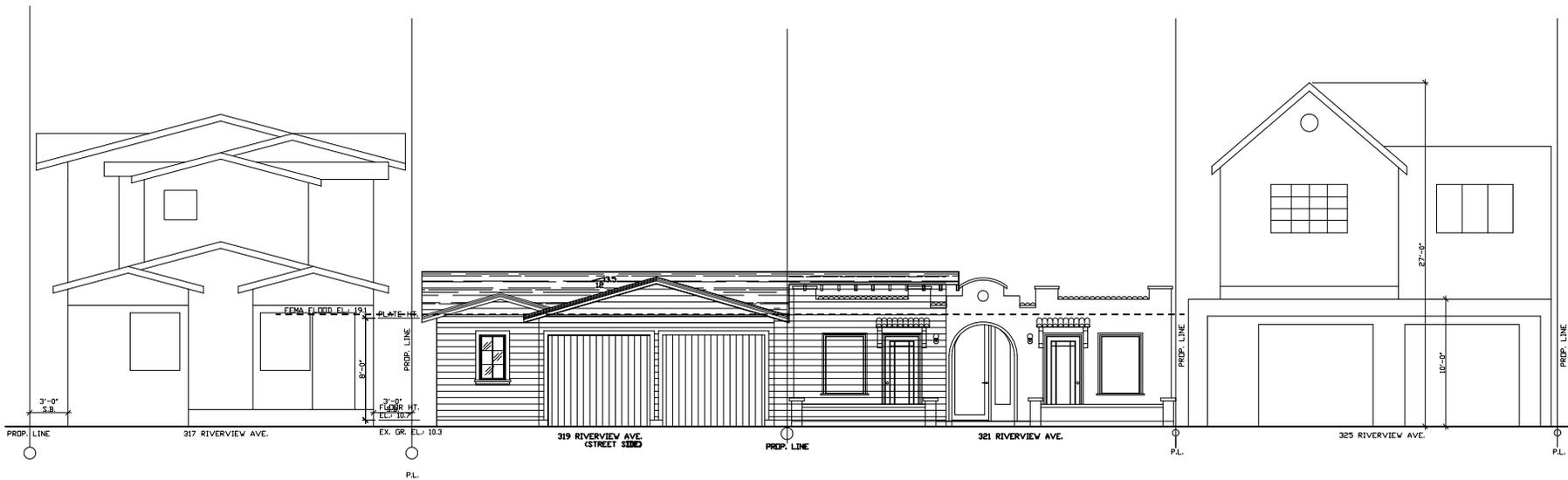
DENNIS NORTON  
 HOME DESIGN AND PROJECT PLANNING  
 775 CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PHONE: (415) 472-2010 FAX: (415) 472-2010

EXISTING & PROPOSED  
 EAST ELEVATIONS

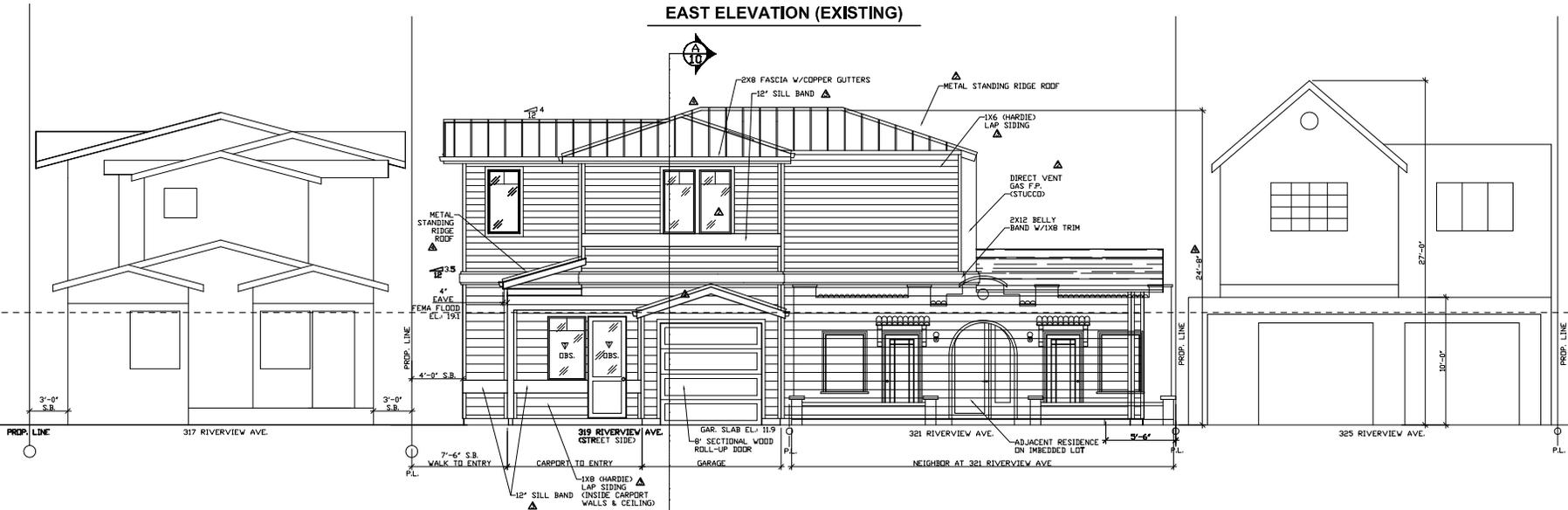
DRAWING: C  
 SCALE: 1/4" = 1'-0"  
 JOB NO.: 319 RIV  
 DATE: 04/25/20

SHEET  
 5E  
 OF # SHEET

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



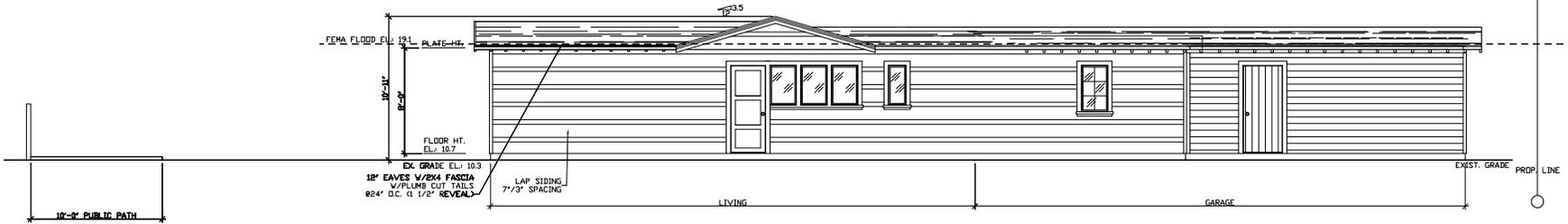
EAST ELEVATION (EXISTING)



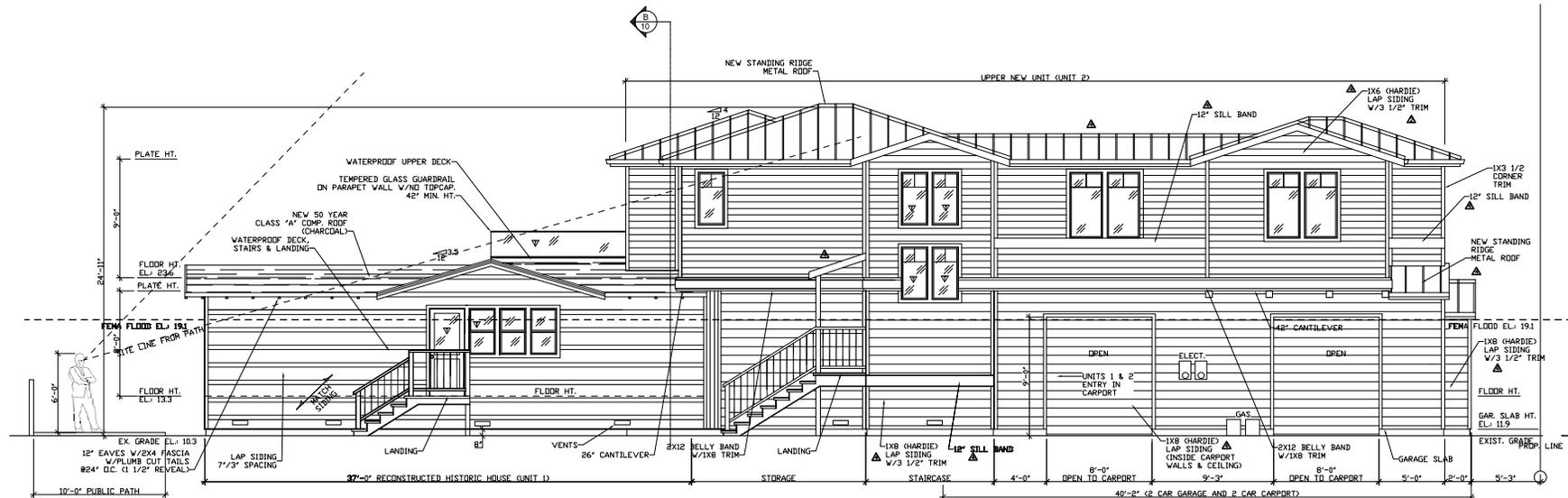
EAST ELEVATION (PROPOSED)

NOTE: ▽ = TEMPERED GLASS

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



**SOUTH ELEVATION (EXISTING)**



**SOUTH ELEVATION (PROPOSED)**

NOTE: = TEMPERED GLASS  
**ELEVATIONS**  
 SCALE: 1/4"=1'-0"

REVISIONS:

07/15/19	
08/28/19	
09/25/19	
12/26/19	
01/20/20	
02/13/20	

OWNER:  
 PAULINE LOMONACO  
 7623 BUCKHAVEN I  
 SAN JOSE, CA 951  
 408-236-5112

LO MONACO RESIDENCE  
 319 RIVERVIEW AVE.  
 CAPITOLA, CA 95010  
 ADN 036\_171\_06

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EXISTING & PROPOSED  
 SOUTH ELEVATIONS

DRAWING  
 SCALE: 1/4"=1'-0"  
 JOB NO. 319 RIV  
 DATE: 04/25/20

SHEET  
 55  
 OF # SHEET

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



REVISIONS:


OWNER:  
PAULINE LOMONACO  
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712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: 408-476-3916  
FAX: 408-476-3918

CREEK RETAINING  
WALL DETAILS

DRAWN: NO  
SCALE: NO  
JOB NO. 319 (R)  
DATE: 01/21/  
SHEET 7  
OF 8 SHEET

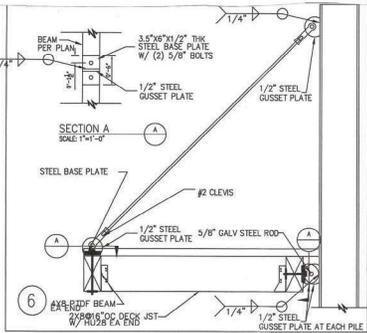
Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

REINFORCED CONCRETE

- CEMENT SHALL CONFORM TO ASTM C150, TYPE II.
- AGGREGATES SHALL CONFORM TO SPECIFICATIONS FOR CONCRETE AGGREGATES ASTM C33 OR SPECIFICATIONS FOR LIGHTWEIGHT AGGREGATES FOR STRUCTURAL CONCRETE ASTM 338. THE MAXIMUM SIZE OF THE AGGREGATE SHALL NOT BE LARGER THAN ONE-FIFTH OF THE NARROWEST DIMENSION BETWEEN FORMS WITHIN WHICH THE CONCRETE IS TO BE CAST, NOR LARGER THAN THREE-FOURTHS OF THE MINIMUM CLEAR SPACING BETWEEN REINFORCING BARS, OR BETWEEN REINFORCING BARS AND FORMS. FOR SLABS, THE MAXIMUM SIZE OF AGGREGATE SHALL NOT BE LARGER THAN ONE-THIRD THE SLAB THICKNESS.
- WATER USED IN MIXING CONCRETE SHALL BE POTABLE, CLEAN AND FREE FROM HARMFUL AMOUNTS OF OILS, ACIDS, ALKALIS, SALTS, ORGANIC MATERIALS OR OTHER SUBSTANCES THAT MAY BE DELETERIOUS TO CONCRETE OR STEEL. IN ADDITION, THE MIXING WATER FOR CONCRETE WHICH WILL CONTAIN ALUMINUM EMBLEMENTS, INCLUDING THAT PORTION OF THE MIXING WATER CONTRIBUTED IN THE FORM OF FRESH MOISTURE ON THE AGGREGATES, SHALL NOT CONTAIN DELETERIOUS AMOUNTS OF CHLORIDE ION. MAXIMUM WATER/CEMENT RATIO SHOULD BE 0.55.
- READY-MIX CONCRETE SHALL BE MIXED AND DELIVERED IN ACCORDANCE WITH ASTM C150.
- REFER TO ARCHITECTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR ALL MOLDS, GROOVES AND ORNAMENTAL CLIPS, ETC., TO BE CAST IN CONCRETE AND FOR EXTENT OF DEPRESSIONS, CURBS AND RAMPS.
- REFER TO ARCHITECTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR THE LOCATION OF SLEEVES, INSERTS, ETC. IN CONCRETE.
- ALL REINFORCING BARS, ANCHOR BOLTS, AND INSERTS TO BE WELL SECURED PRIOR TO PLACING CONCRETE.
- LIGHT-WEIGHT CONCRETE FILL SHALL HAVE A MAXIMUM DRY DENSITY OF 110 pcf. ALL OTHER CONCRETE SHALL HAVE A DENSITY LESS THAN 150 pcf.
- CONCRETE COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE AS NOTED:  
RETAINING WALL 3,000 psi
- PROJECTING CORNERS OF SLAB, BEAMS, WALLS, COLUMNS, ETC. SHALL BE FORMED WITH A 3/4" CHAMFER, UNLESS OTHERWISE NOTED.
- NO CONDUITS PLACED IN THE SLAB SHALL HAVE AN OUTSIDE DIAMETER GREATER THAN 1/3 THE THICKNESS OF THE SLAB. NO CONDUIT SHALL BE EMBEDDED IN A SLAB THAT IS LESS THAN 3/4" THICK, EXCEPT FOR LOCAL OFFSETS, MIN. CLEAR DISTANCE BETWEEN CONDUITS SHALL BE 4".
- ADMIXTURES MAY NOT BE USED WITHOUT PRIOR APPROVAL OF THE ENGINEER. ADMIXTURES USED TO INCREASE THE WORKABILITY OF THE CONCRETE SHALL NOT REDUCE THE STRENGTH OF THE CONCRETE.
- CONCRETE SHALL BE PROPORTIONED AND PRODUCED TO PROVIDE AN AVERAGE COMPRESSIVE STRENGTH SUFFICIENTLY HIGH TO MINIMIZE THE FREQUENCY OF STRENGTH TEST BELOW THE VALUE OF SPECIFIED COMPRESSIVE STRENGTH OF THE CONCRETE. Fc. SELECTION OF CONCRETE PROPORTIONS SHALL BE ESTABLISHED ON THE BASIS TO PROVIDE CONFORMANCE WITH THE STRENGTH TEST REQUIREMENTS OF CAC. ASCULATE WORKABILITY AND PROPER CONSISTENCY TO PERMIT THE CONCRETE TO BE WORKED READILY INTO THE FORMS AND AROUND REINFORCEMENT UNDER THE CONDITIONS OF PLACEMENT TO BE EMPLOYED WITHOUT SEGREGATION OR BLEEDING.
- THE SLUMP OF THE CONCRETE SHALL BE THE MINIMUM THAT IS PRACTICABLE. WHEN VIBRATORS ARE USED TO CONSOLIDATE THE CONCRETE THE SLUMP SHALL NOT EXCEED FOUR INCHES; OTHERWISE, THE SLUMP SHALL NOT EXCEED FIVE INCHES.
- NOT-WEATHER REQUIREMENTS, IN HOT WEATHER, PROPER ATTENTION SHALL BE GIVEN TO INGREDIENTS, PRODUCTION METHODS, HANDLING, PLACING, PROTECTION AND CURING TO PREVENT EXCESSIVE CONCRETE TEMPERATURES OR WATER EVAPORATION WHICH WILL IMPAIR THE REQUIRED STRENGTH OR SERVICEABILITY OF THE MEMBER OR STRUCTURE. USE OF WINDSHIELDS, SUNSHADES, FOG SPRAYS OR OTHER DEVICES SHALL BE PROVIDED AS REQUIRED. CONCRETE TEMPERATURES SHALL BE LESS THAN 90 DEGREES FAHRENHEIT. CONCRETE SHALL NOT HAVE A PLACING TEMPERATURE THAT WILL CAUSE DIFFICULTY FROM LOSS OF SLUMP, FLASH SET, OR COLD JOINTS.
- FORMWORK EMBEDDED PIPEL, CONSTRUCTION JOINTS, FORMS, SHALL RESULT IN A FINAL STRUCTURE WHICH CONFORMS TO THE SHAPES, LINES AND DIMENSIONS OF THE MEMBER AS REQUIRED BY THE PLANS AND SPECIFICATIONS AND SHALL BE SUBSTANTIAL AND SUFFICIENTLY TIGHT TO PREVENT LEAKAGE OF MORTAR. THEY SHALL BE PROPERLY BRACED OR TIED TOGETHER SO AS TO MAINTAIN POSITION AND SHAPE. FORMS AND THEIR SUPPORTS SHALL BE DESIGNED SO THAT PREVIOUSLY PLACED STRUCTURES WILL NOT BE DAMAGED.
- CONCRETE TO BE FIVE SACKS CEMENT PER CUBIC YARD, MINIMUM.

REINFORCING STEEL

- DETAILING, FABRICATION AND ERECTION OF REINFORCING BARS MUST FOLLOW THE A.C.I. MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES, A.C.I. 318-LATEST ED. U.N.O.
- ALL REINFORCING BARS SHALL CONFORM TO THE STANDARD SPECIFICATION FOR DEFORMED BILLET-STEEL BARS FOR CONCRETE REINFORCEMENT, ASTM DESIGNATION A615-60, GRADE 60 EXCEPT #3 AND #4 BARS SHALL BE GRADE 40.
- WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185.
- LAPS AT BAR SPLICES SHALL BE: 36 BAR DIA. (18" MIN) FOR CONCRETE, 40 BAR DIA. (18" MIN) FOR MASONRY, U.N.O.
- FOOTINGS CAST AGAINST EARTH OR WEATHER CONCRETE EXPOSED TO EARTH OR WEATHER BEAMS AND GIRDERS COLUMN TIES SLABS (4" AND SMALLER) 2 IN. 1-1/2 IN. 1-1/2 IN. 3/4 IN.
- WHERE CONTINUOUS BARS ARE CALLED OUT, PROVIDE CONTACT SPLICES.
- VERTICAL BARS SHALL BE ACCURATELY POSITIONED AT THE CENTER OF THE WALL, U.N.O ON DETAILS, AND SHALL BE TIED IN PLACE AT TOP AND BOTTOM.
- DOWNELS BETWEEN FOOTINGS AND WALLS SHALL BE THE SAME GRADE, SIZE, AND SPACING AT VERTICAL REINFORCING.
- PROVIDE #3 SPACER TIES AT 2' ON CENTER IN ALL BEAMS AND FOOTINGS TO SECURE REINFORCING BARS IN PLACE, UNLESS OTHERWISE NOTED.
- ALL BARS SHALL BE BENT COLD, NO BAR, PARTIALLY EMBEDDED IN CONCRETE SHALL BE FIELD BENT.



GENERAL NOTES

- THE CONTRACTOR SHALL EXAMINE THE STRUCTURAL DRAWINGS AND SHALL NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES IN MAY FINE, BEFORE PROCEEDING WITH WORK.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY SITE CONDITIONS NOT REFLECTED ON THE WORKING DRAWINGS OR DIFFERENT FROM MAXIMUM OR MINIMUM ENDINGS INDICATED, INCLUDING RETAINED EARTH HEIGHT, CORRECT GRADES, ADVERSE SOIL CONDITIONS, GROUND WATER PRESENT, DEEPENED FOOTINGS, UNCOVERED AND UNEXPECTED UTILITY LINES, ETC.
- CONTRACTORS SHALL COORDINATE DIMENSIONS, LOCATIONS, AND SIZES OF OPENINGS IN FLOORS AND WALLS WITH ARCHITECTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS.
- NO PIPES OR DUCTS SHALL BE PLACED IN SLABS OR WALLS UNLESS SPECIFICALLY DETAILED OR APPROVED BY THE ENGINEER.
- DRAWINGS AND SPECIFICATIONS REPRESENT FINISHED STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION INCLUDING BRACING AND TEMPORARY SHORING. HE SHALL TAKE ALL NECESSARY MEASURES TO INSURE THE SAFETY OF ALL PERSONS AND STRUCTURES AT THE SITE AND ADJACENT TO THE SITE. OBSERVATION VISITS TO THE SITE BY THE ARCHITECT OR ENGINEER SHALL NOT INCLUDE REVIEW OF THESE MEASURES.
- ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE REQUIREMENTS OF THE LATEST APPROVED CALIFORNIA BUILDING CODE.
- ALL OMISSIONS AND CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE DRAWINGS AND/OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH ANY WORK SO INVOLVED.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF EXISTING UTILITY SERVICES IN THE AREA TO BE EXCAVATED PRIOR TO BEGINNING OF WORK.

STRUCTURAL STEEL

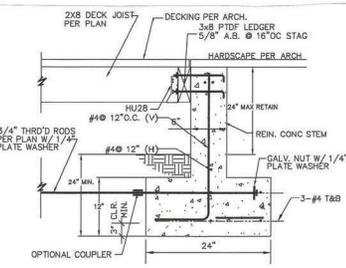
- ALL STRUCTURAL STEEL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE AISC SPECIFICATIONS FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS, LATEST EDITION AND AISC STANDARD NO. 27.2, REGION AS PER (N.C.L.A.) LATEST EDITION.
- ALL STRUCTURAL STEEL SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR STRUCTURAL STEEL FOR BRIDGES AND BUILDINGS, SERIAL DESIGNATION A572-30, 50, 60.
- ALL CONNECTIONS SHALL BE DETAILED ACCORDING TO THE AISC TEXTBOOK OF STRUCTURAL DRAFTING.
- WHERE BOLTS ARE NOT CALLED OUT, USE 3/4 DIA. M.B. A307. ANCHOR BOLTS SHALL CONFORM TO ASTM A36.
- ALL TUBE STEEL SHALL CONFORM TO ASTM A-500 GRADE "B", Fy=48ksi
- ALL EXTERIOR STRUCTURAL STEEL PERMANENTLY EXPOSED TO THE WEATHER SHALL BE HOT-DIP GALVANIZED AFTER FABRICATION.
- ALL WELDING DONE AFTER GALVANIZING SHALL BE PROTECTED WITH TWO COATS OF "GALVANIZID" OR "SALVALOY".
- STEEL FABRICATOR SHALL VERIFY ALL DIMENSION WITH ARCHITECTURAL STRUCTURAL DRAWING.
- SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL PRIOR TO FABRICATION OR INSTALLATION OF STEEL OR ACCESSORIES.
- STEEL FABRICATOR SHALL BE LICENSED IN THE STATE OF CALIFORNIA.

WELDING

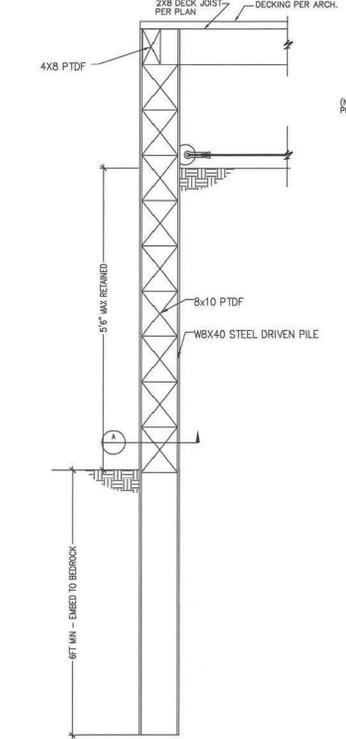
- ALL WELDING SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICAN WELDING SOCIETY CODE D1-1 LATEST EDITION.
- ALL WELDING SHALL BE DONE BY CERTIFIED WELDERS.
- ALL WELDING SHALL BE DONE BY THE SHIELDED ARC PROCESS USING APPROVED ELECTRODES PER A.W.S. SPECIFICATIONS EXXX (LOW HYDROGEN ELECTRODES).
- ALL SHOP AND FIELD WELDS IN JOINTS OF MOMENT RESISTING FRAMES SHALL BE TESTED AS PER AISC 301 CHAPTER 22.
- ALL WELDS SHALL HAVE A WELD CONTROLLED SEQUENCE AND TECHNIQUE IN ORDER TO MINIMIZE SHRINKAGE STRESSES AND DISTORTION.
- SPECIAL INSPECTION IS REQUIRED FOR ALL FIELD WELDING.
- ALL WELDING SHALL CONFORM TO A.W.S. STANDARDS USING THE SUBMERGED ARC WELDING PROCESS. ALL WELDED JOINTS SHALL BE PREQUALIFIED.
- ALL SURFACES TO BE WELDED SHOULD BE FREE OF PAINT, SLAG, LOOSE SCALE, RUST AND OTHER FOREIGN MATERIAL. MILL SCALE WHICH REMAINS AFTER VIGOROUS WIRE BRUSHING IS PERMITTED.
- FILLET WELDS: FOR SIZES 3/16" TO 5/16" ONLY A SINGLE PASS IS REQUIRED (SLAG DOES NOT HAVE TO BE REMOVED AFTER PASS HAVE COOLED).
- THE MAXIMUM SIZE OF FILLET WELD ALONG EDGES OF CONNECTED MATERIAL SHALL BE THE THICKNESS OF THE MATERIAL IF IT IS LESS THAN 1/4" OR 1/8" LESS THAN THE THICKNESS OF THE MATERIAL IF IT IS 1/4" OR MORE UNLESS SPECIFIC INSTRUCTIONS ARE GIVEN ON THE DRAWINGS.
- THE WELDING PROCESSES USED SHALL BE APPROVED BY THE BUILDING OFFICIAL.

GENERAL DESIGN CRITERIA

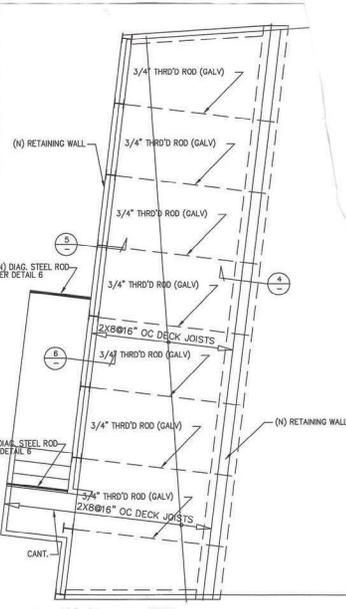
CALIFORNIA BUILDING CODE 2010 IS USED FOR THE STRUCTURAL DESIGN.



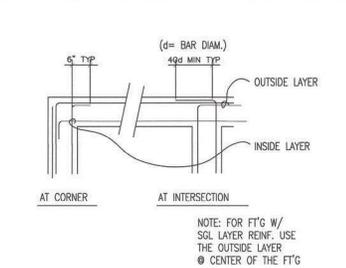
4 EXTERIOR GRADE BEAM  
SCALE: 1"=1'-0"



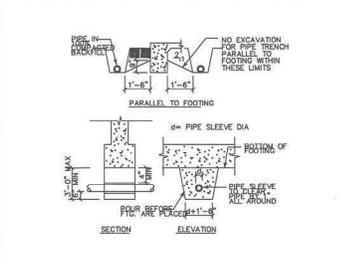
5 CAISSON DETAIL  
SCALE: 1"=1'-0"



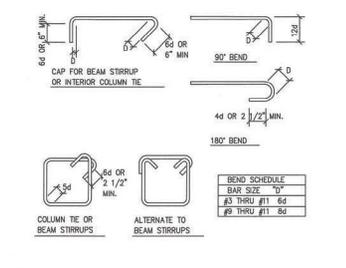
- NOTES:
- SCOPE OF WORK IS FOR REPAIR OF FOUNDATION AT GARAGE ONLY.
  - IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ANY EXISTING UTILITIES PRIOR TO TRENCHING.



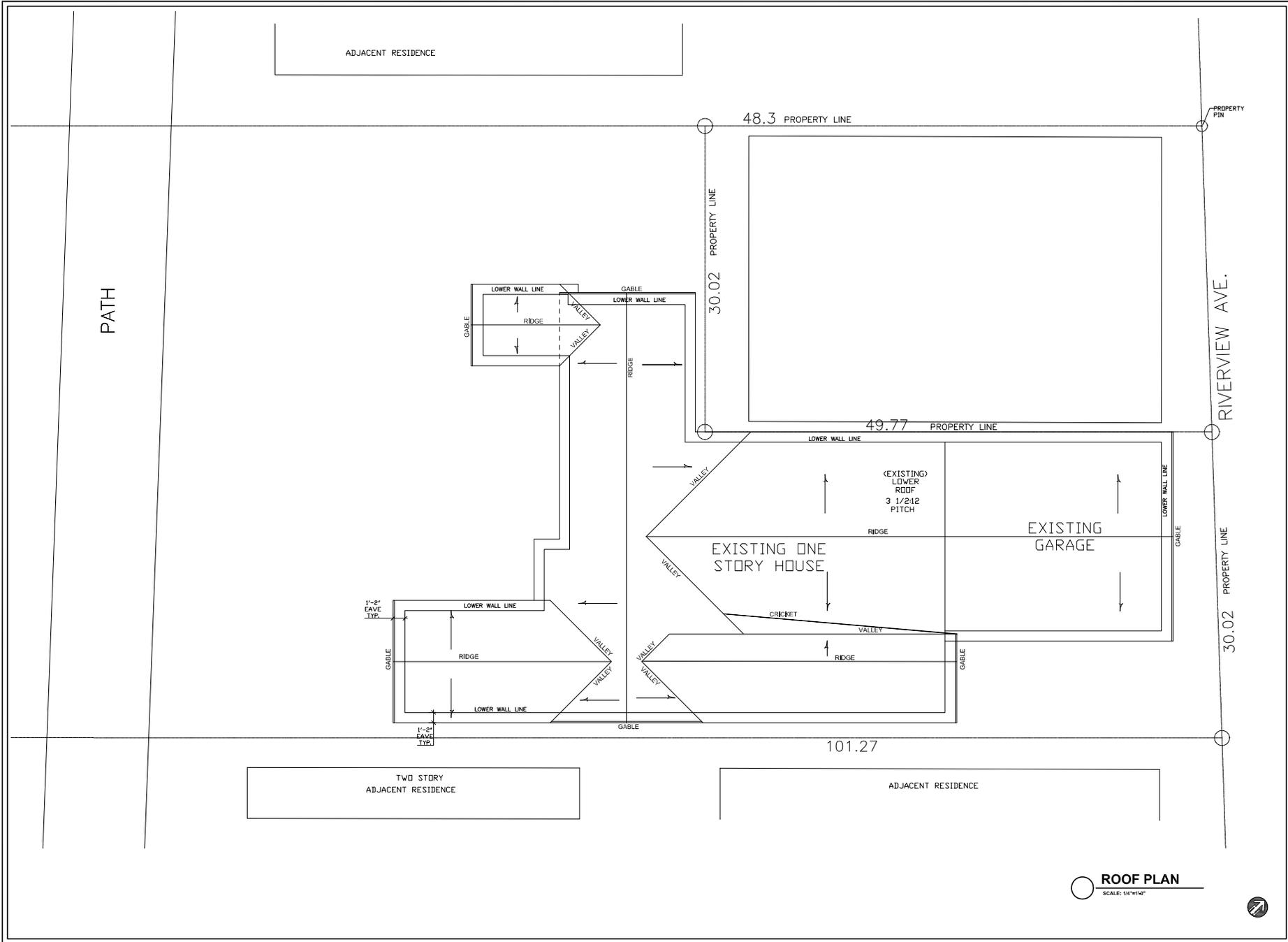
2 REIN @ FT'G INTERSECT  
SCALE: 1/2"=1'-0"



1 PIPES @ CONC. FOOTING  
SCALE: 1/2"=1'-0"



3 BAR BENDING DETAIL  
SCALE: N/A



REVISIONS:


OWNER:  
 PAULINE LOMONACO  
 7623 BUCKHAVEN I  
 SAN JOSE, CA 951  
 408-236-5121

LOMONACO RESIDENCE  
 319 RIVERVIEW AVE.  
 CAPITOLA, CA 95010  
 ADN 035\_171\_05

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 775 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
 PHONE: (408) 471-2010 FAX: (408) 471-2010

EXISTING  
 ROOF PLAN

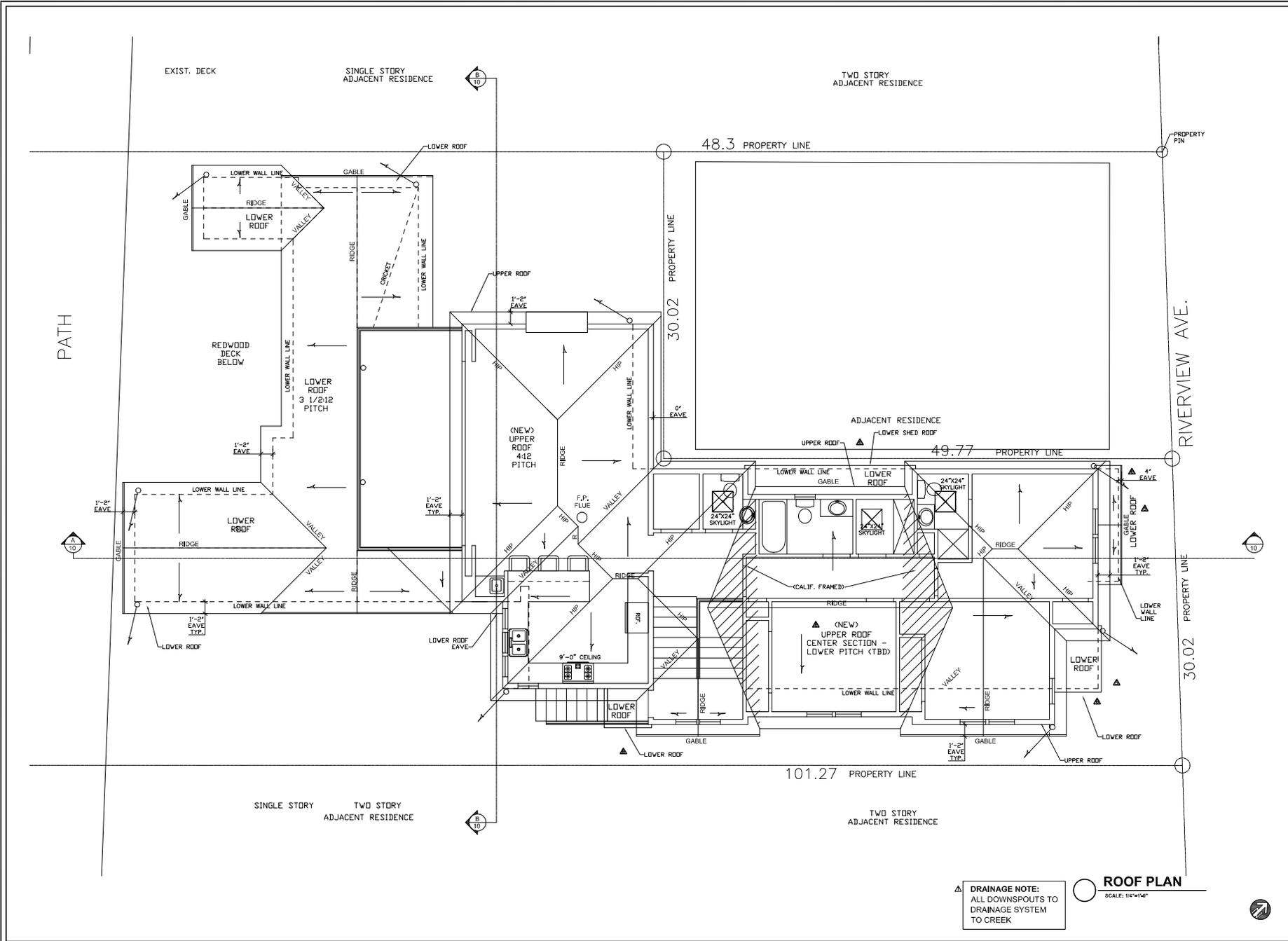
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OF # SHEET

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

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





**▲ DRAINAGE NOTE:**  
ALL DOWNSPOUTS TO  
DRAINAGE SYSTEM  
TO CREEK

**○ ROOF PLAN**  
SCALE: 1/4"=1'-0"

**REVISIONS:**

▲	07/13/19	
▲	08/28/19	
▲	09/25/19	
▲	11/20/19	
▲	12/28/19	
▲	02/13/20	

**OWNER:**  
PAULINE LOMONIA  
7623 BUCKHAVEN I  
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**LOMONACO RESIDENCE**  
319 RIVERVIEW AVE.  
CAPITOLA, CA 95010  
ADN 035-171-05

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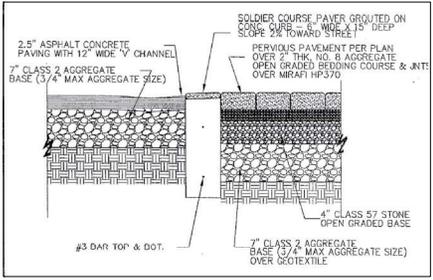
**ROOF PLAN**

**DRAWING:** C  
**SCALE:** 1/4"=1'-0"  
**JOB NO.:** 319 RIV  
**DATE:** 03/14/19

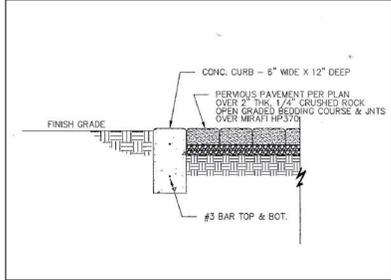
**SHEET**  
OF 8 SHEET

**Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)**

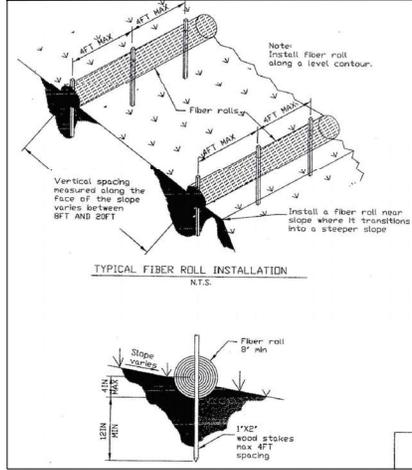
**1 SEMI-PERMEABLE PAVERS (DRIVEWAY)**



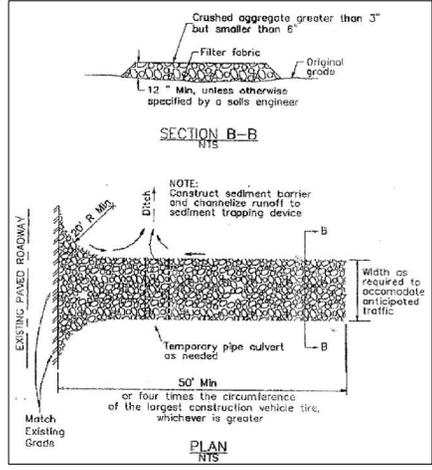
**2 SEMI-PERMEABLE PAVERS (PATIOS & WALKWAYS)**



**3 FIBER ROLL**



**4 CONSTRUCTION ENTRANCE**



**5 TREE PROTECTION PLAN**

**TREE PROTECTION NOTES:**

- Prior to initiating any construction activity in the area, including grading, temporary fencing shall be installed at each site tree. Fencing shall be located at or beyond the canopy drip line so that 100% of the drip line will be protected by fencing. To reduce soil compaction from equipment, a minimum of 12-inch round wood stakes shall be placed at a depth of 4 inches where construction is to occur within the drip line of the tree to be protected.
- The tree protection fence shall be 6' high chain-link with removable posts. The fencing shall form a continuous barrier without entry points around each tree. Any encroachment into the drip line for loading or construction purposes shall not be permitted.
- No hanging limbs or sapwood trees shall be removed prior to grading or any equipment mobilization on site. The purpose of this requirement is to avoid using trees by heavy equipment. All limbs to be pruned shall be inspected by the arboreal expert for the job.
- This fencing shall serve as a barrier to prevent drip line encroachment of any type of construction activities and equipment. No oils, gas, chemicals, liquid waste, solid waste, construction machinery or construction materials shall be stored or allowed to stand for any period of time within the drip line of this tree. Further, no activities shall be performed for any reason around the tree canopy or within the drip line. Accidental damage to limbs, root zones, or trunks may increase the potential for future decline in the health of the tree.
- Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area and at all times until the project is complete, and shall protect employees as to the purpose and importance of fencing.
- A warning sign shall be posted at each tree following the purpose of the fencing.

**EXISTING TREE LEGEND**

ex. tree to remain (typ.)

ex. tree to be removed (typ.)

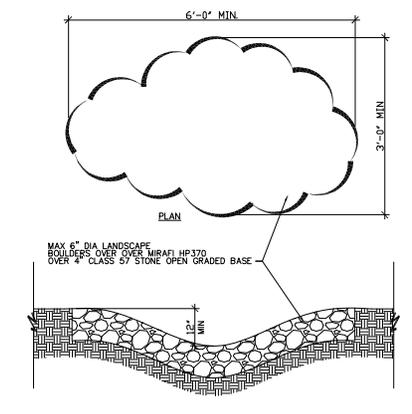
**PROTECTIVE FENCING FOR EXISTING TREES**

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

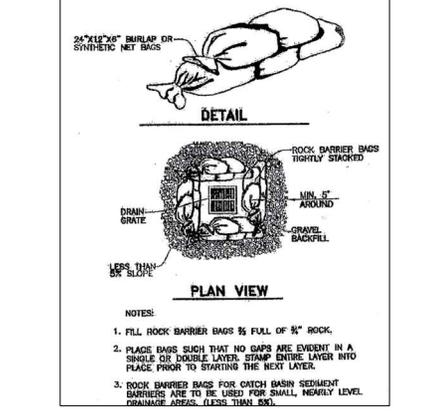
**NOTES:**

- ALL NEWLY PLANTED TREES TO BE DOUBLE STAKED USING RUBBER TIES.
- PROTECTIVE TREE FENCING AND OTHER PROTECTION MEASURES SHALL BE PLACED AT THE DRIP LINE OF EXISTING TREES PRIOR TO ISSUANCE OF BUILDING PERMITS AND SHALL REMAIN THROUGH ALL PHASES OF CONSTRUCTION PER TOWN CODE REQUIREMENTS. INCLUDE A TREE PROTECTION PLAN WITH THE CONSTRUCTION PLANS. THE LOCATION OF TREE PROTECTION MEASURES MUST BE INCLUDED ON A PLAN. ALL APPROVED TREE PROTECTION SHALL MEET THE REQUIREMENTS OF SECTION 28.10.0065 OF THE TOWN CODE WHICH REQUIRES 24" OR 36" INCH BOX TRAILS AS REPLACEMENT FOR REMOVAL OF TREES ON SINGLE FAMILY LOTS EXCEEDING 10,000 SQUARE FEET.

**6 BIOSWALE**



**7 STORM DRAIN INLET PROTECTION**



**8 SITE HOUSEKEEPING REQUIREMENTS: CONSTRUCTION MATERIALS**

ALL LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOILS, SPILLS, AGGREGATE, FL-ASH, STUCCO, HYDRATED LIME, ETC.) SHALL BE COVERED AND BARRIRED.

ALL CHEMICALS SHALL BE STORED IN WATER TIGHT CONTAINERS (WITH APPROPRIATE SECONDARY CONTAINMENT TO PREVENT SPILLAGE OR LEAKAGE) OR IN A STORAGE SHED (COMPLETELY ENCLOSED).

EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED. THIS DOES NOT INCLUDE MATERIALS AND EQUIPMENT THAT ARE DESIGNED TO BE OUTDOORS AND EXPOSED TO ENVIRONMENTAL CONDITIONS (I.E. POLES, EQUIPMENT PADS, CABINETS, CONDUITS, INSULATORS, BRICKS, ETC.).

BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.

**9 SITE HOUSEKEEPING REQUIREMENTS: WASTE MANAGEMENT**

DISPOSAL OF ANY RINSE OR WASH WATER OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PREVENTED.

SANITATION FACILITIES SHALL BE CONTAINED (E.G., PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER, AND SHALL BE LOCATED A MINIMUM OF 20 FEET AWAY FROM AN INLET, STREET OR DRIVEWAY, STREAM, RIPARIAN AREA OR OTHER SENSITIVE FACILITY.

SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND CLEANED OR REPLACED AS NECESSARY.

COVER WASTE DISPOSAL CONTAINERS AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT.

DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE PREVENTED.

STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.

PROCEDURES THAT EFFECTIVELY ADDRESS HAZARDOUS AND NON-HAZARDOUS SPILLS SHALL BE IMPLEMENTED.

EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE AND THAT SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY.

CONCRETE WASHOUT AREAS AND OTHER WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.

**10 SITE HOUSEKEEPING REQUIREMENTS: VEHICLE STORAGE & MAINTENANCE AND LANDSCAPE MATERIALS**

MEASURES SHALL BE TAKEN TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACE WATERS.

ALL EQUIPMENT OR VEHICLES, WHICH ARE TO BE FUELED, MAINTAINED AND STORED ON SITE SHALL BE IN A DESIGNATED AREA FITTED WITH APPROVED BMPs.

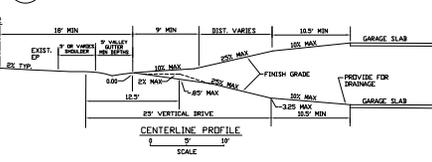
LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY. CONTAIN STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT ACTIVELY BEING USED.

CONTAIN FERTILIZERS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT ACTIVELY BEING USED. DISCONTINUE THE APPLICATION OF ANY ERODIBLE LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION.

APPLY ERODIBLE LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURE RECOMMENDATIONS OR BASED ON WRITTEN SPECIFICATIONS BY KNOWLEDGEABLE AND EXPERIENCED FIELD PERSONNEL.

STACK ERODIBLE LANDSCAPE MATERIAL ON PALLETS AND COVERING OR STORING SUCH MATERIALS WHEN NOT BEING USED OR APPLIED.

**11 TYPICAL DRIVEWAY**



REVISIONS:	BY:

OWNER:  
HAULINE LOMONACO  
7523 BUCKHAVEN DR.  
SAN JOSE, CA 95135  
408-239-5286

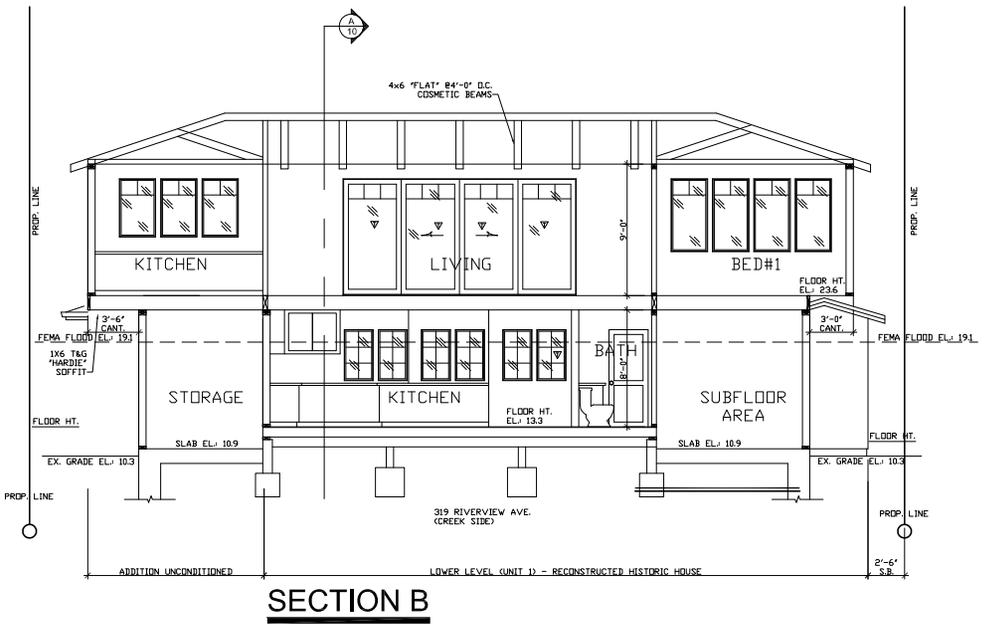
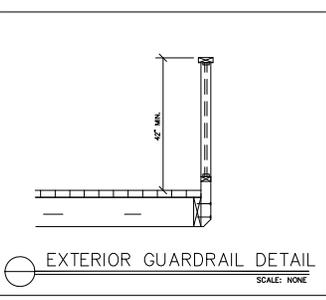
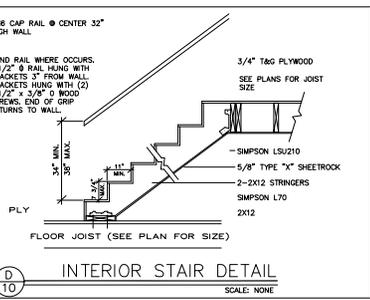
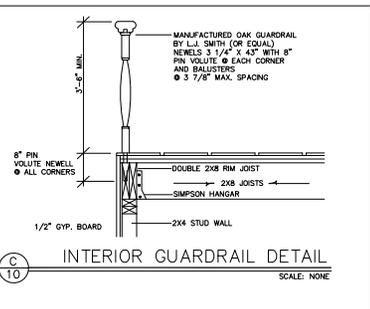
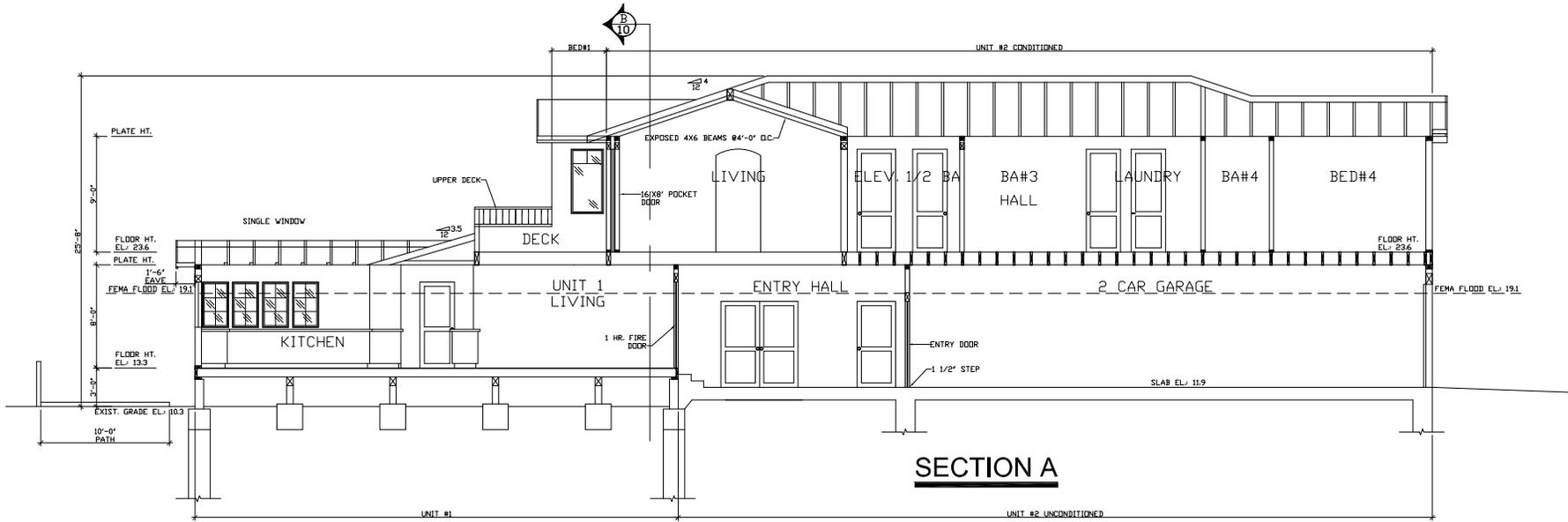
LOMONACO RESIDENCE  
319 RIVERVIEW AVE.  
CAPITOLA, CA 95010  
APN 035-171-05

DENNIS NORTON  
HOME DESIGN AND PROJECT PLANNING  
1712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PH: 408-239-5286  
WWW.DENNISNORTON.COM

SITE PLANNING  
DETAILS

DRAWN:	GG
SCALE:	NONE
JOB NO.:	319 RIV
DATE:	01/03/19
SHEET:	9
OF #	SHEETS

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



REVISIONS:	BY:

OWNER:  
PAULINE LOMONACO  
7623 BUCKHAVEN DR  
SAN JOSE, CA 95135  
408-236-5285

LOMONACO RESIDENCE  
319 RIVERVIEW AVE  
CAPITOLA, CA 95010  
APN 035-171-05

**DENNIS NORTON**  
HOME DESIGN AND PROJECT PLANNING  
117 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: 831-338-1111  
WWW.DENNISNORTON.COM

**SECTIONS**

DRAWN:	GG
SCALE:	1/4" = 1'-0"
SCALE:	319 RIV
DATE:	04/24/19
SHEET:	10
OF # SHEETS:	

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

REVISIONS table with columns for number, description, and date.

OWNER: PAULINE LOMONACO 7623 BUCKHAVEN DR SAN JOSE, CA 95128 408-236-5288

LOMONACO RESIDENCE 319 RIVERVIEW AVE, CAPITOLA, CA 95010 APN 035-171-050

DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 1715 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010 WWW.DENNISNORTON.COM

BEST MANAGEMENT PRACTICES

Project information table including DRAWING NO. (GG), SCALE (NONE), JOB NO. (319 RIV), DATE (01/03/19), SHEET (BMP), and OF (#) SHEETS.

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

Stormwater Pollution Prevention and Protection for Construction Projects

In the City of Capitola water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get spilled, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways, the City has developed Best Management Practices (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. These BMPs apply to both new and remodelled residential, commercial, retail, and industrial projects.

In addition to the following mandatory BMPs, the Central Coast Regional Water Quality Control Board (Regional Water Board) under the State Water Resources Control Board (State Water Board) requires coverage under and adherence to the Construction Activities Storm Water General Permit, or CGP, to regulate storm water runoff from construction sites. In general, any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, requires coverage under the CGP.

General Construction & Site Setup

- General Principles
1. Keep an orderly site and ensure good housekeeping practices are used.
2. Maintain equipment properly.
3. Cover materials when they are not in use.

Good Housekeeping Practices

- 1. Designate one area of the site located away from storm drains, drainage swales, and creeks for auto parking and heavy equipment storage, vehicle refueling and routine equipment maintenance.
2. To prevent off-site tracking of dirt, provide site entrances with steel-tread aggregate surfaces or provide a tire wash area on the site, but away from storm inlets or drainage channels.

1. Clean up leaks, drips and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces. Use dry cleanup methods whenever possible. Water may only be used in minimum quantities to prevent dust.

Advanced Planning

- 1. Site development shall be fitted to the topography and soils in order to minimize the potential for erosion.
2. Soil grading/clearing limits, easements, setback, sensitive or critical areas, trees, drainage courses, and buffer zones must be delineated on site to prevent excavations and exposures prior to construction.

Materials & Waste Handling

- 1. Practice contaminant "Source Reduction" by estimating, collecting and minimizing waste when ordering materials.
2. Recycle excess materials such as concrete, asphalt, scrap metal, solvents, degreasers, paper, and white maintenance materials whenever possible.

Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance

- 1. Many landscaping activities and practices expose soils and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals to the storm drain during irrigation or rain events.
2. Landscaping & Garden Maintenance
1. Protect stockpiles and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.

Ponds/Fountains/Pool/Spa Maintenance

- 1. When draining a pond, fountain, pool or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department. The City will provide guidance on handling special cleaning waste. Flow rate restrictions and backflow prevention.

Preventing Water & Sediment Runoff

Effective erosion and sediment control measures must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment in the site's storm water discharge relative to pre-construction levels.

Painting, Varnish & Application of Solvents & Adhesives

- 1. Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or grays.
2. Handing of Surface Coatings
1. Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains.

Concrete, Cement, & Masonry Products

- 1. Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
2. Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system.

- 1. Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly.
2. Silt fences must be installed so that the drainage around each fence does not create additional erosion and rills down slope of the fence.

- 1. Straw wattles are used to filter sediment runoff, ensure that the bales are actually filtering the water (and not just causing the water to travel around the bales) and that the straw pieces are not carried into the storm drain system.
2. Whenever possible, use terracing, surface roughening (e.g. with a bulldozer), and energy dissipators (such as riprap, sand bags and rocks) on slopes to reduce runoff velocity and trap sediments.

Earth Moving Activities & Heavy Equipment

Soil excavation and grading operations loosen large amounts of soil that can be transported into storm drains when handled improperly. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow check dams or roughened ground surfaces.

Site Planning

- 1. Maintain all heavy equipment, inspect frequently for leaks, and repair leaks immediately upon discovery.
2. Perform major auto or heavy equipment maintenance, repair jobs and vehicle or equipment washing off-site.

Practices During Construction

- 1. Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
2. Protect down slope drainage courses, creeks and storm drains with wattles or temporary drainage swales.

Spill Clean Up

- 1. Maintain a spill cleanup kit on site.
2. Clean up spills immediately. Use dry cleanup methods if possible.
3. Never hose down dirty pavement or impermeable surfaces where fluids have spilled.

Painting, Varnish & Application of Solvents & Adhesives

- 1. Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or grays.
2. Handing of Surface Coatings
1. Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains.

Removal of Surface Coatings

- 1. Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
2. Chemical paint or varnish stripping residues, sludge and dust from masonry parts to ventilate, or paints containing lead, mercury or thallium must be disposed of as hazardous wastes.

Clean Up of Surface Coatings

- 1. Never clean brushes or rinse paint or varnish containers into a gutter, street, storm drain, French drain or creek.
2. For water based paints, paint out brushes to the extent possible and rinse into an interior sink drain that goes to the sanitary sewer.

Disposal of Surface Coatings

- 1. Recycle, return to supplier, or donate unwanted water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste.
2. Varnish, thinners, solvents, glues and cleaning fluids must be disposed of as hazardous waste.

Roadwork & Paving

- 1. Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
2. The discharge of saw cut slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters.

NOT TO SCALE

City of Capitola logo and drawing information for Stormwater Pollution Prevention and Protection, Drawing No. BMP-STRM-2.

Concrete, Cement, & Masonry Products

- 1. Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
2. Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system.

Site Clean Up

- 1. Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage.
2. The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system.

NOT TO SCALE

City of Capitola logo and drawing information for Stormwater Pollution Prevention and Protection, Drawing No. BMP-STRM-5.

Painting, Varnish & Application of Solvents & Adhesives

- 1. Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or grays.
2. Handing of Surface Coatings
1. Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains.

Removal of Surface Coatings

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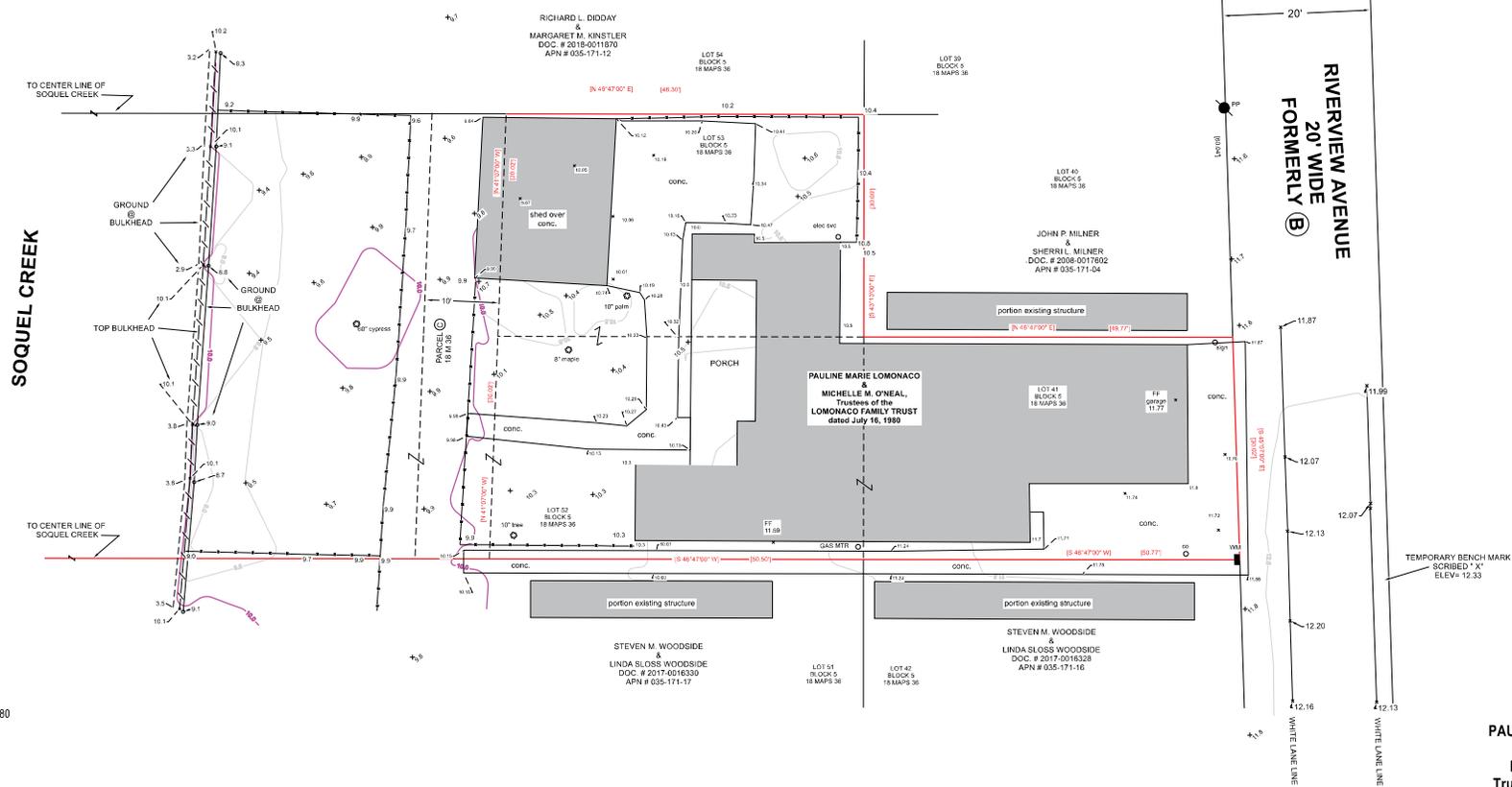
NOT TO SCALE

City of Capitola logo and drawing information for Stormwater Pollution Prevention and Protection, Drawing No. BMP-STRM-4.

LEGEND

- = PROPERTY LINES
- = ADJOINING PROPERTY LINES
- [ N XX°XXXX' W ] = RECORD DATA
- ⊙ = FOUND MONUMENT AS NOTED

BENCH MARK # 902 ELEVATION 57.01'



REFERENCES  
 18 M 36  
 48 PM 69  
 DOC. # 2018-0025280

NOTE

THIS IS NOT A BOUNDARY SURVEY. THE PROPERTY LINES SHOWN ARE DRAWN FROM RECORD DATA AND MAY BE FOUND TO BE DIFFERENT PENDING THE RESULTS OF A FULL BOUNDARY SURVEY.

PAUL JENSEN  
 PROFESSIONAL LAND SURVEYOR  
 SANTA CRUZ, CALIFORNIA

SCALE 1" = 8'

DECEMBER, 2018

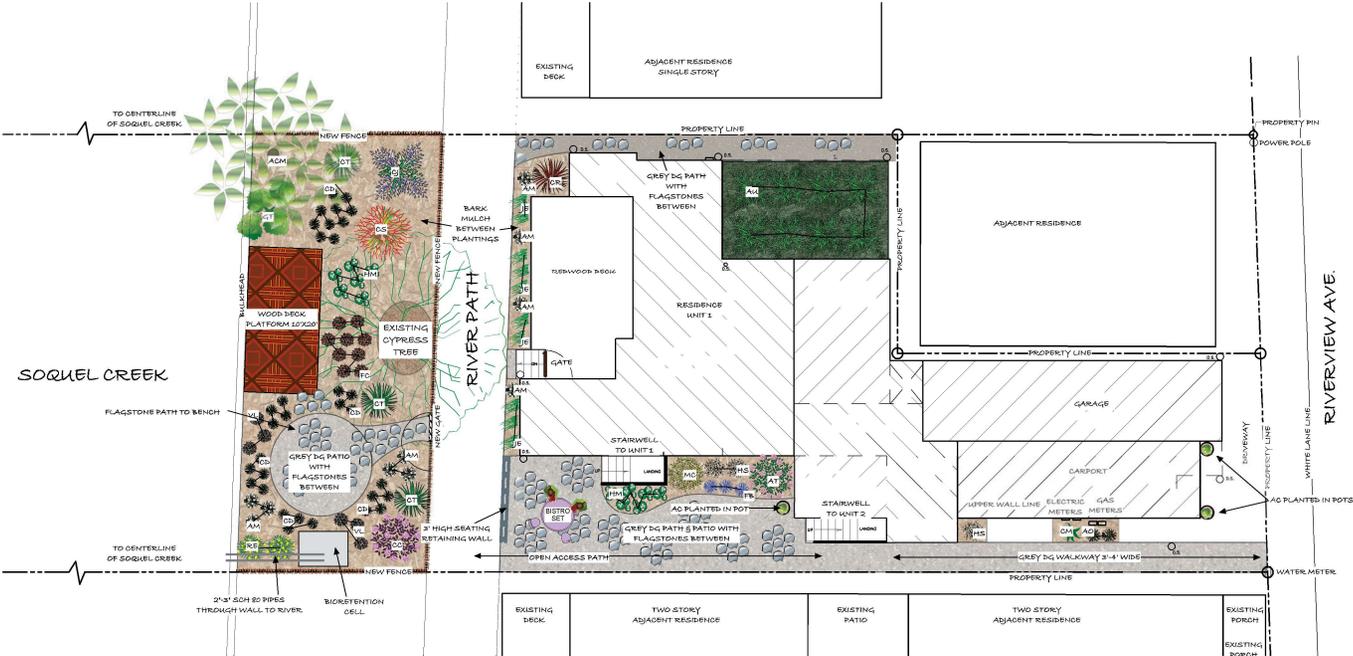
TOPOGRAPHIC MAP  
 of the Lands of  
 PAULINE MARIE LOMONACO  
 &  
 MICHELLE M. O'NEAL,  
 Trustees of the LOMONACO  
 FAMILY TRUST  
 dated July 16, 1980  
 319 RiverView Ave.  
 Capitola, CA. 95010

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)

LANDSCAPE DESIGN  
REVISED MARCH 2020

SITE ADDRESS: 319 RIVERVIEW AVE. CAPITOLA, CA 95010			
CLIENT: PAULINE LOMANACO RESIDENCE 408-238-5288			
DRAWN BY: <b>CATHERINE'S GARDEN CREATIONS</b>		Catherine's Garden Creations Owner: Catherine Quinn 831-325-9137 www.catherinesgardencreations.com	
DRAWING # 1/1	DATE MARCH 2020	Produced on a 24"x36" size sheet Scale: 1/8" = 1'	License # 9887

Scale 1"=8'  
4 0 4 8 12 16 feet



PLANT LIST

CODE	PLANT	#	SIZE
ACM	ACER MACROPHYLLUM	1	15'
AC	ABONUM CANARIENSES	3	1'
AM	ACHILLEA MILLIFOLIUM	10	1'
AO	ACORUS 'OGON'	2	1'
AT	ARKUTON TROPIC ROSE	1	5'
AU	ARCTOSTAPHYLOS 'POINT RUBY'S'	2	1'
CC	COTINUS C. 'ROYAL PURPLE'	1	15'
CD	CAREX DIVILSA	32	1'
CJ	CEANOTHUS 'JOYCE COULTER'	1	5'
CM	CLIVIA MINATA	1	1'
CR	CORYLINE 'RED STAR'	1	5'
CS	CORNUS STOLONIFERA	1	5'
CT	CHONDROPetalum TECTORIUM	3	1'
FC	FRAGARIA CHLORONISIS	9	1'
FB	FESTUCA O. 'BEYOND BLUE'	1	1'
GT	GUNNERA TINCTORIA	1	5'
HM	HIBISCUS MAXIMA	12	1'
HS	HIBISCUS STERNII	3	1'
JE	JUNCUS EFFRUSUS	10	1'
MD	MYRTUS C. COMPACTA 'VARIEGATA'	1	5'
RE	RUSSSELLIA EQUISSETIFORMIS 'YELLOW'	2	1'
VL	VERBENA LILACINA	6	1'

NOTES AND SPECIFICATIONS

- ALL PLANTING AREAS:**
- \* SOIL SHALL BE PREPARED BY TILLING IN NEW SOIL/COMPOST IN ALL PLANTING AREAS
  - \* ALL PLANTS SHALL BE INSTALLED WITH GOPHER BASKETS OR GOPHER WIRE
  - \* ALL PLANTS NEW AND EXISTING SHALL BE PLANTED WITH ORGANIC FERTILIZER AT TIME OF PLANTING
  - \* ALL PLANTS SHALL BE WATERED IN SUFFICIENTLY AT INSTALL TO ESTABLISH ROOTS.
  - \* DRIP IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED FOR ALL NEW AND EXISTING PLANTED AREAS BY LANDSCAPE CONTRACTOR. IT IS RECOMMEND TO USE INLINE EMITTER TUBING.
  - \* IRRIGATION STUB UP SHALL BE INSTALLED AT LOCATION OF POTTED PLANTS AND PREPARE FOR DRIP IRRIGATION.
  - \* TOP BARK MULCH SHALL BE PLACED BETWEEN ALL NEW AND EXISTING PLANTS AND SHALL COVER AT A 3" DEPTH (RECOMMEND MAHOGANY WONDER MULCH, CONSULT CLIENT TO CONFIRM).
- PATIOS AND PATHS:**
- \* GREY COLOR DQ PATIOS AND PATHS WITH GREY COLOR FLAGSTONES PLACED BETWEEN SHALL BE INSTALLED AT LOCATION INDICATED ON DESIGN. THESE PATIOS AND PATHS SHALL BE CONTAINED BY STONE EDGING OF CLIENTS CHOICE OR BENDER BOARD ALONG EDGE AS NEEDED.
  - \* DQ PATH WALKWAY ON SOUTH SIDE OF PROPERTY SHALL BE INSTALLED WITH CLEAR OPEN PUBLIC ACCESS FROM STREET TO RIVER. (NO GATES ARE TO BE INSTALLED)
  - \* BISTRO SET IS SUGGESTED ONLY AND ARE SHOWN AT LOCATION INDICATED ON DESIGN
  - \* DECORATIVE POTS OF CLIENTS CHOICE SHALL BE PLANTED WITH ABONUM AND ARE SHOWN AT LOCATIONS INDICATED ON DESIGN (ADDITIONAL SUCCULENTS MAY BE ADDED IF DESIRED).
  - \* WOOD DECK PLATFORM SHALL BE DESIGNED BY CONTRACTOR AND INSTALLED AT LOCATION INDICATED ON DESIGN. DECK SHALL BE 10' WIDE X 20' LONG.
  - \* FLAGSTONE PATH BETWEEN MULCH LEADING FROM DQ PATIO TO DECK PLATFORM SHALL BE INSTALLED AT LOCATION INDICATED ON DESIGN.
  - \* BIORETENTION CELL SHALL BE DESIGNED BY CONTRACTOR AND INSTALLED AT LOCATION INDICATED ON DESIGN. 2-3" SCHEDULE 80 PIPE SHALL BE INSTALLED LEADING FROM BIORETENTION CELL THROUGH BULKHEAD TO RIVER.
- FENCES, GATES AND SEATING WALL:**
- \* NEW 3' HIGH ROD IRON FENCE & GATE (OR WOOD FENCE & GATE) SHALL SURROUND GARDE AREA NEXT TO RIVER AT LOCATION INDICATED ON DESIGN.
  - \* NEW 3' HIGH GATE AND 2' HIGH STONE SEATING WALL SHALL BE INSTALLED AT LOCATION INDICATED ON DESIGN.
  - \* DETAILS OF DESIGN AND CONSTRUCTION OF FENCES, GATES AND WALL SHALL BE COMPLETED BY HOME ARCHITECT OR INSTALLATION CONTRACTOR.

Attachment: 319 Riverview Avenue - Full Plan Set - 03.17.2020 (319 Riverview Avenue)



ARCHIVES  
ARCHITECTURE

## SECRETARY OF THE INTERIOR'S STANDARDS REVIEW

### PROPOSED REHABILITATION AND ADDITION PROJECT

at an HISTORIC CRAFTSMAN BUNGALOW

LoMonaco Residence  
319 Riverview Avenue  
(Parcel Number 035-171-05)  
Capitola, Santa Cruz County, California

Prepared for:

Attn: Matt Orbach, Associate Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Prepared by:

ARCHIVES & ARCHITECTURE LLC  
PO Box 1332  
San Jose, CA 95109  
408.297.2684

Franklin Maggi, Architectural Historian  
Leslie Dill, Historic Architect and Architectural Historian

July 25, 2019; Revised Aug. 20, 2019, Oct. 7, 2019, and Mar. 9, 2020

## INTRODUCTION

### Executive Summary

This proposed residential rehabilitation and addition project has been designed to comply as well as feasible the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). While the proposed project does not strictly meet the guidelines outlined in Standards 5 and 6, due to the nature of the resource and the reasons for significance, the project appears to meet the intent of those guidelines.

### Report Intent

Archives & Architecture, LLC was retained by the City of Capitola to conduct a Secretary of the Interior's Standards Review of the proposed side and rear addition to the exterior of the historic one-story residence at 319 Riverview Ave., Capitola, California, and a demolition and reconstruction of the existing house in a new location on the parcel. The property is listed as a contributor to the Old Riverview National Register Historic District.

The Standards are understood to be a common set of guidelines for the review of historic buildings and are used by the City of Capitola during the environmental review process to determine the potential impact of a project on an identified resource. A project that meets the Standards can be considered mitigated to a less-than-significant impact under the California Environmental Quality Act (CEQA). A project that does not meet the Standards may have impacts on historic resources under CEQA.

### Qualifications

Initial review of this project was conducted by Leslie A. G. Dill, Partner of the firm Archives & Architecture, who has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia. She is licensed in California as an architect.

The final report incorporated into this March 9, 2020 revision was conducted by Franklin Maggi, Architectural Historian, and also partner of the firm of Archives & Architecture, LLC. Franklin Maggi has a professional degree in architecture with an area of concentration in architectural History from the University of California, Berkeley. Both Ms. Dill and Mr. Maggi are listed with the California Office of Historic Preservation as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of either Historic Architect and/or Architectural Historian in compliance with state and federal environmental laws. The state utilizes the criteria of the National Park Service as outlined in 36 CFR Part 61.



*1987 National Register Nomination Photograph of the Residence. Viewed facing north.*

### **Review Methodology**

The design review process is intended to review a project for potential impacts on the identified significance of a property, such as impacts to a property's architectural design or historical associations. This property was listed over thirty years ago as a contributor to the Old Riverview Historic District; however, an intensive-level evaluation of the individual property's significance has not been conducted. Without an updated intensive evaluation, the assumption and expectation must be that the property continues to have full significance as a contributor to the Old Riverview Historic District. The Old Riverview Historic District was nominated for the National Register of Historic Places in 1987 and added to the Register on January 22, 1988. The LoMonaco family was listed as the owner in the nomination.

For unknown reasons, perhaps because of its cottage's configuration away from the street and because it is mostly concealed behind a garage facing Riverview Avenue, this property does not appear in the 1987 *City of Capitola Architectural Survey* although it was later added to the 2005 *City of Capitola Historic Structures List*. In that list, it is identified as a contributor to a National Register District. Leslie Dill conducted a brief review of some additional sources to augment this relatively limited historic information, and she created an in-house list of the property's features to provide a baseline for review of the proposed rehabilitation and addition design.

After a site observation meeting with City of Capitola staff and the project designer, Dennis Norton, on December 14, 2018, Archives & Architecture provided an informational letter about the property status to the City's Planning Department. That letter, dated January 16, 2019, provided information about a future review process for possible demolition or rehabilitation plans at the property.

In February of 2019, Ms. Dill and City Staff met with Mr. Norton to review the conclusions in the letter and discuss some schematic design concepts; Ms. Dill and the staff member provided verbal feedback about the size and design of the proposed addition in the context of the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*. A set of proposed plans, dated 03/19/19, was forwarded by the City of Capitola to Archives & Architecture to initiate the review process. It was understood that the City and Applicant's goal for the project would be for the design to be compatible with the Standards with the intent of having the project be mitigated to a "less than significant" level.

Ms. Dill provided initial comments and suggestions in the form of a memo dated April 22, 2019, primarily addressing the size and massing of the proposed addition. The applicant revised some aspects of the exterior design, and prepared and submitted for review a full drawing set, including both existing and proposed designs. A review was conducted, and a report submitted. The report included both analysis and recommendations for revisions.

The applicant subsequently revised the project a number of times, and the review and comments in this report were revised and updated to analyze the most current design as submitted to the City of Capitola in February 2020 that had responded to a progress memo from this consultant dated 02/08/2020. The project set reviewed for this final report includes fifteen sheets dated as recently as 02/13/2020 (Sheets 1, 1A, 2 through 4, 5W, 5E, 5S, 5N, 8, 8A, 9, the BMP sheet, a Survey (SU), and Sheet L, a landscape plan. The designer of record is Dennis Norton Home Design and Project Planner.

### **Disclaimers**

The review of the design in this report is focused only on design compatibility with the Standards and does not take into account other planning considerations. This report addresses the project plans in terms of historically compatible design of the exterior of the residence and its setting. The consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building and will not review the proposed project for structural soundness or other safety concerns. The consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.

## **PROPERTY DESCRIPTION**

### **Context of the Existing Resource**

The Old Riverview Avenue Historic District is characterized in its National Register nomination from 1986:

*The Old Riverview Historic District is a residential settlement consisting of 66 properties (54 or 82% of which are contributing) in a picturesque natural setting adjacent to Soquel Creek in the City of Capitola. Most of the District's structures are modest one- and two-family, wood-frame homes which were originally built as summer cottages between c. 1925 and c. 1930. A*

*massive nineteenth-century railroad trestle towers over and visually dominates most of the district. Architecturally, the district represents an informal mix of the Bungalow, Craftsman and vernacular styles; several buildings also show influences of the Spanish Colonial Revival style. All are compatible in scale, materials, and character and together, in this well-landscaped, riparian setting, represent the essence of an early twentieth-century summer cottage community. The majority of the district's buildings are relatively intact, with modifications having been made principally only to windows and doorways. Furthermore, the non-contributing infill is largely compatible with the "beach cottage" style of architecture that predominates...*

*...The district's structures well complement their natural surroundings. All of the residential buildings as well as the railroad trestle are of wood construction. Principal architectural features are rustic in character: low-pitched roofs with exposed rafter ends and simple bargeboards are standard features of many of the homes. Typical of vernacular and California bungalow architecture, details are restrained.*

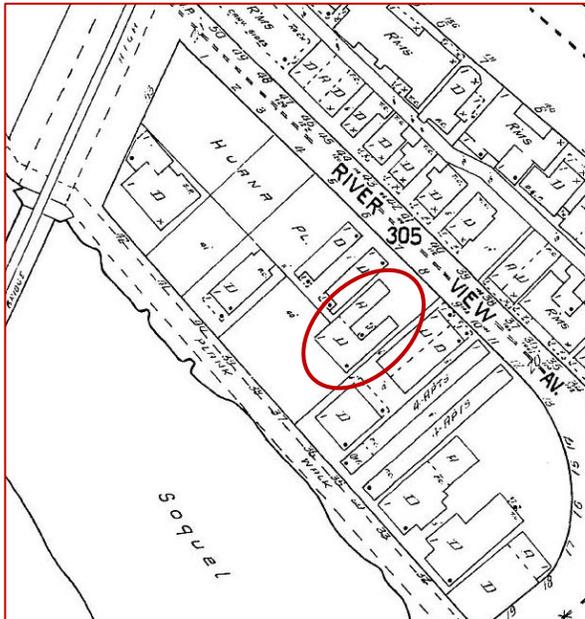


*1987 National Register Nomination Photograph of the Garage. Viewed facing south.*

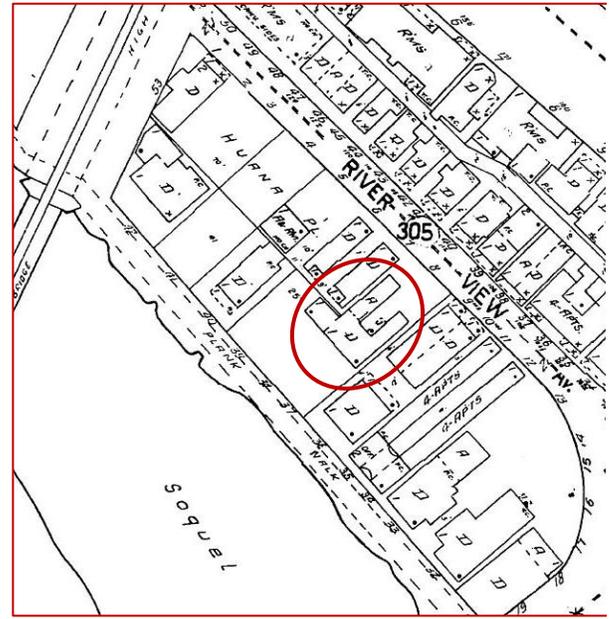
The Old Riverview Historic District National Register Nomination describes the property as follows:

*50. One-story, wood-frame bungalow residence with alternating narrow and wide horizontal siding. Major architectural features include a low-pitched, multiple-gable roof and an inset, centrally located main entrance area on the Soquel Creek façade. Details include 6-pane wood-frame windows. The building's scale, materials, and design show Craftsman influence. The structure has been altered by the enclosure of a window at the rear of the building. Outbuildings include an early garage located to the rear of the property. Built c. 1925.*

The primary character of the historic house is obtained from its small size with multiple wings, gabled roof, and Craftsman-influenced materials and detailing. It is a low structure, with low gabled roofs in a cross-gabled design. The house illustrates late-Craftsman forms and materials, including horizontal siding with alternating widths, full-width moderately pitched roofs, casement windows, and exposed rafter tails; however, it is clear from historic documentation, and from the detailing of the house itself, that the house has evolved over time. The Riverview tract was established between 1922 and 1926, and the nomination forms indicate that it was likely built around 1925. The 1927 Sanborn Insurance Map shows the house at its current location. In the mid-1920s, the house featured a “U”-shaped configuration at the interior corner of the flag-shaped parcel, with considerable open space between the house and the creek. The main, north-south living wing was at that time connected to two narrow eastern wings: an automobile garage adjacent to the courtyard apartments and a slightly shorter wing near the south property line. The space between the wings was about the same width as each of the wings. The 1930 Sanborn Insurance Map indicates that a small extension had been added to the north side of the main wing. The house and this early-1930s addition aligned on the river façade, while the added wing was slightly narrower in plan than the original main wing. Since 1933, the Riverview Avenue courtyard was filled in to form a double garage wing, and two small gabled east-west wings were added: one to the southwest corner of the main wing and one at the west side of the pre-1933 wing. The dates on these alterations were not established as a part of this review. A detached shed was also built in the northwest corner of the parcel. Its construction date was also not determined.



1927 Sanborn Insurance Map Detail



1933 Sanborn Insurance Map Detail

### Special Note about Cumulative Effect on the District

This project was reviewed with regard to the historic integrity of the subject property and with regard to possible impacts on the historic integrity on surrounding properties that also contribute to the historic district. Although alterations have been made to other properties within the historic district, the review was based on the original character-defining features of the district according to the nomination description. The cumulative effect of these alterations over time is not addressed in this memo and is currently outside the scope of review of this project. Without extensive additional

study, the project as proposed could not be reviewed for a potential effect on any cumulative loss of integrity of the district.

### Character of the Existing Resource

To review the design of the proposed rehabilitation and addition project, Archives & Architecture, LLC created an in-house list of the house's features. The list of character-defining features includes, but may not be limited to:

- Low, one-story massing,
- Low-pitched, multiple-gable roof, representing multiple alterations over time (with unclear history still)
- Alternating narrow and wide horizontal siding with flat-board fascia and corner boards
- Inset, centrally located main entrance area on the Soquel Creek façade.
- 6-pane wood-frame casement windows; some in pairs and some at corners
- Wood-frame structure with low wall plates
- Exposed rafter tails with bead-board soffit

Because the alteration of the street-facing garage and the addition of the southwest-corner wing were extant at the time of the National Register nomination, these elements are considered to be part of the historic property and included in all the analysis.

Because of its construction and materials, the shed at the northwest corner, although likely considered historic in years, appears as a vernacular structure, put together of fence boards and roofed with corrugated metal. It does not have the design characteristics or visual associations that might make it a contributing structure to the district or within the property.

## PROJECT DESCRIPTION

### Summary of the Proposed Project

The project consists of the demolition of all buildings on the property. The project includes the reconstruction of a portion of the historic cottage, including exterior visual replication of the main central wing and three of the small historic additions, forming a "U" shaped plan. The proposed footprint of the reconstructed house area would be moved toward the Soquel Creek Path and to the north, close to the side property line. The project includes the permanent removal of the east wing of the house, currently the part of the house closest to Riverview Avenue and including part of the original cottage. This wing includes living space as well as garage. The proposed project includes the construction of a new two-story dwelling unit addition, attached to, and overhanging in part, the east (street-side) elevation of the reproduced historic house. The proposed new living space would be approximately "L" shaped in plan; much of the first floor of the addition would be parking, storage, and "underfloor" (open) spaces; the second story would provide the primary living space.

### SECRETARY'S STANDARD'S REVIEW:

The *Secretary of the Interior's Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource's historical, cultural, or architectural values. Accordingly, Standards states that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." Following is a summary of the review with a list of the Standards and associated analysis for this project:

1. **“A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.”**

**Analysis:** Although there is no change of the type of use proposed for this residential property, the intensification of the property for two dwelling units could be seen as adding a new use. A proposed second dwelling unit can be found to be consistent with this Standard. The proposed project, with its larger-scaled residential use, requires changes to the form, materials, detailing, elements, and special relationships within the property, but can be considered substantially compatible with Standard 1.

Intensification of residential use would not necessarily indicate that a project would be incompatible with the Old Riverview Historic District, as the district has always been proportionately dense, with smaller lots and closely placed cottages. The additional use must be analyzed utilizing other means. A project that can be determined to meet the subsequent nine Standards can be considered to meet Standard 1 as well.

2. **“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”**

**Analysis:** The original “F”-shaped footprint that had been altered into an “L”-shaped plan would be fully demolished and partially reconstructed. The historic east massing of the cottage is proposed for removal. The remaining central wing, along with the northwest and southwest room additions, would also be demolished, then partially reproduced in a different location on the parcel. The proposed cottage form, siding, roofing, windows, and other trim are noted on the drawings as a “Reconstructed Historic House.”

The historic character of the property does not visually dominate this end of the historic district. The property includes setbacks between similarly tall buildings, some residential open space, and a rambling one-story house. These characteristics are not proposed for preservation, but their loss will not significantly impact the significance of the historic district.

3. **“Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken.”**

**Analysis:** The proposed design uses materials in an overall composition that provides highly differentiated forms, materials, and features per Standard 9. The project would not create a false sense of historical development and is compatible with this Standard for both the property and for the historic district.

4. **“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”**

**Analysis:** Without an intensive evaluation update and because the post-1933 alterations were in place before the property was listed on the National Register, these alterations to

the house can be determined to have acquired historic significance in their own right. The project is, therefore, reviewed as though all the more recent house components (e.g., the filled-in garage and the northwest and southwest wings) are significant character-defining features. In all the other Standards analyses in this report, these components are reviewed as integral parts of the existing historic resource. See Standards 1-3, 5-7, and 9-10.

The shed at the northwest corner of the parcel was observed during the site visit to be of relatively recent materials and vernacular construction. It is not considered a change that has acquired historic significance, and its proposed demolition would be considered consistent with this Standard.

5. **“Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”**

**Analysis:** Distinctive features and finishes that identify the cottage are not fully preserved on the proposed plans. The low, one-story massing is partially preserved; however, the proposed new addition is shown to be a large two-story element dominates the original historic form. The low-pitched, multiple-gable roof would be topped by a second-story deck. The inset, centrally located main entrance area facing Soquel Creek would remain, but it would be reproduced in new materials and relocated on the parcel.

The alternating narrow and wide horizontal siding with flat-board fascia and corner boards would be demolished and then reproduced. The 6-pane wood-frame casement windows would be demolished and then reproduced. The wood-frame structure with low wall plates would be reproduced, as would the exposed rafter tails with bead-board soffit.

The property would include no original historic materials but can be found to generally be in compliance with Standard 5.

6. **“Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.”**

**Analysis:** The current physical condition of the house appears, from visual observation, to be fair to poor and deteriorating. The notes on the existing elevation sheet (5A) appear to provide accurate documentation of the original materials and critical dimensions. The proposed project; however, does not include the preservation or repair of historic character-defining elements; the notes on the project drawings indicate “Replacement Historic Structure.”

Replacement in-toto of historic buildings is generally not considered to be in keeping with Standard 6. Meeting this Standard appears to not be feasible given the poor condition of the building. It is recommended that the historic house be repaired rather than replaced where possible.

7. **“Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”**

**Analysis:** No chemical or physical treatments are shown as proposed in this project, or expected, other than preparation for painting. It is recommended that any planned construction techniques be identified during the building permit submittal phase.

8. **“Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”**

**Analysis:** Archeological resources are not evaluated in this report.

9. **“New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”**

**Analysis:** The proposed new addition in its currently proposed form can be found to generally be compatible with the historic character of the historic property in massing or scale. The proposed new addition has been designed to be generally compatible with the historic character of the Old Riverview Historic District in massing or scale that has been broken into smaller elements to be consistent with this Standard.

While the proposed addition is not visually subordinate to the historic cottage, the current design concept generally preserves the integrity of the contributing property in the context of the historic district character.

The materials and scale of the proposed new elements, such as the width of siding exposures, material of the siding, sizes and configurations of windows, placement of the deck, proportions of wall area to window area, prominence of the exterior stair, and more, have been designed to mediate the size and massing of the proposed addition and can be found to be substantially in keeping as a composition with the district character or the design of the historic property.

10. **“New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”**

**Analysis:** The design as currently proposed would generally preserve the essential form and historic integrity of the historic property in context. Although the reconstruction of the house, the relocation of the historic footprint, and the removal of parts of the historic house for the addition, will change the original contextual setting, the contributing property would not be impaired in this project.

## INTEGRITY ANALYSIS

Historic integrity analysis is a component of the design review process. Integrity analysis is tied into the criteria for National Register and California Register eligibility. A project that might impact the integrity of a historic resource could impact the significance of that resource. According to the California Office of Historic Preservation Technical Assistance Series #6:

*Integrity is the **authenticity** of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing. Integrity is evaluated with regard to the retention of **location, design, setting, materials, workmanship, feeling, and association** [Emphasis added]. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance. [Emphasis added]*

The following analysis is intended to address how the proposed residential addition might potentially preserve or impact the historic integrity of the contributing subject property and the surrounding National Register district. The analysis utilizes the seven aspects of historic integrity indicated by the National Register and State of California's definition of authenticity of a resource.

**Location:** The location of the contributing historic resource would remain within the original parcel and with a similar orientation; however, the existing house footprint would be moved toward the creek and to the north within the property boundaries. The historic integrity of location is somewhat, but not fully, preserved with this proposed project.

**Setting:** Potential impacts of the project on "setting" includes potential impacts on the immediate setting of the house within the contributing property, the potential impacts of the project on the adjacent contributing properties, and the project's impact on the setting of the historic district as a whole.

The proposed project does not provide a fully compatible setting for the historic house. The current house has a relatively large open space to the north and west, and this area would be made smaller. Although the Soquel Creek Path and the yard space to the west of the walk would be preserved and would provide an open view and a residential setting on that side, the cottage footprint is shown relocated to the north, diminishing the north yard to a narrow setback and limiting the landscaped setting on that side. The Riverview Avenue side of the property would be filled with the two-story mass of the addition. The large addition would be placed immediately adjacent to the full width of the relocated cottage form and visually resting on top of the small cottage roof, removing the setting of that side of the house, as well as impacting the setting of the roof form. project only partially preserves the immediate setting for the cottage, and therefore results in a loss of integrity of the historic house.

The proposed two-story residential addition would affect the setting of the one-story contributing historic resources next door and across the street. The project as proposed affects the historic integrity of setting for the surrounding contributors.

**Design:** The project would preserve aspects of the historic integrity of the design of the contributing cottage at 319 Riverview Avenue. The proposed design would replicate the main wing of the vernacular house, in keeping with the design of the historic property. The replicated design would also be substantially in keeping with the character of the historic district and its "...informal mix of the Bungalow, Craftsman and vernacular styles; several buildings [that] also show influences of the Spanish Colonial Revival style." The project affects the original rambling footprint, and would add new living space. The loss of some portions of the house and the addition of new living spaces would alter some aspects of the historic integrity of the design.

**Materials:** The project shows the complete demolition and only partial rebuilding of the house, using new materials, and therefore affects the integrity of original materials.

**Workmanship:** The drawing notes refer to the plans and elevations of the relocated cottage as "Reconstructed Historic House." All representations of historic workmanship would be demolished. The historic integrity of workmanship would be lost.

**Feeling:** After the proposed alterations and addition, the contributing historic resource would lose some of its ability to convey a feeling of historic small-scale summer house. By increasing the height and size of the massing on the property, much of the integrity of feeling of the historic district will be affected.

**Association:** The significant associations of the property, as a contributor to the historic district character how it "...represent[s] the essence of an early twentieth-century summer cottage community." Associations would be embodied by architectural design, materials, and workmanship from the 1920s, with rustic architectural features, and restrained details. These associations would be reduced with this new project.

**CALIFORNIA COASTAL COMMISSION**

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November 12, 2019

Capitola Architecture and Site Review Committee  
 420 Capitola Avenue  
 Capitola, CA 95010

**Subject: 11/13/19 Architecture and Site Review Meeting (319 Riverview Avenue,  
 Application # 18-0609).**

Dear Committee Members:

It is our understanding that Application #18-0609 includes the demolition of an existing approximately 1,777-square-foot historic residence and the construction of an approximately 5,036-square-foot duplex at 319 Riverview Avenue. The proposed project would entail the conversion of an existing connection to the Riverview pathway to private residential uses. Such conversion would conflict with the City of Capitola's certified Land Use Plan (LUP), which includes policies calling for the protection and enhancement of pedestrian pathways including to and along Soquel Creek. Most notably, Chapter 3 of the LUP states that the "City should enhance the public's abilities to reach upper Soquel Creek [...] by way of Riverview Drive;" "Pedestrian paths in Capitola Village should be maintained and improved; and "Pedestrian use of [pathways] should always be of primary importance." The proposed elimination of the pathway also presents a potential prescriptive rights<sup>1</sup> issue given the length of time that this pathway has served as public access to the river/river pathway and given the public's ongoing and historic use of the pathway. Given the proposed project's significant impacts to public access and recreation and its inconsistency with the above-cited LUP policies, we respectfully request that the project be revised such that that the pathway is maintained in its existing state or improved, as is directed by the LUP.

Thank you for your time and consideration.

Sincerely,

Rainey Graeven  
 Coastal Planner  
 Central Coast District Office

<sup>1</sup> More information on prescriptive rights is available here through the Commission's website:  
<https://www.coastal.ca.gov/access/prescriptive-rights/>.



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MAY 7, 2020

SUBJECT: **115 San Jose Avenue**                      **#19-0186**                      **APN: 035-221-18&19**

Master Conditional Use Permit for the mixed-use Capitola Mercantile including specific allowances for to-go food establishments, tasting rooms, retail sales, personal services, and designated shared seating areas with onsite consumption of beer and wine located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Capitola Associates, LLC

Representative: Dennis Norton, Filed: 04.19.2019

### **APPLICANT PROPOSAL**

The applicant is proposing a Master Conditional Use Permit (MCUP) including designated shared seating areas with onsite consumption of beer and wine for the Capitola Mercantile within the C-V (Central Village) Zoning District. The permit would allow a variety of use types to be considered as 'permitted uses' in the structure and would allow some businesses that sell alcoholic beverages to utilize the interior and exterior quasi-public seating areas as a 'shared premises' for consumption of alcohol.

### **BACKGROUND**

The property is centrally located within the Central Village along San Jose Avenue and Esplanade. The Capitola Mercantile (APN – 035-221-18) contains 11 commercial tenant spaces, totaling 8,735 square feet, which are currently a mix of retail and restaurant establishments. The development also includes the adjacent building (APN – 035-221-19) which includes a two-story structure with a 1,185-square-foot residential space on the second floor, a 535-square-foot garage, and a 180-square-foot commercial space currently occupied by Left Coast Sausage Works. The Mercantile is surrounded by one- and two-story structures with retail, restaurant, and hotel uses.

Uses in the Central Village zoning district are regulated under Capitola Municipal Code (CMC) §17.21.040 Principal permitted uses and §17.21.060 Conditional uses. If the use proposed by a prospective tenant is on the list of principal permitted uses, they do not require a planning permit from the City of Capitola. If the use proposed by a prospective tenant is on the list of conditional uses, it requires a Conditional Use Permit approved by the Planning Commission. Due to limited onsite parking, a new use in the Mercantile may not exceed the parking requirement of the previous use of the space they are proposing to occupy. For Example, a retail use or a to-

go food establishment can replace a retail use because they have the same parking requirement, but a restaurant cannot replace retail because it has a higher parking requirement. Over the years, multiple conditional use permits have been approved by Planning Commission for food establishments, the majority of which are to-go due to the parking requirement.

### **DISCUSSION**

A Master Conditional Use Permit (MCUP) explicitly allows a variety of principally permitted and conditionally permitted uses as permitted uses within a specific location. A tenant may change one use to another use administratively if the proposed use is established as an allowed use in the MCUP. MCUPs are regulated under Capitola Municipal Code (CMC) §17.60.160 “Master conditional use permits – Tenant use permits.” The following list outlines the requirements of CMC §17.60.160 followed by staff analysis:

- A. To qualify for a master use permit, more than ten thousand square feet of building must be located upon a parcel, or multiple adjoining parcels under one ownership, at the time the first tenant use permit is utilized.

Staff Analysis: The total square footage of the Capitola Mercantile and the adjacent structure with a residential unit and one commercial suite, the two structures that would be regulated under the proposed MCUP, is 10,635 square feet, so the project qualifies for a master use permit.

- B. The property must conform to city parking and landscaping requirements.

Staff Analysis: Parking. The existing uses in the Capitola Mercantile require 44.45 parking spaces and there are 41 parking spaces provided on the site.

<b>Capitola Mercantile – Uses and Parking Requirements</b>				
<b>Space #</b>	<b>Current Use</b>	<b>Sq. Ft.</b>	<b>Parking Requirement</b>	<b>Spaces Required</b>
101	To-Go Restaurant	324	1 per 240 sq. ft.	1.4
102	Gaming Arcade	634	1 per 240 sq. ft.	2.6
103	Vacant (Formerly Retail)	189	1 per 240 sq. ft.	0.8
104	Gaming Arcade	313	1 per 240 sq. ft.	1.3
105	Retail	974	1 per 240 sq. ft.	4.0
106	Gaming Arcade	451	1 per 240 sq. ft.	1.9
107	Coffee Shop	314	1 per 240 sq. ft.	1.3
108	Retail	768	1 per 240 sq. ft.	3.2
109	Restaurant	578	1 per 60 sq. ft.	9.6
110	Restaurant	877	1 per 60 sq. ft.	14.6
111	Vacant (Proposed To-Go Restaurant)	1,001	1 per 240 sq. ft.	4.2
Apartment	Residential	1,185	2 spaces	2
Left Coast Sausage	To-Go Restaurant	180	1 per 240 sq. ft.	0.75
<b>Total</b>		<b>9,920</b>		<b>44.45</b>

Under Conditional Use Permit (CUP) #05-035, which permitted the expansion of Caruso’s from a take-out restaurant to a standard sit-down restaurant, 41 parking spaces were found to be adequate because uses in a mixed-use development have different peak use time periods and

therefore “combined require less parking than if the same land uses were separately developed.”

Parking was analyzed again in 2019 under CUP #19-0134 for a gaming arcade (Attachment 7). The parking study determined that, due to the different peak times of the uses on-site, the gaming arcade use could be conducted under the same 1 space per 240 square foot parking requirement as the previous retail use (Attachment 6). However, because there were not 41 existing onsite parking spaces at the time of approval, the Planning Commission approved CUP #19-0134 with a condition of approval requiring the applicant to provide 41 onsite parking spaces (Attachment 8). The parking lot was restriped to provide 41 spaces in 2019. The parking study was subsequently used in the approval of CUP #19-0140 for a pizzeria in 2019 and CUP #19-0484 for a coffee shop with alcohol in 2020. The uses included in the proposed MCUP would maintain parking at the current level of 41 spaces.

Landscape. 2,835 square feet of landscaping is required to meet the 10% landscaped open space requirement for the C-V zoning district. The proposed site plan provides 2,842 square feet of landscaping, which meets the 10% requirement.

- C. The holder of the master use permit will be renting space to a number of tenants (or itself will be carrying on various businesses), all of which will be using their space for one of the uses allowed in the master use permit. When approving any application, the Planning Commission shall determine the uses allowed by the master use permit by selecting from those principal permitted uses and conditional uses, as listed in the zoning district regulations, which are (without the imposition of conditions not in the master use permit) compatible with the master use and the surrounding properties.

Staff Analysis: The proposed MCUP includes the following uses to be permitted administratively. The uses which are principally permitted within the Central Village zoning district are as follows.

1. Retail business establishments
2. Personal service establishment
  - Nail/Hair Salon, Massage, Health Spa
3. Beach rental equipment
4. Art galleries
5. Antique sales
6. All permitted uses within the zoning district.

The uses which typically require a Conditional Use Permit but would be allowed to be permitted administratively under the proposed MCUP are listed below followed by required mitigations measures that would be required for the use.

7. Take-out restaurants including, but not limited to: fruit and vegetable stand, meat and fish market, candy and ice cream, local home food products, coffee roaster, oyster bar and seafood, baked goods, and spices and herbs.
  - Maximum of six seats.
  - Maximum of 160 square feet of area open to customers for consumption.
8. Business establishments/tasting rooms that sell or dispense a beer and/or wine.
  - Maximum of six seats
  - Maximum of 160 square feet of area open to customers for consumption

- Required to obtain a Letter of Necessity and Convenience from the Capitola Chief of Police.
- All new businesses that sell or dispense beer and/or wine, except for beer and/or wine manufacturer tasting rooms, would require a California Department of Alcoholic Beverage Control (ABC) license
- Not more than 50% of the combined leasable commercial floor area of the Mercantile (4,368 square feet) may be utilized for this use type, not including 'shared premises' areas (Condition #13).
- Note: This use type does not include businesses that sell or dispense distilled spirits. These types of businesses would require an ABC license and a Conditional Use Permit with Planning Commission approval.

9. Commercial entertainment establishments, such as theaters and amusement centers
- Maximum suite size of 1,400 square feet

- D. Hereafter, prior to the leasing of any space upon the subject property, the holder of the master use permit must inform all prospective tenants, or tenants renewing or extending leases, of the conditions of the master use permit and of the requirements of this section.

Staff Analysis: This requirement is included as Condition of Approval #8 and included in the MCUP document.

- E. At the time the master use permit is originally issued, tenant use permits need not be obtained by tenants occupying space on the subject property unless such a requirement is made a precondition of the master use permit approval. After a master use permit has been issued, tenant use permits shall be approved by the community development director upon inspection of the property, and verification that it and its landscaping are in good repair, and that all other conditions of the master use permit are being met. Any adverse determination made by the community development director under this section may be appealed by the applicant to the planning commission within ten calendar days of receipt of notice from the community development director. Such appeals shall be heard de novo. Favorable determinations of either the community development director or planning commission will be so listed on the consent calendar portion of the agenda for the next city council meeting. No tenant use permit will be issued prior to such city council meeting. At such meeting, any member of the council who believes that the application (in order to satisfy the considerations set forth in Section 17.60.030A and B, may need rejection or additional conditions) may demand a de novo review of the application. That review shall occur at such time as is then set by the council. Unless waived by the applicant, at least seven calendar days notice (measured from the date of mailing) shall be given to the applicant prior to the council's de novo review. If no council member so demands such de novo review, the community development director may forthwith issue the tenant use permit.

Staff Analysis: After the master use permit has been approved, tenant use permits shall be approved administratively by the community development director upon inspection of the property, and verification that it and its landscaping are in good repair, and that all other conditions of the master use permit are being met. This requirement is included as Condition of Approval #9 and included in the MCUP document. If the Planning Commission has any specific conditions they would like to add, it would be appropriate to list them within the MCUP conditions to ensure the condition is included in the final MCUP document and reviewed at time of new tenant occupancy.

- F. A tenant use permit may be revoked in the manner provided in Section 17.60.120 if the tenant is the cause of violation of a condition of the master use permit.

Staff Analysis: This requirement is included as Condition of Approval #10 and included in the MCUP document.

- G. Any approval of a master use permit may include size limitations for each category of allowable tenant use permits, subject to the following limitations: No tenant use permits may be issued for any activity-use that will occupy over twelve thousand square feet of building area; Above this limit, activity-uses must obtain an ordinary conditional use permit.

Staff Analysis: There are three size limitations included under the proposed MCUP. First, the MCUP includes Commercial Entertainment Establishments with a maximum size of 1,400 square feet as a permitted use. Any commercial entertainment establishments greater than 1,400 square feet would require a Conditional Use Permit. Second, the MCUP includes a restriction for business establishments that sell or dispense alcoholic beverages that not more than 50% of the combined commercial floor area of the Mercantile (4,368 square feet) may be utilized for this use type, not including 'shared premises' areas (Condition #13). There are currently four approved conditional use permits for alcohol sales within the Capitola Mercantile: Caruso's Restaurant (Suite 109 – 578 square feet), Capitola Wine Bar (Suite 110 – 877 square feet), The Daily Grind (Suite 107 – 314 square feet), and a proposed pizzeria (Suite 111 – 1,001 square feet). The total existing floor area occupied by uses that sell or dispense alcoholic beverages is 2,770 square feet, which is 32% of combined commercial floor area within the Capitola Mercantile. The 50% limitation would allow an additional 1,598 square feet of floor area to be converted to business establishments that sell or dispense alcoholic beverages. Third, take-out restaurants and business establishments that sell or dispense beer and/or wine will be limited to 160 square feet of food and beverage consumption area available to customers. The operational provision of limiting the seating area of to-go food and beverage establishments to 160 square feet is consistent with the new zoning code.

- H. The Planning Commission may deny a master conditional use to all, or a portion of, any area described in subsection A, if the Planning Commission finds that particular circumstances of the property, its existing use, or its proposed use, are such that the ordinary conditional use permit process is necessary for adequate protection of the community's land use interests.

Staff Analysis: The Planning Commission will review the application and decide whether or not there are particular circumstances tied to the property, existing uses, or proposed uses, that the ordinary CUP process is necessary to adequately protect the community's land use interests.

The proposed Master Conditional Use Permit (MCUP) is included as Attachment 1.

#### Alcohol

The applicant is proposing to include "Businesses that can sell beer and/or wine, including tasting, with a six-seat maximum" in the MCUP. These businesses, except for beer and/or wine manufacturer tasting rooms, would still require an ABC license and a "Letter of Necessity and Convenience" from the Chief of Police, but there would be no Planning Commission review. The ABC does not require beer and wine manufacturers with active ABC licenses to acquire separate licenses for tasting rooms in different locations from their primary location. Businesses that sell or dispense distilled spirits would require an ABC license and a Conditional Use Permit with Planning Commission approval and would not be allowed to participate in the 'shared premises' described below.

### Shared Premises ABC Permit

The applicant is proposing to allow the businesses that sell beer and wine to utilize the interior and exterior quasi-public seating areas as a 'shared premises' for consumption of beer and wine. Capitola staff worked with staff from the State ABC Licensing Department to establish the boundaries of the 'shared premises' areas where consumption of alcohol will be allowed (Attachment 2). These areas include the quasi-public seating areas in the lobby in the center of the building, a proposed outdoor patio adjacent to the northwest entrance to the building, and a small proposed outdoor patio adjacent to the southwest entrance to the building.

The ABC staff also established conditions for ABC license application for the Mercantile. Businesses wishing to utilize the 'shared premises' seating areas would apply for a Type 41 On Sale Beer and Wine Eating Place license. The specific conditions related to the shared premises are included as Attachment 5. The conditions include: serving alcohol in containers that are distinctive in design and color and are easily distinguishable from containers used in the service of non-alcoholic beverages; serving alcohol in containers that significantly differ in appearance from containers utilized by other licensees in the Mercantile; monitoring the areas under their control; limiting sales, service, and consumption of alcoholic beverages in or on the patio areas only between the hours of 8 a.m. and 10 p.m. daily; limiting the volume of entertainment to a volume not audible beyond the area under control of the licensee; and prohibiting sales of alcoholic beverages for consumption off of the premises. Once licensed, all licensees would be responsible for the shared premises, including any violations of the law occurring on the licensed premises.

### Capitola Wine Bar

Suite 110, the current location of Capitola Wine Bar, is permitted as a retail wine shop and tasting room with six seats or less under Conditional Use Permit #06-011 (Attachment 9). In the 2019 parking study for the Mercantile, however, it was identified as a restaurant use, so the parking demand for a full restaurant is already accounted for in the existing on-site parking. Staff has listed 'restaurant' on the "List of Suites with Specifically Permitted Uses" in the Master Conditional Use Permit. The MCUP would make the current use of the property compliant. The MCUP also includes an allowance for expanding a future kitchen for the Capitola Wine Bar (Suite 110) into Suite 111, so that the tenant may expand into a full restaurant use in the future.

The Capitola Wine Bar currently holds a Type 42 – On Sale Beer and Wine ABC license. This license type is not allowed to participate in the 'shared premises.' However, if a kitchen was added to Suite 110 by expanding into Suite 111, the Capitola Wine Bar could apply for a Type 41 – On Sale Beer and Wine Eating Place ABC license and participate in the 'shared premises.'

### CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act. The proposed project involves a Master Use Permit for potential future uses occupying an existing commercial structure with no expansion of use. No adverse environmental impacts were discovered during project review by Planning Staff.

### RECOMMENDATION

Staff recommends the Planning Commission approve application #19-0186, subject to the conditions below and based upon the findings below.

If the Planning Commission chooses to deny application #19-0168, the language from CMC §17.60.160(H) should be included in the motion for denial. That section states that the planning commission may deny a master conditional use to all, or a portion of, the building or buildings if

the planning commission finds that “particular circumstances of the property, its existing use, or its proposed use, are such that the ordinary conditional use permit process is necessary for adequate protection of the community’s land use interests.”

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a Master Conditional Use Permit for the mixed-use Capitola Mercantile including specific allowances for to-go food establishments, tasting rooms, retail sales, personal services, and designated shared seating areas with onsite consumption of beer and wine within the C-V (Central Village) Zoning District. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 7, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. There shall be no amplified audible entertainment inside the businesses that can be audible outside of the business unless permitted by the Capitola Police Department.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. All construction and site improvements shall be completed according to the approved plans.
4. 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.
5. Prior to issuance of any new Business Licenses for businesses within the Capitola Mercantile, a bicycle rack with a minimum capacity of parking for ten (10) bicycles, shall be installed on the property. The bicycle parking shall be available for public use at no cost.
6. Prior to the leasing of any space upon the subject property, the holder of the master use permit must inform all prospective tenants, or tenants renewing or extending leases, of the conditions of the master use permit and of the requirements of Capitola Municipal Code (CMC) §17.60.160.
7. After a master use permit has been issued, tenant use permits shall be approved by the community development director upon inspection of the property, and verification that it and its landscaping are in good repair, and that all other conditions of the master use permit are being met.
8. A tenant use permit may be revoked in the manner provided in CMC §17.60.120 if the tenant is the cause of violation of a condition of the master use permit.
9. Businesses that sell or dispense distilled spirits shall require an ABC license and a Conditional Use Permit with Planning Commission approval. Businesses that sell or dispense distilled spirits shall not be allowed to utilize the ‘shared premises’ areas.
10. All uses that sell or dispense alcoholic beverages, including administratively approved uses, shall require an ABC license. This does not include tasting rooms for beer or wine manufacturers with active ABC licenses.

11. All uses that sell or dispense alcoholic beverages, including administratively approved uses, shall require a "Letter of Necessity and Convenience" from the Chief of Police.
12. No more than 50% of the combined leasable commercial space (4,368 square feet), not including 'shared premises' areas, shall be occupied by business establishments that sell or dispense alcoholic beverages.
13. No tenant use permits may be issued for any activity-use that will occupy over twelve thousand square feet of building area.

### **MASTER CONDITIONAL USE PERMIT FINDINGS**

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

Community Development Staff and the Planning Commission have reviewed the project. The proposed Master Conditional Use Permit complies with the development standards of the C-V (Central Village) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff and the Planning Commission have reviewed the application for the Master Conditional Use Permit. The project will maintain the character and integrity of the neighborhood.

**C. In considering an application for a master conditional use permit, the planning commission gave due regard to the nature and condition of all adjacent uses and structures. The commission-imposed requirements and conditions with respect to location, design, siting, maintenance and operation of the permitted uses under the master use permit as necessary for the protection of the adjacent properties and in the public interest.**

In reviewing the proposed project, the Planning Commission gave due regard to the nature and condition of all adjacent uses and structures and imposed requirements and conditions with respect to location, design, siting, maintenance, and operation of the permitted uses under the master use permit as necessary for the protection of adjacent properties and in the public interest.

**D. In approving a master conditional use permit, the commission included conditions as the commission deems reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of the Capitola Municipal Code, the General Plan, and the Local Coastal Program.**

The Planning Commission included conditions of approval with the project approval that will preserve the integrity and character of the C-V (Central Village) zoning district and secure the purposes of the Capitola Municipal Code, the General Plan, and the Local Coastal Program.

**E. The master conditional use permit complies with all requirements outlined in §17.60.160 of the Capitola Municipal Code.**

Community Development Staff and the Planning Commission have reviewed the application for the Master Conditional Use Permit. The proposed project complies with all of the requirements outlined in §17.60.160 of the Capitola Municipal Code.

**F. The master conditional use permit includes permitted land uses which are compatible with the master use and the surrounding properties in the Central Village.**

Community Development Staff and the Planning Commission have reviewed the application for the Master Conditional Use Permit. The proposed project includes permitted land uses which are compatible with the master use and the surrounding properties in the Central Village.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

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

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed project involves a Master Use Permit for potential future uses occupying an existing commercial structure with no expansion of use. No adverse environmental impacts were discovered during project review by Planning Staff.

**ATTACHMENTS:**

1. 115 San Jose Avenue - Master Conditional Use Permit - 05.07.2020
2. 115 San Jose Avenue - Site Plan - 03.10.2020
3. 115 San Jose Avenue - Capitola Mercantile Master Occupancy Plan - 03.10.2020
4. 115 San Jose Avenue - Capitola Mercantile Use Permit Use List - 03.10.2020
5. Capitola Mercantile Conditions from ABC - 12.20.2019
6. 115 San Jose Avenue - Kimley-Horn Parking Memo - 04.22.2019
7. 115 San Jose Avenue - Staff Report for CUP #19-0134 - 05.02.2019
8. 115 San Jose Avenue - FLAN for CUP #19-0134 - 05.13.2019
9. 115 San Jose Avenue - CUP #06-011 - PC Minutes - 04.06.2006

Prepared By: Matt Orbach  
Associate Planner



**Master Conditional Use Permit**  
*115 San Jose Avenue*

This Master Conditional Use Permit (MCUP) explicitly allows the uses listed below within the two structures located at 115 San Jose Avenue: the Capitola Mercantile (APN - 035-221-18) and the adjacent structure to the south (APN - 035-221-19). A tenant within may change one use to another use by acquiring a tenant use permit administratively from the City if the proposed use is established as an allowed use in the MCUP.

On May 7, 2020, the City of Capitola Planning Commission determined that the following uses, with applicable restrictions and conditions, are compatible with the master use and the surrounding properties:

**Allowed Uses**

1. Retail business establishments
2. Personal service establishment
  - Including but not limited to: Nail/Hair Salon, Massage, Health Spa
3. Beach rental equipment
4. Art galleries
5. Antique sales
6. All permitted uses within the zoning district
7. Take-out restaurants including, but not limited to: fruit and vegetable stand, meat and fish market, candy and ice cream, local home food products, coffee roaster, oyster bar and seafood, baked goods, and spices and herbs.
  - Maximum of six seats.
  - Maximum of 160 square feet of area open to customers for consumption.
8. Restaurant use with six or more seats
  - Limited to Suites 109 and 110. Suite 110 may expand kitchen area into Suite 111.
9. Business establishments/tasting rooms that sell or dispense beer and/or wine.
  - Maximum of six seats
  - Maximum of 160 square feet of area open to customers for consumption
  - Required to obtain a Letter of Necessity and Convenience from the Capitola Chief of Police.
  - All new businesses that sell or dispense beer and/or wine, including beer and/or wine manufacturer tasting rooms, would require a California Department of Alcoholic Beverage Control (ABC) license.
  - Not more than 50% of the combined leasable commercial floor area of the Mercantile (4,368 square feet) may be utilized for this use type, not including 'shared premises' areas (Condition #13).

- Note: This use type does not include businesses that sell or dispense distilled spirits. These types of businesses would require an ABC license and a Conditional Use Permit with Planning Commission approval.
10. Commercial entertainment establishments, such as theaters and amusement centers
- Maximum suite size of 1,400 square feet
11. Residential and Vacation Rental
- Second story residential only
  - Requires Vacation Rental license

List of Suites with Specifically Permitted Uses

Suite #	Sq. Ft.	Specifically Permitted Uses
101	324	
102	634	
103	189	
104	313	
105	974	
106	451	
107	314	Approved CUP for beer/wine.
108	768	
109	578	Restaurant with beer/wine.
110	877	Restaurant with beer/wine. May expand kitchen into Suite 111.
111	1,001	Approved CUP for beer/wine.
APN - 035-221-19 Apartment	1,185	Residential/Vacation Rental Allowed
APN - 035-221-19 Commercial Suite	180	
Total	10,100	

'Shared Premises' Areas for Alcohol

The Master Conditional Use Permit includes 'shared premises' areas for some businesses that sell beer and wine, which allows them to utilize the interior and exterior quasi-public seating areas as a 'shared premises' for consumption of beer and wine. The California Department of Alcoholic Beverage Control (ABC) established conditions for ABC permit applicants at this location (see below), as well as the extent of the 'shared premises' areas where consumption of alcohol will be allowed. These 'shared premises' areas include:

1. The quasi-public seating areas in the lobby in the center of the building (shared premises area "A");
2. A proposed outdoor patio adjacent to the northwest entrance to the building (shared premises area "B"); and
3. A small proposed outdoor patio adjacent to the southwest entrance to the building (shared premises area "C").

The 'shared premises' areas are identified on the approved site plan.

Businesses wishing to utilize the ‘shared premises’ shall apply for a Type 41 – On Sale Beer & Wine – Eating Place (or a beer or wine manufacturer) license with specific conditions related to the shared premises. The conditions include:

1. Alcoholic beverages shall be sold and served in containers that are distinctive in design and color and are easily distinguishable from containers used in the service of non-alcoholic beverages;
2. Petitioner(s) will only serve their alcohol beverages in containers which shall significantly differ in appearance from those containers utilized by any other licensees located in the Capitola Mercantile;
3. A sign shall be posted in a conspicuous space at the entrance/exit point of said patio/terrace/other area, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT”. Said sign shall measure no less than seven inches by eleven inches (7” x 11”) and contain lettering no less than one (1) inch height;
4. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253;
5. Any violations of the law occurring on the licensed premises as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of a license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises;
6. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253;
7. Sales, service and consumption of alcoholic beverages shall be permitted in or on the patio area only between the hours of 8am to 10pm, each day of the week;
8. Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as depicted on the most recently certified ABC-257; and
9. The sale of alcoholic beverages for consumption off the premises is prohibited.

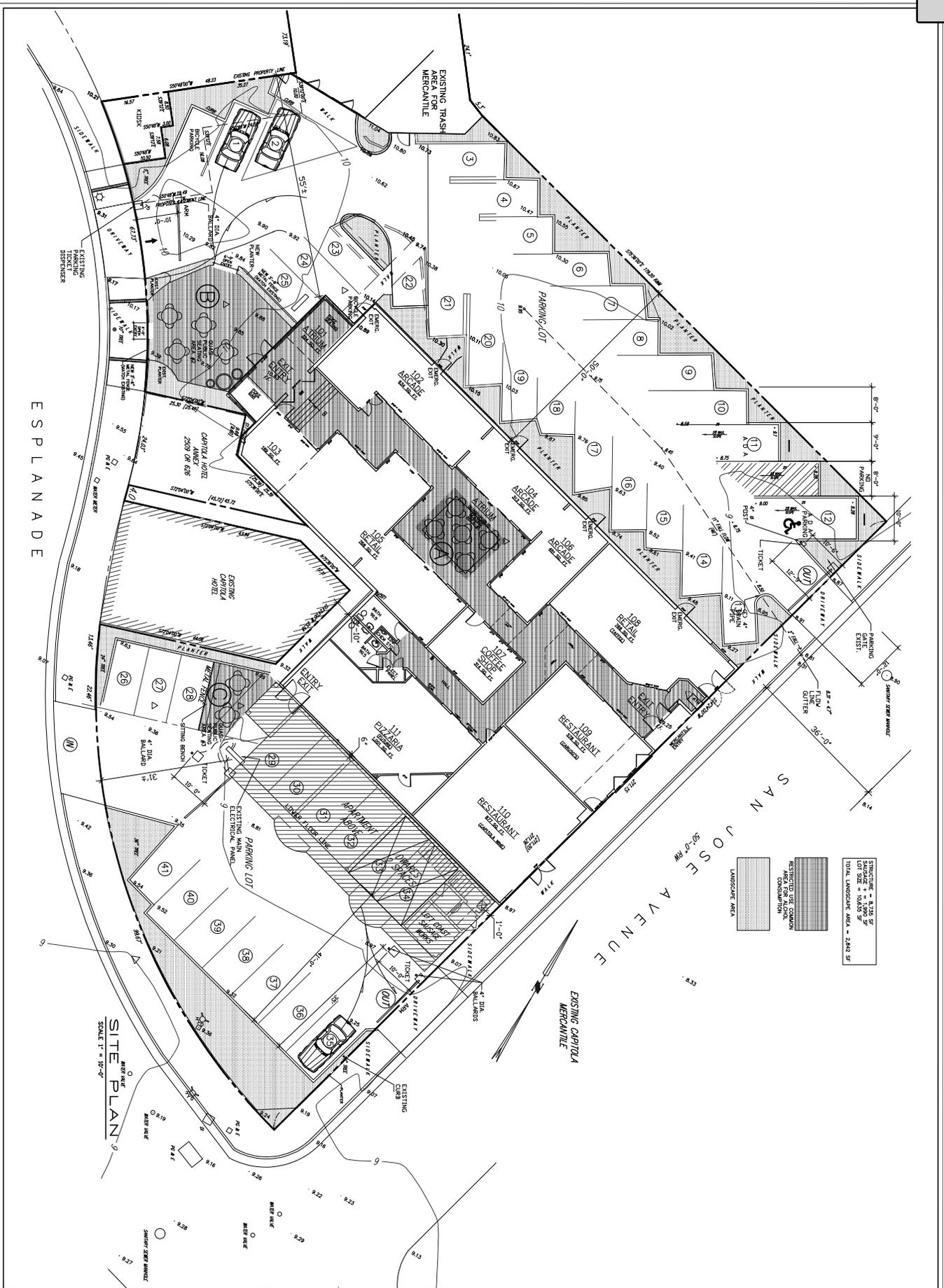
Once licensed, all licensees are responsible for the shared premises, including any violations of the law occurring on the licensed premises.

#### Conditions of Master Use Permit

1. Prior to the leasing of any space upon the subject property, the holder of the master use permit must inform all prospective tenants, or tenants renewing or extending leases, of the conditions of the master use permit and of the requirements of Capitola Municipal Code (CMC) §17.60.160.
2. Tenant use permits are approved administratively by the community development director. Prior to leasing a space, the prospective business owner must apply for a tenant use permit from the City of Capitola. Tenant use permits shall be approved by the community development director upon inspection of the property, and verification that it and its landscaping are in good repair, and that all other conditions of the master use permit are being met.
3. A tenant use permit may be revoked in the manner provided in CMC §17.60.120 if the tenant is the cause of violation of a condition of the master use permit.

115 San Jose Avenue  
Master Conditional Use Permit – Project Application #19-0186  
May 7, 2020  
Page 4

4. No tenant use permits may be issued for any activity-use that will occupy over twelve thousand square feet of building area.
5. Not more than 50% of the combined leasable commercial floor area of the Capitola Mercantile (4,368 square feet) may be utilized for business establishment that sell or dispense alcoholic beverages, not including 'shared premises' areas (Condition #13).



DATE	07/28/19
JOB NO.	MERC
SCALE	1"=10'-0"
DESIGNER	GG

# SITE PLAN

**DENNIS NORTON**  
HOME DESIGN AND PROJECT PLANNING

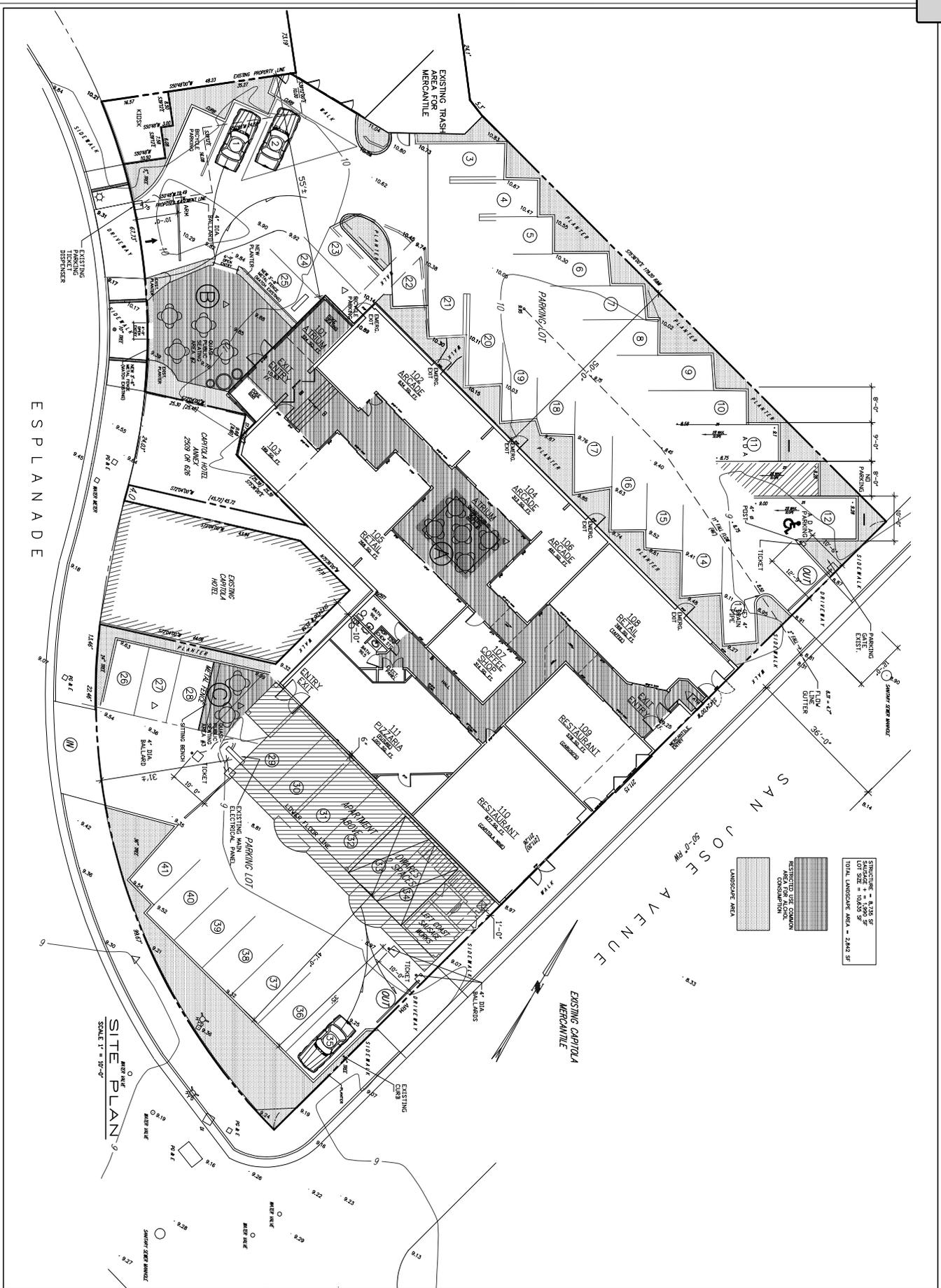
712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: 831 478 2616 FAX: 831 478 2616  
WEBSITE: www.dennisonortondesign.com

CAPITOLA MERCANTILE  
115 SAN JOSE AVE.  
CAPITOLA, CA 95010  
APN 035-221-27

REVISIONS	NO.	DATE
1	07/28/19	GG
2	07/28/20	GG
3	07/28/20	GG

OWNER  
DENNIS NORTON  
ESPLANADE  
CAPITOLA, CA 95010

2  
SHEETS



DATE	07/28/19
JOB NO.	MERC
SCALE	1"=10'-0"
DESIGNER	GG

# SITE PLAN

**DENNIS NORTON**  
HOME DESIGN AND PROJECT PLANNING

712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PHONE: 831 478 2616 FAX: 831 478 2616  
WEBSITE: www.dennisonortondesign.com

CAPITOLA MERCANTILE  
115 SAN JOSE AVE.  
CAPITOLA, CA 95010  
APN 035-221-27

REVISIONS	NO.	DATE	DESCRIPTION
1	07/28/19	07/28/19	ISSUED FOR PERMITS
2	07/28/20	07/28/20	ISSUED FOR PERMITS
3	07/28/20	07/28/20	ISSUED FOR PERMITS

2 OF 4 SHEETS

April 15, 2019 (Revised 03-10-2020)

## Capitola Mercantile Master Occupancy Plan

### Introduction

The Mercantile building has a total of 10,635 square feet of net tenant spaces. The space has historically been divided into a dozen or more tenant spaces with access from three separate building entrances and the adjacent streets, the Esplanade and San Jose Avenue. The proposed Master Occupancy plan assumes that the building will continue to be used much the same way with the same points of entrance and a group of tenants connected to corridors and common area facilities such as restrooms. What is likely to evolve under this Plan is the mix of tenants and the configuration of the individual tenant spaces.

### Relationship to Zoning Standards

The Master Occupancy Plan does not amend the Zoning Ordinance. All of the requirements for use permits and design review will still apply to business located within the Mercantile building, including exterior signage or changes to the building's exterior.

### Master Occupancy Plan Purpose

The purpose of this plan is to provide an orderly and predictable method for managing the mix of tenants within the Mercantile building. The goal is a vibrant, varied, and compatible mix of businesses under one roof that creates a synergism among the tenants and attracts residents and visitors alike. The public's taste and expectations evolve and venues with a successful cluster of tenants need to be frequently changed to meet these expectations. Thus, at the heart of this Plan is a method for the Mercantile to be more nimble and successful at attracting new tenants.

### Parking and the Tenant Mix

The Mercantile site will have a parking management plan that will provide 41 parking spaces for the mix of uses onsite. This Master Occupancy Plan treats this allotment of building area and uses to be within the allowed parking supply for the Mercantile tenants and no other review of parking supply and demand will be required.

### Alcohol

The vision for the Mercantile is to create opportunities for tasting rooms for local breweries and vineyards. Currently, there are active conditional use permits for alcohol in suites # 109 (Carusos), # 110 (Capitola Wine Bar), # 111 (Pizzeria), and # 107 (The Daily Grind Coffee). The total square footage currently regulated under active ABC permits is 2,770 square feet. We are seeking approval of up to 50% of the commercial space (4,368 sq. ft.), not including 'shared premises' areas, for Alcohol Consumption under this Master Use Permit. New alcohol permits will still require ABC approval and will be limited to 160 square feet of consumption area available to customers.

The proposed common areas, hallways, atrium, and the two outside seating areas will be available for alcohol consumption during business hours

Operation

The hours of operation will be determined by type of business, with a maximum open hour of 10:00 AM to 12:00 PM. Mercantile Management will be available in Capitola Village during all open hours.

Thank You  
Dennis Norton  
Representative for Capitola Associates

## Capitola Mercantile (115 San Jose Avenue)

### Master Use Permit

- 1) Take-out food Establishments with 6 seats or less and a maximum of 160 square feet of public area open to customers for consumption of food, beverages, and/or alcoholic beverages
  - Fruit and Vegetable stand
  - Meat and Fish Market
  - Candy and Ice Cream
  - Local Home food products
  - Coffee roaster
  - Oyster Bar and Sea Food
  - Baked Items
  - Local Home Food Products
  - Spices and Herbs
- 2) Businesses that can sell Alcoholic beverages, including tasting, Six-seat maximum. (Requires State Liquor License)
- 3) Beach Equipment Rental
- 4) General Merchandising
  - Home furnishings
  - Art and Antiques Sales
  - Books and Calendars
- 5) Commercial Entertainment (Smaller than 1,000 square feet)
- 6) Personal Services
  - Nails and Beauty Supplies
  - Massage and Health Treatment
- 7) Residential and Transient/Vacation Rentals for 30 days or less (2<sup>nd</sup> story residential unit on APN #035-221-19 only)
- 8) Restaurant (Suite 109 & 110 only). No seating limit.



- 4 No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.
- 5 Any violations of the law occurring on the licensed premises as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of a license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises.
- 6 Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.
- 7 Sales, service and consumption of alcoholic beverages shall be permitted in or on the patio area only between the hours of 8am to 10pm, each day of the week.
- 8 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as depicted on the most recently certified ABC-257.
- 9 The sale of alcoholic beverages for consumption off the premises is prohibited.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant/Petitioner

\_\_\_\_\_  
Applicant/Petitioner

Attachment: Capitola Mercantile Conditions from ABC - 12.20.2019 (115 San Jose Avenue)

## TECHNICAL MEMORANDUM

**To:** Katie Herlihy, City of Capitola Community Development Director  
Matt Orbach, City of Capitola Associate Planner

**From:** Frederik Venter and Derek Wu, Kimley-Horn and Associates, Inc.

**Date:** April 22, 2019

**Re:** **115 San Jose Avenue – Capitola Mercantile Parking Study (Project #19-0134)**

This technical memorandum provides a parking analysis for the proposed 115 San Jose Avenue development in Capitola, California. The project consists of redeveloping approximately 1,398 square-foot of existing retail into a video game arcade located in the C-V (Central Village) zoning district. Based on the proposed site plan provided by the applicant, tenant space #102, #104, and #106 would be improved to hold up to 30 video gaming machines managed by one onsite employee during normal business hours. The existing parking spaces and parking requirements for the Capitola Mercantile site will remain the same.

Trip generation and parking for the proposed project was calculated using trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10<sup>th</sup> Edition*. Daily, AM, and PM peak hour trips for the project was calculated with average trip rates. ITE's Shopping Center (820) trip rate was assumed for the 1,398 square-foot of mixed retail use that would be replaced by the project. Due to limited trip rate data, vehicle trips for the proposed project was conservatively estimated based on ITE's Multipurpose Recreational Facility (435) trip rate which includes video arcade use combined with other entertainment uses. In addition, a vehicle trip reduction of 25% was applied to the proposed arcade to account for the land use attracting patrons such as kids and young adults that would access the project by walking, biking, or using public transit.

A summary of the proposed trip generation and trip reductions for the project is shown below. The proposed video arcade use is expected to generate less net vehicle trips than the existing retail component that would be replaced. Since the proposed arcade use would be less intense than the existing retail use, it is anticipated that the project would not significantly impact the existing parking condition. The Coastal Commission's existing parking space requirement of one (1) vehicle space per 240 square-foot of retail use would be acceptable for the proposed video arcade.

LAND USE / DESCRIPTION	PROJECT SIZE	TOTAL DAILY TRIPS	AM PEAK TRIPS			PM PEAK TRIPS			
			TOTAL	IN	OUT	TOTAL	IN	OUT	
<b>Trip Generation Rates (ITE 10th Edition)</b>									
Shopping Center [ITE 820]	Per KSF	37.75	0.94	62%	38%	3.81	48%	52%	
Multipurpose Recreational Facility [ITE 435]	Per KSF	0.00	0.00	0%	0%	3.58	45%	55%	
<b>115 San Jose - Capitola Mercantile</b>									
Proposed Video Game Arcade	1.398 KSF	0	0	0	0	5	2	3	
Ped, bike, transit mode-share from project patrons	-25%	0	0	0	0	(2)	(1)	(1)	
Existing trip credit for retail use	-1.398 KSF	(48)	(2)	(1)	(1)	(5)	(2)	(3)	
<b>Final Project Vehicle Trips</b>			<b>-48</b>	<b>-2</b>	<b>-1</b>	<b>-1</b>	<b>-2</b>	<b>-1</b>	<b>-1</b>



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MAY 2, 2019

SUBJECT: **115 San Jose Avenue**                      **#19-0134**                      **APN: 035-221-18**

Conditional Use Permit for a gaming arcade located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares

Representative: Dennis Norton, Filed: 03.22.2019

### **APPLICANT PROPOSAL**

The applicant is proposing to convert three commercial spaces (102, 104, & 106), totaling 1,390 square feet, in the Capitola Mercantile into a gaming arcade with approximately 20-30 game machines.

### **BACKGROUND**

The property is centrally located within the Central Village. The Capitola Mercantile contains 11 commercial tenant spaces, totaling 8,735 square feet, along San Jose Avenue and Esplanade. The occupied spaces in the Capitola Mercantile are currently a mix of retail and restaurant establishments.

### **DISCUSSION**

The three commercial spaces were previously occupied by retail shops. The proposal is for an arcade with 20-30 games and a card machine. The games will take pre-loaded cards, not coins or bills, provided by the card machine. The arcade will be overseen by an on-site manager who will repair games and answer questions. The proposed business hours are 10:00 a.m. to 6:00 p.m. in the winter and 10:00 a.m. to 9:00 p.m. in the summer, seven days a week.

### **Conditional Use Permit**

The applicant is requesting approval of a conditional use permit (CUP) for a gaming arcade. In considering an application for a CUP, the Planning Commission must give due regard to the nature and condition of all adjacent uses and structures. The municipal code lists additional requirements and review criteria for some uses within the CUP consideration (§17.60.030). There are no additional requirements for a gaming arcade within the ordinance. In issuing the CUP, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the

protection of the adjacent properties and in the public interest and to ensure that the use of the site is not intensified and parking demand is not increased.

#### Parking Analysis

The following table includes the current uses in the Capitola Mercantile and the required parking. Six tenant spaces are currently vacant. Staff assumed the vacant spaces in the building are to be used for retail, bakeries, or restaurants/take-out food establishments with the requirement of one parking space per 240 square feet. In total, the parking requirement for the Capitola Mercantile is 44 parking spaces.

<b>Capitola Mercantile – Uses and Parking Requirements</b>				
<b>Space #</b>	<b>Current Use</b>	<b>Sq. Ft.</b>	<b>Parking Requirement</b>	<b>Spaces Required</b>
101	To-Go Restaurant	324	1 per 240 sq. ft.	1.4
102	Vacant (Formerly Retail)	634	1 per 240 sq. ft.	2.6
103	Vacant (Formerly Retail)	189	1 per 240 sq. ft.	0.8
104	Vacant (Formerly Retail)	313	1 per 240 sq. ft.	1.3
105	Retail	974	1 per 240 sq. ft.	4.0
106	Vacant (Formerly Retail)	451	1 per 240 sq. ft.	1.9
107	Vacant	314	1 per 240 sq. ft.	1.3
108	Retail	768	1 per 240 sq. ft.	3.2
109	Restaurant	578	1 per 60 sq. ft.	9.6
110	Restaurant	877	1 per 60 sq. ft.	14.6
111	Vacant (Proposed To-Go Restaurant)	1,001	1 per 240 sq. ft.	4.2
Apartment	Residential	-	2 spaces	2
<b>Total</b>		<b>8,735</b>		<b>43.7</b>

A parking analysis for the proposed project was conducted by Kimley-Horn (Attachment 2). According to their technical memorandum, the proposed video arcade use is expected to generate less net vehicle trips than the existing retail component that would be replaced. Since the proposed arcade use would be less intense than the existing retail use, it is anticipated that the project would not significantly impact the existing parking condition.

The site plan submitted with the application shows 41 parking spaces on the site plus two that are not numbered, for a total of 43 parking spaces (Attachment 1). However, a site visit revealed that eight of those spaces are non-existent (spaces 1, 2, 41, 28, 12, 40, 37, and 38), which brings the number of existing spaces down to 35. Staff has determined that some spaces were removed in order to create outdoor seating areas (spaces 1, 2, 41, 28, 12, and 40), but the removal/conversion of those parking spaces was never approved as part of a planning permit. In addition, two of the parking spaces (37 and 38) were not constructed.

The last conditional use permit for a business in the Capitola Mercantile, which permitted the conversion of Caruso's restaurant from a take-out restaurant with six seats or less into a full restaurant use (Permit #05-035), was approved in 2005 based on the existence of 41 on-site parking spaces. That use change should have required an additional four parking spaces (45 total) to be provided on-site, but the Planning Commission determined that the uses in the Capitola Mercantile had different peak times in terms of parking usage, and therefore made findings that the 41 existing on-site parking spaces were adequate.

Staff recommends requiring the owner to provide 41 onsite parking spaces prior to issuance of a building permit and/or business license for the proposed project. This will bring the existing CUP for Caruso's restaurant into compliance and allow the proposed gaming arcade. The requirement to provide 41 onsite parking spaces is included as Condition #2 of the Conditions of Approval.

### **CEQA**

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

### **RECOMMENDATION**

Staff recommends the Planning Commission approve application #19-0134, subject to the following conditions and based upon the following findings:

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a Conditional Use Permit for a 1,390-square-foot gaming arcade with 20-30 machines. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 2, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to issuance of a building permit, business license, and/or Certificate of Occupancy for the to-go restaurant, the site shall have 41 on-site parking spaces. A parking plan must be submitted to the City for approval by the Public Works Director and Community Development Director.
3. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
4. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
6. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
8. Prior to issuance of building permit, all Planning fees associated with permit #19-0134 shall be paid in full.

9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

## **FINDINGS**

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed gaming arcade complies with the development standards of the C-V District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
- B. The project will maintain the character and integrity of the neighborhood.**

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

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

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

This project involves the conversion of existing retail space into a gaming arcade within the C-V (Central Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**ATTACHMENTS:**

1. 115 San Jose Avenue - Arcade - Full Plan Set - 03.22.2019
2. 115 San Jose Avenue - Arcade Parking Requirement Determination Memo - Kimley-Horn

Prepared By: Matt Orbach  
Associate Planner



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

5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
6. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
8. Prior to issuance of building permit, all Planning fees associated with permit #19-0134 shall be paid in full.
- ~~9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.~~
- ~~10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).~~
- ~~11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.~~
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
14. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit

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

16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
17. Prior to issuance of a Business License and/or Certificate of Occupancy for the arcade, wheel stops shall be installed in the three parking spaces in front of the west entrance to the Capitola Mercantile (spaces 28, 12, and 40 in the approved plan set).
18. Prior to issuance of a Business License and/or Certificate of Occupancy for the arcade, a bicycle rack with a minimum capacity of parking for ten (10) bicycles, shall be installed on the property. The bicycle parking shall be available for public use at no cost.

### **FINDINGS**

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

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

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

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

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

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

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

Respectfully,



Matt Orbach  
 Associate Planner

115 San Jose Avenue  
Final Local Action Notice and Zoning Permit – Project Application #19-0134  
May 13, 2019  
Page 4

cc: Dennis Norton

Attachment: 115 San Jose Avenue - FLAN for CUP #19-0134 - 05.13.2019 (115 San Jose Avenue)

1. **115 SAN JOSE AVENUE – PROJECT APPLICATION #06-011**  
 CONDITIONAL USE-PERMIT FOR A NEW RETAIL WINE SHOP AND TASTING ROOM (CAVA WINERY) LOCATED IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT. (APN 035-221-17). CATEGORICALLY EXEMPT. FILED 2/06/06. \*2  
 PROPERTY OWNER: CAPITOLA ASSOCIATES, LLC  
 APPLICANT/REPRESENTATIVE: ZACK WORTHINGTON

Senior Planner Bane presented the project to the commission and recommended approval with the Conditions and Findings.

Diane Wilkey, representative for Dennis Norton, Architect, stated there would be tasting bar along with tables with 6 chairs for the tasting a variety of local wines with wine related items for sale and agree with the Conditions and Findings for the project.

**A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE APPLICATION #06-011, SUBJECT TO THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

1. The project approval consists of a Conditional Use Permit for a wine tasting room and related retail shop (CAVA Wine Tasting) to allow the sale of alcohol at 115-G San Jose Avenue, in the Mercantile building.
2. Bread, crackers, and other small items commonly used to cleanse the palate as part of wine tasting shall be permitted. No food preparation, cooking, or food menu shall be allowed.
3. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Business hours will be limited to 11:00 AM to 11:00 PM Sunday through Thursday, and 11:00 AM to 12:00 ~~PM~~ AM on Friday and Saturday.
6. Seating to be limited to six (6) seats.
7. The applicant shall obtain a business license prior to operating the business.

**FINDINGS**

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CV Zoning District, with a Conditional

Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff and the Planning Commission have all reviewed the project and determined that the proposed business will compliment the village and will not have a negative impact on the character and integrity of the neighborhood.

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

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

**MOTION PASSED 4-0** (Commissioner Passino recused)

2. **210 MONTEREY AVENUE – PROJECT APPLICATION #06-004**  
 REQUEST FOR APPROVAL OF A MODIFICATION TO A CONDITIONAL USE PERMIT AS WELL AS A PARKING VARIANCE TO CONVERT AN EXISTING TAKE-OUT RESTAURANT (THAI BASIL) TO A STANDARD SIT DOWN RESTAURANT AND EXPAND THE USE INTO A NEIGHBORING RETAIL SPACE IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT. (APN 035-261-03) CATEGORICALLY EXEMPT. FILED 1/18/06 \*2  
 PROPERTY OWNER: JOE MARTIERE  
 REPRESENTATIVE: DENNIS NORTON

Senior Planner Bane presented the project to the commission, a petition and letter in support of Thai Basil and recommended denial of the project due to the intensification of use and the request of a Variance to the Parking Ordinance.

Diane Wilkey, representing Dennis Norton, Architect, stated the restaurant was a local and visitor favorite as demonstrated by the 550+ signatures on the petition and the economic growth has been hampered by the lack of seating. The requested additional seating would come from the large storage area adjacent to the existing space and moving the storage areas to the rear of the building. The parking allotment has always created issues for village expansion and this popular restaurant's project should not be denied because of not providing sufficient parking spaces.

Commissioners discussed the parking bank, its history and methods of calculations for parking spaces for restaurants and retail. In the upcoming joint meeting, the City Council and commission would be dealing with the parking issues in the village.

CDD Rebagliati clarified the appeal process with the Coastal Commission in regards to Conditional Use Permits and the conflict with the City of Capitola Municipal Code. This is not an appealable project to the Coastal Commission. She recommended the commission either denial without prejudice or to continue indefinitely to allow sufficient time following the upcoming joint meeting for the implementation of the results of the meeting.