



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, September 3, 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 Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

To watch:

1. Online <http://capitolaca.igam2.com/Citizens/Default.aspx>
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

To participate remotely and make public comment:

1. Send email:
 - a. As always, send additional materials to the Planning Commission via planningcommission@ci.capitola.ca.us by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
 - b. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
 - Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
 - Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that 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 outside of the comment period outlined above will not be included in the record.
2. Zoom Meeting (Via Computer or Phone)
 - a. Please click the link below to join the meeting:
 - <https://us02web.zoom.us/j/88688334376?pwd=cHkrYk9jUkMrOXZzQ2FURTd6aHg3QT09> (link is external)
 - If prompted for a password, enter 694466
 - Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak
 - b. Dial in with phone:

- Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
- **1 669 900 6833**
- **1 408 638 0968**
- **1 346 248 7799**
- **1 253 215 8782**
- **1 301 715 8592**
- **1 312 626 6799**
- **1 646 876 9923**
- Enter the meeting ID number: **886 8833 4376**
- When prompted for a Participant ID, press #
- Press *6 on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

REGULAR MEETING OF THE PLANNING COMMISSION - 7 PM

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

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

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 - Apr 2, 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. 212 Cherry Avenue

#19-0737

APN: 035-161-09

Design Permit for a remodel and third-story addition with a variance for the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located within the RM-LM (Multi-Family Residential Low-Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: Marti Formico

Representative: Dennis Norton, Filed: 12.16.2019

B. Color Board Discussion

Discussion of color board requirement on Master Application for Planning Department.

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 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

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

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

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

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



**FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, APRIL 2, 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 remotely.

2. ORAL COMMUNICATIONS

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

3. CONSENT CALENDAR

- A. 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: Capitola Associates, LLC
 Representative: Dennis Norton, Filed: 04.19.2019

MOTION: Continue the Master Use Permit.

RESULT:	APPROVED [3 TO 0]
MOVER:	TJ Welch, Commissioner
SECONDER:	Mick Routh, Commissioner
AYES:	Welch, Routh, Christiansen
ABSTAIN:	Newman, Wilk

4. PUBLIC HEARINGS

- A. 1515 Prospect Avenue #19-0267 APN: 034-045-12**
 Design Permit for first- and second-story additions to a nonconforming single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Peter Shamshoian
 Representative: Richard L. Emigh, Filed: 06.03.2019

Minutes Acceptance: Minutes of Apr 2, 2020 7:00 PM (Approval of Minutes)

Director Herlihy presented the staff report.

Commissioner Welch was concerned about escape routes for the residents and whether or not the raised window facing the second-story flat roof on the rear of the building prevented it from being utilized as an escape route.

Commissioner Christiansen did not see the reason for the applicant to raise their windowsills.

Commissioner Wilk asked if the City required the applicant to have the 4-foot raised window and if the Planning Commission should we give the applicant a chance to resubmit their application without the raised window. He expressed concern that if the Planning Commission changed the ruling, the public would not get a chance to weigh in.

Commissioner Routh stated that, if the applicant is willing to go along with the request, the Planning Commission shouldn't delay their application.

The applicant said they agree with the staff report.

Member of the public, Anthony Revay, said he wouldn't want the rear deck to be added.

MOTION: Approve the design permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of the construction of a 367-square-foot addition to an existing 1,457-square-foot single-family residence. The maximum Floor Area Ratio for the 3,200 square-foot property is 57% (1,824 square feet). The total FAR of the project is 57% with a total of 1,824 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 April 2, 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 #19-0267 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, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

FINDINGS:

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed remodel of an existing single-family residence complies with the development standards of the Single-Family Residential District.
- 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 a remodel of an existing single-family residence. The design of the remodel with stucco siding and new Spanish tile roof will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
- C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. This project involves a 367-square-foot addition within the R-1 (Single-Family Residence) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

- B. 1601 41st Avenue #20-0105 APN: 034-151-20**
Sign Permit for new wall signs for Outdoor Supply Hardware located within the C-C (Community Commercial) zoning district.
This project is not in the Coastal Zone.
Environmental Determination: Categorical Exemption

Minutes Acceptance: Minutes of Apr 2, 2020 7:00 PM (Approval of Minutes)

Property Owner: Ow Family Trust DBA King's Plaza SC
Representative: Nathan Moreno – Ad Art Inc., Filed: 03.10.20

Director Herlihy presented the staff report.

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

CONDITIONS:

1. The project approval consists of two wall signs for Outdoor Hardware Supply at 1601 41st Avenue in the C-C (Community Commercial) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 2, 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. Any sign illumination must be screened from direct view, so that the illumination does not shine into adjacent property or distract motorists or pedestrians.
4. Wall signs shall use illumination within the lettering and logo only. The background must be solid and may not be illuminated.
5. All illumination must comply with the standards of the sign ordinance and municipal code. Animated signs and moving lights are prohibited. No sign shall have an intensity of more than fifty foot-candles as measured from the ground level.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, all Planning fees associated with permit #20-0105 shall be paid in full.
8. All signs on the property must comply with sign standards of the Capitola Zoning code. Prior to installation of the wall sign the non-compliant window signs on the site must be removed. Illegal signs that are not remedied in a timely manner may result in a citation and may remove or cause removal of the illegal signs.
9. 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.
10. 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 except for Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.
§9.12.010B

11. 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.
12. This permit shall expire 2 years from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
13. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

- A. **The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
Community Development Staff and the Planning Commission have reviewed the sign application. The proposed wall signs comply with all applicable provisions of the zoning code, municipal code, and the King's Plaza Master Sign Program.
- B. **The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**
Community Development Staff and the Planning Commission have reviewed the sign application. The proposed wall signs comply with all applicable standards of Chapter 17.80.
- C. **The proposed sign will not adversely impact the public health, safety, or general welfare.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.
- D. **The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.
- E. **The proposed signs are restrained in character and no larger than necessary for adequate identification.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.
- F. **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 minor alterations of existing public or private structures. This project involves two wall signs within the C-C (Community

Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [4 TO 0]
MOVER:	Courtney Christiansen
SECONDER:	Peter Wilk
AYES:	Welch, Wilk, Routh, Christiansen
RECUSED:	Newman

C. 1850 41st Avenue #20-0114 APN: 034-201-44

Conditional Use Permit Amendment for a retail cannabis business located within the C-C (Community Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: C. Richard Deane and Marilyn Ardis Deane Revocable Family Trust

Representative: Lara DeCaro, Filed: 03.13.2020

Director Herlihy presented the staff report.

Commissioner Welch asked if the applicant will be getting occupancy.

The applicant thanked the commissioners and said they look forward to opening The Apothecarium.

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

CONDITIONS:

1. The project approval consists of a conditional use permit for a new retail cannabis business (The Apothecarium), design permit for modifications to the exterior of the existing building, and a sign permit for a new wall sign. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 3, 2019, except as modified through conditions imposed by the Planning Commission during the hearings on October 3, 2019, and April 2, 2020.
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 #19-0408 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz 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 and Chief of Police. Upon evidence of non-compliance with conditions of approval of the Conditional Use permit and/or the retail cannabis license, or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director and Chief of Police. Failure to remedy a non-compliance

in a timely manner may result in conditional use permit revocation and retail cannabis license revocation.

16. This permit shall expire on May 2, 2020, if the applicant has not obtained the appropriate state license(s) for retail sales of cannabis. The applicant shall have an approved building permit and construction underway within 24 months of the Conditional Use approval date to prevent permit expiration.
17. The Cannabis License is subject to the Capitola Municipal Code Section 5.36.030(A)(9) License Transfer to New Owner.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS:

A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign comply with the development standards of the C-R zoning district. The project secures the purpose of the General Plan and design policies and regulations adopted by the City Council.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign. The project complies with all applicable provisions of the zoning code and municipal code.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves a retail use occupying an existing commercial space previously occupied by a professional office. The project includes no additional floor area and the use has the same parking requirement (1 parking space per 300 square feet of floor area) as the previous tenant. No adverse environmental impacts were discovered during project review by Planning Staff or the Planning Commission.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conditional use permit for a new retail cannabis business, design permit for structural modifications, and sign permit for a new wall sign will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application. The proposed design permit for structural modifications complies with all applicable design review criteria in Section 17.120.070.

F. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign is consistent with the general plan and zoning code.

G. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign complies with all applicable standards in Chapter 17.80 (Signs).

H. The proposed sign will not adversely impact the public health, safety, or general welfare.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign will not adversely impact the public health, safety, or general welfare.

I. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The number, size, placement, design, and material of the proposed wall sign are compatible with the architectural design of the buildings on the site.

J. The proposed signs are restrained in character and no larger than necessary for adequate identification.

Community Development Staff and the Planning Commission have reviewed the sign permit application. The proposed wall sign is restrained in character and no larger than necessary for adequate identification.

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

5. DIRECTOR'S REPORT

Director Herlihy updated the commissioners on the shelter in place order.

Commissioner Routh asked if there are any provisions for enforcement if they choose to use their vacation rental to shelter in place. Director Herlihy said there are.

Chairperson Newman commended Director Herlihy for her efforts regarding the restrictions on vacation rentals.

6. COMMISSION COMMUNICATIONS - NONE

7. ADJOURNMENT

The meeting was adjourned at 8:00 pm to the next regular meeting of the Planning Commission on May 7, 2020.

Approved by the Planning Commission at the regular meeting on _____.

Liz Nichols, Clerk to the Commission

Minutes Acceptance: Minutes of Apr 2, 2020 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 3, 2020

SUBJECT: **212 Cherry Avenue** **#19-0737** **APN: 035-161-09**

Design Permit for a remodel and third-story addition with a variance for the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located within the RM-LM (Multi-Family Residential Low-Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: Marti Formico

Representative: Dennis Norton, Filed: 12.16.2019

APPLICANT PROPOSAL

The applicant is seeking approval of a design permit for a remodel and third-story addition with a variance request to exceed the maximum height limit and to relocate nonconforming areas of the structure for a single-family residence located at 212 Cherry Avenue in the RM-LM (Multiple-Family Low-Medium Density) zoning district.

BACKGROUND

On July 17, 2020, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: stated that the applicant should provide a detail of the drainage bioswale with the building permit submittal and additional information on detail #6 on sheet 9.

Building Department Representative, Robin Woodman: noted the new windows and siding along the property line would need to be fire rated. Ms. Woodman asked if the eaves overhang the sides and the applicant confirmed they did not.

Local Architect, Frank Phanton: noted that the home to the west of 212 Cherry Avenue appears to be about a story taller because of the slope difference. Mr. Phanton noted that the homeowner to the north may not approve of the structure's added height with respect to the neighbors' rear yard. Overall Mr. Phanton approved of the project and believed it would adequately meet findings for a variance, adding that the structure would remove the significant nonconformity which crosses the property line.

Assistant Planner, Sean Sesanto: informed the applicant that the roof deck may not be extended over the top of the second-story bay window on the south elevation. The plans should be modified to show a reduction of the bay window height and the new guardrail along the south edge of the rooftop deck restricting access to the area.

Following the Architecture and Site Review meeting, the applicant submitted revised plans that reduced the height of the bay window and incorporated a new guardrail along the south edge of the rooftop deck to prevent use of the bay window roof as a deck area.

Development Standards

The following table outlines the zoning code requirements for development in the RM-LM Zoning District. Development of single-family homes in the RM-LM Zoning District is governed by the process and standards contained in Chapter 17.15 "R-1 Single Family Residence District." The applicant is seeking a variance to the maximum height limit and to relocate nonconforming areas of the structure.

Development Standards					
Building Height					
R-1 Regulation			Existing	Proposed	
25 ft.			23 ft. 9 in.	27 ft. 6 in. (roof) 28 ft. 5 in. (arbor) Variance requested	
Floor Area Ratio (FAR)					
			Existing	Proposed	
Lot Size			2,265 sq. ft.	2,265 sq. ft.	
Maximum Floor Area Ratio			58% (Max 1,314 sq. ft.)	58% (Max 1,314 sq. ft.)	
First Story Floor Area			532 sq. ft.	532 sq. ft.	
Second Story Floor Area			978 sq. ft.	984 sq. ft.	
Third Story Floor Area			540 sq. ft.	540 sq. ft.	
<i>Decks, Covered Ext. Space</i>			488 sq. ft.	444 sq. ft.	
<i>Deck exception</i>			-150 sq. ft.	-150 sq. ft.	
TOTAL FAR			105.4% (2,388 sq. ft.)	103.7% (2,350 sq. ft.)	
Yards (setbacks are measured from the edge of the public right-of-way)					
	R-1 Regulation			Existing	Proposed
Front Yard 1st Story	15 ft.			25 ft. 8 in.	25 ft. 8 in.
Front Yard 2nd Story	20 ft.			24 ft.	24 ft.
Front Yard 3rd Story	20 ft.			45 ft. 6 in.	44 ft. 6 in. 36 ft. 3 in. (with arbor)
Side Yard 1st Story	10% lot width	Lot width 25 ft. 3 ft. min.	1 ft. 10 in. (West) 0 ft. 11 in. (East)	1 ft. 10 in. (West) Existing nonconforming 0 ft. 11 in. (East) Existing nonconforming	
Side Yard 2nd Story	15% of width	Lot width 25 ft. 3 ft. 9 in.	1 ft. 10 in. (West) 0 ft. 11 in.	1 ft. 10 in. (West) Existing nonconforming 0 ft. 11 in. (East)	

		min	(East)	Existing nonconforming
Side Yard 3rd Story	15% of width	Lot width 25 ft. 3 ft. 9 in. min	1 ft. 10 in. (West) 0 ft. (East) Encroaches into Adjacent lot	1 ft. 10 in. (West) Existing nonconforming 0 ft. 11 in. (East) Existing nonconforming
Rear Yard 1st Story	20% of lot depth	Lot depth 89.89 ft. 18 ft. min.	40 ft. 1 in.	40 ft. 1 in.
Rear Yard 2nd Story	20% of lot depth	Lot depth 89.89 ft. 18 ft. min	20 ft. 11 in.	20 ft. 11 in.
Rear Yard 3rd Story	20% of lot depth	Lot depth 89.89 ft. 18 ft. min	20 ft. 11 in.	20 ft. 11 in.
Encroachments (list all)				All floors encroach into side yard setbacks
Parking				
	Required	Existing	Proposed	
Residential (from 2,001 up to 2,600 sq. ft.)	3 spaces total 1 covered 2 uncovered	0 spaces total 0 covered 0 uncovered	0 spaces total 0 covered 0 uncovered	
Underground Utilities: required with 25% increase in area				Not required

DISCUSSION

The existing single-family residence is located on the north side of Cherry Avenue within the upper Capitola Village. The lot is surrounded by a variety of single- and multi-family homes which includes three-story homes which step up the Cherry Avenue-Fanmar Way hill.

The applicant is proposing to remodel the existing single-family residence. The applicant is proposing stucco siding on the first floor and tongue-and-groove siding on the two upper floors. The existing asymmetrical gable roof will be replaced with two flat roofs with several clerestory windows. A new nine-and-a-half-foot tall arbor is proposed on the deck. The remodel will increase total height by five-feet seven-inches.

There is an existing 49-square-foot cantilevered area of the living room on the east side of the third story that encroaches over the property line and into the adjacent lot. The applicant is proposing to remove the cantilevered area and add the equivalent area to the south elevation of the third story, enclosing 49 square feet of the existing third-story deck. This would remove the encroachment into the neighbor’s property. The project does not increase the total floor area ratio (FAR) of the structure.

Non-Conforming Structure

The existing structure is located within the first-, second-, and third-story side setbacks on the east and west sides. On the eastern side, the cantilevered section of the third story encroaches over the adjacent property. The structure also exceeds the maximum allowable floor area ratio

of the lot. The existing structure does not comply with the minimum setback and maximum FAR regulations of the zoning code and therefore is a legal non-conforming structure. Pursuant to code section 17.72.070, an existing non-complying structure that will be improved beyond 80% of the present fair market value of the structure may not be made unless the structure is brought into compliance with current zoning regulations. The applicant has submitted a construction cost breakdown demonstrating that the alterations are 28.6% of the present fair market value of the structure. The proposal includes removing the cantilevered area so that the structure is situated entirely within the property lines of 212 Cherry Avenue and within the existing building footprint. The proposed addition aligns with the second story exterior wall but does not conform to the required three-foot nine-inch side yard setbacks. The applicant is requesting a variance to allow the existing nonconforming floor area to be moved within the property and maintain the existing non-conforming 11-inch side yard setbacks.

Parking

Residential lots with a floor area between 2,001 square feet up to 2,600 square feet are required to provide three parking spaces, one of which must be covered. The lot currently provides no parking and therefore is considered nonconforming. Pursuant to CMC §17.51.135(B), no additional parking shall be required for reconstruction or structural alteration of an existing residential structure, so long as the floor area of the structure is not increased by more than ten percent of the existing gross floor area. The existing gross floor area of the structure will not increase, so the applicant is not required to provide any new parking.

VariANCES

Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

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

Variance - Height

The applicant is seeking approval of a variance to exceed the 25-foot height limit. The clerestory windows and associated secondary roof element, a portion of the lower roof eave, and the entire upper section of the arbor exceed the 25-foot height limit.

In relation to variance finding A, there are special circumstances applicable to the subject lot's topography with a steep slope that increases 13 feet from the lowest to highest point of the structure's footprint. Currently the third floor is a split-level with a variation in height stepping from the front roof deck, interior space, and rear deck. The remodel would raise the interior floors to remove the split level. The proposed remodel includes a nine-and-a-half foot tall arbor, an expanded three-foot-tall clerestory and secondary roof element, and new eaves extending three feet from the main roof. The proposed arbor is 28 feet 5 inches above existing grade, and the roof element is 27 feet 6 inches above existing grade. The north side of Cherry Avenue consists of larger structures with massing that steps up the hill due to the steep slope of the lots. The application is comparable in height to the majority of residences to the west. With respect to elevation, the structure would remain visibly lower than those residences because 212 Cherry Avenue is on a lower portion of the hill. Due to lot topography, the strict application of the height

limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

To analyze whether or not the approval of a variance would be a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated (variance finding B), staff reviewed the characteristics of the residences on the north side of Cherry Avenue, consisting of eleven properties. At least five of the properties reviewed have three stories and appear to exceed the 25-foot height limit. Staff did not include 207 Terrace Way because it does not front Cherry Avenue, and did not include 202 Cherry Avenue, a large multi-family property. The grant of a variance would not constitute a grant of special privilege because approximately half the block exceeds the height limit.

Variance – Relocate Nonconforming Areas

The applicant is also requesting a variance to relocate existing nonconforming areas of the structure in relation to side setbacks. The proposal would remove the cantilevered portion of the third story which encroaches over the adjacent property to the east and construct a third-story addition equal to the removed floor area. The relocated area would follow the existing exterior walls which are within the property lines but encroach into both the eastern and western side setbacks by two-feet ten-inches and one-foot eleven-inches, respectively.

In relation to variance finding A, the subject property is narrow by Capitola standards (25 feet). The average property width on the north side of Cherry Avenue is approximately 35 feet, excluding 207 Terrace Way, which does not front Cherry Avenue, and 202 Cherry Avenue, which is a large multi-family property. The project would also correct a significant nonconformity by removing the cantilevered third-story portion of the home that encroaches six inches over the property line of the adjacent property. Due to the property width, the strict application of the development standards for setbacks and nonconformities would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

To analyze whether or not the approval of a variance would be a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated (variance finding B), staff visually surveyed the characteristics of the residences in relation to lot size and dimension along the north side of Cherry Avenue, consisting of eleven properties. At least nine of the properties appear to have encroachments into the required side setbacks. The eight properties to the west of 212 Cherry Avenue appear to be well in excess of any allowable floor area ratio for the zoning district. The grant of a variance would not constitute a grant of special privilege because the majority of properties exceed the maximum FAR and have nonconforming setbacks. It should also be noted that the proposed movement of the existing floor area will remove the encroachment within the neighboring property and will not increase the existing FAR.

CEQA

Section 15301 of the CEQA Guidelines exempts alterations to existing structures involving negligible or no expansion of use. This project involves interior and exterior modifications with no increase of floor area to an existing single-family residence subject to the R-1 (single-family residence) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission approve project application #19-0737 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a remodel of an existing single-family residence with a variance to the maximum height limit and to relocate nonconforming areas of the structure within the required side yard setback. The maximum Floor Area Ratio for the 2,265 square foot property is 58% (1,314 square feet). The existing FAR of the structure is 105.4% with a total of 2,388 square feet. The proposed FAR of the project is 103.7% with a total of 2,350 square feet, which exceeds the maximum FAR within the zone but does not increase the existing floor area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 20, 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 #19-0737 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, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the applicant shall include a complete detail of the bioswale proposed in the rear yard area planter area.

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. With a variance to the maximum height and to relocate a portion of nonconforming floor area, the proposed remodel of an existing single-family residence complies with the development standards of the R-1 (Single-Family Residence) Zoning District.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodel of an existing single-family residence. The design of the home with stucco and tongue-and-groove siding, clerestory windows, and flat roof will fit in with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

VARIANCE FINDINGS - Height

A. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The special circumstance applicable to the subject property is the steep rising slope beneath the majority of the structure. Due to the topography of the lot, the strict application of the height limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

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

The subject property has one of the narrowest widths on the north side of the Cherry Avenue block, consisting of eleven properties. Among those properties, only six of the observed eleven appear to comply with the 25-foot height limit. The grant of this variance would not constitute a special privilege because many Cherry Avenue properties do not comply with the 25-foot height limit.

VARIANCE FINDINGS – Relocate Nonconforming Areas

A. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The special circumstance applicable to the subject property is that the existing lot is only 25 feet wide, below the City average width of 40 feet and the neighborhood average of 35 feet. The proposal will also correct a significant nonconformity by removing the portion of the home that encroaches six inches over the property line of the adjacent property. Due to the property width, the strict application of the side setback limitations would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

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

Nine of the eleven similar properties on the north side of the Cherry Avenue block appear to encroach into the required side setbacks. Eight of the eleven properties appear to be in excess of any allowable floor area ratio for the zoning district. The grant

of a variance would not constitute a grant of special privilege because the majority of properties in the vicinity and zone in which the subject property is situated exceed the maximum FAR and have nonconforming setbacks.

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.

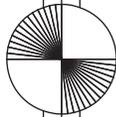
Section 15301 of the CEQA Guidelines exempts additions to existing structures involving negligible or no expansion of use. This project involves interior and exterior modifications to an existing single-family residence within the RM-LM (Multi-Family Residential Low-Medium) Zoning District. The project reduces the total floor area ratio. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 212 Cherry Avenue - Plan Set
2. 212 Cherry Avenue - Construction Cost Breakdown
3. 212 Cherry Avenue - Public Comments

Prepared By: Sean Sesanto

FORMICO RESIDENCE



GENERAL INFORMATION		ZONE:
		RM
SITE AREA:	2,275 SQ. FT.	
BUILDING:		
EXISTING	633 SQ. FT.	
2ND FLOOR	802 SQ. FT.	
3RD FLOOR	1,273 SQ. FT.	
3RD FLOOR DECK	470 SQ. FT.	
ENCLOSED:		
2ND FLOOR	802 SQ. FT.	
3RD FLOOR	1,273 SQ. FT.	
3RD FLOOR DECK	471 SQ. FT.	
LOT COVERAGE		45%
F.A.S. 2,275 X 583 = 1,320 S.F. MAX		
F.Z.S. = 674 PROPOSED		

DISCLAIMER:
 THE DESIGNER HAS CONDUCTED VISUAL ANALYSES AND HAS BEEN PREPARED IN COMPLIANCE WITH THE CALIFORNIA BUILDING AND FIRE CODES (CIBC) AND THE CALIFORNIA OCCUPANCY CLASSIFICATION CODES (COC).
 OCCUPANCY CLASSIFICATION: R-3(A)
 BUILDING CONSTRUCTION TYPE: V-B
 FIRE RATING: NON-SERIALIZED

THE DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES IN THIS DOCUMENT AND/OR OTHERS FROM THESE DOCUMENTS. ANY DISCREPANCIES MUST BE REPORTED TO THE DESIGNER IN WRITING AND SHALL NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONSTRUCTION DOCUMENTS.

PROJECT DESCRIPTION:
 RAISE WALL HEIGHT ON LEVEL 3.
 NEW WINDOWS & DOORS
 NEW ROOF TO LEVEL 3.
 REDUCTION TO LEVEL 3 DECK.

PAGE	TITLE
1	COVER SHEET, PROJECT INFO
2	GENERAL NOTES
3	SITE PLAN
4	EXISTING FLOOR PLAN
5	EXISTING ELEVATIONS
6	EXISTING RELATIONS
7	ROOF PLAN & SECTION
8	SITE PLANNING DETAILS
9	SCHEDULE FINISHES

DENNIS NORTON
 HOME DESIGN AND PROJECT PLANNING
 717 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831-715-2818 FAX: 831-751-8516
 WEBSITE: www.dennisonortondesign.com

COVER SHEET
 LEGEND OF SHEETS

FORMICO RESIDENCE
 212 CHERRY AVE
 CAPITOLA, CA 95010
 APN 035-161-09

DATE: 04/22/20
 JOB NO. CHERRY
 CHECKED: GC
 DRAWN: GC

SHEET 1
 OF 1 SHEETS

REVISIONS	DATE	BY
1	07/27/20	GC

OWNER:
 MARTIN FORMICO
 212 CHERRY AVE
 CAPITOLA, CA 95010

REVISIONS:	DATE	BY

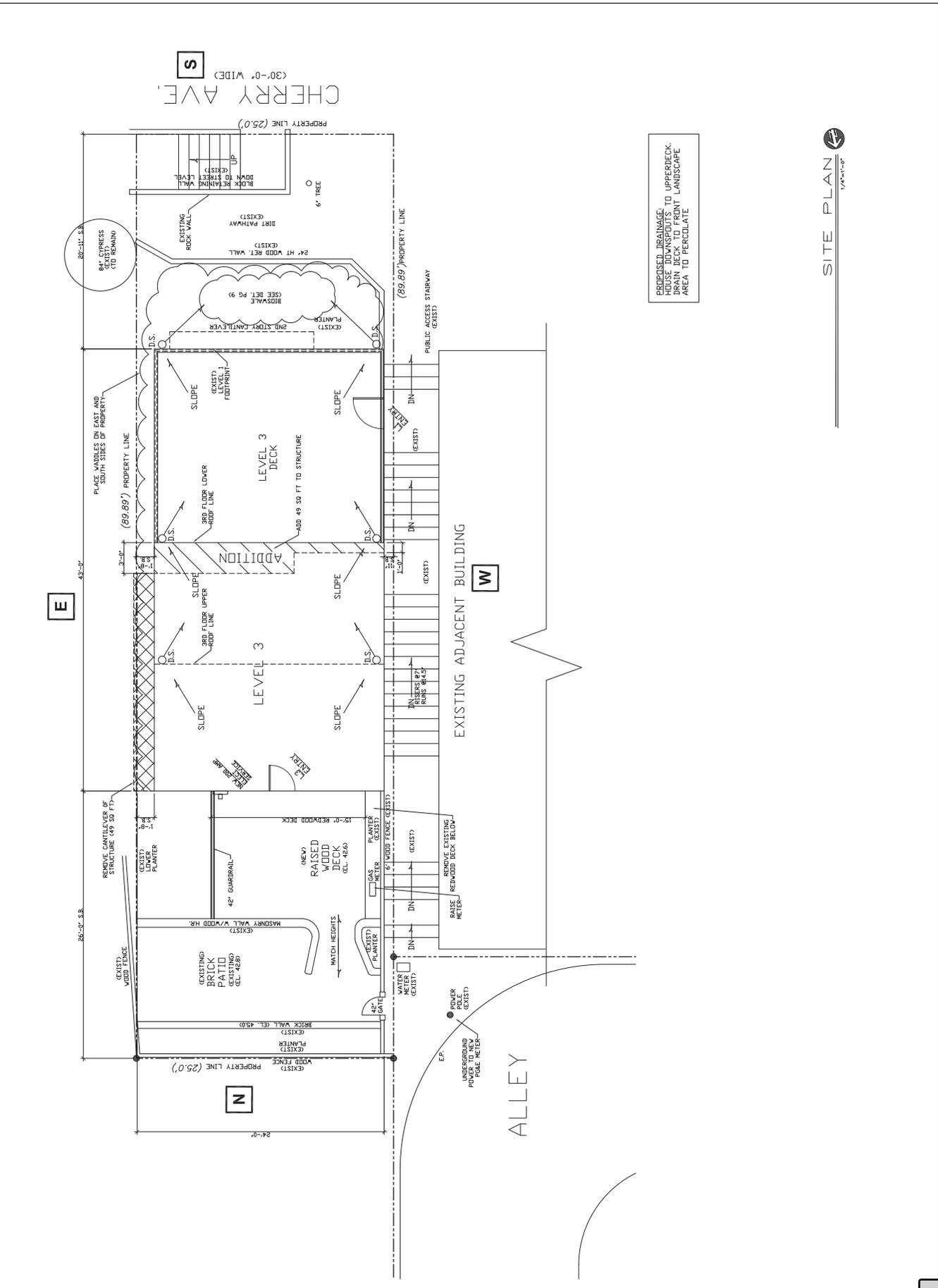
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 212 CHERRY AVE
 CAPITOLA, CA 95010

FORMICO RESIDENCE
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 CAPITOLA, CA 95010
 APN 035-161-09

DENNIS NORTON
 HOME DESIGN AND PROJECT PLANNING
 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831.781.8188 FAX: 831.781.8185
 WEBSITE: www.dennisnortonplanning.com

SITE PLAN

DRAWN:	GC
SCALE:	1/4" = 1'-0"
JOB NO.:	CHERRY
DATE:	06/02/20
SHEET:	2
OF:	1 SHEETS



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

REVISIONS:	DATE:	BY:

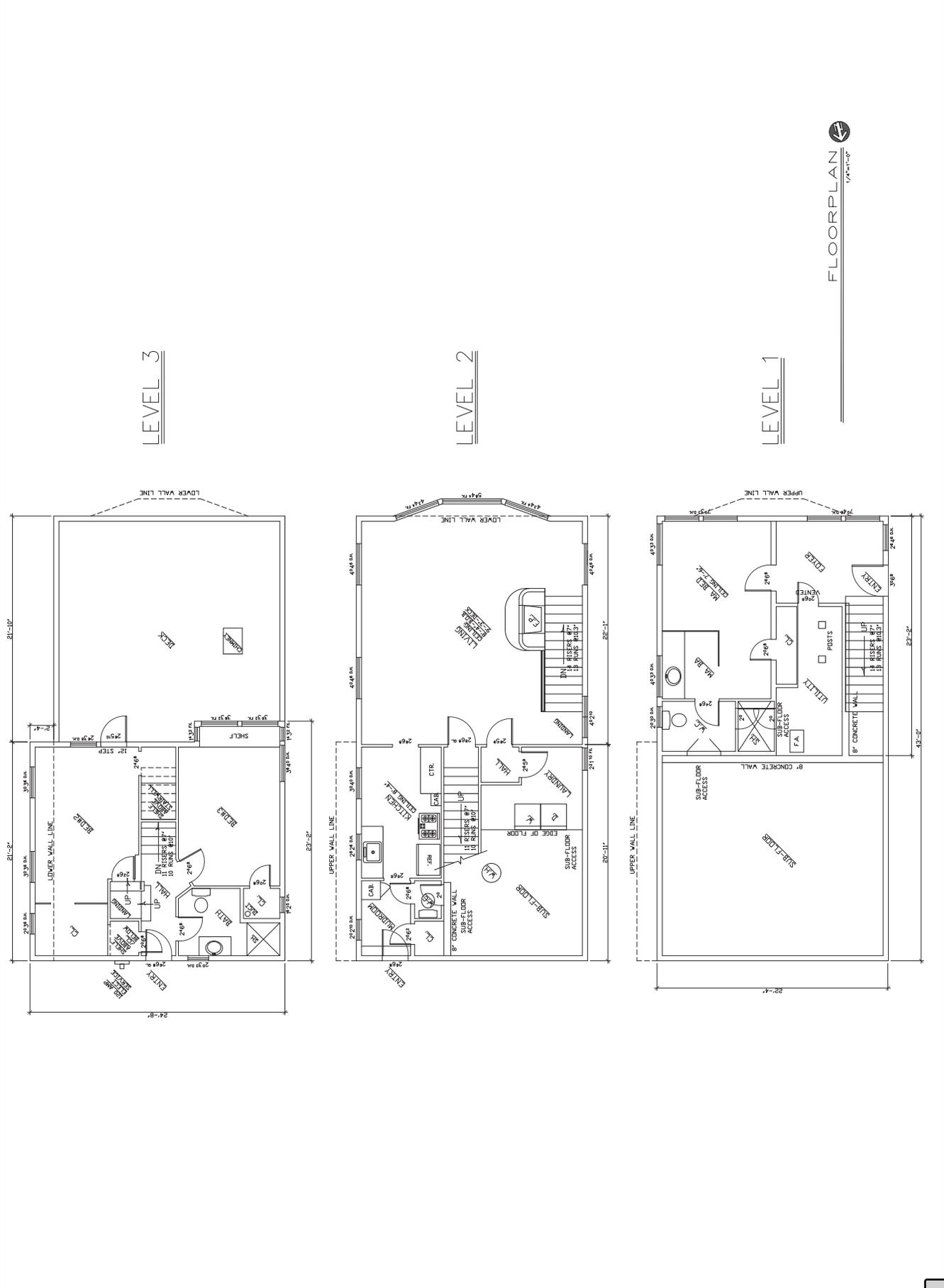
OWNER:
MARTIN FORMICO
 212 CHERRY AVE.
 CAPITOLA, CA 95010

FORMICO RESIDENCE
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 CAPITOLA, CA 95010
 APN 035-161-09

DENNIS NORTON
 HOME DESIGN AND PROJECT PLANNING
 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831.428.2816 FAX: 831.428.2816
 WEBSITE: www.dennisonortondesign.com

EXISTING FLOORPLAN

DRAWN: GC	SHEETS: 1
SCALE: 1/4" = 1'-0"	OF: 1
JOB NO: CHERRY	
DATE: 11/19/13	
SHEET: 3	



FLOORPLAN
 1/4" = 1'-0"

REVISIONS	DATE	BY

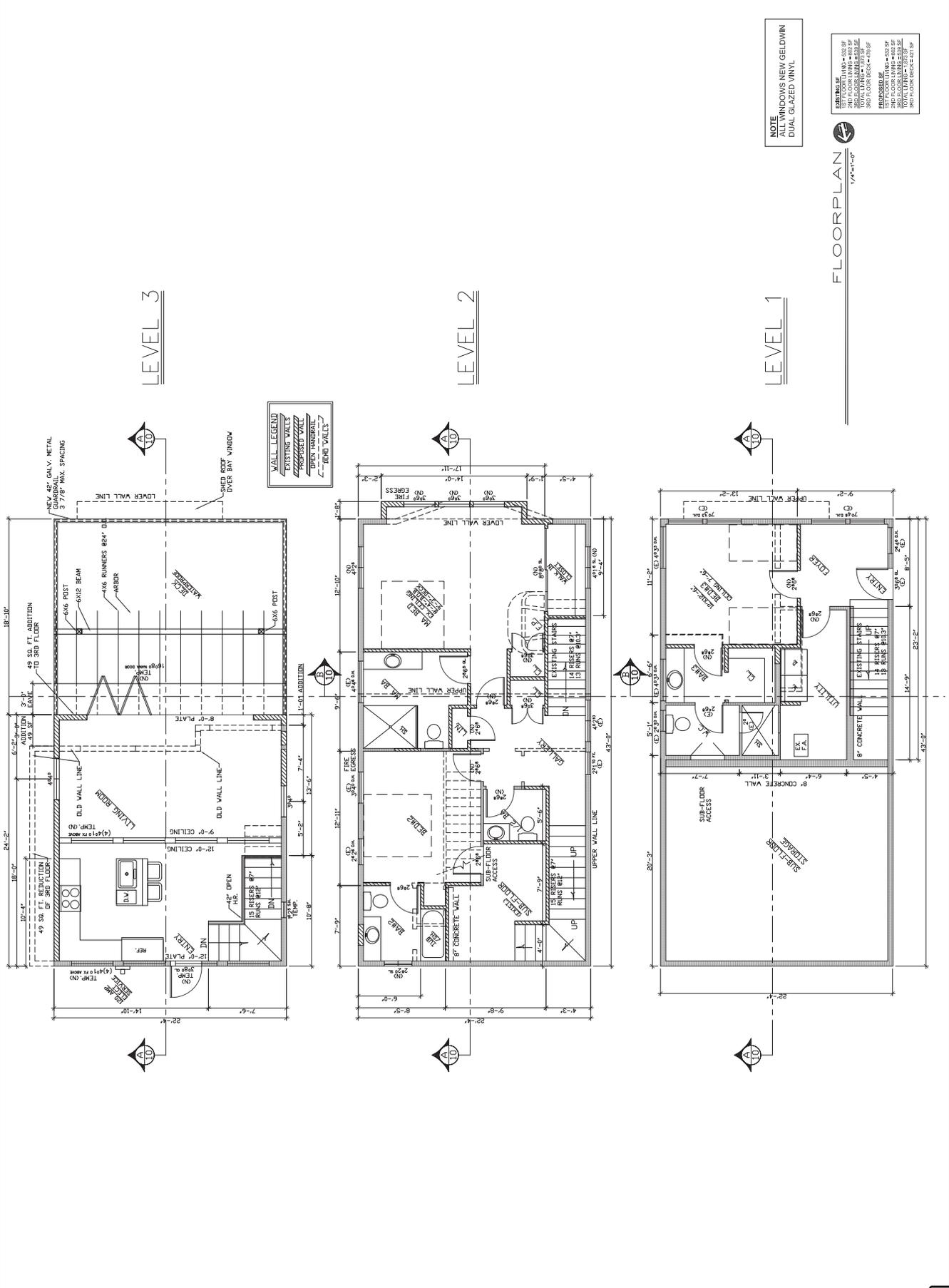
OWNER: FORMICO
 212 CHERRY AVE
 CAPITOLA, CA 95010

FORMICO RESIDENCE
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 CAPITOLA, CA 95010
 APN 035-161-09

HOME DESIGN AND PROJECT PLANNING
 DENNIS NORTON
 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831.238.8285 FAX: 831.428.2816
 WEBSITE: www.dennisonprojectplanning.com

PROPOSED FLOORPLAN

GC	SCALE: 1/4" = 1'-0"
DRWN: CHERRY	DATE: 06/02/20
SHEET: 4	OF: 7



WALL LEGEND

- FOURTY-FIVE WALL
- OPEN THROAT WALL
- REINB WALLS

NOTE: ALL WINDOWS NEW GELDOWN DUAL GLAZED VINYL

EXISTING FLOOR FINISH	100 SF
NEW FLOOR FINISH	100 SF
TOTAL FLOOR FINISH	200 SF
EXISTING WALL FINISH	100 SF
NEW WALL FINISH	100 SF
TOTAL WALL FINISH	200 SF
EXISTING CEILING FINISH	100 SF
NEW CEILING FINISH	100 SF
TOTAL CEILING FINISH	200 SF

FLOORPLAN
 1/4" = 1'-0"

REVISIONS:	DATE:	BY:
A	07/27/20	
B		
C		

OWNER: FORMICO
 212 CHERRY AVE
 CAPITOLA, CA 95010

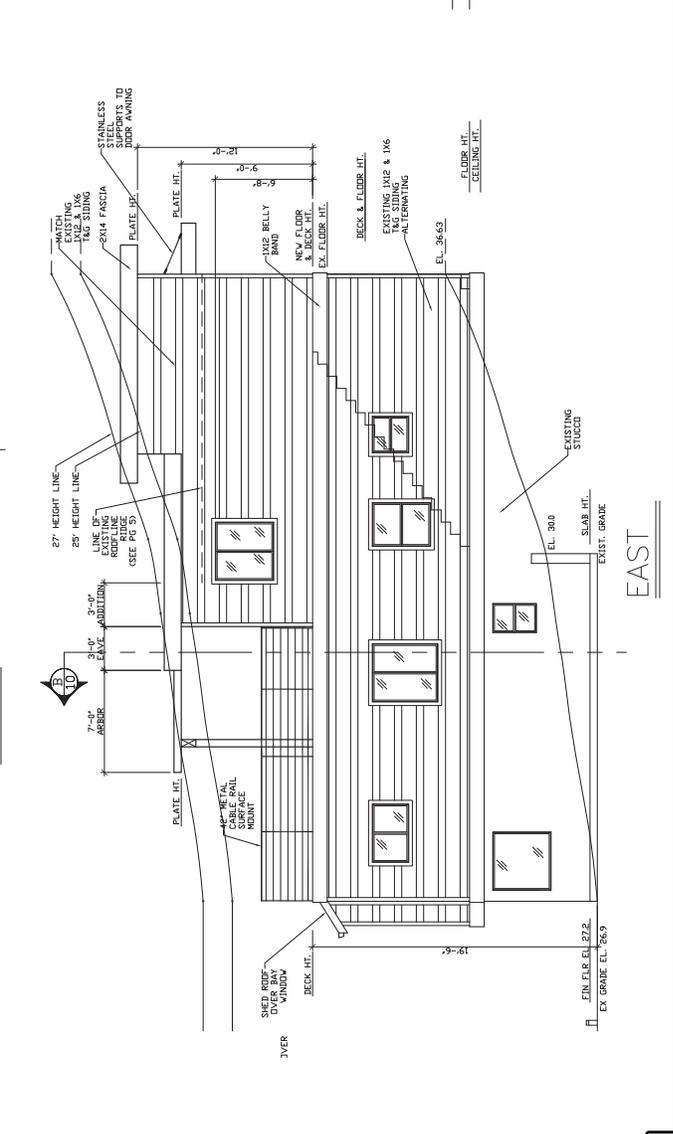
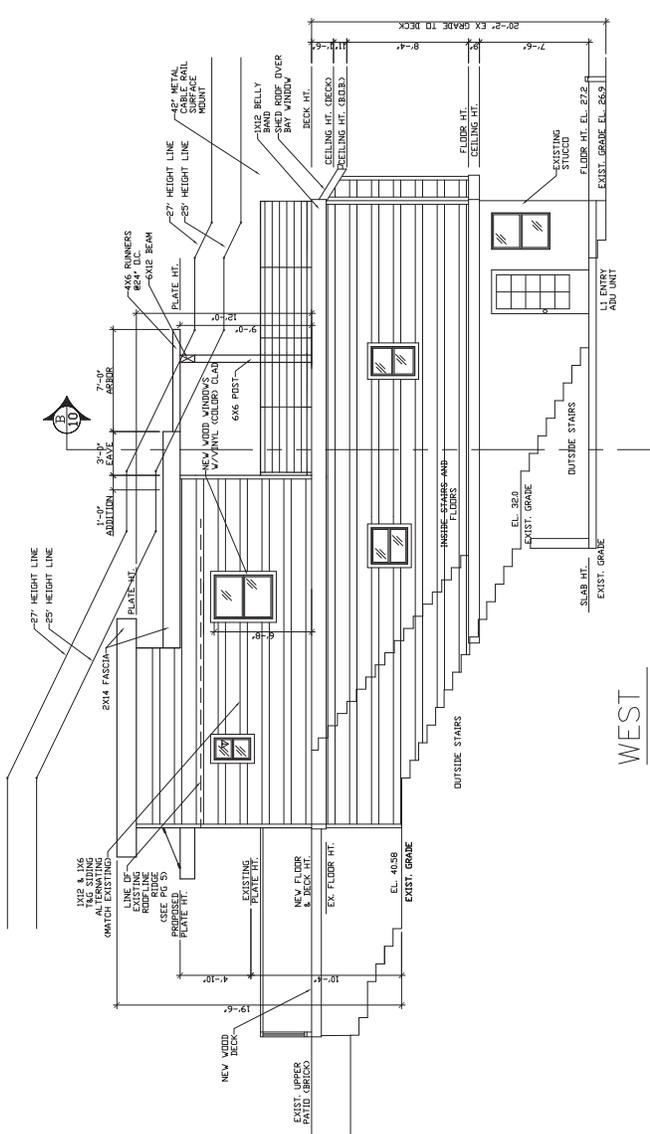
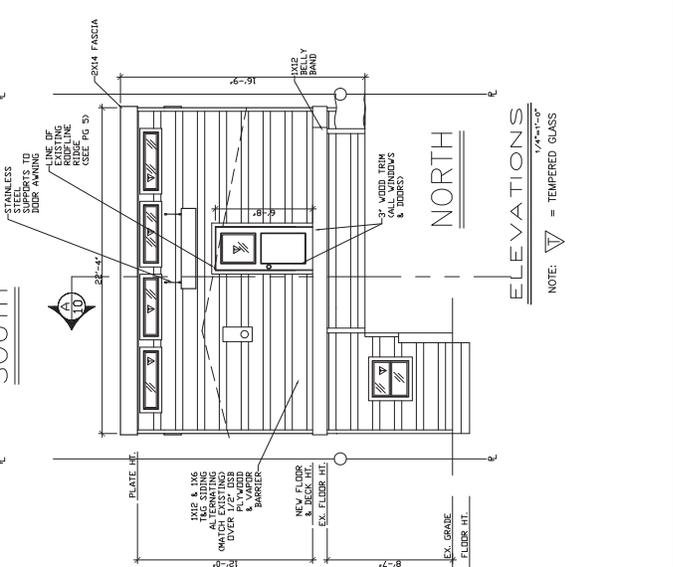
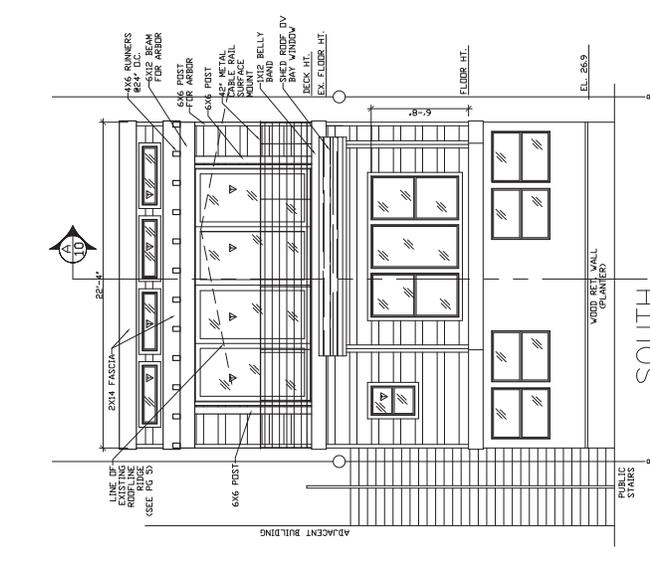
FORMICO RESIDENCE
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 APN 035-161-09

HOME DESIGN AND PROJECT PLANNING
 DENNIS NORTON
 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831.242.2818 FAX: 831.242.2815
 WEBSITE: www.dennisnortondesign.com

PROPOSED ELEVATIONS

DRAWN: GC
 SCALE: 1/4" = 1'-0"
 JOB: CHERRY
 DATE: 06/02/20
 SHEET: 9

9 OF 7 SHEETS



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

REVISIONS	DATE	BY	SP

OWNER: FORMICO
 212 CHERRY AVE
 CAPITOLA, CA 95010

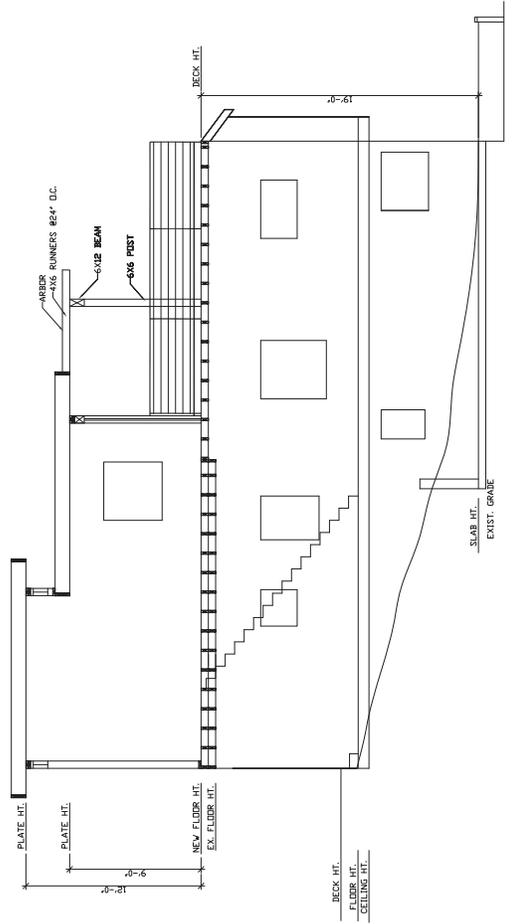
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 CAPITOLA, CA 95010
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DENNIS NORTON
 HOME DESIGN AND PROJECT PLANNING
 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
 PHONE: 831.238.8416 FAX: 831.439.2815
 WEBSITE: www.dennisonortondesign.com

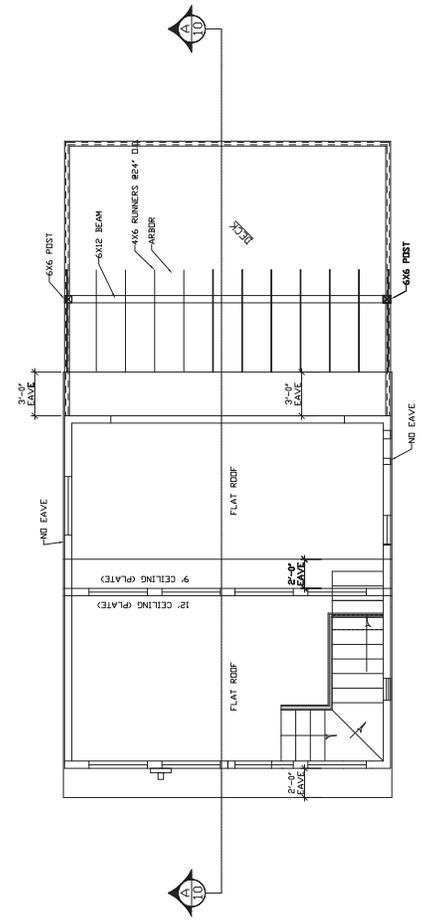
ROOF PLAN & SECTION

DRAWING	GC
SCALE	1/4" = 1'-0"
JOB NO.	CHERRY
DATE	01/30/20

SHEET 8
 OF 7 SHEETS



SECTION "A"



PROPOSED ROOF PLAN



CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

Existing Building Costs:

Existing Residence:	1873 square feet	=	\$ 374,600.00
	\$ 200.00 square foot		
Existing Garage:	0 square feet	=	\$ -
	\$ 90.00 square foot		
Existing Deck:	470 square feet	=	\$ 11,750.00
	\$ 25.00 square foot		
<u>Total Existing Value:</u>			<u>\$ 386,350.00</u>
80% of Total Existing Value			\$ 309,080.00

New Construction Costs:

New Conditioned Space:	50 square feet	=	\$ 10,000.00
	\$ 200.00 square foot		
New Garage:	0 square feet	=	\$ -
	\$ 90.00 square foot		
New deck/porch:	100 square feet	=	\$ 2,500.00
	\$ 25.00 square foot		
<u>Total New Construction Value:</u>			<u>\$ 12,500.00</u>

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

Remodel Conditioned Space:	970 square feet	=	\$ 97,000.00
	\$ 100.00 square foot		
Remodel Garage:	0 square feet	=	\$ -
	\$ 45.00 square foot		
Remodel Deck:	80 square feet	=	\$ 1,000.00
	\$ 12.50 square foot		
<u>Total Remodel Value:</u>			<u>\$ 98,000.00</u>
<u>Total Construction/Remodel Cost</u>			<u>\$ 110,500.00</u>
% of Existing Value			28.6%

Attachment: 212 Cherry Avenue - Construction Cost Breakdown (212 Cherry Avenue)

Sesanto, Sean

From: Dennis Norton <dennis@dennisonortondesign.com>
Sent: Tuesday, August 11, 2020 4:26 PM
To: Sesanto, Sean
Subject: Fwd: 212 Cherry remodel

For the record
212 Cherry

----- Forwarded message -----

From: Cheryl Wightman <cherwight@sbcglobal.net>
Date: Tue, Aug 11, 2020 at 3:29 PM
Subject: 212 Cherry remodel
To: dennis@dennisonortondesign.com <dennis@dennisonortondesign.com>

We are neighbors of Marte and Linda Formico living at 212 Cherry in Capitola Village and understand that he is requesting a variance for his remodel project which we would like to support. The remodel he is proposing requires two variances to be approved to transfer square footage to the deck area and add an arbor that extends from the top floor. These changes would not impact us at 217 Stockton Ave., or any of his neighbors that we are aware of and would greatly enhance the usability of his deck. Please take action to approve this remodel project.

George and Cheryl Wightman

Attachment: 212 Cherry Avenue - Public Comments (212 Cherry Avenue)

Sesanto, Sean

From: Dennis Norton <dennis@dennisonortondesign.com>
Sent: Tuesday, August 11, 2020 9:33 AM
To: Sesanto, Sean
Subject: Fwd: Support neighbors remodel 212 cherry

----- Forwarded message -----

From: **Tony Lazzerini** <tonylazz1@gmail.com>
Date: Tue, Aug 11, 2020 at 9:32 AM
Subject: Support neighbors remodel 212 cherry
To: <dennis@dennisonortondesign.com>

Dennis, I'm the neighbor, Big White House next door to Marte and Linda Formico. I understand they would like 2 variances approved to transfer square footage to the deck area and add an arbor that extends from the top floor. I would like to support there plan.

Sincerely, Tony Lazzerini. 302 Cherry. Cell 707-372-7220
Sent from my iPad

Attachment: 212 Cherry Avenue - Public Comments (212 Cherry Avenue)

Sesanto, Sean

From: Dennis Norton <dennis@dennisondesign.com>
Sent: Wednesday, August 12, 2020 9:57 AM
To: Sesanto, Sean
Subject: Fwd: 212 Cherry

Sean
 Another letter from neighbor at 212 Cherry
 Thanks Dennis

----- Forwarded message -----

From: **Jennifer Willoughby** <jentwillo@gmail.com>
 Date: Wed, Aug 12, 2020 at 9:39 AM
 Subject: 212 Cherry
 To: <dennis@dennisondesign.com>

To: City of Capitola Planning

I am the neighbor (208 Cherry) next door and would like to support Marte and Linda Formico's remodel project at 212 Cherry.
 I understand that they would like 2 variances approved to transfer square footage to the deck area and add an arbor that extends from the top floor. I hope they can make this happen.
 Thanks!
 Jennifer Willoughby

--
 Jen:)

Attachment: 212 Cherry Avenue - Public Comments (212 Cherry Avenue)

Sesanto, Sean

From: Dennis Norton <dennis@dennisondesign.com>
Sent: Monday, August 17, 2020 2:16 PM
To: Sesanto, Sean
Subject: Fwd: Fw: A Note Supporting Marte's Capitola Project

Another letter of support for 212 Cherry
 Thanks. Dennis

----- Forwarded message -----

From: **Marte Formico** <marte@formicogroup.com>
Date: Mon, Aug 17, 2020 at 2:13 PM
Subject: Fw: A Note Supporting Marte's Capitola Project
To: Dennis Norton <dennis@dennisondesign.com>

Dennis
 see below....I think Greg didn't get your email correct
 Marte

----- Forwarded Message -----

From: "gsivaslian@comcast.net" <gsivaslian@comcast.net>
To: "dennis@nortondesign.com" <dennis@nortondesign.com>
Cc: "martefor@yahoo.com" <martefor@yahoo.com>
Sent: Monday, August 17, 2020, 02:10:06 PM PDT
Subject: A Note Supporting Marte's Capitola Project

Dennis,

We own three rentals on Monterey and Park Place below the area of Marte's project. Marte built the duplex at the corner of Park Place and San Jose Ave several years ago. That duplex greatly improved our street that we share. The design and construction was first class and even today looks brand new.

I support every part of the design and variances being proposed.

You or the city can call my cell 408-656-2714 if additional comments would be helpful.

Good luck with the project!

Greg Sivaslian

Sesanto, Sean

From: Morgan Larson <mlarson8@gmail.com>
Sent: Thursday, August 20, 2020 3:48 PM
To: Sesanto, Sean
Cc: Orbach, Matthew (morbach@ci.capitola.ca.us); Janey Larson
Subject: 212 Cherry Ave

Dear Capitola City Planning Commission,

Good afternoon, I am writing to you as a homeowner in Capitola along with my parents Robert and Jane Larson of 207 Terrace Way. Our family has owned homes since 1972 (219 & 221 Cherry, 216 El Camino Medio and currently 207 Terrace Way) in the neighborhood of the proposed re-model. Although we don't object entirely to the style of the proposed application we do have several concerns and questions. Our long history in Capitola includes my father serving as a volunteer fireman, my mother working with the museum and my uncle managing the Public Works Department. I myself grew up on the beach and was part of Capitola's first 7 years of junior guards. I won't dribble on but just list below some thoughts and questions:

-Is it the intention of the applicant to make this his primary residence?

-With so many requested variances is there an option for a re-model within the city's building codes?

-What are the engineering plans with respect to giving consideration to the root structure of the village's last giant tree (the 150+ foot Monterey Cypress that we have been caring for since 1985 and sits on our side of the SE property line). Our long time arborist has expressed that the root structures would be in jeopardy of any excavation within 20' of the base of the tree.

-is the current highly used south deck legal and conforming?

-It is our understanding that any re-models or deck additions need to respect privacy of adjacent neighbors. This proposal has a deck looking directly into 2 of our bedrooms, a bathroom, family room and kitchen.

-Growing up in this home I once was able to watch the cement train cross the trestle and slowly the city has approved several homes beyond the style and taste of our "Cherry Hill Bluff". We now see a small portion of the Jewel Box. Should you grant a height variance we will lose all views of the wharf up to Privates.

-Should this committee grant this application we expect that at the least you will take all measures to protect your towns last great tree!

Thank you,

Robert, Jane & Morgan Larson

Sent from my iPhone

Attachment: 212 Cherry Avenue - Public Comments (212 Cherry Avenue)

Sesanto, Sean

From: Karen Christopher <karen@christopherranch.com>
Sent: Thursday, August 27, 2020 11:30 AM
To: PLANNING COMMISSION
Cc: kherihy@ci.capitola.ca.us
Subject: 212 Cherry Ave Remodel--Sept. 3rd Commission Meeting

We are the owners of 209 Terrace, Don and Karen Christopher. We have owned our home since 2011 and have loved the peacefulness it provides. When we bought our home we were aware of the height restriction and knew that the residence to the south of us, 212 Cherry Ave, could potentially go upwards slightly. In fact at one point Mr. Formico mentioned that he planned to build up someday but not to worry because he was only allowed 13in. After reviewing the proposed plans we are quite concerned about the remodel at 212 Cherry Ave. Currently there is a deck which hasn't been a problem for us from a privacy perspective. The proposed plan would enclose that deck making it a room while significantly increasing the height of the structure. This affects our right to peaceful enjoyment and privacy of our home. We feel misled and blindsided by this plan that extends upwards roughly 5'7" and not the 13" as told to us previously.

My husband and his family have been property owners in Capitola since 1934. They have loved this city and value the rules in place to keep it beautiful. It is confusing to see so many variances granted that essentially throw out existing rules and guidelines. Those rules are in place for a reason, to protect the beauty of the city and to protect existing homeowners.

212 Cherry Ave is already 2265 sq ft, rather larger for the neighborhood, and the enclosed deck addition would only add 49sq ft. The majority of the remodel proposed allows the Formico's to take full advantage of every variance available to them in an effort to get the maximum value for space, views, and privacy yet the deck enclosure and height variance for the 3rd story south elevation would absolutely infringe on our right to privacy and seems an unnecessary request in light of everything else they are asking for.

We understand Staff is recommending approval of the proposed remodel with the caveat that "the homeowner to the north may not approve of the structure's added height with respect to the neighbor's rear yard." That statement is correct. We do not approve of the proposed enclosure of the deck and height variance request and ask that you approve these plans without that portion of the remodel. We are not opposed to the other items of the remodel and understand how 3 neighbors would offer letters of support. Those neighbors are not directly affected negatively by this plan. In fact, they would most likely benefit from the 212 Cherry remodel in terms of value of their own property increasing. Please take into consideration that if you approve everything else in the Formico's request, once completed 212 Cherry Ave will still be a beautiful, large, remodeled home and the owners will still be able to take full advantage of their space and views without negatively impacting our right to privacy and peaceful enjoyment of our property. If you do decide to approve the current plan as is, we ask that you put up story poles as soon as possible so that, along with our surrounding neighbors, we can get a visual representation of exactly what the Formico's are proposing.

Thank you.



STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: SEPTEMBER 3, 2020
SUBJECT: **Color Board Discussion**

Discussion of color board requirement on Master Application for Planning Department.

DISCUSSION

Commissioner Wilk requested a discussion of the color and materials board requirement on the Master Planning Application for development projects. Specifically, Commission Wilk requested a discussion on removing the requirement for color. The Planning Commission discussed this topic at the regular Planning Commission meeting on Thursday, August 20, 2020, with three of the five commissioners present. The Commission directed staff to bring the item back at the September meeting for discussion with the full Planning Commission.

Prepared By: Matt Orbach
Associate Planner