



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, October 2, 2014 – 7:00 PM

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

Update on 116 Grand Avenue Encroachment Permit

3. APPROVAL OF MINUTES

A. Approval of September 4, 2014 draft Planning Commission minutes.

4. CONSENT CALENDAR

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

A. Grand Avenue Bluff #14-129 APN:036-114-11

Coastal Development Permit for landscaping improvements on a vacant lot located on the Coastal Bluff in the R-1 (Single-Family Residential) Zoning District. This project requires a Coastal Development Permit, which is appealable to California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Starley Moore, filed: 9/2/14

Representative: Ellen Cooper

B. 1740 Wharf Road #14-131 APN:035-111-14

Design Permit modification for a previously approved new single-family residence in the R-1/AR (Single Family/Automatic Review) Zoning District.

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

Environmental Determination: Categorical Exemption

Owner: Bruce Golino

Representative: Courtney Hughes, William Fisher Architecture, filed: 9/2/2014

C. 111 Central Avenue #14-099 APN: 036-112-08

Design Permit for a second story addition to the existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Anh Do

Representative: Devlin Jones, filed 6/24/14

5. PUBLIC HEARINGS

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

A. 100 Oakland Avenue #14-135 APN:036-133-09

Major Revocable Encroachment Permit and Variance application for a bench and fireplace located within the front yard and right-of-way of 100 Oakland Avenue located in the R-1 (Single-Family Residential Zoning District).

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

Environmental Determination: Categorical Exemption

Property Owner: James Castellanos

Representative: Margarita Jimenez, filed: 9/11/14

B. 124 Central Avenue #14-116 APN: 036-122-13

IDesign Permit and Conditional Use Permit for an addition to a Historic Single Family home located in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Douglas Edwards

Representative: Derek Van Alstine (filed 7/21/2014)

NOTE: Request for Continuance to the November 6, 2014 meeting.

C. Green Building Ordinance Amendment

Ordinance to amend §17.10.080 of the green building ordinance.

This amendment does not require an amendment to the Local Coastal Plan.

Environmental Determination: Categorical Exemption

Applicant: City of Capitola

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

Adjourn to the next Planning Commission on Thursday, November 6, 2014 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

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

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

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

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

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed 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.

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 4, 2014
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - None
- B. Public Comment - None
- C. Commission Comment

Commissioner Welch noted that in April 2013, the Commission approved an application for a home redesign and major revocable encroachment permit at 116 Grand Ave. In hindsight, he feels he did not understand the extent of the encroachment. Although the report addressed preserving the road turnaround and required bollards to remain, the fence extends well off the property line. The project set a precedent since it also includes an approved fire pit and bench within the encroachment area. He acknowledged receipt of an email concerned about traffic trying to turn around there and asked if the area was subject to fire truck requirements. Community Development Director Rich Grunow explained that fire turnarounds typically aren't required for existing roads and many older neighborhoods do not meet current standards. He also said staff would check on traffic concerns and the process for revoking an encroachment permit.

Chairperson Ortiz noted that encroachments on Depot Hill have a history of causing concern.

Commissioner Routh felt that City Council is a better body to address the turnaround.

Commissioner Welch also expressed concern about the zoning issue of vacation homes, which are restricted to the village. Some property owners outside the district are skirting the law by advertising online that they rent for a month or more, and he asked if they city can require those landlords to collect Transient Occupancy Tax. Director Grunow said staff has responded to some complaints but know that there are others. For TOT, he believes the 30-day definition is set by state law.

Commissioner Graves said he believes collecting TOT on properties outside of the overlay district would undermine the zoning.

Commissioner Smith noted that month-to-month is not considered a vacation rental and there are other reasons people may seek or offer a shorter lease.

- D. Staff Comments - None

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3. **APPROVAL OF MINUTES**

A. **August 7, 2014, Draft Planning Commission Minutes**

A motion to approve the August 7, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Welch.

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

4. **CONSENT CALENDAR – No Items**

5. **PUBLIC HEARINGS**

A. **111 Central Ave #14-099 APN: 036-112-08**

Design Permit for a second story addition and Variance for the required parking at the existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Anh Do

Representative: Devlin Jones, filed 6/24/14

Assistant Planner Ryan Safty presented the staff report. He also outlined privacy concerns from an adjacent neighbor regarding the placement of second-story windows and offered additional illustrations.

Chairperson Ortiz opened the public hearing. Designer Devlin Jones represented the applicant. Commissioner Smith confirmed the only access to the utility room remains from outside.

John Glina, homeowner of 113 Central, spoke in opposition to the project at its current size. He said he would favor a reduction of the addition to bring it into parking compliance rather than granting a variance or allowing the current proposed size and tree removal. He is particularly concerned about privacy and the loss of light to the area of his home which was designed for solar warmth in winter months. He asked for all windows facing his property to be opaque and requested a shade study.

Maureen Kane, 109 Central, expressed concern about projects that are granted variances to maximize height and square footage, resulting in the loss of the character of Capitola.

Toni Moccia, 114 Central, expressed concern about losing another large tree, noting the neighborhood has lost a lot of greenery on the street already. A large black walnut on the street is dying and must be removed. She agrees with the applicant that the tree and current parking are more appealing, but thinks that a reduction in the addition would be the appropriate solution.

Mr. Devlin believes this is a case of “I have mine, you can’t have yours” in comparison to neighboring properties which have large windows. He suggested blinds and curtains will provide privacy.

Susanna Glina addressed Mr. Devlin’s remarks and reiterated her family’s concerns about the project as proposed.

Commissioner Routh commented that the size of homes has become a significant concern and parking requirements were put in place to mitigate the impact. He does not believe findings can be made for a variance but agrees with the community that the tree should be preserved, and favors a reduction of square footage.

Chairperson Ortiz emphasized that simply falling within the allowed floor area ratio does not guarantee the granting of a design permit for that size home.

Commissioner Graves agreed with Commissioner Routh and said if other commissioners concur, rather than denying the application it could be continued to offer the applicant the opportunity to redesign.

Commissioner Smith expressed concern that the design may encourage conversion of the garage. She also felt that a variance is not appropriate and would prefer reduction.

Commissioner Welch also shares a desire to preserve the tree. He acknowledged that applicant tried to address privacy concerns by changing the glass in several windows. While he does not feel that the proposed home is overbuilt, the tree cannot be preserved without a variance and he is concerned about that precedent.

Chairperson Ortiz said the Commission has asked for changes to windows in past applications for privacy concerns. She suggested options for reducing the project size and impact.

Commissioners Smith and Graves asked the applicant's representative if a continuance to review design options would be appropriate

Mr. Devlin said he was not certain how the design would work with a 120-foot reduction but he can explore options with the owners.

A motion to continue project application #14-099 to the Oct. 2, 2014, meeting was made by Commissioner Smith and seconded by Commissioner Graves. The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None.

B. 306 Riverview Avenue #14-120 APN: 035-172-13

Design Permit, Variance for reduction to required 10% front yard open space requirement, and Coastal Development Permit for a new single-family residence located in the CV (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Arthur Lin, applied: 08/17/14

Representative: Dennis Norton

Senior Planner Katie Cattan presented the staff report, including streetscape photos to support the request for a variance. She also noted that there are trees on the adjacent lot along the property line that may not survive once the new home is built. Commissioners asked when the 10 percent requirement was enacted and were told sometime in the mid-1980s to '90s.

Chairperson Ortiz opened the public hearing.

Applicant Arthur Lin offered to answer any questions.

Marilyn Glover, 310 Riverview Ave., explained that her adjacent property has four trees planted as required when their home was built that have become overgrown. Commissioners confirmed that she would support removal of the trees and is mainly concerned with compliance.

Commissioner Graves noted lots are very small and the front landscaping requirements have not been enforced. He expressed concern about impact on the parking access of the neighbor to the south with the way the home is sited, but supports the project and variance.

Commissioner Welch was concerned about granting a variance for the 10 percent front landscaping requirement when the commission did not support a variance for the previous application.

Commissioner Smith asked if the municipal code is incorrect listing the north “side” instead of north “end” of Riverview. Several commissioners felt this was possible, which would explain why other homes have not been held to the 10 percent front landscaping standard.

Commissioner Routh felt that the variance must be granted since other property owners have not been held to the standard.

Commissioner Smith does not feel that a tree should be required as suggested by staff in the conditions.

Mr. Lin confirmed that the project is designed for four-car parking.

Chairperson Ortiz said she would be satisfied if the applicant worked with Ms. Glover to plant one tree between the two parcels. The other commissioners agreed. They would support staff issuing a tree removal permit and waiving additional replanting requirements for the trees along the property line.

A motion to approve project application #14-120 for a Design Permit, Variance and Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Graves:

CONDITIONS

1. The project approval consists of construction of a 2,096 square-foot new single-family home. There is no maximum Floor Area Ratio within the Central Village zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 4, 2014, 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 Storm Water Best management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended. ~~One 15-gallon tree must be planted in the front yard that will contribute toward a 15% tree canopy on the site.~~ The applicant shall work with the adjacent property owner to plant one 15-gallon tree near the shared property line. The existing trees along the property line will be impacted by the construction and may be removed.
7. Prior to issuance of building permit, all Planning fees associated with permit #14-120 shall be paid in full.
8. 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.
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 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 storm water 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 shielded and placed out of public view on non-collection days.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new single-family home. ~~rehabilitation of the historic structure.~~ The project secures the purpose statement of the CV (Central Village) Zoning Districts and carries out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application ~~rehabilitation of the historic structure.~~ The proposed single family home modifications will maintain the character and integrity of the neighborhood and the ~~Lawn Way/Six Sisters~~ Riverview Historic District. ~~The proposed design will enhance the home's architectural appearance and historic integrity.~~ The home will complement the existing character and integrity within the neighborhood.

C. That because of special circumstances applicable to subject property, including location or surroundings, the strict application of this title for front yard open space is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; 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.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the request for a variance to the Front Yard Open Space requirement of 10% and found that the properties in the vicinity and under identical zone classification have not been subject to this requirement. Granting a variance does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone.

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

Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves construction of a new single-family residence subject to the CV (central village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

~~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 Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This project involves a restoration and remodel of an existing historic resource located in the CV (central village) zoning district. The project conforms with the Secretary of the Interior's Standards for Rehabilitation. No adverse environmental impacts were discovered during review of the proposed project.~~

COASTAL FINDINGS

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

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

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

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

- The proposed project is located at 306 Riverview Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Riverview Avenue. No portion of the project is located along the shoreline or beach.

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

- There is not history of public use on the subject lot.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property on Riverview Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any

alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on 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.

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

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

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

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

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

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

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

- 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 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.

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

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

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

SEC. 30222

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

- The project involves a single family home 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 a single family home 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 a single family home on a residential lot of record.

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

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

- The 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.

(D) (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.

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

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

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

- The project is for a single family home. 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.

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

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

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

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

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. 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.

(D) (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.

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Central Village zoning district.

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

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

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

- The project site is located within the area of the Capitola parking permit program.

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

C. 203 Central Avenue #14-040 APN: 036-111-08

Design Permit, Variance for rear yard setback, fire pit in front yard, and parking width, Conditional Use Permit, and Coastal Development Permit for a second story addition to a historic resource located in the R-1 (Single Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Douglas Satzger

Representative: Richard Emigh, filed 3/13/14

Senior Planner Cattan presented the staff report, including options for reducing the appearance of massing. She explained how the applicant arrived at the floor area ratio given the existence of lofts, one of which will be lost to the new addition. The area of the second loft was added to the square footage and it has been checked for accuracy in response to neighbors' concerns. She also noted the additional review and recommendations by an arborist outlining measures to protect the sequoia on the adjacent property.

Chairperson Ortiz confirmed that the side door and steps will remain and Commissioner Smith checked the size of proposed parking spaces.

Designer Richard Emigh represented the applicant. He provided commissioners with plans from a remodel he designed for the property in 1998 and noted that elements that are now considered historic were part of that remodel. He emphasized that the metal roof is the strong preference of the

owner and explained how he worked with historic review to address concerns. He acknowledged that parking is tight and noted the current grouted brick is not pervious.

Doug Satzger, owner, said the addition is intended to improve access and add a bath. He wants the metal roof for both aesthetics and its lifespan. He noted it is available in a wide range of patterns and colors. He noted the permit on 116 Grand for structures within the easement set precedent for his bench and fire pit request.

Chairperson Ortiz asked if concerns about rain runoff could be addressed and was told they could.

Rex Walker, 206 Central, wants to maintain Capitola's historic character. He provided pictures of street parking and noted the impact of Junior Guards, concerts, and overflow from neighboring streets with permits. He questioned whether eight feet was sufficient driveway width to exit a vehicle.

Lon Price, 205 Central, said he believes the addition overwhelms the historic cottage. He does not support the fire pit and is concerned about use of the right-of-way for the parking requirement.

Starley Moore said she feels that since 116 Grand was allowed a fire pit, not allowing one here is inconsistent and inappropriate

Susana Glina, 113 Central, said development at the end of the street has set a precedent that is now being felt throughout the neighborhood. She asked for dialog about the impact on the character of the neighborhood.

Mike Sorkowski, Escalona, wonders if the addition may block what small view he has of the ocean. He noted a fire pit was installed about 30 feet away from his bedroom and in spite of neighbors' promises to limit times, there has been regular loud, late use.

Mr. Emigh announced the applicant was willing to withdraw the bench and fire pit. He explained the lofts were not initially included in the square footage because he applied building code standards for room size.

Commissioner Smith thanked the applicant for removing the front structures and giving the Commission time to have a dialog about such uses. She articulated the concerns about the size of the second parking space, which requires a variance for both width and depth. She expressed appreciation for efforts to keep the cottage at front and asked that the historian's request for notes on drawings be included as conditions. She does not want to allow a metal roof if it would prevent the home from being a contributing structure to a historic district and would prefer a lower height of the rear addition.

Commissioners Routh and Graves do not like the window for the staircase, although it is designed for Secretary of Interior standards.

Graves confirmed that pitch of cottage roof remains. He confirmed that garbage cans would be stored behind the house.

Commissioner Welch said he looks to seek consistency in variances, noting the rear yard seems to be consistent within the neighborhood. The height could overwhelm the cottage from the side view. Parking is an existing problem and this project does not appear to exacerbate the situation.

Chairperson Ortiz also supports reducing the height of the addition. Mr. Emigh explained the height has already been lowered at the request of the historian and offered to create a scale model if his client would agree to a continuance.

Commissioner Smith likes that the window decreases the mass on the side while delineating the addition from the historic front.

In response to a question from Chairperson Ortiz, Director Grunow explained that shade studies are generally required only for large commercial projects and could prove burdensome if required for single-family residences in developed neighborhoods.

Commissioners agreed that the item would need to be continued to review roofing material for historic acceptability and to view the model. They also asked that the conditions be updated and a new landscape design submitted that outlines how the neighbor's large tree would be protected.

A motion to continue project application #14-040 to the meeting of Thursday, Nov. 6, 2014, was made by Commissioner Smith and seconded by Commissioner Routh. The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None.

6. DIRECTOR'S REPORT - None

7. COMMISSION COMMUNICATIONS

Commissioner Smith asked how the zoning update work was progressing. Director Grunow responded that two stakeholder panels have been held and the online survey has more than 100 responses.

Commissioner Graves said he would have liked more opportunities for participants to share what they would like to see in the code as part of the survey, not primarily concerns.

8. ADJOURNMENT

Commissioner Ortiz adjourned the meeting at 9:55 p.m. to the regular meeting of the Planning Commission to be held on Thursday, October 2, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on October 2, 2014.

Linda Fridy, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 2nd, 2014

SUBJECT: **Grand Ave Bluff #14-129 APN: 036-114-11**
Coastal Development Permit for landscape improvements on a vacant lot located on the Coastal Bluff in the AR/R-1 (Automatic Review/Single-Family Residential) Zoning District.
This project requires a Coastal Development Permit, which is appealable to California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Starley Moore, filed: 9/2/14
Representative: Ellen Cooper

APPLICANT PROPOSAL

The applicant is proposing landscape improvements on a bluff area on Parcel Number 036-114-11 adjacent to 101 Grand Avenue in the R-1/AR (Single Family/Automatic Review) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Program.

BACKGROUND

On August 27th, 2014, the Community Development Department was informed that unpermitted improvements consisting of a wood-burning fire pit, a game court, and new landscaping were being installed on a bluff-side property adjacent to 101 Grand Avenue. City staff visited the site and issued a stop work order. The property owner was informed that a Coastal Development Permit is required to make any improvements on a bluff. On September 2, 2014, the City of Capitola received a Coastal Development Permit application for landscape improvements on this lot.

The property owner of 114 Grand Avenue owns the vacant parcel of land located diagonally to the south-west across the street on the bluff. The following graphic shows the location of the home and the parcel on the bluff.



DISCUSSION

Coastal Permit

Section 17.46.050(A)(1)(b)(ii) of the Capitola Zoning Code, which is also part of the City's Local Coastal Plan, requires the issuance of a coastal permit for:

“Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within fifty feet of the edge of a coastal bluff or in environmentally sensitive habitat areas as defined in the Coastal Act.”

The proposed landscape improvements are located within fifty feet of the edge of a coastal bluff and propose to alter land forms and remove vegetation; therefore a coastal permit is required.

Project Description

The applicant is proposing to landscape and hardscape the vacant bluff-side property. The proposal consists of a central seating area, a 280 square foot game court, and native vegetation throughout. The native vegetation includes: 5 - Island Buckwheat bushes, 5 - Yellow Lupine plants, 2 - Wild Lilac trees, 10 - Italian Buckthorns, 5 - Seaside Daisies, and 9 - Anchor Bay Ceanothus, and 11 - Tufted Hair Grass plants. Weed fabric will be installed throughout the lot. The pathway, center seating area, and game court will contain gold decomposed granite compacted in lifts over the weed fabric. The granite compacting will be done by a hand-held granite roller to avoid erosion. The remaining non-vegetated areas will contain mulch over the weed fabric. (Attachment A)

There is an existing 3 foot high wooden picket-fence that surrounds the lot on three sides, with the adjacent property owner's 6 foot chain link fence enclosing the property on the western side. The current owner purchased the property with the fence already installed. Staff has been unable to find documentation of a Coastal Permit for the previously installed fence at this property. To ensure that all improvements have been property permitted, the existing fence is included as a part of this application, as advised by Coastal Commission staff.

The site is not served by a water connection. The owner will have to water the plants by extending a hose from the home at 114 Grand to the bluff area. As required within the Zoning Code and Local Coastal Program, irrigation may not contribute to the erosion of the bluff. Condition #5 had been included to require hand-watering only on the bluff to avoid further erosion.

Environmental Review

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

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #14-129 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a coastal permit for landscaping with decomposed granite pathways, central seating area, and a game area on vacant cliff property.
2. The applicant submitted a completed coastal permit application and landscape plan. Prior to construction, the applicant is required to submit an erosion control plan and maintenance plan which demonstrates that the project will not contribute to accelerated erosion or adversely impact bluff stability.
3. All work shall be completed per the plans approved by the Planning Commission and the erosion control plan shall be strictly followed. Erosion control and sediment management devices shall be installed and inspected by City Public Works prior to initiating work.
4. The landscape plan must be strictly followed. Plants identified in the landscape plan shall be installed. Any changes to the approved landscape plan must be approved by staff prior to installation. All plants must be native, drought-resistant plants. Any significant modifications to the approved design must be approved by the Planning Commission.
5. Water is not located on the site. The landscaping must be hand-watered only so that irrigation does not contribute to bluff erosion.
6. There shall be no use of heavy machinery on the bluff. All compressed granite work must be done with a manual granite roller.
7. There shall be no staging of construction materials in the road right-of-way.
8. In the event of the blufftop eroding, all of the development would need to be removed at the sole expense of the property owner (LCP Policy VII-9: Shoreline structures to protect existing development only)
9. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.
10. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project and support the project due to the use of native, draught tolerant plants and creation of an aesthetically pleasing landscape as viewed from the Grand Avenue. The coastal permit for a landscaping conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

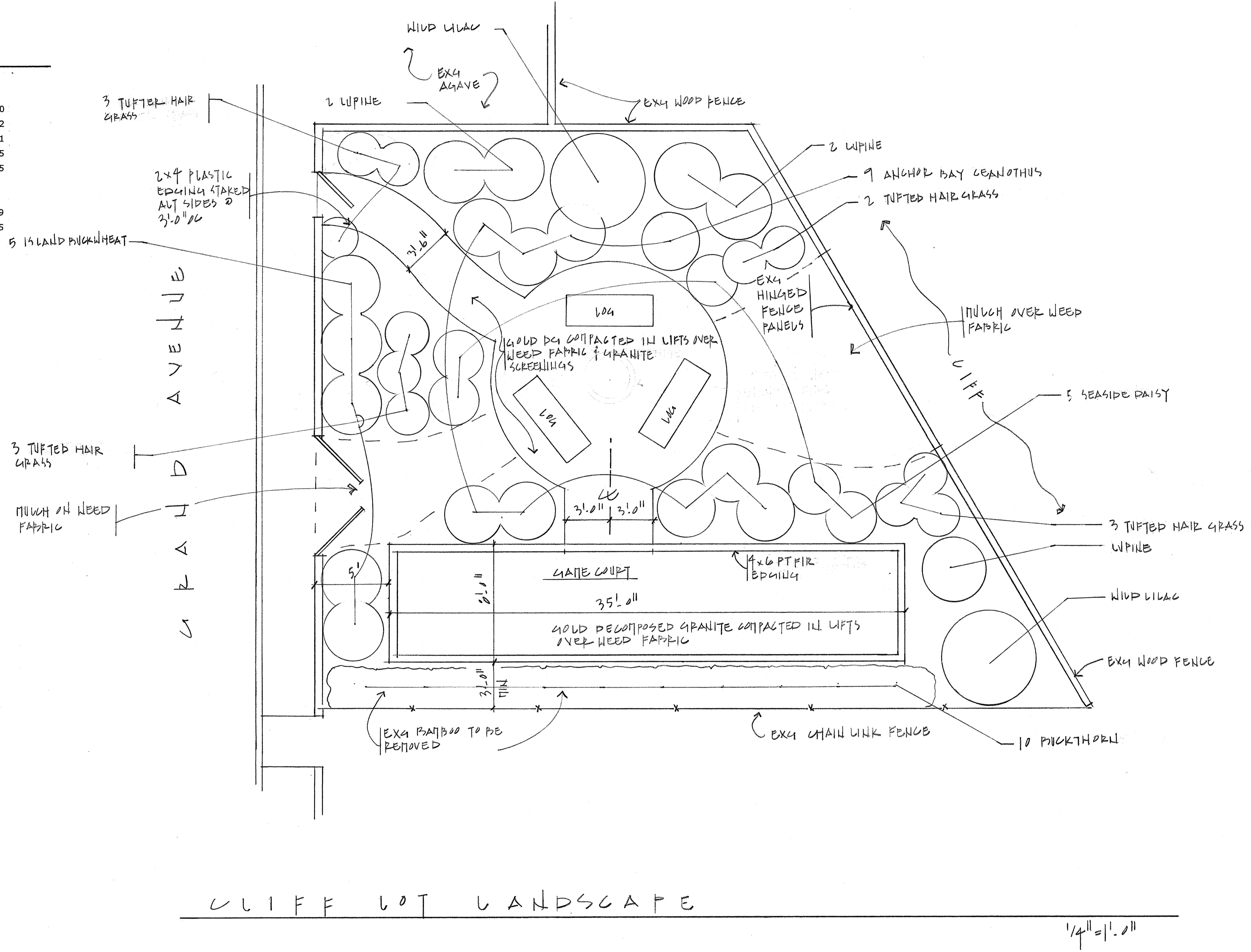
Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

Report Prepared By: Ryan Safty
Assistant Planner

Attachment A – Project Plans
Attachment B – Coastal Findings

Planting

Sym	Botanical Name	Common Name	Size	Quan
Shrubs				
S1	Rhamnus alaternus	Italian Buckthorn	5GC	10
S2	Ceanothus 'Dark Star'	Wild Lilac	1GC	2
S3	Deschampsia cespitosa	Tufted Hair Grass	1GC	11
S4	Eriogonum arborescens	Island Buckwheat	5GC	5
S5	Lupinus arboreus	Yellow Lupine	5GC	5
Groundcovers				
GC1	Ceanothus gloriosus 'Anchor Bay'	Anchor Bay Ceanothus	1GC	9
GC2	Erigeron glaucus	Seaside Daisy	1GC	5



CLIFF LOT LANDSCAPE

1/4" = 1'-0"

SHEET 13 OF 3

REVISIONS 9-9-14

DATE 8-12-14

831.426.6843

Item #: 4.A. Attachment A 114 Grand Ave Project Plan.pdf

CLIFF LOT LANDSCAPE

114 GRAND AVENUE, CAPITOLA, CA

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PROJECT APPLICATION #14-129
GRAND AVENUE BLUFF, CAPITOLA
COASTAL BLUFF DEVELOPMENT

COASTAL FINDINGS

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

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

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

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

- The proposed project is located on a privately-owned, slightly sloped lot located on the Coastal Bluff. The project will not directly affect public access and coastal recreation areas as it involves the landscaping of a private cliff-side lot which has no affect on public trail or beach access.

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

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

- The proposed project is located adjacent to the coastal cliff, approximately 50 feet from the shoreline. No portion of the project is located directly along the shoreline or beach.

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

- The privately owned site has previously been vacant. There is no evidence of use of the site by members of the public for coastal access.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on a piece of privately owned property on the coastal cliff. 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. There is no access to the shore from the property.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located south of Grand Ave, directly on the coastal cliff. 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. There is no access to the shore from the property. The project does not involve any significant built structures; it mostly involves a native landscape plan and minor hardscaping.

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

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

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

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

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

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

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

b. Topographic constraints of the development site;

c. Recreational needs of the public;

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

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

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

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

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

SEC. 30222

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property. There is an existing fence around the property to restrict public access. No new use or change in use is proposed.

SEC. 30223

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property. There is an existing fence around the property to restrict public access. No new use or change in use is proposed.

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property. There is an existing fence around the property to restrict public access. No new use or change in use is proposed.

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property. There is an existing fence around the property to restrict public access. No new use or change in use is proposed.

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

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

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property located on the coastal cliff. The proposal will not detract from public views. The property is going from vacant to lightly landscaped.

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property located on the coastal cliff. No water or sewer services will be affected.

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property located on the coastal cliff with no change in use.

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

- The project involves a landscape plan and low-impact game court on a vacant piece of private property located on the coastal cliff with no change in use.

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

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

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

- The project does not involve a condo conversion or mobile homes. The existing lot is vacant, and will not be built upon.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

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

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

- The project will comply with all applicable erosion control measures. The entire project is composed of permeable surfaces.

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

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

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

the project design;

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

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

- The proposed project is not located along a shoreline.

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

- The project involves a landscape plan and low-impact recreational area on a vacant piece of private property located on the coastal cliff with no change in use.

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

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

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

- The vacant cliff-side property is owned by an adjacent neighboring property. There will be no new introduced vehicular traffic from this project.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 2, 2014

SUBJECT: **1740 Wharf Road #14-131 APN: 035-111-14**
Design Permit modification for a previously approved new single-family residence in the R-1/AR (Single Family/Automatic Review) Zoning District.
This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Owner: Bruce Golino
Representative: Courtney Hughes, William Fisher Architecture, filed: 09/02/2014

APPLICANT PROPOSAL

The applicant requests modifications to a previously approved design permit to construct a 2,598 square-foot single-family residence at 1740 Wharf Road in the R-1/AR (Single Family/Automatic Review) zoning district and the Soquel Creek Riparian Corridor. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

BACKGROUND

On January 16, 2014, the Planning Commission reviewed the original design permit application for a single family home at 1740 Wharf Road and denied the application without prejudice. The Planning Commission advised the applicant to return with a soils report and structural engineer analysis on impacts to the adjacent cable car. They also directed the applicant to consider moving the home toward the south property line away further away from the cable car track at the Shadowbrook Restaurant. The Planning Commission informed the applicant that a variance to the setback requirements would be considered to achieve the requested change in the building location.

The applicant revised the application to include the additional information and design modifications suggested by the Planning Commission. A 2004 geotechnical study was produced for the original subdivision application. The applicant resubmitted the previous study along with two letters from a Richard Irish, a Registered Civil Engineer. After reviewing the plans and soils study, Mr. Irish made findings that the site can be shored safely and that the residence can be constructed without disturbing the neighboring structures.

On March 6, 2014, the Planning Commission reviewed an updated design permit application. The Architect made three modifications to the original design. The home was reoriented to the south property line to create increased distance between the structure and the existing cable car. The window on the north elevation was removed as requested by the owner of the Shadowbrook. Also, a second window on the south elevation was reoriented along a property line to comply with fire code

Item #: 4.B. Wharf Road 1740 14-131 New SF Home..pdf

requirements. The application requested a variance for the zero lot line setback on the south property line.

The Planning Commission approved the design permit application during the March 6, 2014, meeting (Attachment D: March 6, 2014 Planning Commission Report and Minutes). The following underlined conditions were added to the permit during the hearing.

- 27. A management plan is required to maintain street access along Wharf Road during construction. The management plan must be approved by the Public Works Director.
- 28. All vegetation on the green roof must be maintained in a healthy state.
- 29. The new home is located adjacent to the Visitor Serving zoning district. There is an existing restaurant with an operating trolley located on the adjacent property. The trolley and restaurant are established uses, both of which generate noise which is audible to residents within the neighborhood. Prior to the sale of the new home or property, the owner of the property must disclose the potentially significant noise impacts of the adjacent use to all prospective buyers.

The applicant submitted new plans on September 2, 2014 to modify the approved design permit and reduce the proposed excavation by removing the two bottom stories of the home. The original design permit was for a 5-story, 3,717 square-foot home. The original design required substantial excavation and shoring. The home has been downsized 1,119 square feet from the original design resulting in a 3 story, 2,598 square-foot home.

SITE AND ZONING REVIEW

Coastal		
Is project within Coastal Zone?		Yes. Appealable
Use		
Existing Use		Vacant Lot
Proposed Use		Single Family
Principal Permitted or CUP?		Principal permitted use
Development Standards		
Building Height	R-1 Regulation	Proposed
	25'-0"	23'
Floor Area Ratio (FAR)		
Lot Size		8,860 sq. ft.
Maximum Floor Area Ratio		48% (Max 4,252 sq. ft.)
First Story Floor Area		985 sq. ft.
Second Story Floor Area		1,007 sq. ft.
Third Story Floor Area		606 sq. ft.
Gross SF		2,598 sq. ft.
Less 150 sf deck exception		-150 sq. ft
TOTAL FAR		2,448 sq. ft.
Yards (setbacks are measured from the edge of the public right-of-way)		
	R-1 Regulation	Proposed
Front Yard 1st Story	15 feet	15 ft. from right-of-way
Front Yard 2nd Story & Garage	20 feet	21 ft. from right-of-way
Side Yard 1st Story	10% lot width Lot width <u>44.5</u> 4.5 ft. min.	0 ft. from property line Variance Granted
Side Yard 2nd Story	15% of width Lot width <u>44.5</u> 4.5 ft. min	0 ft. from property line
Rear Yard	35 feet from riparian canopy	134 ft. from rear property and complies w/35' riparian setback
Parking		

	Required	Proposed
Residential (from <u>2,001</u> up to <u>2,600</u> sq. ft.)	3 spaces total 1 covered 2 uncovered	3 spaces total 1 covered 2 uncovered
Underground Utilities: required with 25% increase in area	Required	
Landscaping	Tree removal – 2 trees	

DISCUSSION

Variance

A variance for a 0 foot setback was approved during the March 6, 2014 Planning Commission. The applicant has not modified the site layout and a zero setback along the south side property line remains within the current amendment.

Parking

The modified application downsized the home to a 2,598 square-foot, single-family home. A single-family home between 2,001 square feet and 2,600 square feet is required to have three on-site parking spaces. The required on-site parking obligation is met with one interior space within the garage and two uncovered parking spaces within the driveway. Each space complies with the minimum driveway standard of 10' wide by 20' deep. The driveway complies with the maximum driveway width of 20', per Section 17.51.130.A.13.

Exterior Finish Materials

The exterior materials for the single-family home have not been modified and include stucco, fiberglass framed windows and door with wood trim, and wood garage doors. The modern design of the home incorporates a flat roof on the upper story and a mix of green roofs and decks on the lower stories. A color board with the three proposed exterior paint colors is included as Attachment B.

The green roof is in compliance with the International Building Code (IBC). The green roof is not designed to be accessed by the residents. All deck areas intended for access have a 3' 6" railing for safety.

Tree Removal

The tree removal request has not been modified. The application includes the removal of 2 trees, including 1 Monterey Cypress and 1 Coast Live Oak. Neither tree is within the riparian corridor. To comply with the replanting ratio of 2:1, the applicant is proposing to plant 2 Monterey Cypress Trees, 1 Japanese Maple tree, and 2 Coast Live Oaks.

Landscaping

The landscaping plan has not been modified. The new home is located adjacent to the Shadowbrook Restaurant. The Shadowbrook cable car, which transports guest up and down the steep hill to the restaurant, is located along the north property line. There is currently natural screening along the majority of the property line. Future landscaping will provide additional screening between the proposed home and the restaurant. Landscaping along the property line includes 9 Italian Buckthorn shrubs (5 gallon) and two Monterey cypress trees (24" box). The front yard will be landscaped with a mix of Cape Mallow, Sage, and a Japanese Maple tree. Two Coast Live Oak trees are proposed. One Coast Live Oak will be planted on the south side of the home and the second will be planted in the backyard of the home. Drip irrigation is proposed with a rain sensor and quadra bubbler system. No landscaping is included within the scenic easement or riparian areas.

CEQA REVIEW

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

Item #: 4.B. Wharf Road 1740 14-131 New SF Home..pdf

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 #14-131 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of construction of a 2,598 square-foot new single family home. The maximum Floor Area Ratio for the 8,860 square foot property is 48% (4,252 square feet). The total FAR of the project is 44% with a total of 2,598 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 October 2, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #14-131 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
14. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil at least 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
15. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.
16. 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.
17. 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 six 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
18. 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.
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be 24" box and shall be planted as shown on the approved plans.
20. 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.

21. 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.
22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. A management plan is required to maintain street access along Wharf Road during construction. The management plan must be approved by the Public Works Director.
25. All vegetation on the green roof must be maintained in a healthy state.
26. The new home is located adjacent to the Visitor Serving zoning district. There is an existing restaurant with an operating trolley located on the adjacent property. The trolley and restaurant are established uses, both of which generate noise which is audible to residents within the neighborhood. Prior to the sale of the new home or property, the owner of the property must disclose the potentially significant noise impacts of the adjacent use to all prospective buyers.
27. The current application #14-131 will replace design permit application #14-016. Application #14-016 shall be void with the approval of this application.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District, the AR (Automatic Review) Zoning Districts, and the Soquel Creek Riparian Riparian Corridor. A Variance for the side yard setback has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located adjacent to the Shadowbrook Restaurant with the cable car one foot off the north property line. The Shadowbrook Cable Car is a local landmark. The project received a variance to the required side yard setback to protect the local landmark on the adjacent property. The applicant also acknowledged the noise that exists from the trolley and restaurant which is audible to residents within the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood and allows the continued operation of the adjacent restaurant. The proposed single-family residence compliments the

existing mix of single-family and commercial in the neighborhood in use, mass and scale, materials, height, and architecture. The home has been designed to not impact the riparian corridor of the Soquel Creek.

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

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

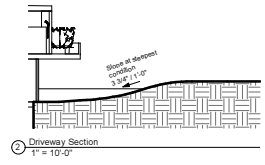
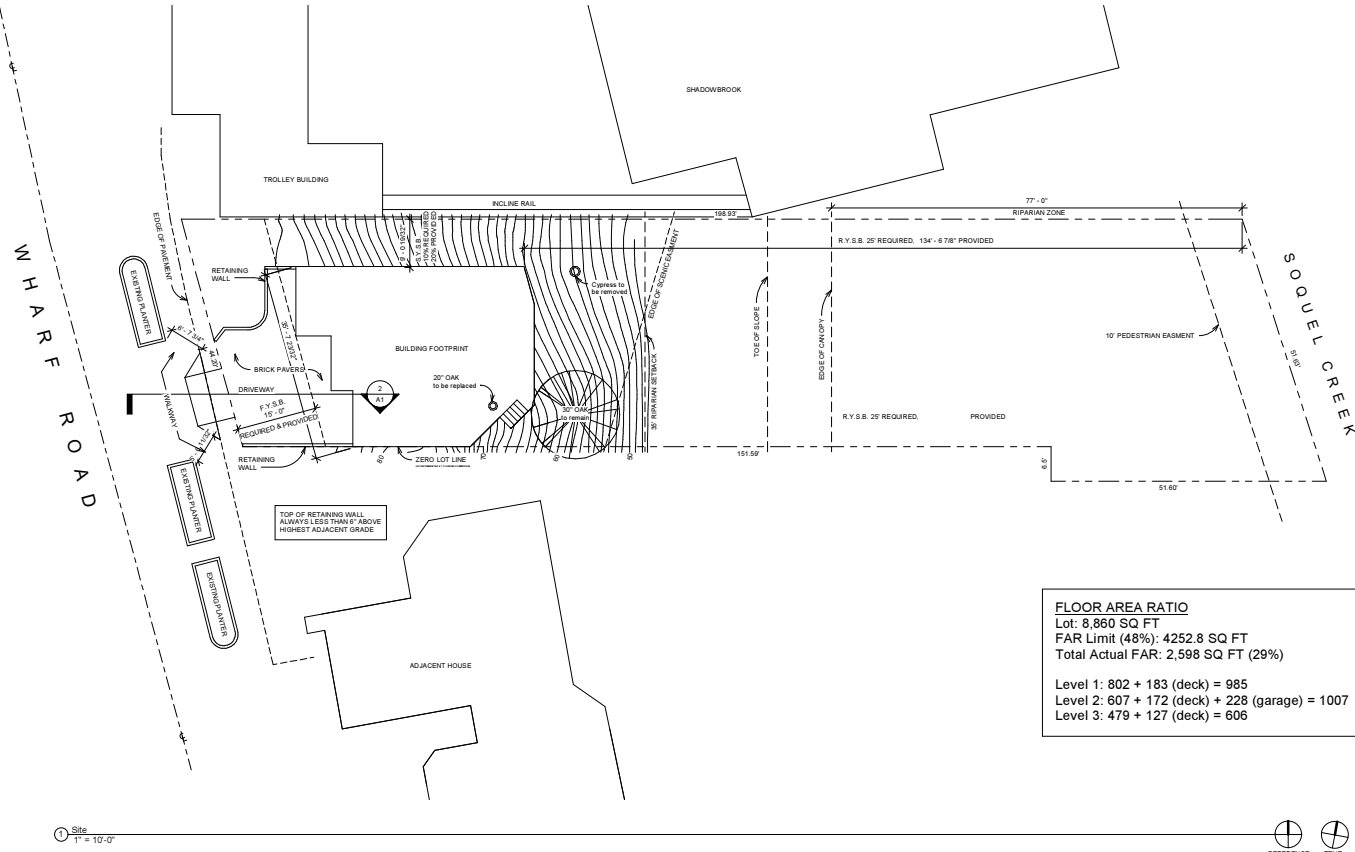
ATTACHMENTS

- A. Project Plans
- B. March 6, 2014 Planning Commission report and attachments
- C. March 6, 2014, Planning Commission minutes.

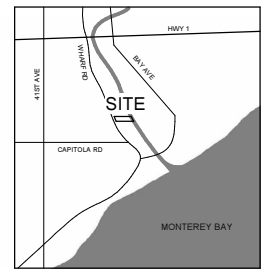
Report Prepared By: Katie Cattan Senior Planner

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- THE FOLLOWING BEST PLANNING PRACTICES (AS SUGGESTED IN THE RIPARIAN REPORT) ARE TO BE FOLLOWED DURING CONSTRUCTION:
- To conserve the riparian area for habitat purposes, the City of Capitola shall delineate a development envelope on the site to show where structural, developmental and outdoor use areas (yards) will be located as part of the Coastal Zone Planning process for site development. The development envelope shall be based on the riparian vegetation distribution and the City's required 35-foot setback from the outer edge of the vegetation.
 - To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15-October 15.
 - To avoid sedimentation of habitat area during construction, the contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. displaced soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The contractor shall clear debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
 - To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 65% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.



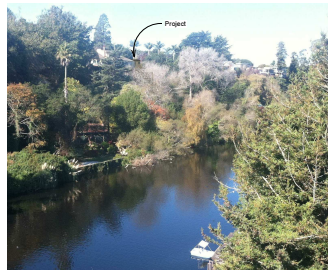
- INDEX
- A1 Vicinity Map, Site Plan, Images, FAR
 - A2 Floor Plans
 - A3 Sections, Topo Roof Plan
 - A4 Elevations
 - C1 Drainage Plan
 - L1 Landscape Plan
 - Topographic Map
 - EXHIBIT E Riparian Delineation Map



FROM NORTH ON WHARF RD
 (See color chart for actual colors)



FROM SOUTH ON WHARF RD
 (See color chart for actual colors)

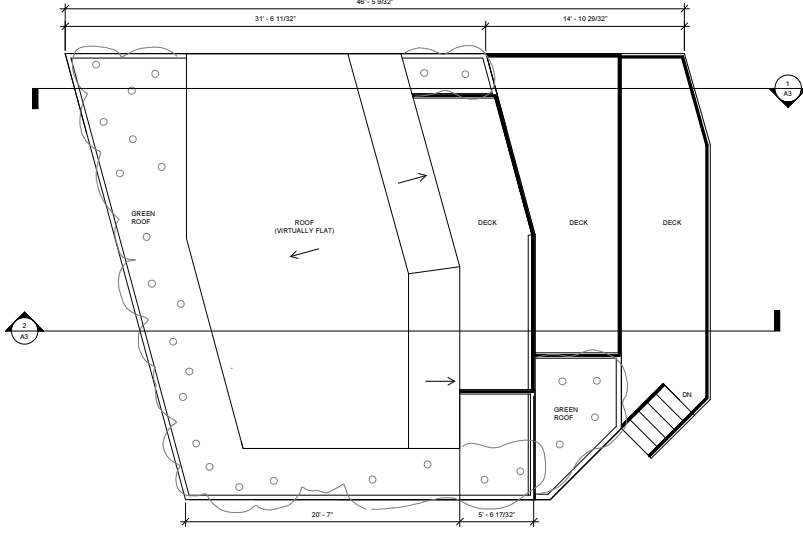


FROM ACROSS SOQUEL CREEK
 (See color chart for actual colors)

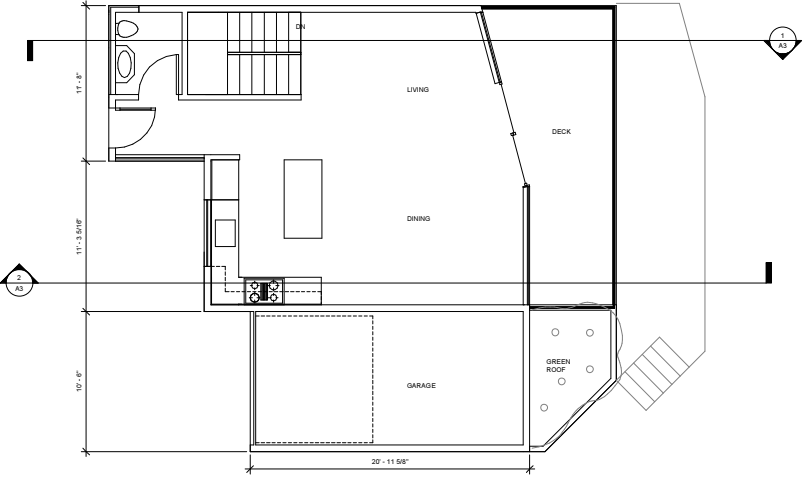
Licensed Architect
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 609 Front Street, Santa Cruz, California 95060
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 william@wfisher.com

Golino Residence
 Wharf Rd, Capitola, CA
 APN 095-111-14

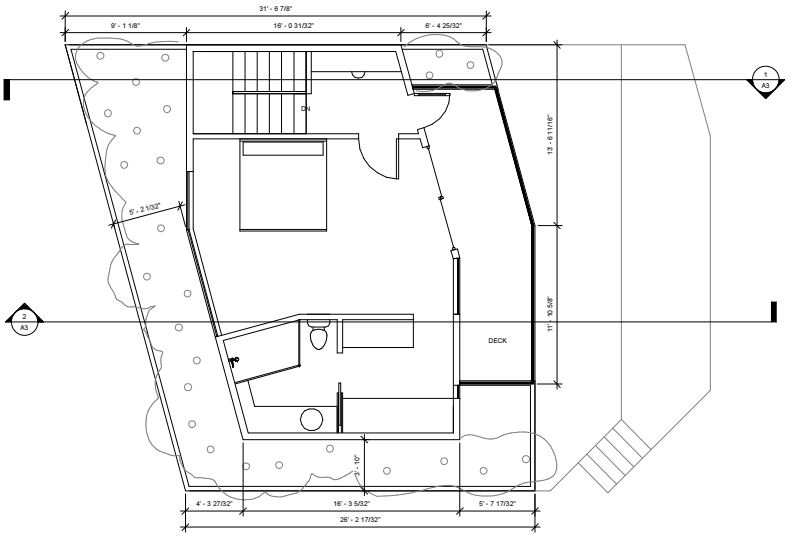
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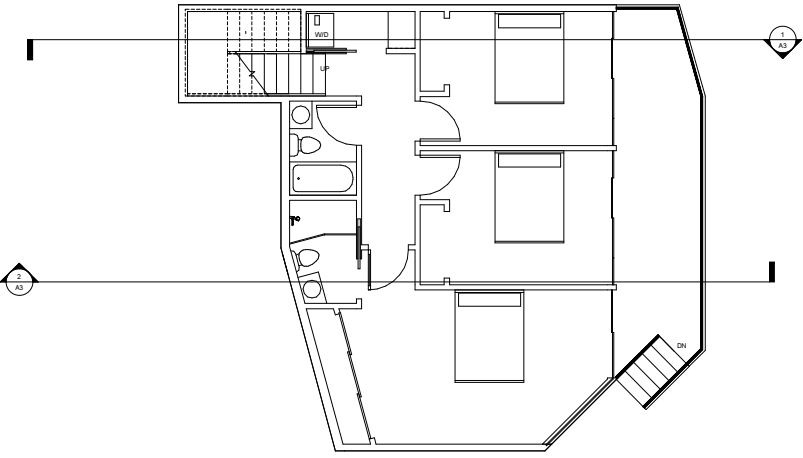
1 Roof Plan
1/4" = 1'-0"



2 Level 2
1/4" = 1'-0"



3 Level 3
1/4" = 1'-0"



4 Level 1
1/4" = 1'-0"


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 831.426.1122 Fax: 831.451-0246 wfisher@wfa.com
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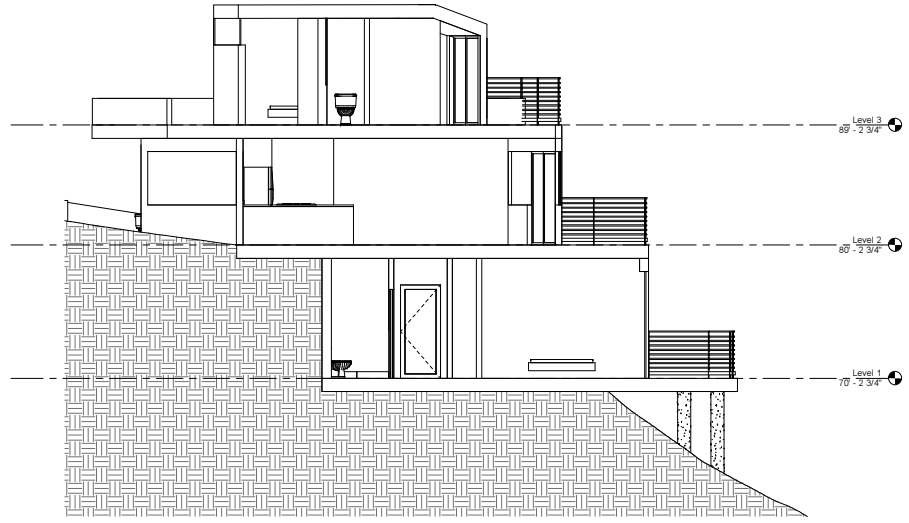
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Licensed
 Architect
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 C-11008
 12/17/14

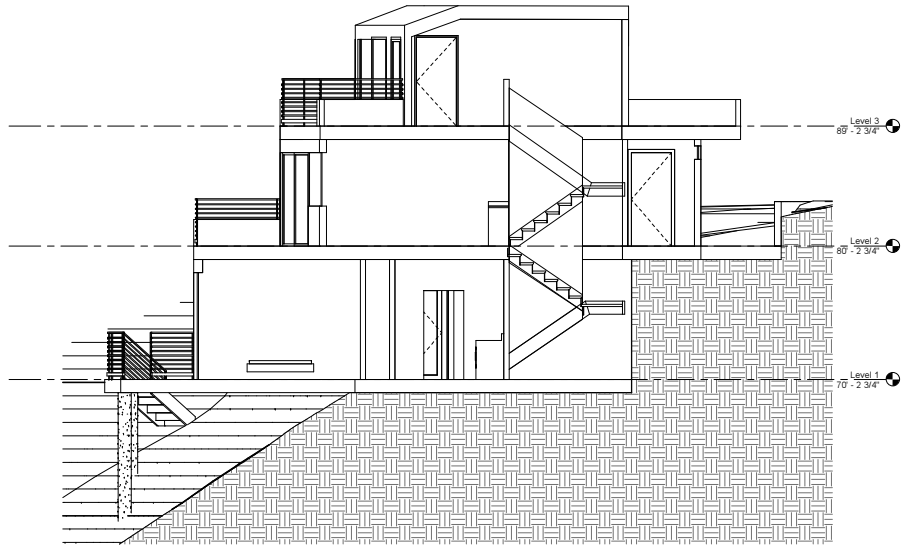
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 Wharf Rd, Capitola, CA
 APN 085-111-14

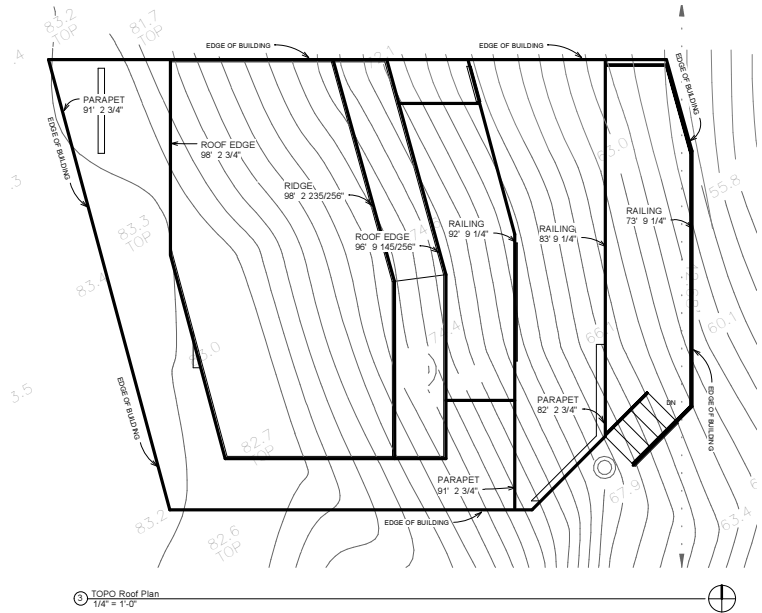
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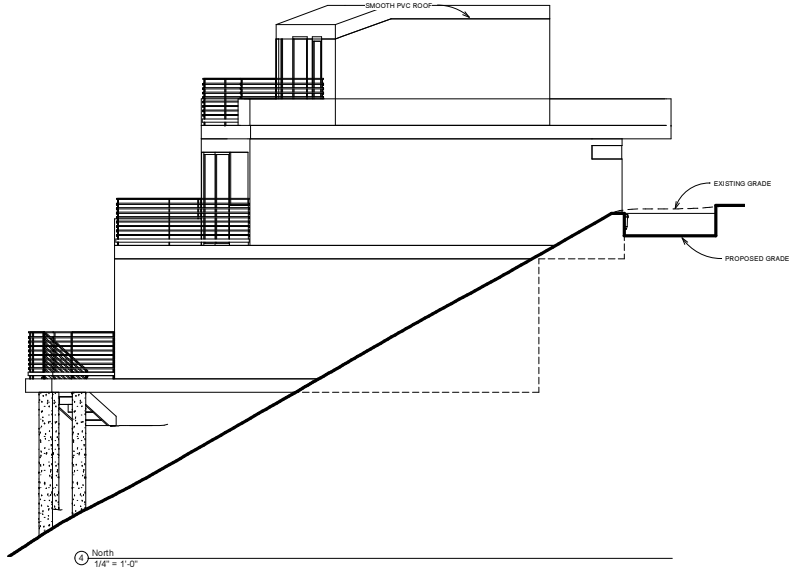
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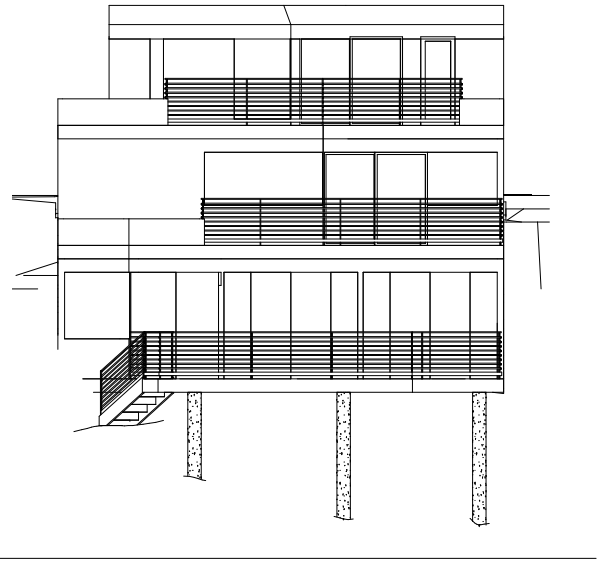
Section 1
1/4" = 1'-0"



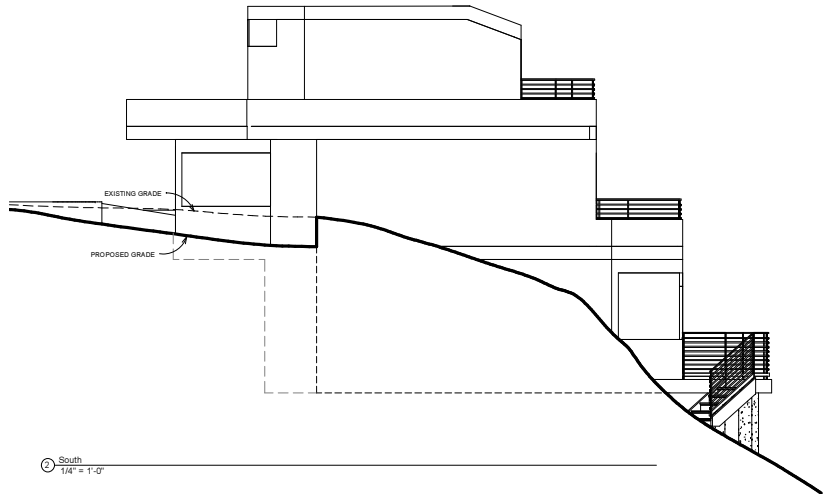
TOPO Roof Plan
1/4" = 1'-0"



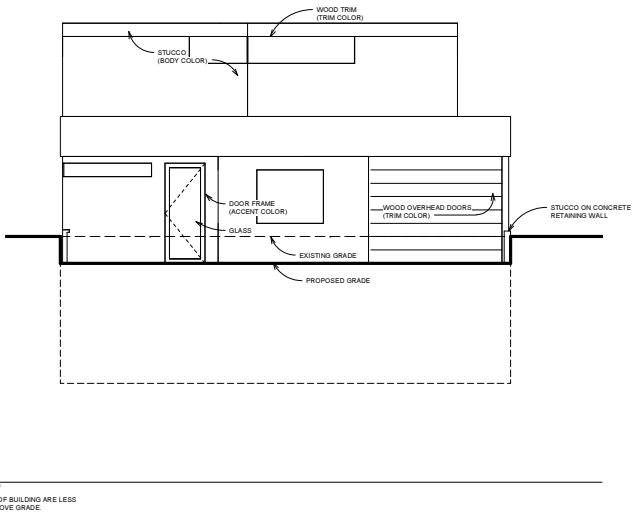
North
1/4" = 1'-0"



East
1/4" = 1'-0"



South
1/4" = 1'-0"



West
1/4" = 1'-0"
ALL PARTS OF BUILDING ARE LESS THAN 25' ABOVE GRADE.



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Golino Residence
 Wharf Rd, Capitola, CA
 APN 095-111-14

9/2/2014
A4

**PROJECT APPLICATION #14-131
1740 WHARF ROAD, CAPITOLA
NEW SINGLE FAMILY HOME**

COASTAL FINDINGS

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

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

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

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

- The proposed project is located at 1740 Wharf Road. The rear property line is located along the Soquel Creek. There is an existing 10 foot wide pedestrian easement at the foot of the hill adjacent to the Soquel creek. More than half of the property is a scenic easement that cannot be built upon. No development is allowed within the scenic easement or the pedestrian easement. The new home will be located directly off Wharf Road. The project will not directly affect public access and coastal recreation areas as it involves a single family home located along the frontage of Wharf Road. The home will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or

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

- The proposed project is located along Wharf Road. No portion of the project is located along the shoreline or beach.

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

- The privately owned site has a ten foot wide pedestrian easement along the rear property line located at the bottom of the hill along the Soquel Creek. This easement may be utilized by members of the public to walk along the creek. The development will not impact access to the pedestrian easement.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property adjacent to Wharf Road. 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. The ten foot pedestrian easement along the rear property line will not be impacted by the new home.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property that will not impact access and recreation. There is a scenic easement that covers more than half the length of the lot. No development is allowed within the scenic easement. 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.

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

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

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

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

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

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

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

- Several conditions have been included to protect the riparian habitat along the rear (downhill) portion of the lot. A riparian delineation was completed by a professional to locate the edge of the riparian habitat. The following conditions were added to ensure proper controls are in place during construction.
 1. To conserve the riparian area for habitat purposes, the City of Capitola shall delineate a development envelope on the site to show where structural development and outdoor use area (yard) will be located as part of the Coastal Zone Permit process for site development. The development envelope shall be based on the riparian vegetation delineation and the City's required 35 foot setback from the outer edge of the vegetation.
 2. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
 3. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at

least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.

4. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.

b. Topographic constraints of the development site;

- #3 above states: To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.

c. Recreational needs of the public;

- Access to the pedestrian easement will not be impacted.

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.

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

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

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

SEC. 30222

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

- The project involves a single family home 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 a single family home 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 a single family home on a residential lot of record.

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

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

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

(D) (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.

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

- The project is located within a ½ mile of the Capitola fire department. Water is available at the location

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

- The project is for a single family home. 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.

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

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

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

Item #: 4.B. Attachment B. Coastal Findings.pdf

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

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. 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.

(D) (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.

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Single Family/Automatic Review zoning district.

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

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JANUARY 16, 2014

SUBJECT: **1730 Wharf Road** **#13-169** **APN: 035-111-14**
Design Permit, Variance, Coastal Development Permit, and Tree Removal Permit for a new single-family residence in the R-1/AR (Single Family/Automatic Review) Zoning District.
This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Owner: Bruce Golino
Representative: Courtney Hughes, William Fisher Architecture, filed: 11/26/2013

APPLICANT PROPOSAL

The applicant is proposing to construct a 3,717 square-foot single-family residence at 1730 Wharf Road in the R-1/AR (Single Family/Automatic Review) zoning district. The property is also located within the Soquel Creek Riparian Corridor. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

BACKGROUND

On December 11, 2013, the Architectural and Site Review Committee reviewed the application.

- City Architect, Derek Van Alstine, complemented the low height in the design as perceived from the street.
- City Landscape Architect. There is currently a vacancy for this appointment.
- City Public Works Director, Steve Jesberg, requested that the driveway and sidewalk cuts be ADA accessible. He also informed the applicant of the requirements for runoff and erosion control that must be in compliance at the time of building plan submittal.
- City Building Official, Mark Wheeler, required a management plan for Wharf Road during excavation and construction. He discussed the requirements for structural engineering and a verified soils report by licensed engineers prior to building submittal.

On January 16, 2014, the Planning Commission reviewed the original application and denied the application without prejudice. The Planning Commission advised the applicant to return with a soils report and structural engineer analysis on impacts to the adjacent cable car. They also directed the applicant to consider moving the home toward the south property line away further away from the cable car track at the Shadowbrook Restaurant. The Planning Commission informed the applicant that a variance to the setback requirements would be considered to achieve the requested change in the building location. (Attachment C: January 16, 2014 PC Minutes)

The applicant revised the application to include the additional information and design modifications suggested by the Planning Commission. A 2004 geotechnical study was produced for the original subdivision application. The applicant resubmitted the previous study along with two letters from a Richard Irish, a Registered Civil Engineer. After reviewing the plans and soils study, Mr. Irish made findings that the site can be shored safely and that the residence can be constructed without disturbing the neighboring structures. (Attachment D)

The Architect made three modifications to the original design. The home was reoriented to the south property line to create increased distance between the structure and the existing cable car. The window on the north elevation was removed as requested by the owner of the Shadowbrook. Also, a second window on the south elevation was reoriented along a property line to comply with fire code requirements. No additional modifications were made to the design. The applicant is requesting a variance for the zero lot line setback on the south property line.

SITE AND STRUCTURAL DATA

Floor Area Ratio (FAR)		
Lot Size		8,860 sq. ft.
Maximum FAR Allowed	48%	4,252 sq. ft.
Proposed FAR	44%	3,717 sq. ft.

Proposed Square Footage	
First Floor (Basement)	601 sq. ft.
Second Floor	818 sq. ft.
Third Floor (Dining Living)	1,187 sq. ft.
Forth Floor (Entry/Garage)	825 sq. ft.
Fifth Floor	686 sq. ft.
Total	4,117 sq. ft.
Less Basement Exception	- 250 sq. ft.
Plus upper floor deck beyond 150 sq. ft.	-150 sq. ft.
Gross Floor Area	3,717 sq. ft.

Building Setbacks		
	R-1 District	Proposed
Front Yard	15' House 20' Garage	15' House 20' Garage
Rear Yard	35' from edge of riparian canopy	35' from edge of riparian canopy
North Side Yard	10% lot width (4'5")	20% lot width (8' 10")
South Side Yard	10% (4'5")	0 Variance requested

Building Height		
	R-1 District	Proposed
Residential	25'-0"	23'-9"

Parking		
	Required	Proposed
Residential (2,601 sq. ft. – 4,000 sq. ft.)	4 spaces total Minimum 1 covered 3 uncovered	4 spaces total 2 covered 2 uncovered

DISCUSSION

The property at 1730 Wharf Road has several unique natural attributes and surrounding built conditions. The lot was created within a subdivision approved on May 6, 2004. The lot has a relatively flat section along Wharf Road that extends approximately 30 feet deep into the lot. Beyond this point, the lot becomes extremely steep dropping down toward Soquel Creek. The rear half of the lot is part of a scenic easement in which development is prohibited. The lot is also located within the Soquel Creek Riparian Corridor. A riparian delineation was completed by a qualified biologist to ensure that the riparian corridor and necessary setbacks would not be impacted. Also unique to the lot is the mix of surrounding land uses. A single-family home is located adjacent to the south and the popular restaurant destination, the Shadowbrook, is located adjacent to the north. The architect has sited the building and stepped the stories to fit within the unique natural features associate with the property and the existing surrounding land uses.

Height

The height limit in the R-1 (Single Family) zoning district is 25 feet to the highest point of the roof, ridge, or parapet wall. Height is measured in the R-1 district as followed.

“Building height” means the vertical distance measured from the assumed ground surface of the building.

“Assumed ground surface” means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade, subject to the following exception:

§17.15.080.A1. If there has been grading or fill on the property within five years preceding the time of the application, and that grading or filling has or would increase the height of the finished grade at one or more points where it would meet the perimeter of the proposed structure, the planning commission may measure heights from where it estimates the grade is or was before the grading or filling, if the commission determines that such an action is necessary to keep the height of the proposed structure in reasonable relationship to the heights in the neighborhood. (Ord. 873 § 1, 2004)

The applicant provided a roof over topography (page A3) to demonstrate that the structure is within the 25 foot height limit. The rear of the building steps with the slope of the building and complies with the 25 foot height limit. The zoning code does not regulate the number of stories. The home has a total of 5 stories.

Setbacks: Variance Requested

The original orientation of the home complied with all setback requirements of the R-1 zone and the Soquel Creek Riparian Corridor development regulations, including the 4’5” setback along the north property line. During the Planning Commission review, the commission stated concerns for the possible impacts the excavation on the adjacent cable car track at the Shadowbrook Restaurant. At the direction of the Planning Commission, the Architect modified the orientation of the home to be built directly on the south property line with zero setbacks. This creates an 8’ 10” setback along the north property line adjacent to the cable car track. The applicant is requesting a variance for a 0 foot setback on the south property line. The adjacent home is located 10’ off the property line.

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.

Staff finds that the following special circumstances are applicable to the subject property:

1. The property is located at 1740 Wharf Road adjacent to the Shadowbrook Restaurant. The Shadowbrook Restaurant cable car is located one foot off the north property line and is a local landmark. Decreasing the setback requirement will protect the local landmark while not depriving the property owner of a privilege enjoyed by all other properties in the district.
2. Granting the variance permit will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zone. The proposed home fit within the required setbacks. The home has been shifted to the north property line to protect the local landmark on the adjacent property.

Parking

The applicant is proposing a new 3,717 square-foot, single-family home. A single-family home between 2,601 square feet and 4,000 square feet is required to have four on-site parking spaces. The required on-site parking obligation is met with two interior spaces within the garage and two uncovered parking spaces within the driveway. Each space complies with the minimum driveway standard of 10' wide by 20' deep. The driveway complies with the maximum driveway width of 20', per Section 17.51.130.A.13.

Exterior Finish Materials

Proposed exterior materials for the single-family home include stucco, fiberglass framed windows and door with wood trim, and wood garage doors. The home steps down the steep embankment within five stories. The modern design of the home incorporates a flat roof on the upper story and a mix of green roofs and decks on the lower stories. A color board with the three proposed exterior paint colors is included as Exhibit B.

The green roof is in compliance with the International Building Code (IBC). The green roof is not designed to be accessed by the residents. All deck areas intended for access have a 3' 6" railing for safety.

Tree Removal

The application includes the removal of 2 trees, including 1 Monterey Cypress and 1 Coast Live Oak. Neither tree is within the riparian corridor. To comply with the replanting ratio of 2:1, the applicant is proposing to plant 2 Monterey Cypress Trees, 1 Japanese Maple tree, and 2 Coast Live Oaks.

Landscaping

The new home is located adjacent to the Shadowbrook Restaurant. The Shadowbrook cable car, which transports guest up and down the steep hill to the restaurant, is located along the north property line. There is currently natural screening along the majority of the property line. Future landscaping will provide additional screening between the proposed home and the restaurant. Landscaping along the property line includes 9 Italian Buckthorn shrubs (5 gallon) and two Monterey cypress trees (24" box). The front yard will be landscaped with a mix of Cape Mallow, Sage, and a Japanese Maple tree. Two Coast Live Oak trees are proposed. One Coast Live Oak will be planted on the south side of the home and the second will be planted in the backyard of the home. Drip irrigation is proposed with a rain sensor and quadra bubbler system. No landscaping is included within the scenic easement or riparian areas.

Geological Study

The applicant revised the application to include an updated analysis regarding the onsite soils and possible impacts on the neighboring cable car. A 2004 geotechnical study was submitted that was originally produced for the subdivision application. The applicant resubmitted the previous study along with two letters from a Richard Irish, a Registered Civil Engineer. After reviewing the plans and soils study, Mr. Irish made findings that the site can be shored safely and that the residence can be constructed without disturbing the neighboring structures. (Attachment D)

Soquel Creek Riparian Corridor

Section 17.95.030(A-G) outlines the development regulations within Soquel Creek riparian corridor. The following underlined regulations are required:

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 length of the lot is approximately 200 feet extending from Wharf Road down a steep slope to the Soquel Creek. The majority of the home has been sited on the flat area of the lot closest to Wharf Road, the rear portion of the home steps down the steep hillside. There is a scenic easement which protects more than half of the lot from development. The riparian delineation provided by Cypress Environmental identifies that the boundary of the riparian vegetation is defined by the canopy of the single black cottonwood located in the lower 1/3 of the lot. A 35 foot setback is required from riparian delineation. All improvements are proposed outside of the established setback from the riparian delineation and outside of the scenic easement.

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: As previously stated, the riparian delineation provided by Cypress Environmental identifies that the boundary of the riparian vegetation is defined by the canopy of the single black cottonwood located in the lower 1/3 of the lot. A 35 foot setback is required from riparian delineation. All improvements are proposed outside of the established setback from the riparian delineation.

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 applicant hired Kim Tschantz of Cypress Environmental and Land Use Planning to establish the outer edge of the riparian vegetation on the site. To prevent any impacts on the existing riparian vegetation, Mr. Tschantz suggested the following measures to minimize impacts to the riparian habitat:

1. To conserve the riparian area for habitat purposes, the City of Capitola shall delineate a development envelope on the site to show where structural development and outdoor use area (yard) will be located as part of the Coastal Zone Permit process for site development. The development envelope shall be based on the riparian vegetation delineation and the City's required 35 foot setback from the outer edge of the vegetation.
2. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
3. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development

envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.

4. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.

These recommendations have been included as conditions of approval.

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 two trees to be removed from the site include a Monterey Cypress and a Coast Live Oak. Although both trees are native, neither tree is riparian or located within the riparian corridor.

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: There is one Coast Live Oak stub that has sprouted a few branches that is not a healthy tree and is located within the building pad. This tree stub will be removed. It is not located within the riparian area and is not a riparian species.

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: The majority of the landscaping includes native species. There are a few non-native species to be planted in the front yard furthest from the riparian area. No invasive plants or tree species are proposed. The landscape plan identifies that existing invasive species shall be removed from the site in those areas indicated on the plans to be landscaped.

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. (Ord. 677 § 7(D), 1989; Ord. 634 § 1, 1987)

Staff Analysis: At time of building permit submittal, the plans must include details of conformance with the Capitola erosion control ordinance of Chapter 15. 28. (Condition of Approval #12) Also, condition of approval #15 has been included to require Kim Tschantz's recommendation #4 to avoid the potential for accelerated erosion and sedimentation of the habitat area, previously stated above.

CEQA REVIEW

Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone. This project involves construction of a new 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 #13-169 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of construction of a 3,717square-foot new single family home. The maximum Floor Area Ratio for the 8,860 square foot property is 48% (4,252 square feet). The total FAR of the project is 44% with a total of 3,717 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 January 16, 2014, 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 shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #13-169 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

Item #: 4.B. Attachment C. 03-06-2014 Report and attachments.pdf

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. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
14. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
15. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.
16. 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.
17. 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
18. 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.
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be 24" box and shall be planted as shown on the approved plans.
20. 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.

21. 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.
22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

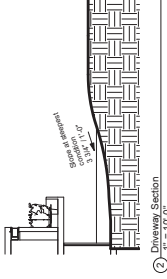
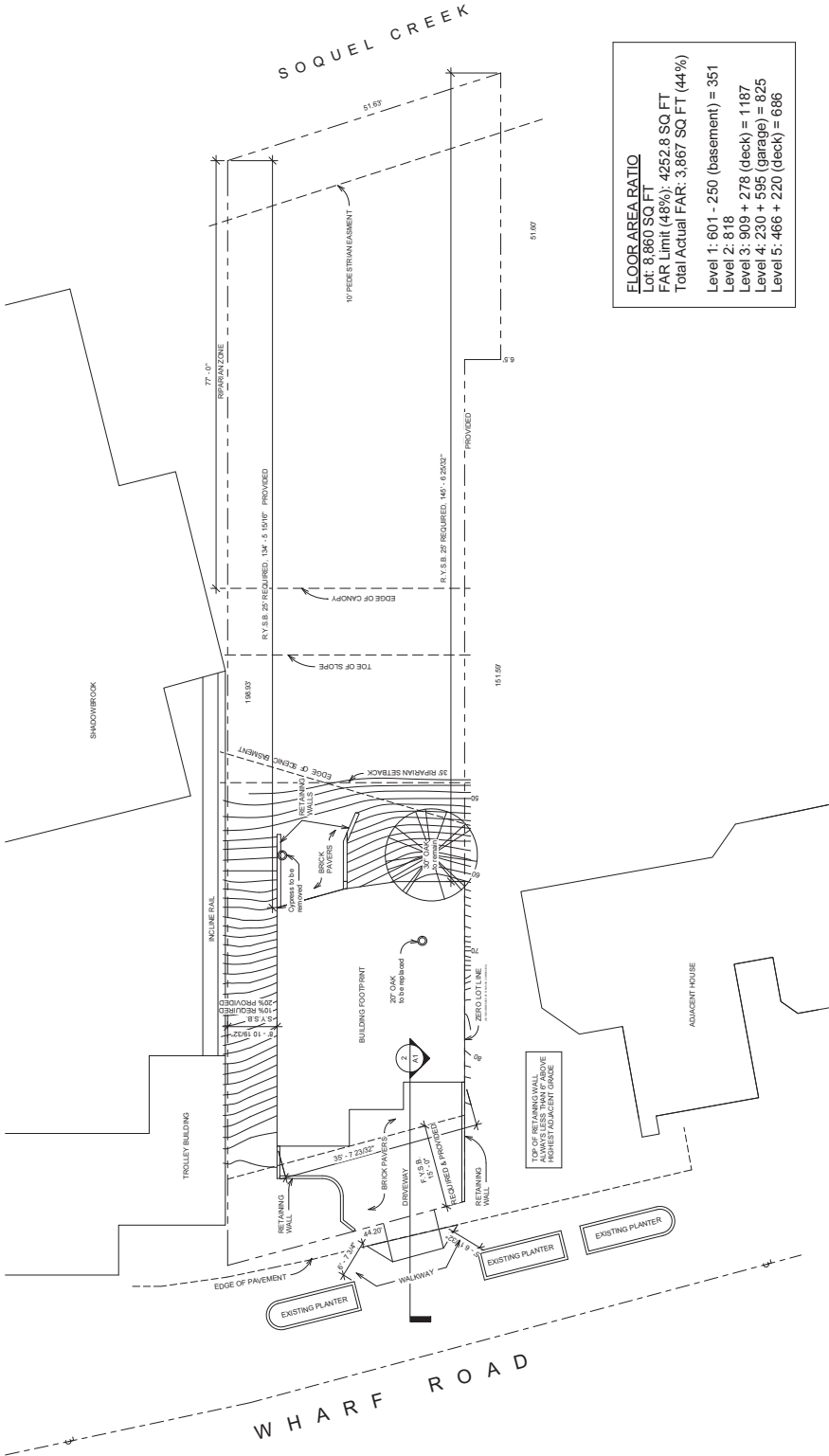
FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District, the AR (Automatic Review) Zoning Districts, and the Soquel Creek Riparian Riparian Corridor. A Variance for the side yard setback has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located adjacent to the Shadowbrook Restaurant with the cable car one foot off the north property line. The Shadowbrook Cable Car is a local landmark. The project received a variance to the required side yard setback to protect the local landmark on the adjacent property. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence compliments the existing mix of single-family and commercial in the neighborhood in use, mass and scale, materials, height, and architecture. The home has been designed to not impact the riparian corridor of the Soquel Creek.
- C. **This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
This project involves construction of a new single-family residence in the RM-M (multi-family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

ATTACHMENTS

- A. Project Plans
- B. Color Board
- C. Nordmo Associates Geotechnical Consultants – Geotechnical Engineering Report 2004
- D. Memo from Richard Irish, PE

Report Prepared By: Katie Cattan Senior Planner
P:\Planning Commission\2014 Meeting Packets\3-6-14\Wharf Rd 1730 13-169.docx



THE FOLLOWING BEST PRACTICE PLANNING PRACTICES ARE SUGGESTED IN CONSTRUCTION:

- To conserve the future area for habitat purposes, the City of Capitola encourages the use of native plants and trees in the landscape design. The use of native plants and trees will be encouraged in the landscape design. The use of native plants and trees will be encouraged in the landscape design. The use of native plants and trees will be encouraged in the landscape design.
- To avoid the potential for accelerated erosion and sedimentation of the construction site, the contractor should install erosion control measures on the construction site during the non-rainy season of April through October.
- To avoid sedimentation of habitat areas, the contractor should install sediment traps at the bottom edge of the construction site. The traps should be installed at the bottom edge of the construction site. The traps should be installed at the bottom edge of the construction site.
- To avoid sedimentation of habitat areas, the contractor should install sediment traps at the bottom edge of the construction site. The traps should be installed at the bottom edge of the construction site. The traps should be installed at the bottom edge of the construction site.



- INDEX
- A1 Vicinity Map, Site Plan, Images, FAR
 - A2 Level 3-5; Roof Plan
 - A3 Level 1-2; Topo Roof Plan
 - A4 West & South Elevations
 - A5 East & North Elevations
 - C1 Drainage Plan
 - L1 Landscape Plan
 - EXHIBIT E Riparian Delineation Map
 - Topographic Map

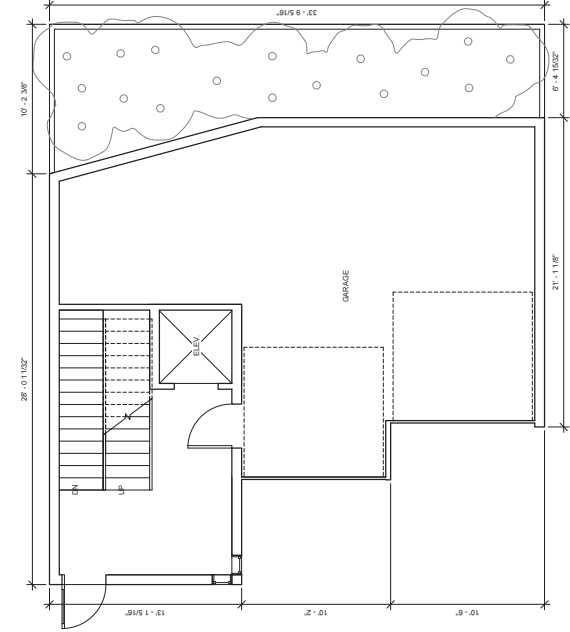




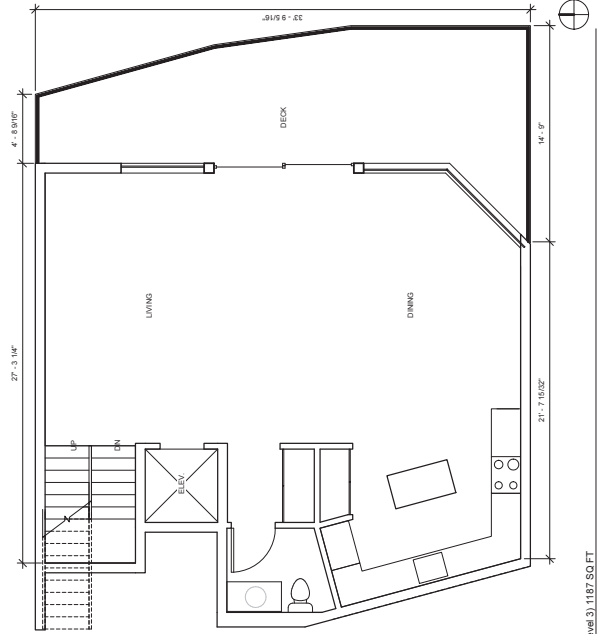
William Fisher Architecture, Inc.
 831 246-0117, FAX: 831 457-0246
 831 246-0117, FAX: 831 457-0246
 wfa@wfaarch.com
 831 246-0117, FAX: 831 457-0246
 wfa@wfaarch.com

Gollino Residence
 Wharf Rd, Capitola, CA

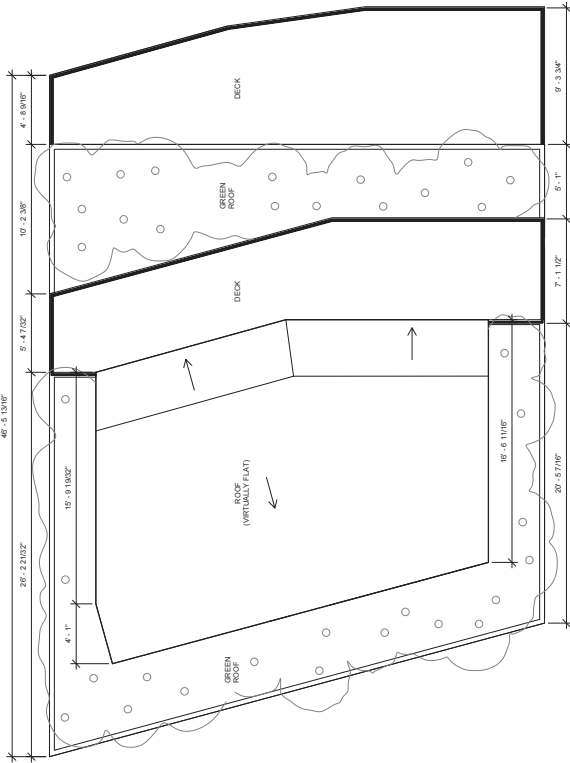
2/8/14
 A'



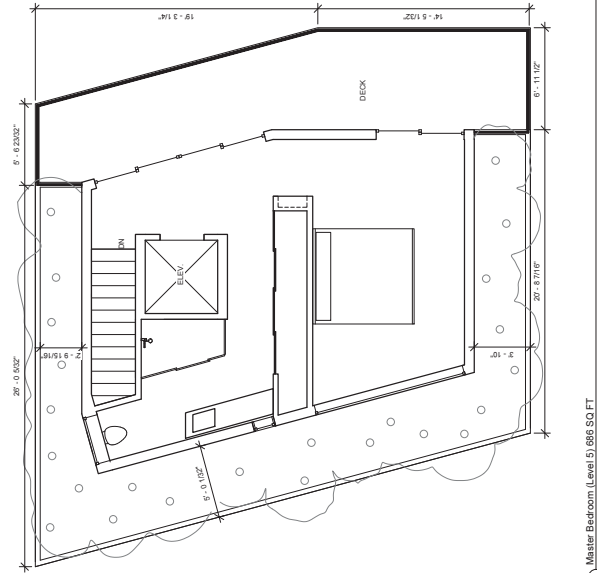
③ Empty/Garage (Level 4) 825 SQ FT
 1/4" = 1'-0"



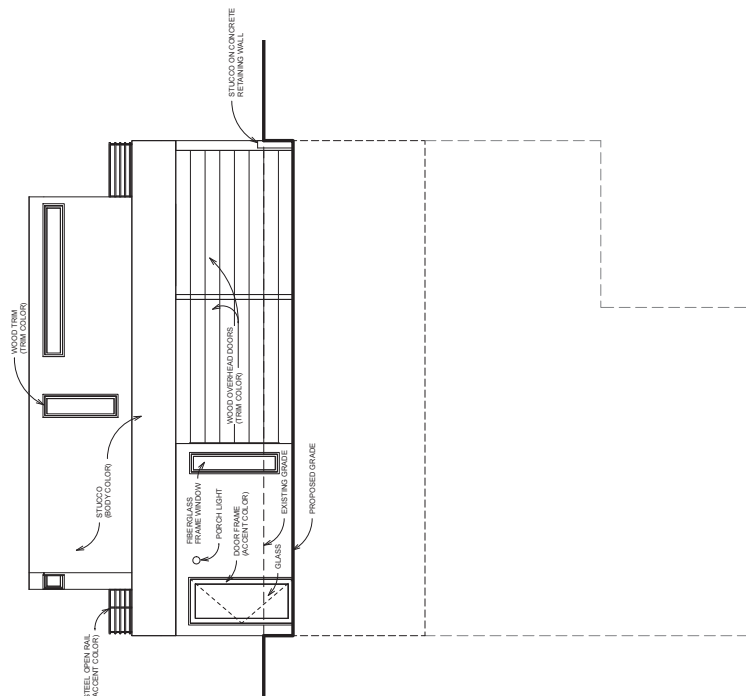
④ Dining/Living (Level 3) 1187 SQ FT
 1/4" = 1'-0"



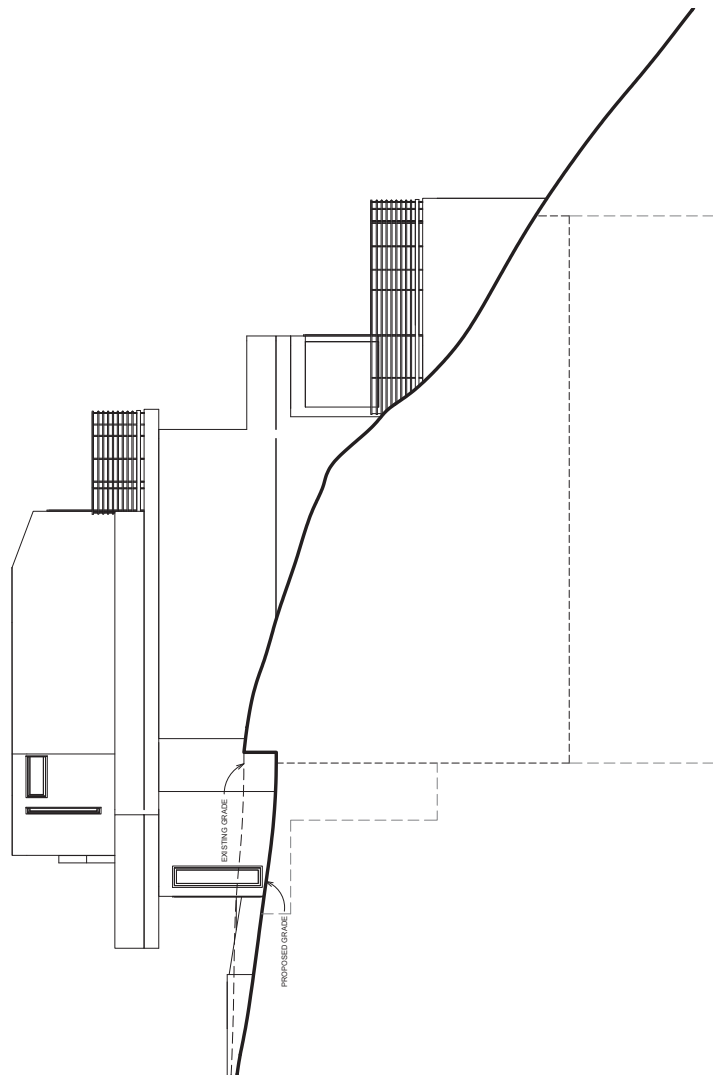
① Roof Plan
 1/4" = 1'-0"



② Master Bedroom (Level 5) 886 SQ FT
 1/4" = 1'-0"



1 West
 1/4" = 1'-0"
 ALL MATERIALS ARE LESS
 THAN 20' ABOVE GRADE



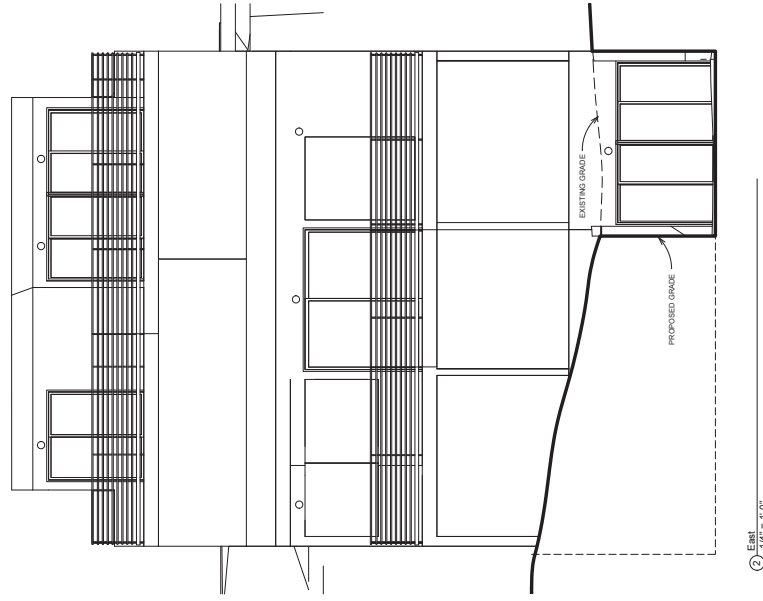
2 South
 1/4" = 1'-0"
 ALL MATERIALS ARE LESS
 THAN 20' ABOVE GRADE



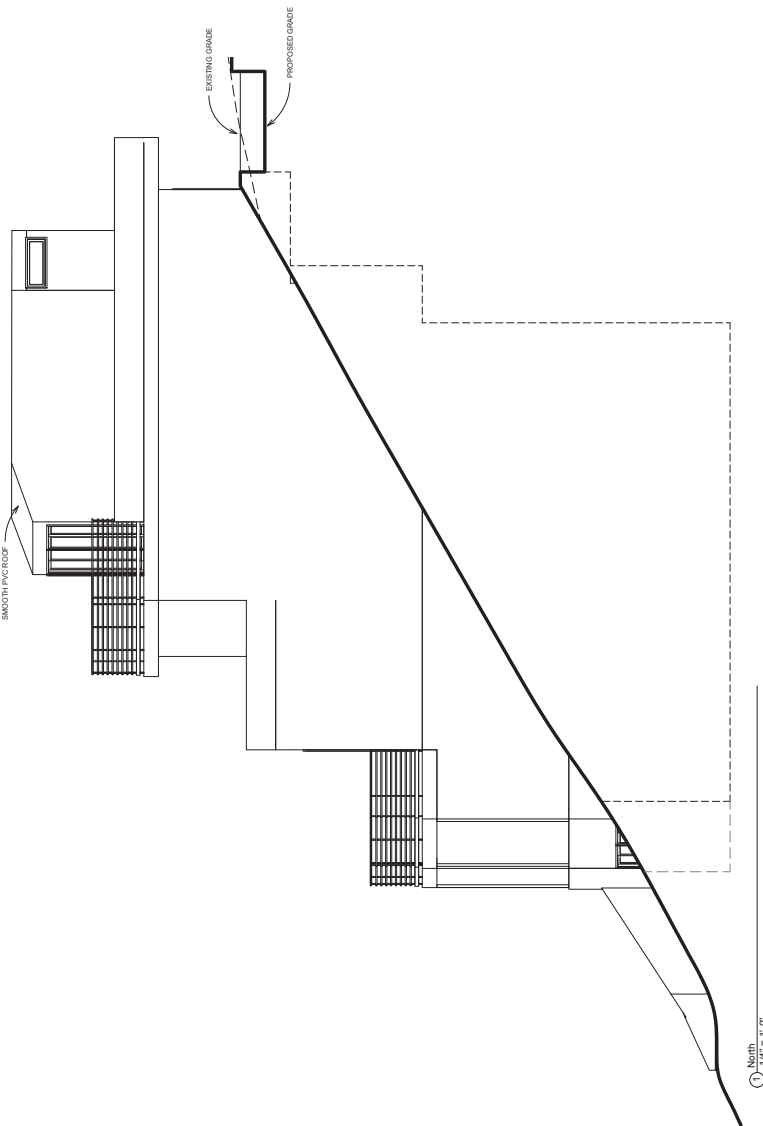
William Fisher Architecture, Inc.
 831 246-0117, FAX: 831 457-0246
 831 246-0117, FAX: 831 457-0246
 831 246-0117, FAX: 831 457-0246
 fisher@wfaa.com

Gollino Residence
 Wharf Rd, Capitola, CA
 APN 035-111-14

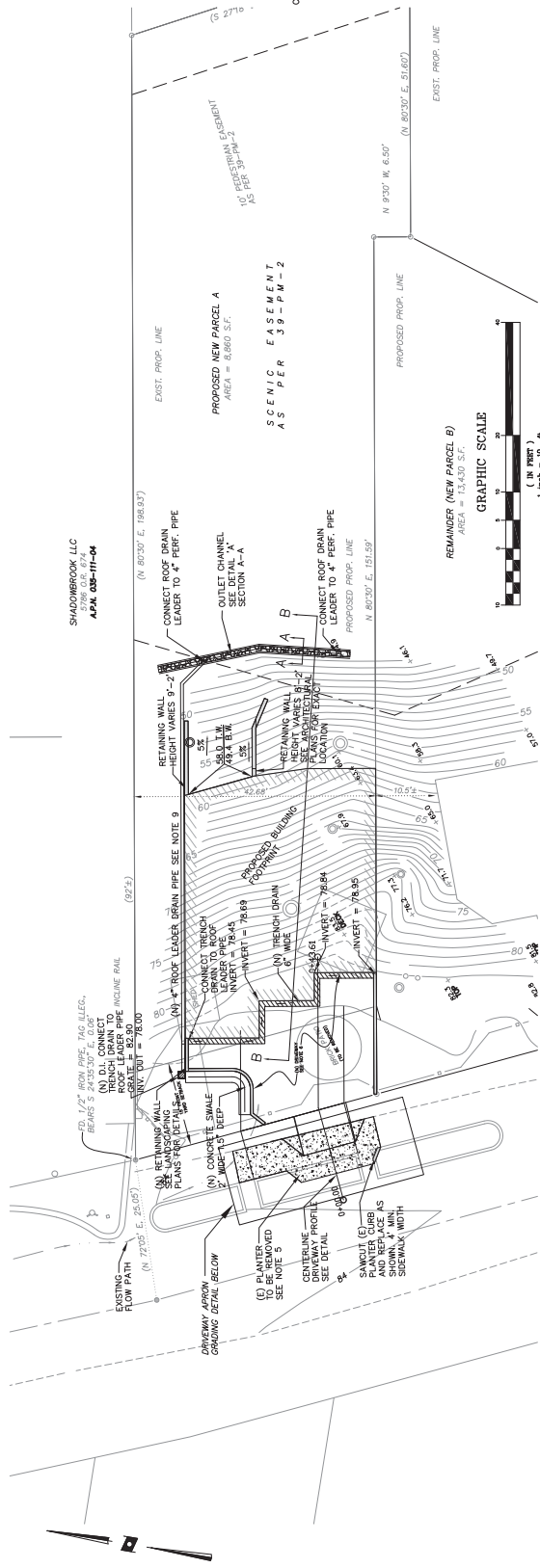
2/2/2014
 A5



② East
 1/4" = 1'-0"
 ALL DIMENSIONS ARE LESS
 THAN 20% ABOVE GRADE



① North
 1/4" = 1'-0"
 ALL DIMENSIONS ARE LESS
 THAN 20% ABOVE GRADE



PRELIMINARY GRADING AND DRAINAGE PLAN
SCALE: 1" = 10'

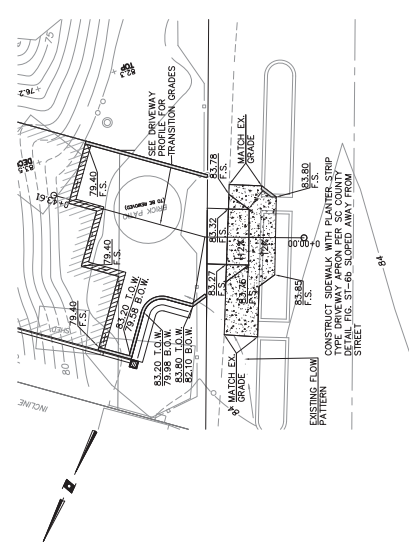
SHADOWBROOK, LLC
8796 OPR #174
APN: 035-111-04

UNAUTHORIZED CHANGES AND USES:
This plan is for the project described above and is not to be used for any other project without the written consent of the engineer. Any changes or use of this plan for any other project without the written consent of the engineer is prohibited.

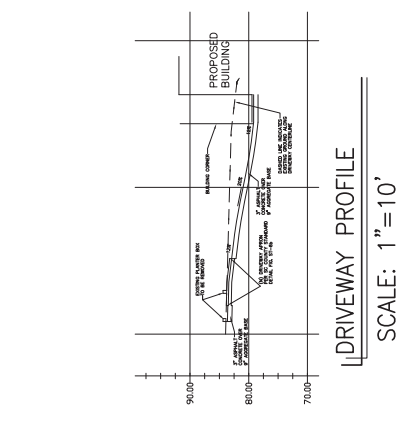
ACEC
AMERICAN COUNCIL OF ENGINEERING COMPANIES
California

UNAUTHORIZED CHANGES AND USES:
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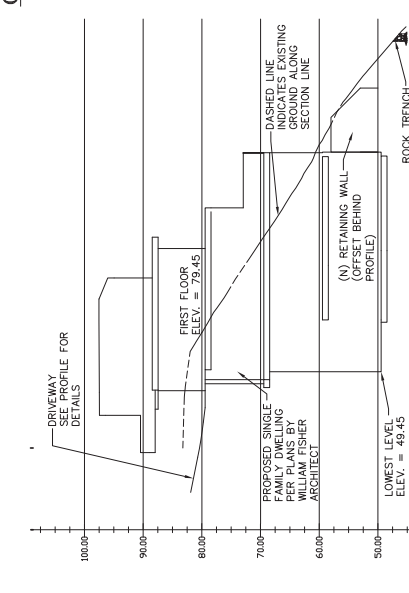
ACEC
AMERICAN COUNCIL OF ENGINEERING COMPANIES
California



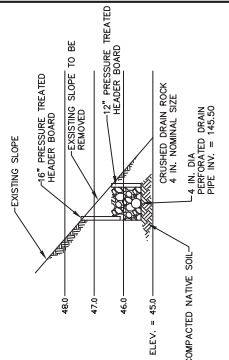
DRIVEWAY APRON GRADING DETAIL
SCALE: 1" = 10'



DRIVEWAY PROFILE
SCALE: 1" = 10'



CROSS SECTION B-B
SCALE: 1" = 10'



DETAIL 'A' OUTLET CHANNEL SECTION A-A
SCALE: 1" = 2'

GENERAL NOTES

- 1) PREPARED AT THE REQUEST OF STEPHANIE AND BRUCE GOLINO OWNER: STEPHANIE AND BRUCE GOLINO 710 BOX 311 WATSONVILLE, CA 95077
- 2) APR: 035-111-14.
- 3) TOPOGRAPHIC MAP IS BASED UPON A SURVEY BY MICHAEL BENITZ, C.E. DATED FEBRUARY, 2004.
- 4) CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM ALL APPLICABLE AGENCIES.
- 5) CONTRACTOR IS TO DEMOLISH AND REMOVE THE EXISTING ASPHALT DRIVEWAY OVER 9" CLASS 2 AGGREGATE COMPACTED TO DISTURBED AREA WITH A.C. PAVING PER THE FOLLOWING SPEC. 3" DRAINAGE PATTERNS.
- 6) THE NEW DRIVEWAY IS TO BE CONSTRUCTED OF 3" ASPHALT CONCRETE OVER 9" CLASS 2 AGGREGATE COMPACTED TO 95% INSTALLED PER MANUFACTURER'S SPECIFICATION. SUBSTITUTED AND INSTALLED PER MANUFACTURER'S SPECIFICATION.
- 7) ARCHITECTURAL PLAN BY WILLIAM FISHER ARCHITECT SANTA CRUZ, CA 95060 PHONE: (831)246-0177
- 8) APPROXIMATE EARTHWORK QUANTITY 550 CF (EXPORT)
- 9) CONNECT ROOF DRAIN LEADERS TO A 4" PVC PIPE SLORED TO LANDSCAPED AREA. 12" MINIMUM COVER ON PIPE IN UNLANDSCAPED AREA.

PRELIMINARY ENGINEERING
OF THE LANDS OF
Stephanie and Bruce Golino
LOCATED AT
1730 WHARF ROAD
Capitola, California
APN: 035-111-14



ROBERT L. DEWITT
DATE

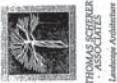


UNAUTHORIZED CHANGES AND USES:
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ACEC
AMERICAN COUNCIL OF ENGINEERING COMPANIES
California



THOMAS GREEN
ASSOCIATES
Landscape Architecture

710, 8th Ave., CA 94011
Tel: 415.774.2121
Fax: 415.774.2122

Sheet title
Planting Plan

3417 Wharf Road
Golino Residence

Project
residence

Date: 3-30-2014
Drawn: TJS
Sheet no:

L-2
of 2

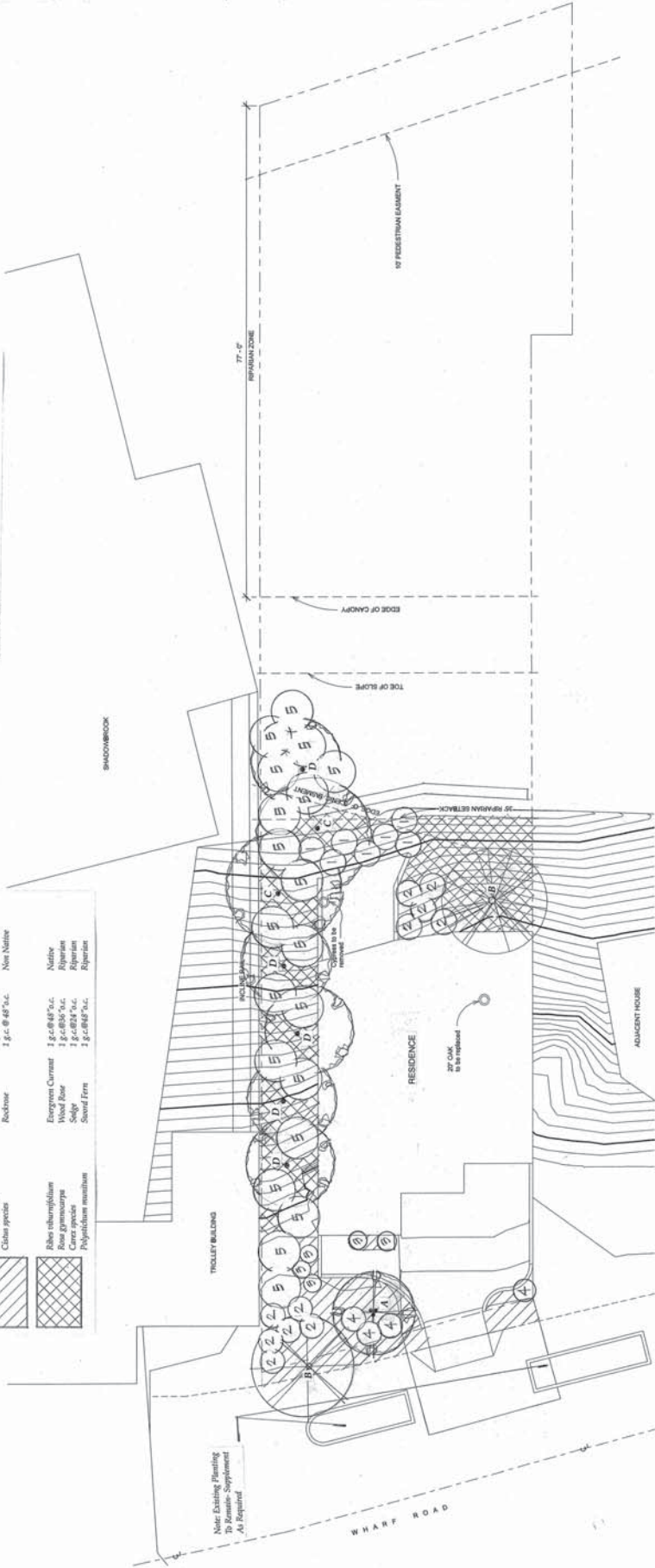


1" = 8' - 0"

Sagehen Creek Riparian Corridor Landscape Statement:
The proposed landscape installation will consist of native and non-native plant species in the front yard area as indicated on sheet L-2.
Proposed new plant material along the north and south property lines as well as the east rear yard sections of the property shall be native and non-native species.
The installation of these native and riparian species will enhance the existing habitat and comply with a drip irrigation system, will allow for an ease of plant maintenance for the future.

Existing Invasive Species:
An observation of the existing vegetation indicates several non-native invasive plant species on the property. Among them are:
Hydras species (Hyd.)
Yucca major (Yucca) (Yucca) (Yucca)
These invasive plants shall be removed from the site in those areas indicated on the plans to be landscaped.

Symbol	Botanical Name	Common Name	Size	Comments
Trees:				
A	<i>Aster rubrum</i>	Japanese Maple	24" Bar	Non Native
B	<i>Quercus agrifolia</i>	Coast Live Oak	Existing	Native
C	<i>Cupressus macrocarpa</i>	Monterey Cypress	24" Bar	Native (Replacement)
D	<i>Lycium californicum</i>	California Ironwood	24" Bar	Native (Replacement)
Shrubs:				
1	<i>Arctostaphylos 'JILMO' var.</i>	Manzanita	5 g.c.	Native
2	<i>Gaultheria shallon</i>	Sold	5 g.c.	Native
3	<i>Agave attenuata</i>	Agave	5 g.c.	Non Native
4	<i>Sedum m. 'Hot Lips'</i>	Sage	5 g.c.	Non Native
5	<i>Rhamnus californica</i>	Cogonberry	5 g.c.	Native
Groundcovers:				
	<i>Nyssa lasiocarpa</i>	Coconut	1 g.c. @ 36" x 36"	Non Native
	<i>Cistus species</i>	Rockrose	1 g.c. @ 48" x 48"	Non Native
	<i>Ribes viburnifolium</i>	Evergreen Currant	1 g.c. @ 48" x 48"	Native
	<i>Rosa gymnocarpa</i>	Wood Rose	1 g.c. @ 36" x 36"	Riparian
	<i>Carex species</i>	Sedge	1 g.c. @ 72" x 36"	Riparian
	<i>Polygonatum multiflorum</i>	Sweet Fern	1 g.c. @ 60" x 36"	Riparian



Note: Existing Planting To Remain - Supplement As Required

WHARF ROAD

**NORDMO ASSOCIATES
GEOTECHNICAL CONSULTANTS
P. O. Box 805, Belmont, CA 94002
Tele. 650 631 1955 - Fax 650 631 1315**

April 16, 2004
Project 0306-02

Mr. Bruce V. Golino
1730 Wharf Road
Capitola, CA 95010

Dear Mr. Golino:

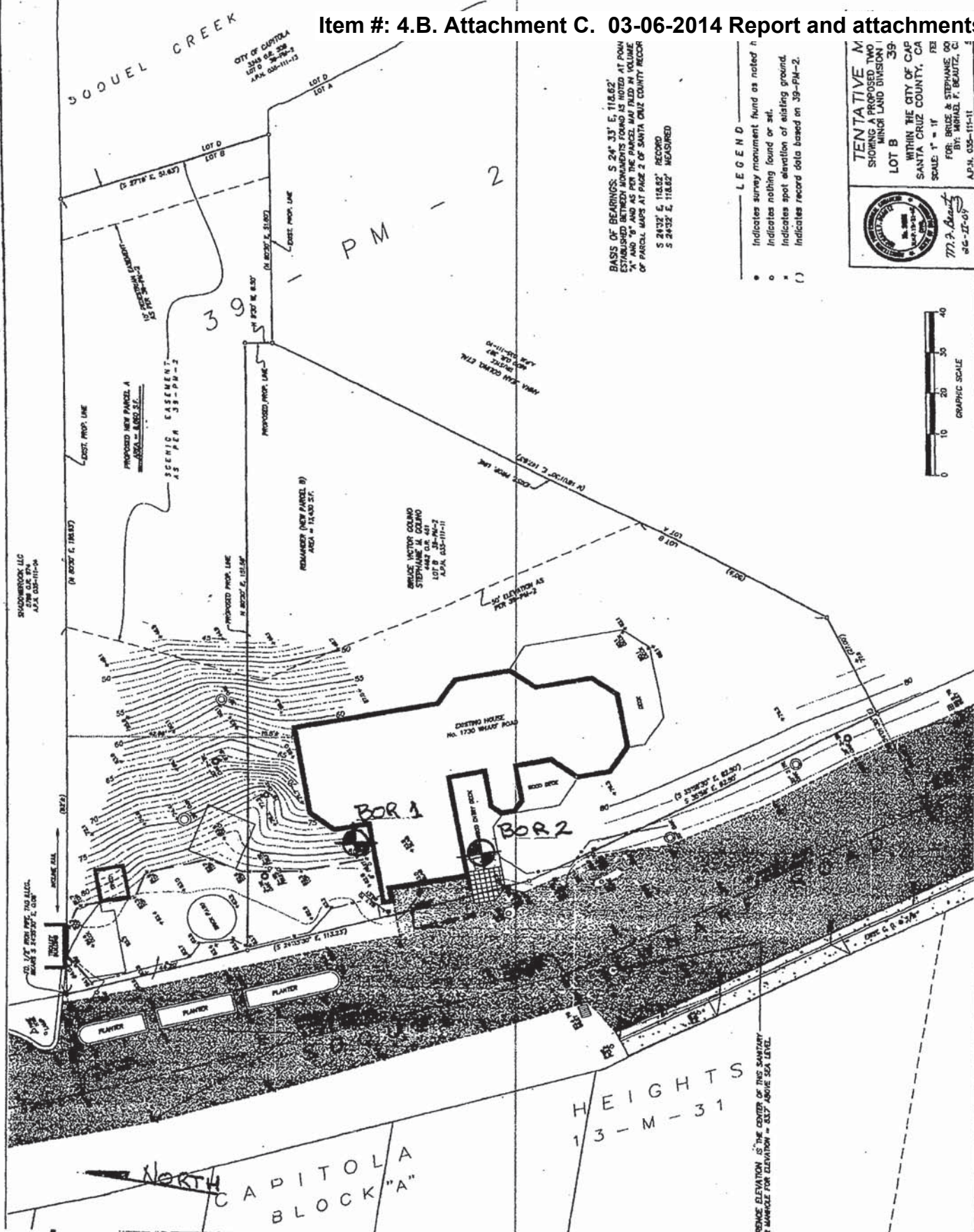
**Proposed Two Parcels
Minor Land Division
Lot B, 39-PM-2, Soquel Wharf Road
City of Capitola, California**

INTRODUCTION

In accordance with our oral agreement of March 19, 2004, the following presents our conclusions with respect to the feasibility, from a geotechnical engineering viewpoint, of dividing the property into two parcels for residential construction. The property is now occupied by a residence, the location of which is shown on attached PLATE 1. The proposal is to create a separate parcel in the northern area of the property for residential construction. The new parcel would be 42.68 feet in width and some 275 feet in depth.

PREVIOUS WORK

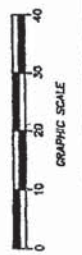
In early 1981, we did a geotechnical engineering/geologic investigation for the then-proposed Golino Residence. Our report and the results of our exploratory drilling, laboratory testing, stability analysis, and foundation engineering are summarized in our report that was issued on February 24, 1981. Two exploratory borings were drilled at the property in 1981; the locations of these are shown on PLATE 1. Boring 1 is located some 25 feet from the south boundary of the proposed parcel.



BASIS OF BEARINGS: S 24° 33' E 118.62'
 ALL DISTANCES AND BEARINGS FOUND AS NOTED AT POINTS
 1", 2", AND 3" AND AS PER THE PARCEL MAP FILED IN VOLUME
 OF PARCEL MAPS AT PAGE 2 OF SANTA CRUZ COUNTY RECORD
 S 2432' E 118.62' RECORDED
 S 2432' E 118.62' RECORDED

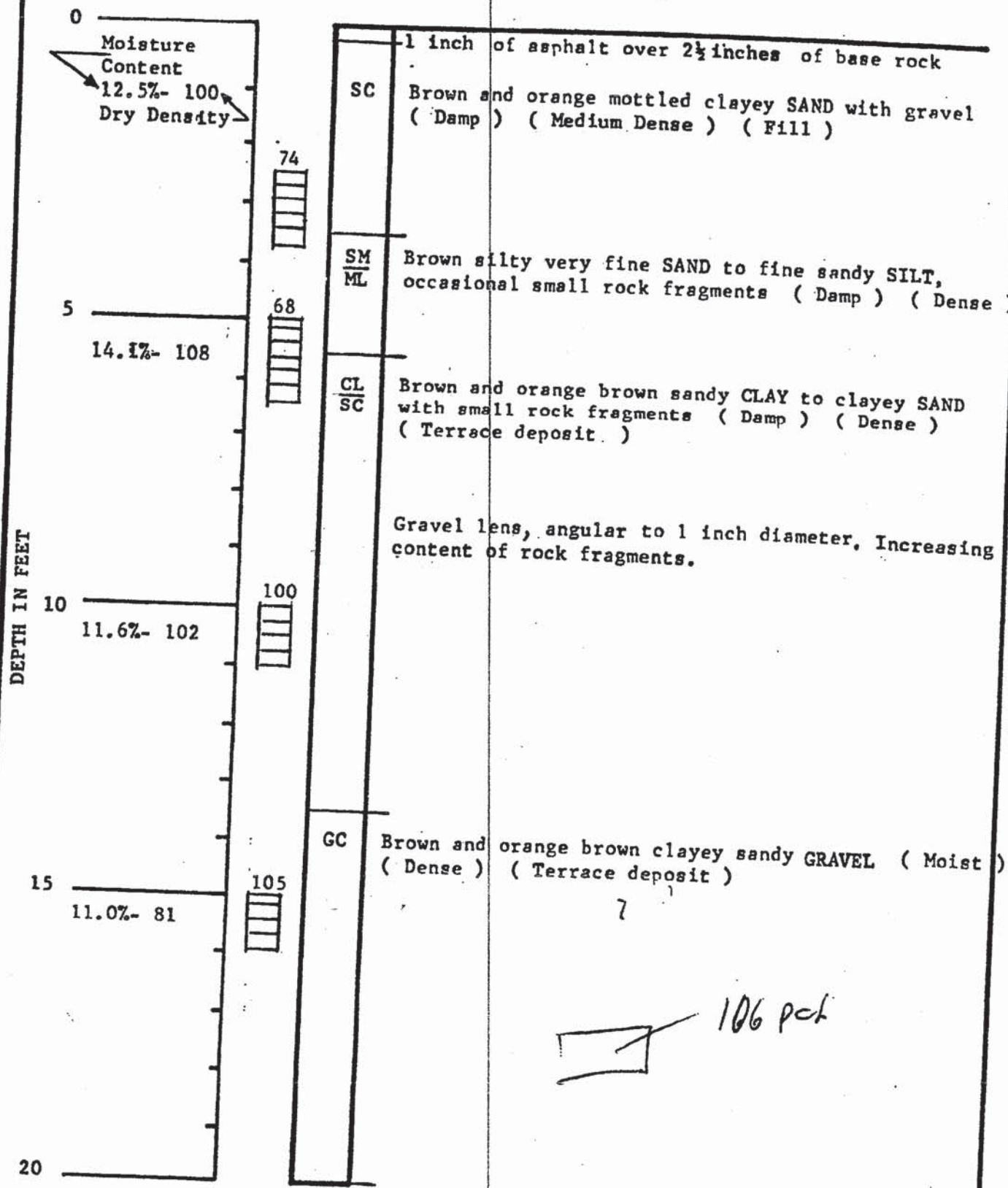
- LEGEND**
- Indicates survey monument found as noted
 - Indicates nothing found or nil
 - Indicates spot elevation of existing ground.
 - () Indicates record data based on 39-PM-2.


TENTATIVE
 SHOWING A PROPOSED MINOR LAND DIVISION
 LOT B
 WITHIN THE CITY OF CAPITOLA
 SANTA CRUZ COUNTY, CA
 SCALE: 1" = 10'
 FOR BRUCE & STEPHANE COO
 BY: MARIE F. BEUTZ, C.
 A.P.H. 035-115-11



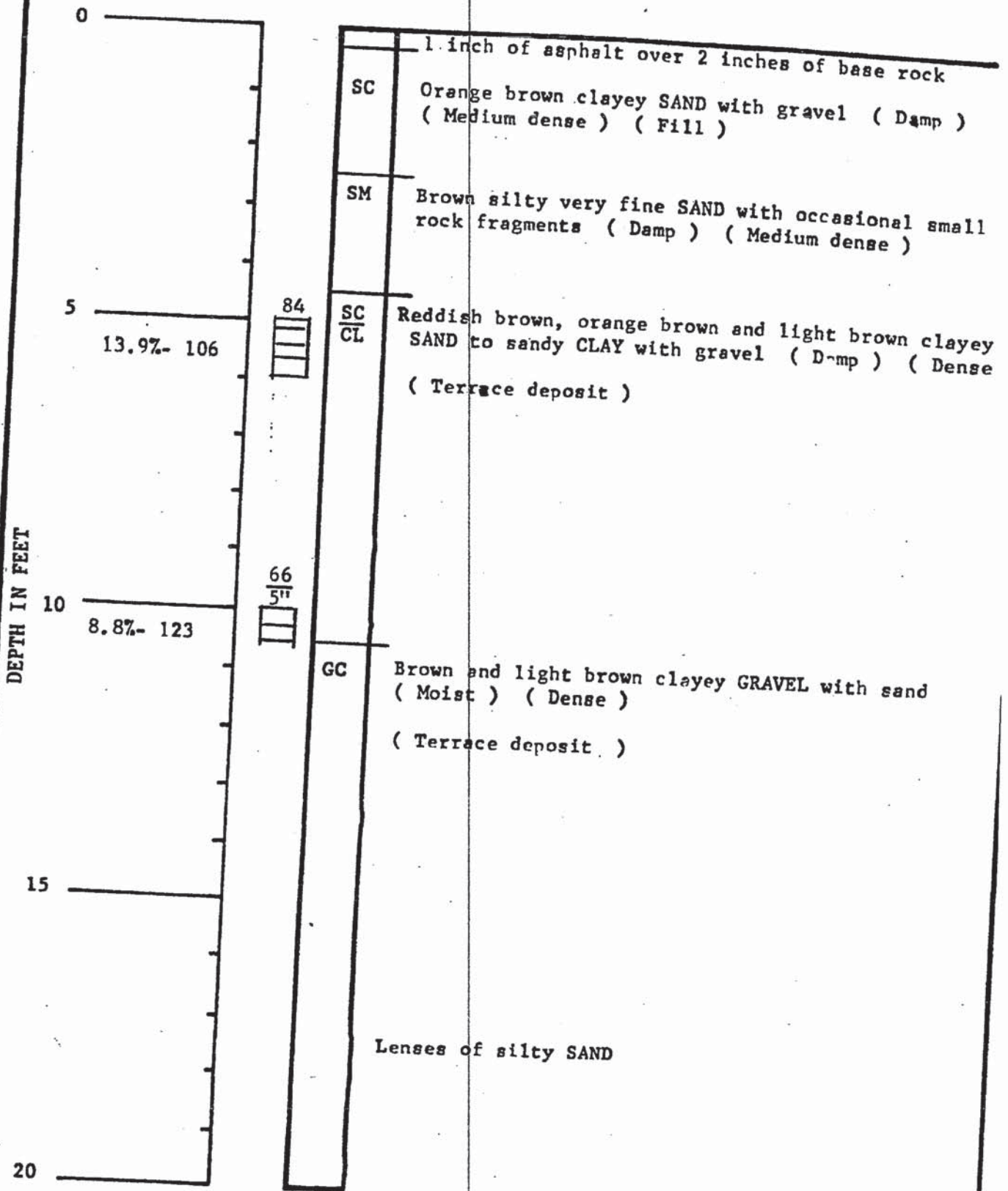
	NORDMO ASSOCIATES, INC. Geotechnical Consultants	DATE: 04/04 SHEET 1 OF 1
	SITE & BORING LOCATION PLAN MINOR LAND DIVISION, 1730 WHARF ROAD, CAPITOLA	
PROJECT 0306-02		


BORING NO. 1



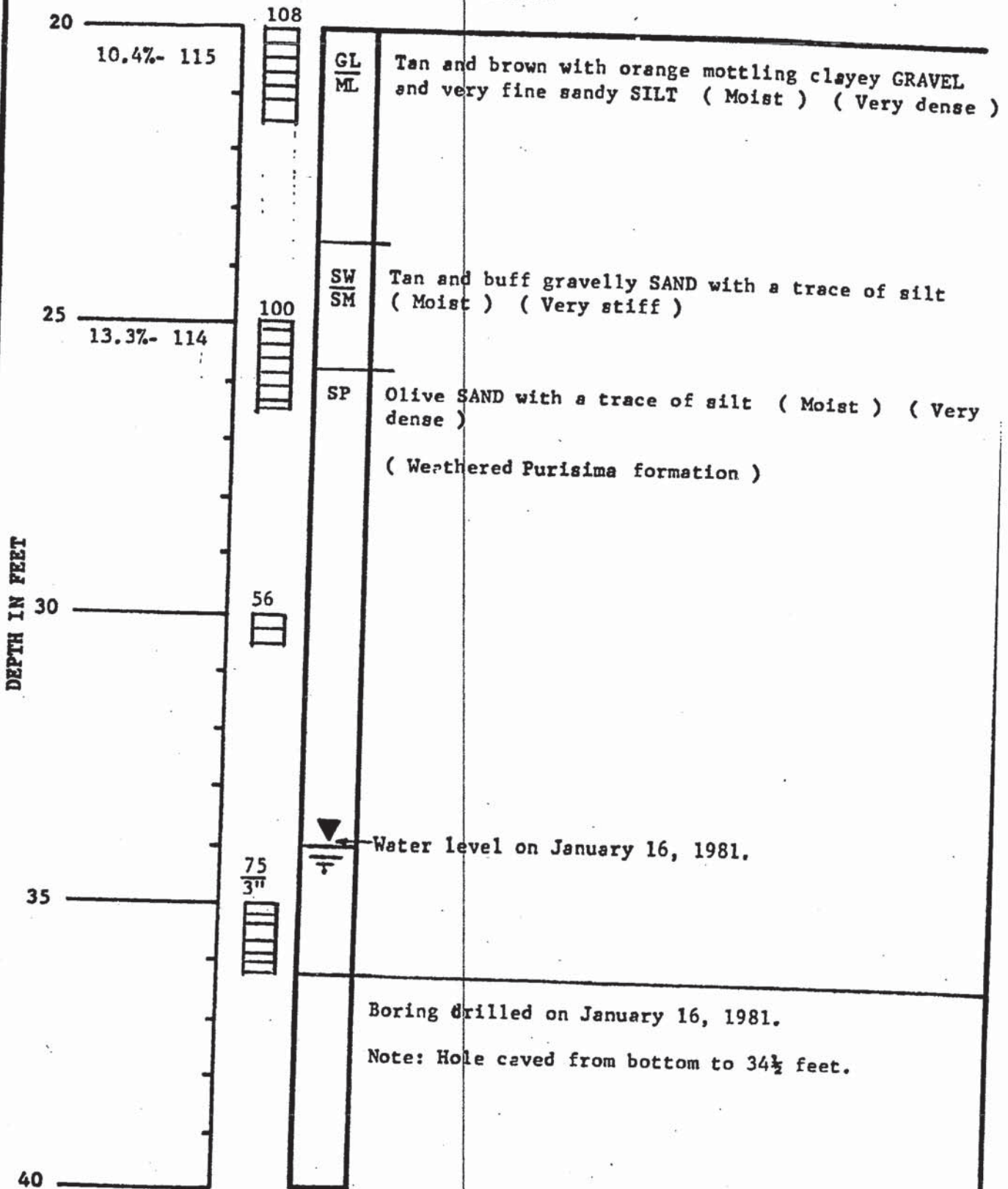
	NORDMO ASSOCIATES • Geotechnical Consultants		Date: 02/81
	SUMMARY OF BORING LOG		Sheet 1 of 2
Project No. 0306-01	PROPOSED RESIDENCE, CAPITOLA, CA.		PLATE 2

BORING NO. 2




	NORDMO ASSOCIATES • Geotechnical Consultants		Date: 02/81
	SUMMARY OF BORING LOG		Sheet 1 of 2
Project No. 0306-01	PROPOSED RESIDENCE, CAPITOLA, CA.		PLATE 3

BORING NO. 2



Boring drilled on January 16, 1981.

Note: Hole caved from bottom to 34 1/2 feet.

	NORDMO ASSOCIATES • Geotechnical Consultants		Date: 02/81
	SUMMARY OF BORING LOG		Sheet 2 of 2
Project No. 0306-01	PROPOSED RESIDENCE, CAPITOLA, CA.		PLATE 3

PRIMARY DIVISIONS			SYMBOL	SECONDARY DIVISIONS	
COARSE GRAINED SOILS MORE THAN HALF OF MATERIALS IS LARGER THAN #200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN #4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	WELL GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES.	
			GP	POORLY GRADED GRAVELS OR GRAVEL-SAND MIXTURES, LITTLE OR NO FINES.	
		GRAVEL WITH FINES	GM	SILTY GRAVELS, GRAVEL-SAND-SILT MIXTURE, NON-PLASTIC FINES.	
			GC	CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES, PLASTIC FINES.	
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN #4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	WELL GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES.	
			SP	POORLY GRADED SANDS OR GRAVELLY SANDS, LITTLE OR NO FINES.	
		SANDS WITH FINES	SM	SILTY SANDS, SAND-SILT MIXTURES, NON-PLASTIC FINES.	
			SC	CLAYEY SANDS, SAND-CLAY MIXTURES, PLASTIC FINES.	
		FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN #200 SIEVE SIZE	SILTS & CLAYS LIQUID LIMIT IS LESS THAN 50	ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY.
				CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS.
DL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY.				
SILTS & CLAYS LIQUID LIMIT IS GREATER THAN 50	MH		INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS.		
	CH		INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS.		
	OH		ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS.		
	PT		PEAT AND OTHER HIGHLY ORGANIC SOILS.		
HIGHLY ORGANIC SOILS					

DEFINITION OF TERMS

GRAIN SIZES

	U.S. STANDARD SERIES SIEVE			CLEAR SQUARE SIEVE OPENINGS			
	200	40	10	4	3/4"	3"	6"
SILTS & CLAYS DISTINGUISHED ON BASIS OF PLASTICITY	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		

MOISTURE CONDITION (INCREASING MOISTURE →)					
DRY	SLIGHTLY DAMP	DAMP	MOIST (PL)	VERY MOIST	WET (SATURATED) (LL)

SAMPLE TYPE		KEY	PENETRATION RESISTANCE	
	SHELBY TUBE BY PUSHING			12 - STANDARD PENETRATION RESISTANCE IN BLOWS PER FOOT.
	RINGS FROM DRIVEN SAMPLER			24 - BLOWS PER FOOT WITH A DRIVEN 3-INCH O.D. SAMPLER.
	STANDARD SPLIT SPOON			SAMPLERS DRIVEN WITH A 140-LB. WEIGHT FALLING A DISTANCE OF 30 INCHES.
	BAG OF CUTTINGS			

CONSISTENCY			RELATIVE DENSITY	
CLAYS & SILTS	BLOWS/FOOT*	STRENGTH ‡	SANDS & GRAVELS	BLOWS/FOOT*
VERY SOFT	0-2	0-1/4	VERY LOOSE	0-4
SOFT	2-4	1/4-1/2	LOOSE	4-10
FIRM	4-8	1/2-1	MEDIUM DENSE	10-30
STIFF	8-16	1-2	DENSE	30-50
VERY STIFF	16-32	2-4	VERY DENSE	OVER 50
HARD	OVER 32	OVER 4		

* Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch I.D.) split spoon (ASTM D-1586).
 ‡ Unconfined compressive strength in tons/sq ft. Read from a pocket penetrometer.



NORDMO ASSOCIATES • Geotechnical Consultants

Date: 02/81

KEY FOR EXPLORATION LOGS

Project No. 0306-01

PROPOSED RESIDENCE, PARCEL B, CAPITOLA, CA.

PLATE 4

Mr. Bruce V. Golino
April 16, 2004
Page -2-

The boring logs are attached as PLATES 2 and 3. PLATE 4 is an explanation of the symbols on the boring logs and shows other pertinent information. Laboratory tests were also performed in 1981; the friction angle was found to be 45 degrees plus.

SITE CONDITION

The hillside slope stands at an angle of approximately 1.5 horizontal to 1 vertical (65 percent); i.e. 33 degrees with the horizontal plane.

Typically, the upper material (to depths of 20 feet to 25 feet below the ground surface) at the boring locations consists of a dense to very dense granular terrace deposit. Underlying it is a dense to very dense sandy Purisima formation.

CONCLUSIONS AND RECOMMENDATIONS

We found minor differences in the subsurface "soil" condition at the 1981 explorations. Since the 1981 borings, especially Boring 1, are/is close to the proposed parcel, it is likely that the condition at the proposed parcel is similar to that found at the 1981 borings.

The factor of safety against slope failure was calculated to be 1.5 plus, and the parcel is, in our professional opinion, suitable for construction of a residence similar to the Golino structure. Furthermore, criteria for design of the foundation for the Golino residence are likely applicable to the proposed residence.

Seismic coefficients will be higher than was the case in 1981. These coefficients shall be determined in accordance with the latest edition of the Uniform Building Code and will be provided at a later date if the subdivision is approved.

Mr. Bruce V. Golino
April 16, 2004
Page -3-

LIMITATIONS

The conclusions drawn and recommendations provided are professional opinions in accordance with generally accepted geotechnical engineering practices of geotechnical consultants in this area. This acknowledgment is in lieu of any warranties, either express or implied.



KPN/dp
Attachments
Copies: Addressee (3)

Respectfully submitted,
NORDMO ASSOCIATES

A handwritten signature in cursive script that reads "Kyrre P. Nordmo".

K. P. Nordmo, P. E.

RI Engineering, Inc.



Civil Engineering

303 Potrero St., Suite 42-202

Santa Cruz, CA 95060

831-425-3901

831-425-1522 fax

richard@riengineering.com

Memorandum

To: William Fisher Architect

From: Richard Irish, PE

Date: 2/21/2014

Subject: Geotechnical Investigation for 1730 Wharf Road, Capitola, CA, APN 035-111-14

RI Engineering Inc. has reviewed the report by Nordmo Associates, Geotechnical Consultants, dated April 16, 2004, for Bruce Golino, 1729 Wharf Road, Capitola. The report summarized existing soil information for the site and concluded in part that "the parcel is, in our professional opinion, suitable for construction of a residence similar to the Golino structure." RI Engineering Inc. is not a geotechnical engineering firm and our review is from a structural and civil engineering standpoint. However, we have participated in the structural and civil design of dozens of residences in California and have a great understanding of the elements needed to construct homes in this area.

From the information provided it is our opinion that the site is suitable for construction of a residence of the type shown on the preliminary plans by William Fisher Architecture, Inc., entitled "Golino Residence, Wharf Rd. Capitola, CA, APN 035-111-14, copyright 2013.



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

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

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

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. 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.

(D) (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.

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Central Village zoning district.

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

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

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

The use will remain as a single-family home and will not intensify the use of the site. The project does not result in additional parking demand. The property will continue to participate in the village parking permit program.

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

- B. 1740 Wharf Road #14-016 APN: 035-111-14**
Design Permit, Variance, Coastal Development Permit, and Tree Removal Permit for a new single-family residence in the R-1/AR (Single Family/Automatic Review) Zoning

District. The applicant is requesting a variance to the side-yard setback requirement. This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Owner: Bruce Golino

Representative: Courtney Hughes, William Fisher Architecture, filed 02/03/2014

Commissioners Graves, Ortiz and Smith would be required to recuse themselves because they own property in proximity to the project, which would leave the Commission without a quorum. The Commission invoked the Rule of Necessity. Commissioner Smith selected the short straw, allowing her to participate in the hearing.

Senior Planner Cattan presented the staff report. As previously suggested by the Commission, this application seeks a variance from the sideyard setback requirement to give more distance between the Shadowbrook trolley and the proposed home. Also in response to previous concerns, a window was eliminated and an engineer provided a letter detailing the safety of shoring the property and soils.

Vice Chairperson Smith opened public hearing.

Bill Fisher represented the applicant and thanked the commission for the opportunity shift the home and reapply. Commissioner Routh asked about the proposed green roof, noting others in the City have developed problems. Mr. Fisher noted was selected for visual appeal and will use container trays rather than plant directly in soil on the roof.

Commissioner Routh also checked on the height of the coffeeberry plants proposed between Shadowbrook at planting and maturity.

Resident Bruce Arthur noted the property is for sale and the project may or may not be built. He asked that a condition be added to maintain plants on the green roof. He also noted that Shadowbrook patrons can get a little loud and residents of the home will hear noise.

Commissioner Routh said he planned to propose a condition requiring that the owner disclose the noise potential when the property is sold.

Staff noted receipt of a letter from Ted Burke, business owner of the Shadowbrook, supporting the application and reiterating requests for a construction management plan and landscaping screening.

Vice Chair Smith closed the public hearing.

Commission Routh noted he appreciated the applicant's willingness to move the planned house. He suggested adding conditions about both noise disclosure and required maintenance of the green roof. Community Development Director Rich Grunow noted staff can draft these, but expressed skepticism about their validity. A disclosure does not prevent future complaints and the City may not have any more jurisdiction over roof plantings with a Design Permit than maintaining a lawn or paint.

Commissioner Routh also asked that weekday construction hours end at 6 p.m.

Commissioner Welch noted he supported the project as originally submitted and commended the applicant for making changes to compromise.

Vice Chair Smith asked for a condition requiring that the Public Works director review a project management plan prior to the project's start.

A motion to approve project application #14-016 for a Design Permit, Variance, Coastal Development Permit, and Tree Removal Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:

CONDITIONS

1. The project approval consists of construction of a 3,717square-foot new single family home. The maximum Floor Area Ratio for the 8,860 square foot property is 48% (4,252 square feet). The total FAR of the project is 44% with a total of 3,717 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 January 16, 2014, 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 shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit ~~#13-169~~ #14-016 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the construction phase, all land alteration and construction activities should occur during the non-rainy season of April 15 – October 15.
14. To avoid sedimentation of habitat area during construction, the owner/contractor shall install a silt fence barrier at the eastern edge of the construction zone (development envelope) to capture any material (e.g. dislodged soil, construction debris) that is discharged down the slope. The silt fence shall be installed according to best management practices, including embedding the bottom of the silt fence in native soil, at least, 6 inches. The owner/contractor shall clean debris from the upslope side of the silt fence each day debris is collected. The silt fence shall be maintained in good operable condition during the entire construction phase of the project.
15. To avoid the potential for accelerated erosion and sedimentation of the habitat area during the post-construction phase, a licensed civil engineer shall prepare a storm water drainage plan that collects all storm runoff and conveys it in a manner that will not disturb the stability of the slope at the eastern 60% of the parcel. If the civil engineer determines collected runoff must be conveyed in a pipe that discharges at the bottom of the slope, the pipe(s) shall be located above ground to minimize site disturbance and facilitate maintenance. The pipe(s) shall be effectively anchored to prevent movement.
16. 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.
17. 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~~ 6 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
18. 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.
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be 24” box and shall be planted as shown on the approved plans.
20. 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.
21. 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.

22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. A management plan is required to maintain street access along Wharf Road during construction. The management plan must be approved by the Public Works Director.
25. All vegetation on the green roof must be maintained in a healthy state.
26. The new home is located adjacent to the Visitor Serving zoning district. There is an existing restaurant with an operating trolley located on the adjacent property. The trolley and restaurant are established uses, both of which generate noise which is audible to residents within the neighborhood. Prior to the sale of the new home or property, the owner of the property must disclose the potentially significant noise impacts of the adjacent use to all prospective buyers.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District, the AR (Automatic Review) Zoning Districts, and the Soquel Creek Riparian Riparian Corridor. A Variance for the side yard setback has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located adjacent to the Shadowbrook Restaurant with the cable car one foot off the north property line. The Shadowbrook Cable Car is a local landmark. The project received a variance to the required side yard setback to protect the local landmark on the adjacent property. The applicant also acknowledged the noise that exists from the trolley and restaurant which is audible to residents within the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood and allows the continued operation of the adjacent restaurant. The proposed single-family residence complements the existing mix of single-family and commercial in the neighborhood in use, mass and scale, materials, height, and architecture. The home has been designed to not impact the riparian corridor of the Soquel Creek.

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

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

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 2nd, 2014

SUBJECT: **111 Central Ave #14-099 APN: 036-112-08**
Design Permit for a second story addition to an existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District.
This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Anh Do
Representative: Devlin Jones, filed 6/24/14

APPLICANT PROPOSAL

The applicant has submitted a Design Permit and Coastal Development Permit application for a 445 square-foot addition to the second story of an existing, single-family home located at 111 Central Avenue. The project is located in the R-1 (Single-Family) Zoning District. A second story addition to a home requires approval of a design permit by the Planning Commission.

BACKGROUND

On September 4th, 2014, the application was considered by the Planning Commission (Attachment C). The Commissioners decided to continue the application to the next Planning Commission meeting on October 2nd, 2014 due to several concerns that arose during the meeting. The following issues were raised by the Commissioners and the public during the hearing (Attachment B):

- Overall massing of the home
- Variance for parking
- Privacy between neighbors
- Window placement
- Preservation of front yard maple tree
- Building height

The applicant submitted revised plans on September 16th, 2014 (Attachment A) that incorporates the following changes in response to the project's issues and concerns:

- Reduced the second story addition by 119 square feet
- Withdrew variance request
- Reduced building height by 5 inches
- Made windows opaque
- Preserved the maple tree

The proposed revisions are intended to address concerns raised during the September 4th, 2014, Planning Commission hearing. The revised project plans reduce the height by 5 inches (from 23'-7" to 23'-2"), reduce the second-story addition by 119 square feet (from 564 sq. ft. to 445 sq. ft.), and replace each of the second-story windows on the north elevation with opaque windows for privacy.

In order to reduce the second-story square footage, the applicant set the north-side second-floor wall further back from the property line from 6' to 7'-6". This additional north-side setback provides additional privacy for the neighbor at 113 Central Ave.

The revised plans decreased the square footage so a variance is no longer needed for parking. The current proposal is for a 2,000 square foot home which requires 1 covered and 1 uncovered parking space (§17.15.130). The property currently contains the two required spaces. The front yard maple tree will be preserved because an additional parking space is no longer required.

SITE PLANNING AND ZONING SUMMARY

The following table outlines the zoning code requirements for development in the R-1 (Single Family) Zoning District. The project complies with all regulations.

Coastal			
Is project within Coastal Zone?		Yes	
Is project within Coastal Appeal Zone?		Yes	
Use	Proposed	Principal Permitted or CUP?	
Single-Family	Single-Family	Principal Permitted Use	
Historic		N/A	
Development Standards			
Building Height	R-1 Regulation		Proposed
	25'-0"		23'-2"
Floor Area Ratio (FAR)			
Lot Size		4,000 sq. ft.	
Maximum Floor Area Ratio		53% (Max 2,120 sq. ft.)	
Existing First Story Floor Area		1,124 sq. ft.	
Existing Second Story Floor Area		431 sq. ft.	
Proposed Second Story Addition Area		445 sq. ft.	
TOTAL FAR		2,000 sq. ft. complies	
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation		Proposed
Front Yard 1st Story	15 feet		20 ft. from right-of-way complies
Front Yard 2nd Story & Garage	20 feet		20 ft. from right-of-way complies
Side Yard 1st Story	10% lot width	Lot width =40 ft 4 ft. min.	4 ft.(Left) & 4 ft. (Right) complies
Side Yard 2nd Story *	15% of width	Lot width =40 ft 6 ft. min	15.5 ft. (Left) & 4 ft. / 7.5 ft. (Right) * complies
Rear Yard 1st Story	20% of lot depth	Lot depth =100 ft 20 ft. min.	20 ft. from property line complies
Rear Yard 2nd Story	20% of lot depth	Lot depth =100 ft 20 ft. min	20 ft. from property line complies

Parking		
	Required	Proposed
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total 1 covered 1 uncovered	2 spaces total 1 covered 1 uncovered <i>complies</i>
Underground Utilities: required with 25% increase in area		N/A

* Denotes a special circumstance for the second story side yard (right-side) setback. According to Municipal Code Section 17.15.120-D, "Second story additions must meet setback requirements, except that up to twenty percent of the length of the upper story wall may be constructed at the same setback as the first-floor wall, if that wall is at least four feet from the side property line." Based on this, the 57 foot long second-story wall needs to be setback 6 feet from the northern property line, except 20% of that wall (up to 11.4 ft.) can encroach in to the required 6 foot side-yard setback by 2 feet. In the updated proposal the northern second-story wall will be setback 7'-6", except for the 6'-1" long stairwell wall which will only be setback 4 feet. (Attachment A)

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves a 445 square foot addition to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #14-099 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of construction of a 445 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 4,000 square foot property is 53% (2,120 square feet). The total FAR of the home with new addition is 50% with a total of 2,000 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 October 2nd, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. Prior to any fence construction and repair, a fence permit shall be obtained by the applicant or homeowner from the Community Development Department.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

Item #: 4.C. 111 Central Ave Staff Report.pdf

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 shall require Planning Commission approval.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #14-099 shall be paid in full.
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 application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.
- C. **This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
This project involves an addition to an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

ATTACHMENTS

- A. Project Plans
- B. September 4th, 2014 PC draft minutes
- C. September 4th, 2014 Staff Report 111 Central Ave
- D. Coastal Findings

**Report Prepared By: Ryan Safty
Assistant Planner**

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EVLIN'S DESIGN & RAFTING

DOUG PURDY & ANH DO
111 CENTRAL AVE
CAPITOLA, CA. 95010
APN# 36-112-08



SITE & LANDSCAPE
PLAN & JOB DATA

DATE 9/16/2014
SHEET NO.
SP-1
JOB NO. 20121201

APN #	36-112-08
OWNER	DOUG PURDY & ANH DO 111 CENTRAL AVE CAPITOLA, CA. 95010 650-229-4231
SITE ADDRESS	111 CENTRAL AVE
ZONED	RM
PROJECT DESCRIPTION	INTERIOR REMODEL TO INCLUDE A NEW BATHROOM ADDITION, REMODEL ADDITION AND A HARTER BEDROOM AND BATHROOM ADDITION AND ENCLOSE EXISTING GARAGE/ CARPORT.
WATER SOURCE	SOGUEL WATER DIST.
SEWAGE DISPOSAL	GREEN WASTE OF SANTA CRUZ COUNTY
ELECTRIC SERVICE	PG&E
TELEPHONE SERVICE	PACIFIC BELL
PARCEL SIZE	4000 SQ. FT.
GROSS BUILDING AREA	EXISTING LOWER FLOOR AREA 493 SF EXISTING UPPER FLOOR AREA 299 SF EXISTING 1 CAR GARAGE 870 SF PROPOSED TOTAL UPPER FLOOR AREA 870 SF TOTAL BUILDING FOOT PRINT (UNCHANGED) 1074 SF
LOT COVERAGE	124/4000 SF = 3.1%
FAR 50% ALLOWED	846/25404918 = 2000 SQ. FT. 2000/4000 = 50%
(E) IMPERVIOUS SURFACES	BUILDING FOOT PRINT, DRIVEWAY 4 WALKWAYS = 1934 SQ. FT.
(E) IMPERVIOUS LOT COVERAGE	20748/1581241834/4000038%
NEW IMPERVIOUS LOT COVERAGE (UNCHANGED)	20748/1581241834/4000038%

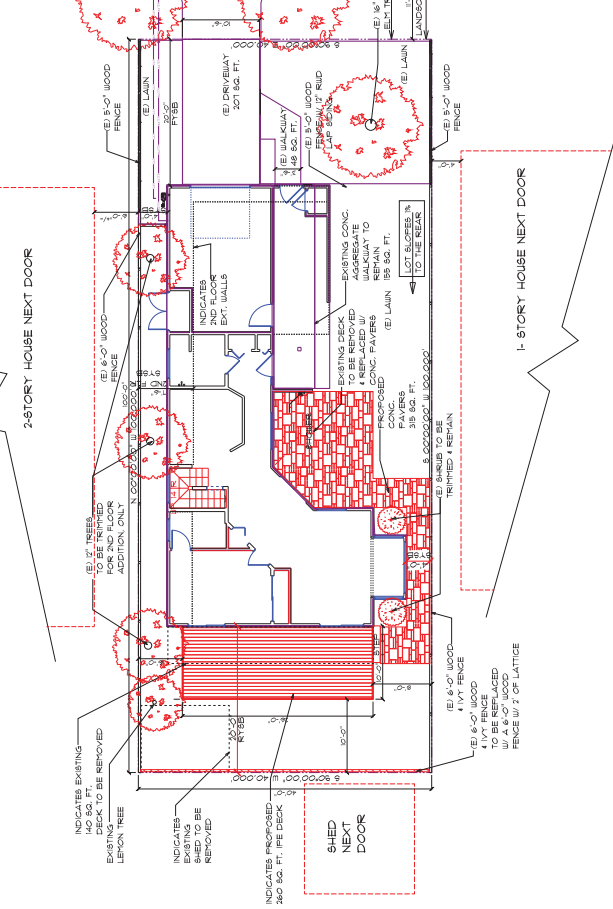
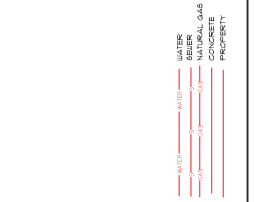
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1.	99-1 SITE LANDSCAPE PLAN & JOB DATA
2.	A-1 EXISTING 1ST & 2ND FLOOR PLANS
3.	A-2 PROPOSED 1ST & 2ND FLOOR PLANS
4.	A-3 EXISTING ELEVATIONS
5.	A-4 PROPOSED ELEVATIONS
6.	

FIRE PROTECTION NOTES

NOTE: PLANS ARE IN COMPLIANCE WITH
2010 CALIFORNIA BUILDING CODE
2010 CALIFORNIA FIRE CODE
2010 CALIFORNIA MECHANICAL CODE
2010 CALIFORNIA PLUMBING CODE
2010 CALIFORNIA ELECTRICAL CODE
2010 CALIFORNIA ENERGY CODE
AND ALL APPLICABLE BUILDING STANDARDS CODE
OCCUPANCY CLASSIFICATION R-3 - S.F.D.
BUILDING TYPE V-B
FIRE RATING REQUIRED FLOW 1000 GPM.
HYDRANT LOCATED AT 135 PRYCE ST
APPROX. 105 FT. FROM THE PROJECT
UN-GRINKLED



APN #	36-112-08
OWNER	DOUG PURDY & ANH DO 111 CENTRAL AVE CAPITOLA, CA. 95010 650-229-4231
SITE ADDRESS	111 CENTRAL AVE
ZONED	RM
PROJECT DESCRIPTION	INTERIOR REMODEL TO INCLUDE A NEW BATHROOM ADDITION, REMODEL ADDITION AND A HARTER BEDROOM AND BATHROOM ADDITION AND ENCLOSE EXISTING GARAGE/ CARPORT.
WATER SOURCE	SOGUEL WATER DIST.
SEWAGE DISPOSAL	GREEN WASTE OF SANTA CRUZ COUNTY
ELECTRIC SERVICE	PG&E
TELEPHONE SERVICE	PACIFIC BELL
PARCEL SIZE	4000 SQ. FT.
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(E) IMPERVIOUS LOT COVERAGE	20748/1581241834/4000038%
NEW IMPERVIOUS LOT COVERAGE (UNCHANGED)	20748/1581241834/4000038%



SITE & LANDSCAPE PLAN
SCALE 1" = 8'-0"

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 P.O. BOX 2128
 PH. 476-5829
 DEVILIN JONES

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 650-229-4231
 APN# 36-112-08



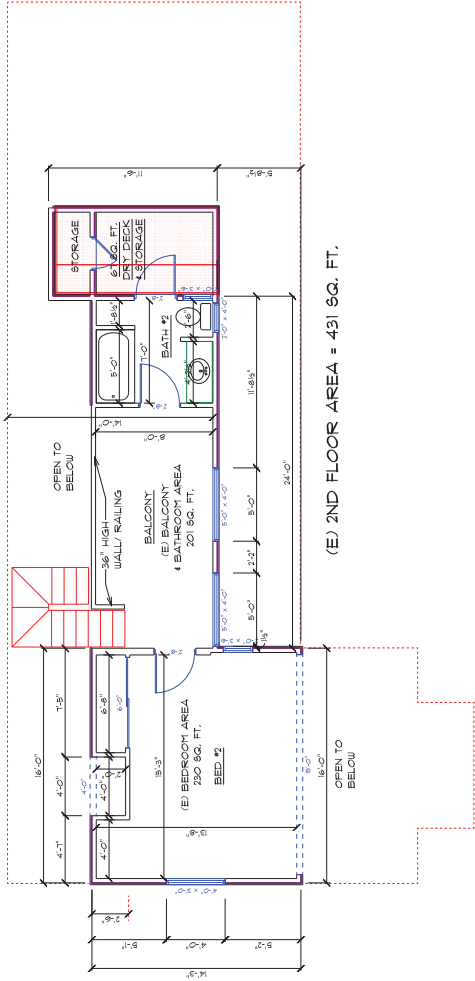
EXISTING
 FLOOR PLANS

DATE 9/16/2014

SHEET NO.

A-1

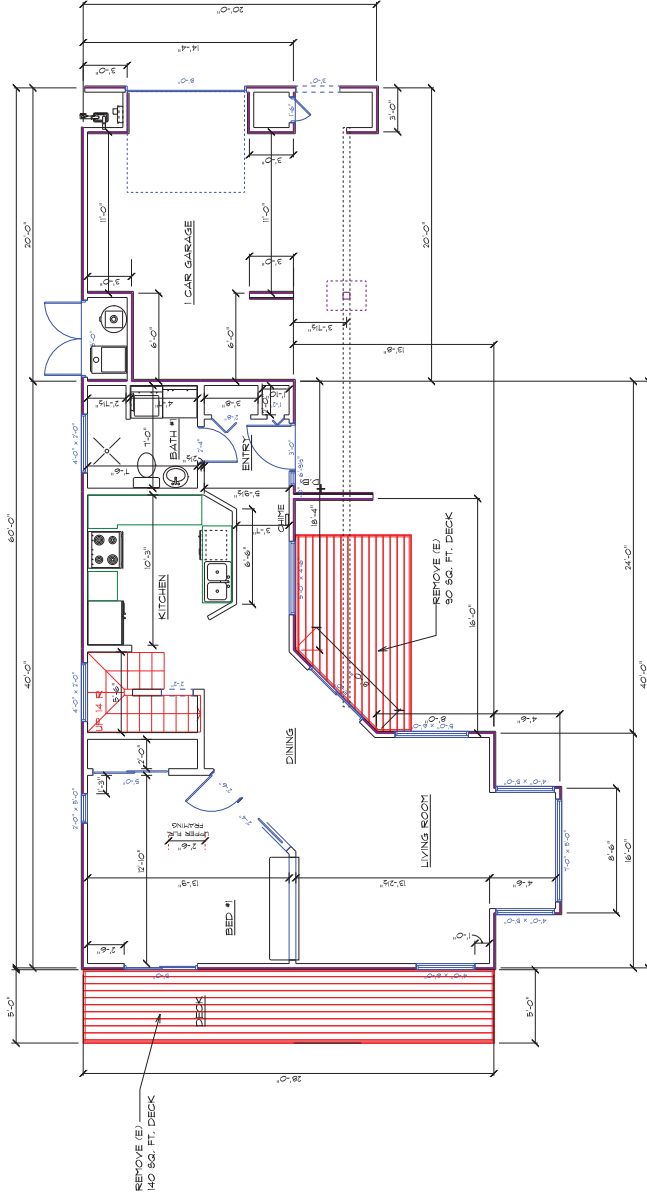
JOB # C0014-06



(E) 2ND FLOOR AREA = 431 SQ. FT.

EXISTING UPPER FLOOR PLAN

SCALE 1/4" = 1'-0"



EXISTING LOWER FLOOR PLAN

SCALE 1/4" = 1'-0"

- (E) 1ST FLOOR AREA 846 SQ. FT.
- (E) GARAGE/ CARPORT 258 SQ. FT.
- (E) UTILITY ROOM 20 SQ. FT.

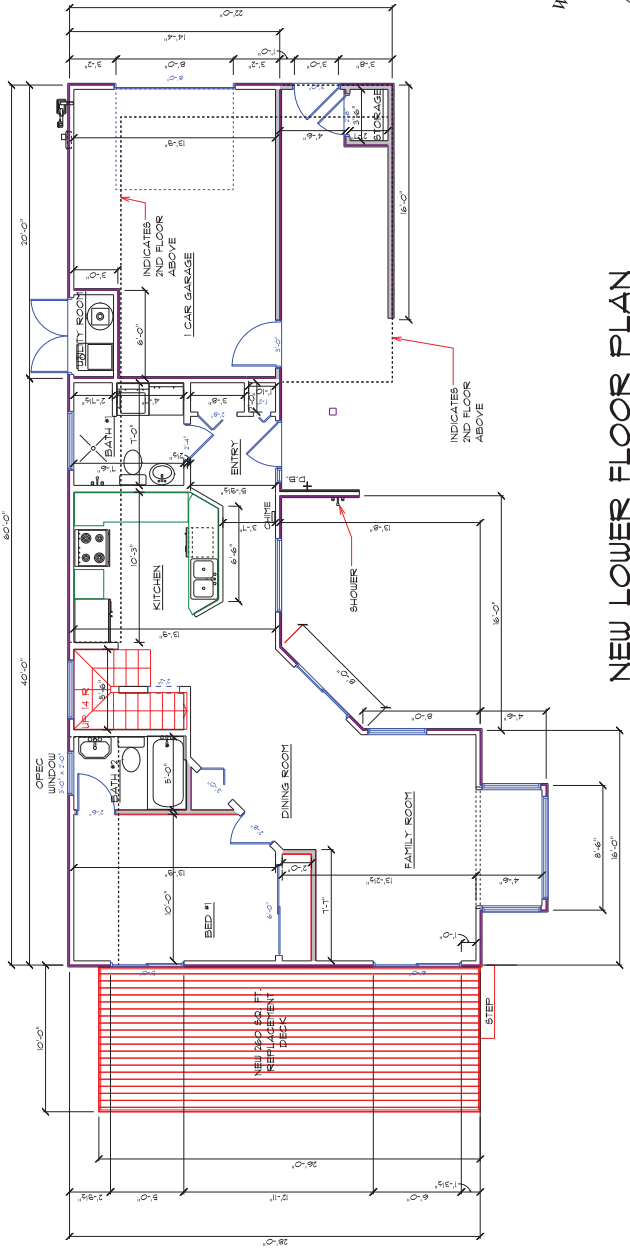
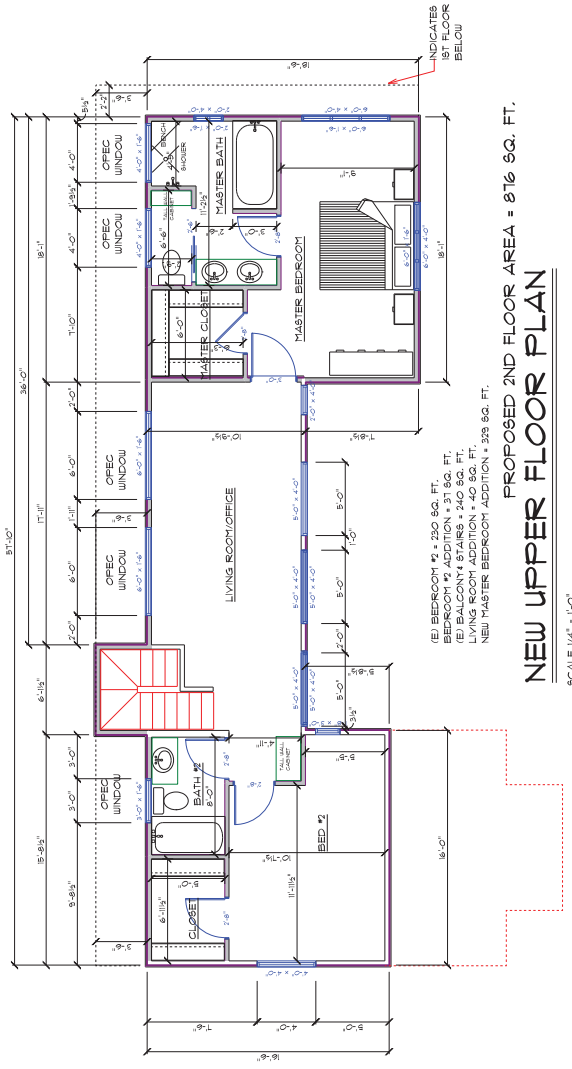
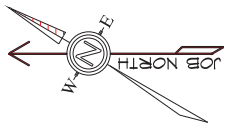
DEVLIN JONES
 PH. 476-5829
 PO BOX 2128
 SANTA CRUZ, CALIF. 95063
 devlins_design@comcast.net
 DESIGN & RAFTING

DOUG PURDY & ANH DO
 111 CENTRAL AVE
 CAPTOLA, CA. 95010
 APN# 36-112-08
 650-229-4231



PROPOSED
 FLOOR PLANS

DATE 9/16/2014
 SHEET NO.
 A-2
 JOB # 02014-06



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 111 CENTRAL AVE
 CAPITOLA, CA. 95010
 650-229-4231
 APN# 36-112-08



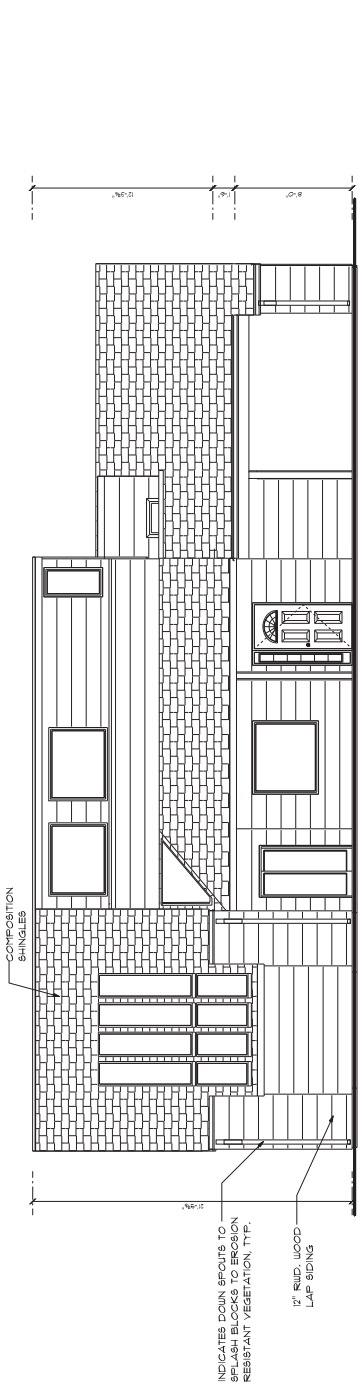
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 ELEVATIONS

DATE 9/16/2014

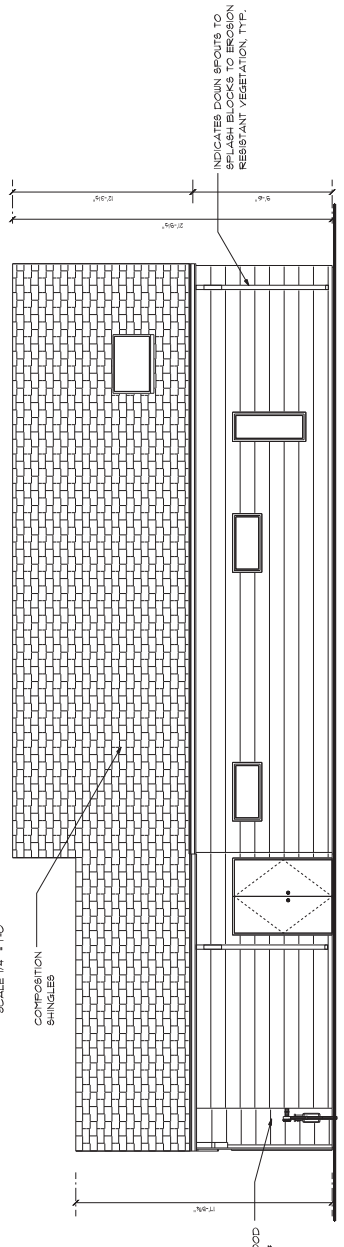
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A-3

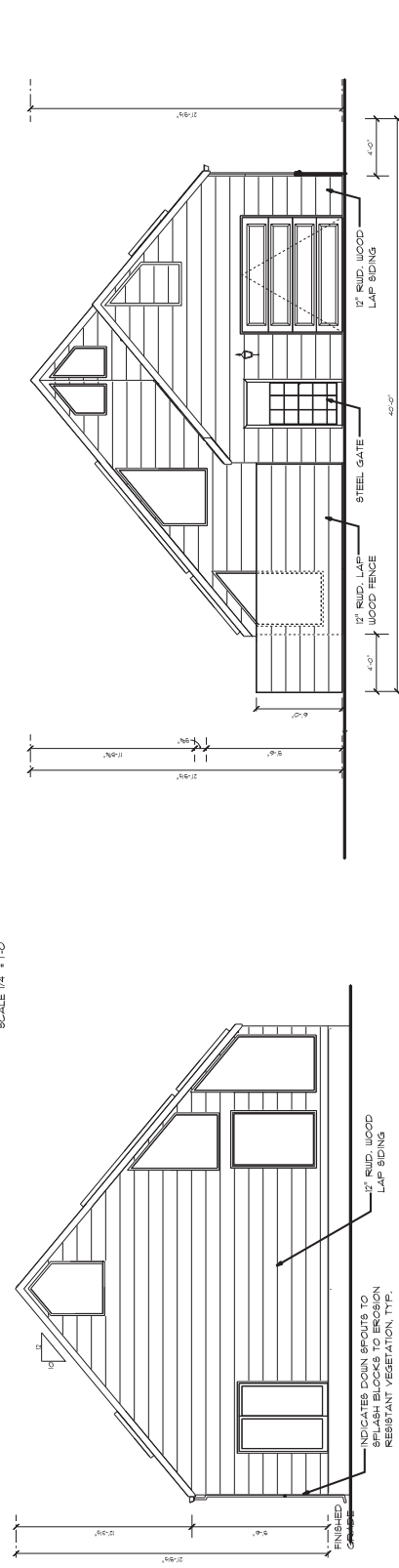
JOB # C2014-06



LEFT NORTH ELEVATION
 SCALE 1/4" = 1'-0"



RIGHT SOUTH ELEVATION
 SCALE 1/4" = 1'-0"



FRONT EAST ELEVATION
 SCALE 1/4" = 1'-0"

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

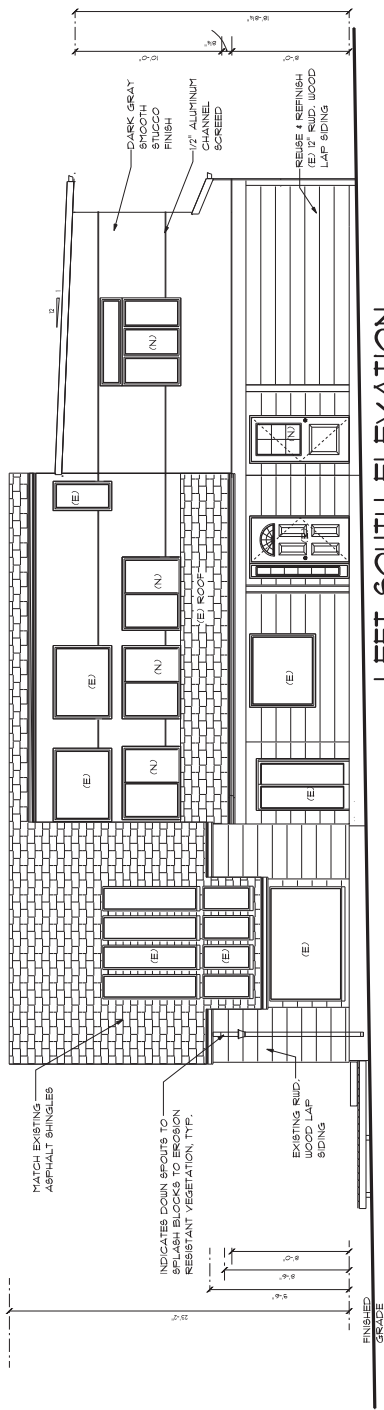
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 APN# 36-112-08

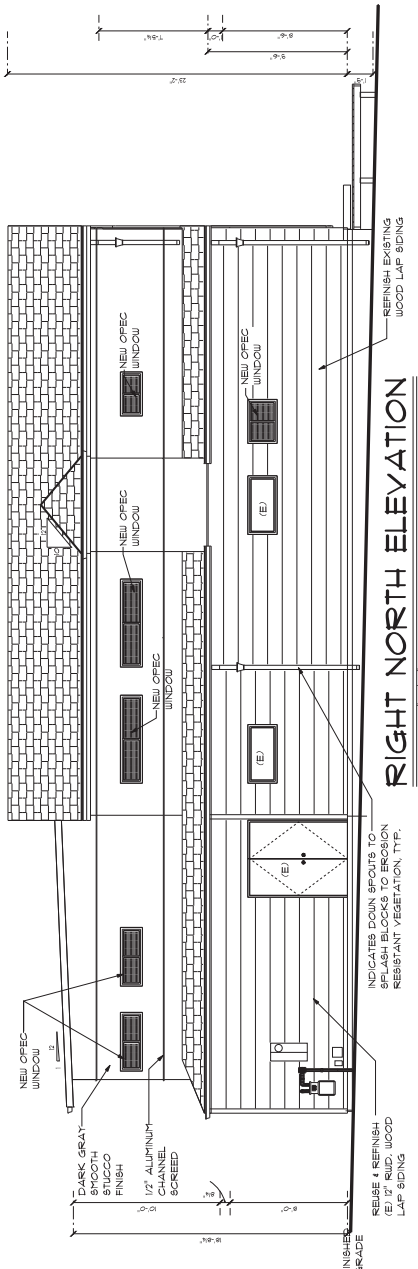


PROPOSED
 ELEVATIONS

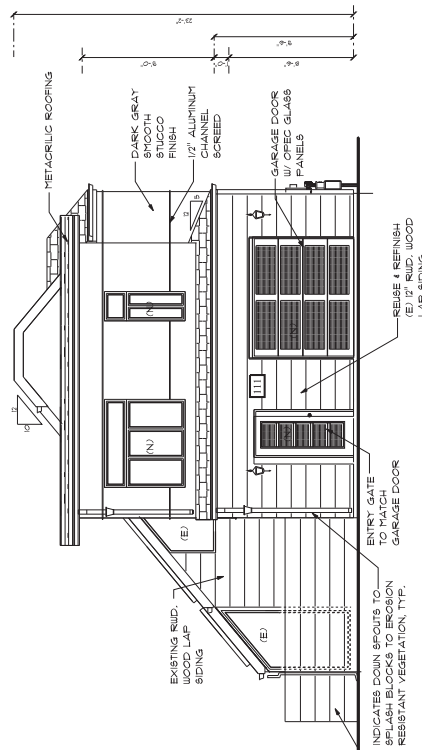
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 SHEET NO.
 A-4
 JOB # 0204-06



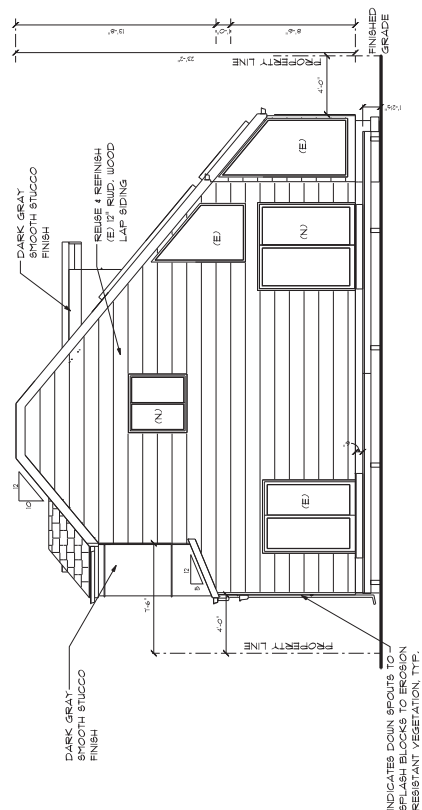
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 SCALE 1/4" = 1'-0"



RIGHT NORTH ELEVATION
 SCALE 1/4" = 1'-0"



FRONT EAST ELEVATION
 SCALE 1/4" = 1'-0"



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

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 4, 2014
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - None

B. Public Comment - None

C. Commission Comment

Commissioner Welch noted that in April 2013, the Commission approved an application for a home redesign and major revocable encroachment permit at 116 Grand Ave. In hindsight, he feels he did not understand the extent of the encroachment. Although the report addressed preserving the road turnaround and required bollards to remain, the fence extends well off the property line. The project set a precedent since it also includes an approved fire pit and bench within the encroachment area. He acknowledged receipt of an email concerned about traffic trying to turn around there and asked if the area was subject to fire truck requirements. Community Development Director Rich Grunow explained that fire turnarounds are only required for new developments and many older neighborhoods do not meet current standards. He also said staff would check on traffic concerns and the process for revoking an encroachment permit.

Chairperson Ortiz noted that encroachments on Depot Hill have a history of causing concern.

Commissioner Routh felt that City Council is a better body to address the turnaround.

Commissioner Welch also expressed concern about the zoning issue of vacation homes, which are restricted to the village. Some property owners outside the district are skirting the law by advertising online that they rent for a month or more, and he asked if they city can require those landlords to collect Transient Occupancy Tax. Director Grunow said staff has responded to some complaints but know that there are others. For TOT, he believes the 30-day definition is set by state law.

Commissioner Graves said he believes collecting TOT on properties outside of the overlay district would undermine the zoning.

Commissioner Smith noted that month-to-month is not considered a vacation rental and there are other reasons people may seek or offer a shorter lease.

D. Staff Comments - None

I
3. **APPROVAL OF MINUTES**

A. **August 7, 2014, Draft Planning Commission Minutes**

A motion to approve the August 7, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Welch.

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

4. **CONSENT CALENDAR – No Items**

5. **PUBLIC HEARINGS**

A. **111 Central Ave #14-099 APN: 036-112-08**

Design Permit for a second story addition and Variance for the required parking at the existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Anh Do

Representative: Devlin Jones, filed 6/24/14

Assistant Planner Ryan Safty presented the staff report. He also outlined privacy concerns from an adjacent neighbor regarding the placement of second-story windows and offered additional illustrations.

Chairperson Ortiz opened the public hearing. Designer Devlin Jones represented the applicant. Commissioner Smith confirmed the only access to the utility room remains from outside.

John Glina, homeowner of 113 Central, spoke in opposition to the project at its current size. He said he would favor a reduction of the addition to bring it into parking compliance rather than granting a variance or allowing the current proposed size and tree removal. He is particularly concerned about privacy and the loss of light to the area of his home which was designed for solar warmth in winter months. He asked for all windows facing his property to be opaque and requested a shade study.

Maureen Kane, 109 Central, expressed concern about projects that are granted variances to maximize height and square footage, resulting in the loss of the character of Capitola.

Toni Moccia, 114 Central, expressed concern about losing another large tree, noting the neighborhood has lost a lot of greenery on the street already. A large black walnut on the street is dying and must be removed. She agrees with the applicant that the tree and current parking are more appealing, but thinks that a reduction in the addition would be the appropriate solution.

Mr. Devlin believes this is a case of “I have mine, you can’t have yours” in comparison to neighboring properties which have large windows. He suggested blinds and curtains will provide privacy.

Susanna Glina addressed Mr. Devlin’s remarks and reiterated her family’s concerns about the project as proposed.

Commissioner Routh commented that the size of homes has become a significant concern and parking requirements were put in place to mitigate the impact. He does not believe findings can be made for a variance but agrees with the community that the tree should be preserved, and favors a reduction of square footage.

Chairperson Ortiz emphasized that simply falling within the allowed floor area ratio does not guarantee the granting of a design permit for that size home.

Commissioner Graves agreed with Commissioner Routh and said if other commissioners concur, rather than denying the application it could be continued to offer the applicant the opportunity to redesign.

Commissioner Smith expressed concern that the design may encourage conversion of the garage. She also felt that a variance is not appropriate and would prefer reduction.

Commissioner Welch also shares a desire to preserve the tree. He acknowledged that applicant tried to address privacy concerns by changing the glass in several windows. While he does not feel that the proposed home is overbuilt, the tree cannot be preserved without a variance and he is concerned about that precedent.

Chairperson Ortiz said the Commission has asked for changes to windows in past applications for privacy concerns. She suggested options for reducing the project size and impact.

Commissioners Smith and Graves asked the applicant's representative if a continuance to review design options would be appropriate

Mr. Devlin said he was not certain how the design would work with a 120-foot reduction but he can explore options with the owners.

A motion to continue project application #14-099 to the Oct. 2, 2014, meeting was made by Commissioner Smith and seconded by Commissioner Graves. The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None.

B. 306 Riverview Avenue #14-120 APN: 035-172-13

Design Permit, Variance for reduction to required 10% front yard open space requirement, and Coastal Development Permit for a new single-family residence located in the CV (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Arthur Lin, applied: 08/17/14

Representative: Dennis Norton

Senior Planner Katie Cattan presented the staff report, including streetscape photos to support the request for a variance. She also noted that there are trees on the adjacent lot along the property line that may not survive once the new home is built. Commissioners asked when the 10 percent requirement was enacted and were told sometime in the mid-1980s to '90s.

Chairperson Ortiz opened the public hearing.

Applicant Arthur Lin offered to answer any questions.

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: SEPTEMBER 4th, 2014

SUBJECT: **111 Central Ave #14-099 APN: 036-112-08**

Design Permit for a second story addition and Variance for the required parking at the existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Anh Do

Representative: Devlin Jones, filed 6/24/14

APPLICANT PROPOSAL

The applicant has submitted a Design Permit, Variance, and Coastal Development Permit application for a 564 square-foot addition to the second story of an existing, single-family home located at 111 Central Avenue. The project is located in the R-1 (Single-Family) Zoning District. A second story addition to a home requires approval of a design permit by the Planning Commission. The applicant is also requesting a variance to the onsite parking requirement.

BACKGROUND

On July 9th, 2014, the Architectural and Site Review Committee reviewed the application and provided the following direction:

- Local Home Designer, Derek Van Alstine, encouraged the applicant to work with staff in resolving the FAR and to pursue a variance for the parking.
- Local Historian, Carolyn Swift, had no comment on the proposal.
- Local Landscape Architect, Craig Waltz, recommended the applicant pursue a variance for parking so as to preserve the existing Maple Tree on site.
- City Building Official, Mark Wheeler, advised the applicant on firewalls within the addition.
- City Public Works Official, Steve Jesberg, stated that he would like to see one downspout directed to a landscaped area, as well as permeable pavement used for the driveway if it is extended to provide the additional parking spot.
- City Staff Planner, Ryan Safty, explained that the application exceeded the maximum Floor Area Ratio and that the parking requirement was not met within the onsite parking. Planner Safty explained that the applicant could reduce the floor area of the home to 2000 square feet to comply with parking onsite.

The applicant amended the plans to comply with the maximum floor area of ratio of 53% (2,120 sf). The applicant decided to apply for a variance to parking rather than bring the floor area of the home down to 2000 square feet.

SITE PLANNING AND ZONING SUMMARY

The following table outlines the zoning code requirements for development in the R-1 (Single Family) Zoning District. The applicant is requesting a variance from the required onsite parking.

Coastal			
Is project within Coastal Zone?		Yes	
Is project within Coastal Appeal Zone?		Yes	
Use	Proposed	Principal Permitted or CUP?	
Single-Family	Single-Family	Principal Permitted Use	
Historic		N/A	
Development Standards			
Building Height	R-1 Regulation		Proposed
	25'-0"		23'-5"
Floor Area Ratio (FAR)			
Lot Size		4,000 sq. ft.	
Maximum Floor Area Ratio		53% (Max 2,120 sq. ft.)	
Existing First Story Floor Area		1,124 sq. ft.	
Existing Second Story Floor Area		431 sq. ft.	
Proposed Second Story Addition Area		564 sq. ft.	
TOTAL FAR		2,119 sq. ft. <i>complies</i>	
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation		Proposed
Front Yard 1st Story	15 feet		20 ft. from right-of-way <i>complies</i>
Front Yard 2nd Story & Garage	20 feet		20 ft. from right-of-way <i>complies</i>
Side Yard 1st Story	10% lot width	Lot width =40 ft 4 ft. min.	4 ft.(Left) & 4 ft. (Right) <i>complies</i>
Side Yard 2nd Story *	15% of width	Lot width =40 ft 6 ft. min	14 ft.(Left) & 4 ft. / 6 ft. (Right) * <i>complies</i>
Rear Yard 1st Story	20% of lot depth	Lot depth =100 ft 20 ft. min.	20 ft. from property line <i>complies</i>
Rear Yard 2nd Story	20% of lot depth	Lot depth =100 ft 20 ft. min	20 ft. from property line <i>complies</i>
Parking			
	Required		Proposed
Residential (from 2,001 up to 2,600 sq. ft.)	3 spaces total 1 covered 2 uncovered		2 spaces total 1 covered 1 uncovered Variance Requested
Underground Utilities: required with 25% increase in area			N/A

* Denotes a special circumstance for the second story side yard (right-side) setback. According to Municipal Code Section 17.15.120-D, "Second story additions must meet setback requirements, except that up to twenty percent of the length of the upper story wall may be constructed at the same setback as the first-floor wall, if that wall is at least four feet from the side property line." Based on this, the second story wall needs to be setback 6 feet from the right-side property line, except 20% of that wall (12 ft.) can encroach in to the required 6 foot side-yard setback by 2 feet. (Attachment A)

DISCUSSION

The applicant is proposing a 564 square foot addition to the second story of the existing home. The second story addition consists of a new master bedroom and bathroom, an office, and a bedroom. The plan also calls for a bathroom remodel on the first floor and to enclose the existing single-car garage. These two modifications are internal and do not increase the building's FAR. In addition, the applicant would like to replace the existing 90 square feet front entrance deck (on the southern side of the home) with 298 square feet of concrete pavers, and replace the existing 140 square feet rear yard deck with a 255 square feet Ipe deck. The deck is not calculated as a part of the FAR due to the fact that it is less than thirty inches in height (§17.15.100.C.5). (Attachment A) The proposal conforms to all applicable zoning regulations.

The exterior of the residence currently includes 12" redwood horizontal lap-siding that is brown in color and a composition shingle roof of similar color. The applicant is proposing to reuse and refinish the existing redwood lap siding along the exterior of the home. The second story additions will contain dark-gray smooth stucco finish with a ½" aluminum screed to break up the façade. The front, right, and left elevations use a combination of the redwood lap siding and the gray stucco to add more architectural character to the home. The front façade's second story windows will be replaced with two black aluminum, double-pane windows to match the existing. In addition, the existing garage door will be replaced with a garage door with opec glass panels and the existing steel entry gate will be replaced to match the new garage door. The applicant is proposing metacrilic roofing for the front façade, with a down spout running from it down to splash blocks and erosion resistant vegetation. (Attachment A)

On August 5th, 2014, the owners of the neighboring property at 113 Central Avenue visited City Hall and expressed concerns over the second story windows adjacent to their property. In order to address these privacy concerns, the applicant of 111 Central Avenue has updated the proposal to make 3 out of the 4 windows opaque on that side of the second story addition. (Attachment A)

Parking

The proposed 564 square foot addition will create a 2,119 sq ft home. Per Capitola Municipal Section 17.15.130, "for residences two thousand one to two thousand six hundred square feet three spaces are required, one of which must be covered." The application currently only proposes 2 parking spaces; one of which is covered by the garage and the other within the existing 20' x 10'-6" driveway. Per Capitola Municipal Code Section 17.15.130.E, "no additional square footage exceeding 10 percent of the existing gross floor area may be added to an existing single-family residential unit, unless minimum parking requirements are met." The addition exceeds 10 percent of the existing gross floor area therefore the minimum parking requirements must be met. In order to create the one additional uncovered parking spot, the applicant would need to widen the driveway to the south and remove one of the front yard maple trees. Due to the desire to preserve the tree, the applicant has decided to apply for a variance to the parking requirement rather than decrease the square footage of the home by an additional 119 square feet. The reduction of the 119 square feet to the proposal would reduce the parking requirement to two spots, which they currently meet on site.

Variance

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.

There is an existing 18-inch diameter maple tree in the front yard. (Attachment B) The maple tree is located 4 feet to the left of existing driveway. To accommodate the required third parking space onsite, the maple tree must be removed. The applicant would like to preserve the tree. The applicant could comply with the municipal code by either: removing the tree to expand the driveway and planting two new trees on the property, or by removing 119 square feet of the addition. Staff is unable to make findings to support the variance due to the applicant's ability to remedy the code issue through the planting of two new trees. Staff recommends requiring parking onsite and planting two replacement trees, as required in Condition # 2.

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves a 564 square foot addition to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #14-099 less the variance to the parking requirement, based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of construction of a 564 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 4,000 square foot property is 53% (2,120 square feet). The total FAR of the home with new addition is 53% with a total of 2,119 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 4th, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The site plan must be modified to include three onsite parking spaces. If the existing maple tree is removed, two new trees must be planted consistent with the requirements of the Capitola Tree Ordinance.
3. 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
4. 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.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
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 shall require Planning Commission approval.

7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #14-099 shall be paid in full.
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 application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

This project involves an addition to an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

ATTACHMENTS

- A. Project Plans
- B. Coastal Findings
- C. Photos of Existing Maple Tree

**Report Prepared By: Ryan Safty
Assistant Planner**



FIRE PROTECTION NOTES

NOTE:
 THESE PLANS ARE IN COMPLIANCE WITH
 2009 CALIFORNIA BUILDING CODE
 2009 CALIFORNIA RESIDENTIAL CODE
 2009 CALIFORNIA MECHANICAL CODE
 2009 CALIFORNIA PLUMBING CODE
 2009 CALIFORNIA HHS CODE BUILDING CODE
 2009 CALIFORNIA ELECTRIC CODE
 2009 CALIFORNIA ENERGY CODE
 2009 CALIFORNIA GREEN BUILDING STANDARDS CODE
 AND DISTRICT AMENDMENT.
 OCCUPANCY CLASSIFICATION R-3 - S.F.D.
 BUILDING TYPE V-B
 FIRE RATINGS-REQUIRED FLOW 1000 GPM
 HYDRANT LOCATED AT 03 PRYCE ST
 APPROX. 95-FT. FROM THE PROJECT
 8" INCH DIAMETER

TABLE OF CONTENTS

1	SP-1 SITE & LANDSCAPE PLAN & JOB DATA
2	A-1 EXISTING 1ST & 2ND FLOOR PLANS
3	A-2 EXISTING ELEVATIONS
4	A-3 NEW 1ST & 2ND FLOOR PLANS
5	A-4 NEW ELEVATIONS
6	

JOB DATA

APN # 36-03-08
 OWNER DOUG PURDY & ANH DO
 8 CENTRAL AVE
 CAPITOLA, CA 95002
 650-229-4231

11 CENTRAL AVE

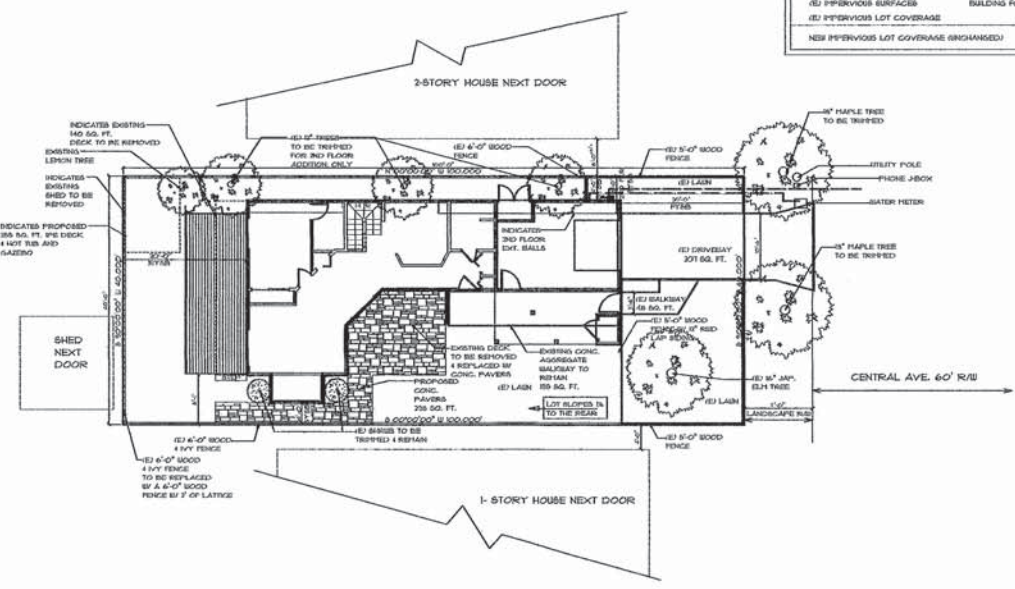
PROJECT DESCRIPTION INTERIOR REMODEL TO INCLUDE A NEW BATHROOM ADDITION, DOWNSTAIRS, AND A 164 SQ. FT. 2ND FLOOR BEDROOM, OFFICE, REFERENCE ADDITION AND A HALLWAY BEDROOM AND BATHROOM ADDITION AND ENCLOSE EXISTING GARAGE CARPORT.

WATER SOURCE SOQUEL WATER DIST.
 SEWER DISPOSAL GREEN WASTE OF SANTA CRUZ COUNTY
 ELECTRIC SERVICE PG&E
 TELEPHONE SERVICE PACIFIC BELL
 PARCEL SIZE 4000 SQ. FT.

GROSS BUILDING AREA
 EXISTING LOWER FLOOR AREA 646 SF
 EXISTING UPPER FLOOR AREA 431 SF
 EXISTING 1 CAR GARAGE 288 SF
 EXISTING UTILITY ROOM 20 SF
 PROPOSED TOTAL UPPER FLOOR AREA 570 SF
 TOTAL BUILDING FOOT PRINT (UNCHANGED) 834 SF

LOT COVERAGE 834/4000 SF = 20%
 FAR 50% ALLOWED 246-254-20-256 = 200 SQ. FT. 230/4000 = 5.7%

(E) P/PERVIOUS SURFACES BUILDING FOOT PRINT, DRIVEWAY & WALKWAYS = 834 SQ. FT.
 (E) P/PERVIOUS LOT COVERAGE 307-48-05-05-054/4000=38%
 NEW P/PERVIOUS LOT COVERAGE (UNCHANGED) 307-48-05-05-054/4000=38%



SITE & LANDSCAPE PLAN
 SCALE 1" = 8'-0"



RECEIVED
 AUG 20 2014
 CITY OF CAPITOLA

--- WATER
 --- EXIST. NATURAL GAS
 --- CONCRETE
 --- PROPERTY

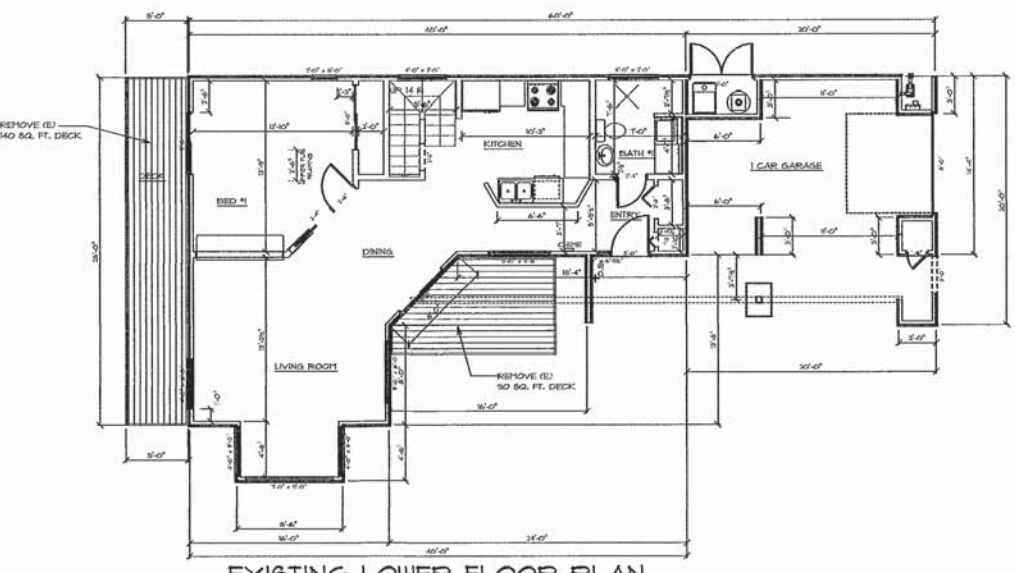
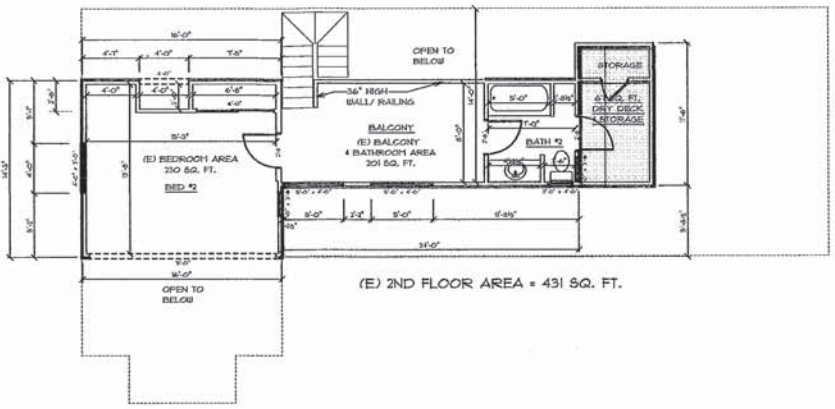
DEVILIN JONES
 PH. 650-956-8288
 PO BOX 21328
 SANTA CRUZ, CALIF. 95063
 devlin_design@comcast.net
 DESIGN & DRAFTING

DOUG PURDY & ANH DO
 111 CENTRAL AVE
 CAPITOLA, CA 95010
 650-229-4231
 APN# 36-112-08



SITE & LANDSCAPE PLAN & JOB DATA

DATE 8/19/2014
 SHEET NO. SP-1
 JOB NO. 0202-08



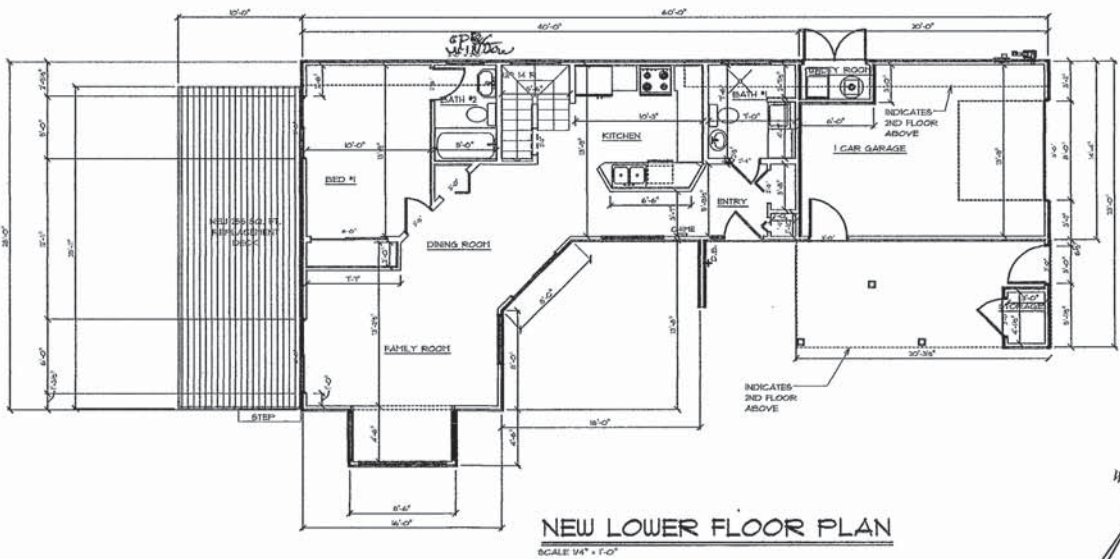
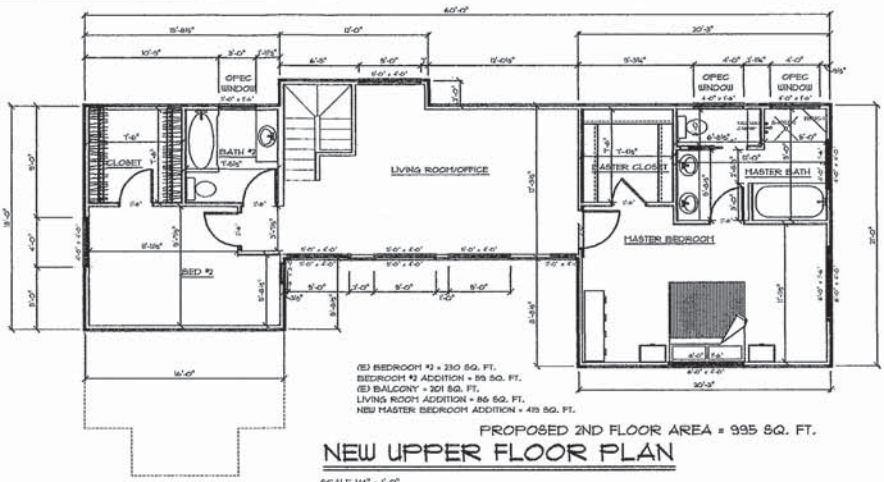
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APN# 36-112-08



EXISTING FLOOR PLANS

DATE 8/18/2014
SHEET NO.
A-1
JOB # 0204-06



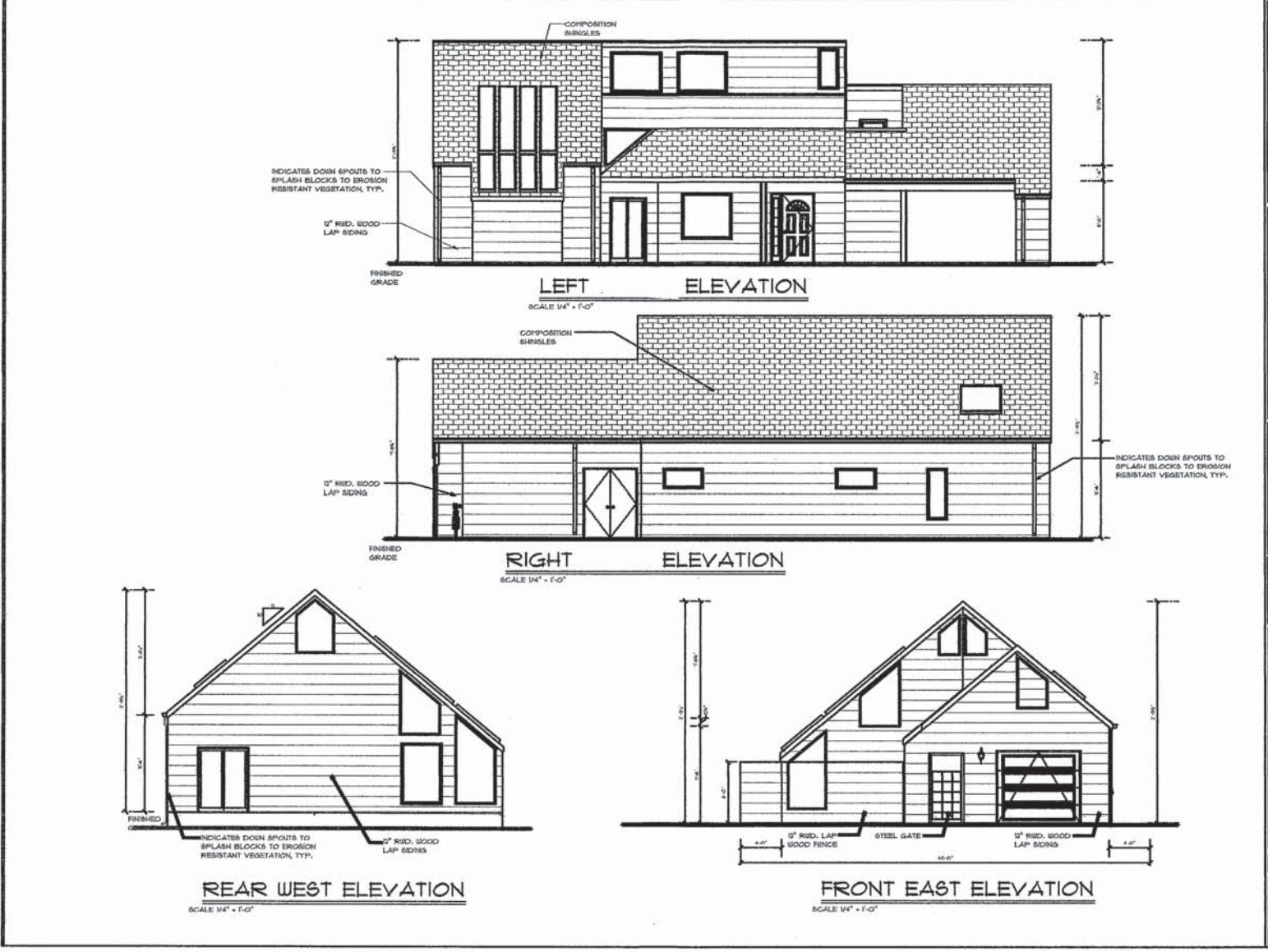
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PROPOSED
FLOOR PLANS

DATE 8/18/2014
SHEET NO.
A-2
JOB # 02014-06



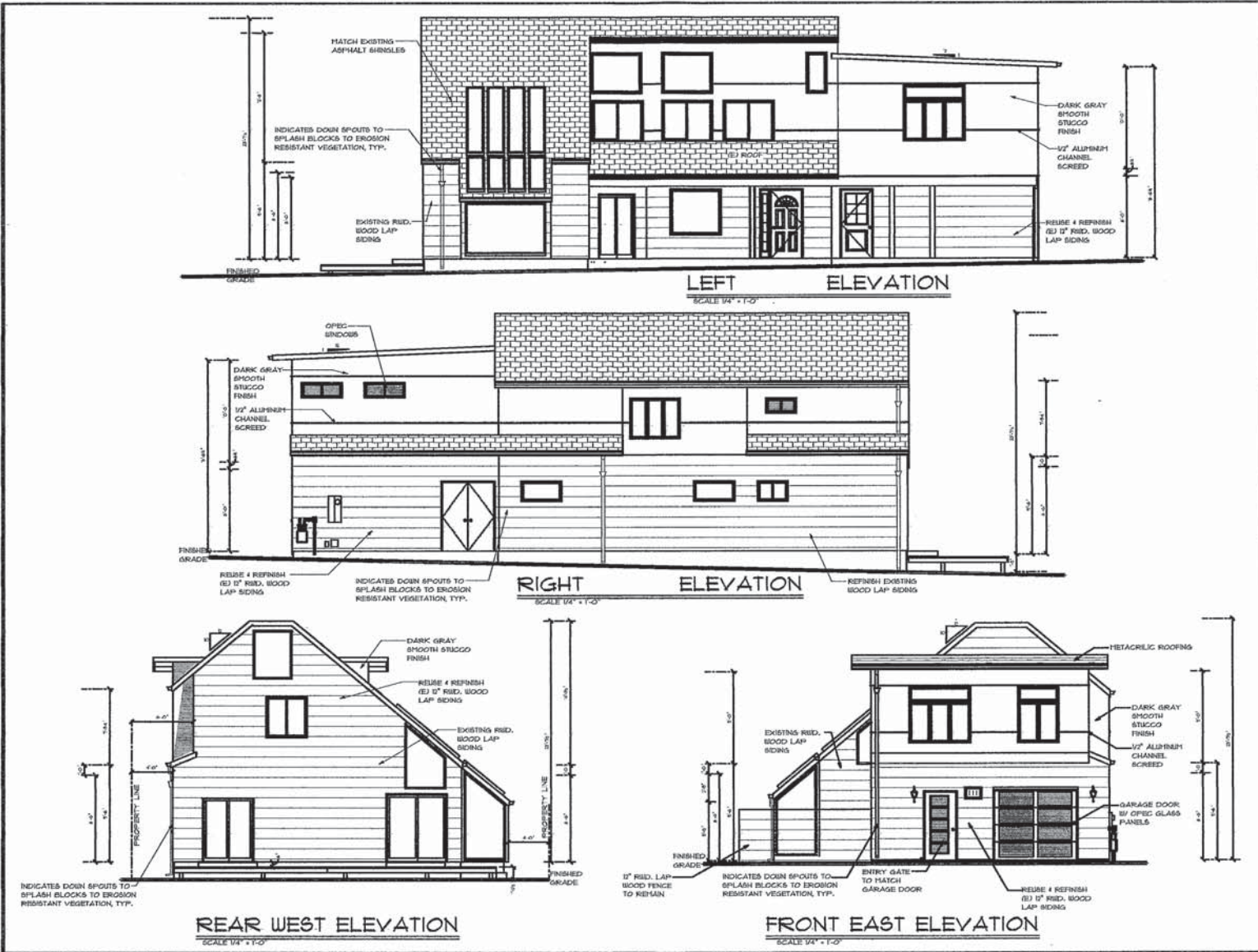
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EXISTING
 ELEVATIONS

DATE 8/18/2014
 SHEET NO.
 A-3
 JOB # 0204-06



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APN# 95-112-08



NEW ELEVATIONS

DATE 8/18/2014
SHEET NO. A-4
JOB # 02014-06

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PROJECT APPLICATION #14-099
111 CENTRAL AVENUE, CAPITOLA
ADDITION TO SINGLE FAMILY HOME

COASTAL FINDINGS

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

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

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

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

- The proposed project is located at 111 Central Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to

shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Central Avenue. No portion of the project is located along the shoreline or beach.

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

- There is not history of public use on the subject lot.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property on Central Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on 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.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported

by written findings of fact, analysis and conclusions which address all of the following:

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

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

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

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

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

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

- 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 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.

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

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

project

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

SEC. 30222

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

- The project involves a single family home 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 a single family home 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 a single family home on a residential lot of record.

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

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

- The 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.

(D) (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.

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

- The project is located within close proximity of the Capitola fire department. Water is

available at the location.

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

- The project is for a single family home. 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.

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

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

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

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

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. 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.

(D) (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.

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Single Family zoning district.

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

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

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

- The project site is located within the area of the Capitola parking permit program.

Attachment B: Maple Tree



Attachment B: Maple Tree



PROJECT APPLICATION #14-099
111 CENTRAL AVENUE, CAPITOLA
ADDITION TO SINGLE FAMILY HOME

COASTAL FINDINGS

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

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

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- The proposed project is located along Central Avenue. No portion of the project is located along the shoreline or beach.

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

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

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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 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;

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

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project

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- The project involves a single family home 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 a single family home 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 a single family home on a residential lot of record.

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- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

- The 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.

(D) (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.

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

- The project is located within close proximity of the Capitola fire department. Water is

available at the location.

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

- The project is for a single family home. 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.

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

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

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

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

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

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

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

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

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. 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.

(D) (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.

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Single Family zoning district.

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

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

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

- The project site is located within the area of the Capitola parking permit program.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 2, 2014

SUBJECT: **100 Oakland Ave #14-135 APN: 036-133-09**
 Major Revocable Encroachment Permit and Variance application for a bench and fireplace located within the front yard and right-of-way of 100 Oakland Avenue located in the R-1 (Single-Family Residential) Zoning District.
 This project requires a Coastal Development Permit which is appealable to California Coastal Commission after all possible appeals are exhausted through the City.
 Environmental Determination: Categorical Exemption
 Property Owner: James Castellanos
 Representative: Margarita Jimenez, filed: 9/11/14

APPLICANT PROPOSAL

The applicant is applying for a major revocable encroachment permit, variance, and coastal development permit for permanent structures (bench and fire pit) located within the front yard setback and right-of-way of 100 Oakland Avenue in the R-1 (Single Family) zoning district. The location of the structure requires a variance.

BACKGROUND

On May 2, 2013, the Planning Commission approved a remodel for the front unit of the multi-family property at 100 Oakland Drive. At the time of landscape installation, a fire pit and bench were constructed that were not identified on the approved landscape plans. At the time of the final inspection, staff observed the improvements and informed the applicant that a major revocable encroachment permit and variance are required. On September 11, 2014, the City received a complete application from the owner.

DISCUSSION

100 Oakland Avenue is situated at the beginning of Oakland Avenue adjacent to the coastal bluff and Grand Avenue pedestrian walkway. The property is accessed off of Oakland Avenue with a driveway leading to an enclosed garage. The front yard setback is measured from the edge of the right-of-way along Oakland Avenue and is 15 feet. The front yard and south side yard are enclosed within an established rock wall planter with mature shrubs creating privacy along the public pedestrian walkway. The existing rock planter and mature shrubs extend into the City right-of-way. (Attachment A: Site Plan)

The new fire pit is located on the property corner with the majority of the fire pit within the front yard. The bench is located entirely within the street right-of-way. The fire pit does not have a natural gas line. The bench and fire pit were constructed of cement with a wave of colorful glass that carries through the ornate design. (Attachment B: Photo)

Coastal Permit

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

"Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within fifty feet of the edge of a coastal bluff or in environmentally sensitive habitat areas as defined in the Coastal Act." §17.46.050.A(1)(b)

The fire pit and bench are located within fifty feet of the edge of a coastal bluff, therefore a coastal permit is required. The application complies with all the required coastal findings, as outlined in Attachment C.

Revocable Encroachment Permit

Chapter 12.56 of the Capitola Municipal code outlines the regulations for privately installed improvements on public property or easements. The code defines a *private improvements area* as "that portion of any public street right-of-way in the city which is neither street system area nor shoulder parking area".

Pursuant to §12.56.060, the City may issue permits to allow certain improvements to be installed and maintained by abutting private property owners, within the private improvements area. Minor permits may be issued by the Public Works Director for mailboxes, fences, walkways, driveways, and landscaping that comply with specific standards. Major Permits, for improvements beyond those listed under the discretion of the Public Works Director, require approval by the Planning Commission.

The Planning Commission must evaluate the following considerations when deciding whether or not to issue a major permit:

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;

Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the structure, when so ordered by the city, shall be at the permittee's expense and not the expense of the city.

2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;

Staff Analysis: The fire pit and bench are of exceptional quality and fit well within the yard enclosure and the aesthetic of the community. The fire pit is not in close proximity to the sidewalk or parking and cannot be seen by neighboring property owners. There is an existing hedge that screens the new bench and fireplace from being viewed by the public.

3. Preservation of views; and

Staff analysis: Views are not impacted by the fire pit or bench.

4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The planning commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.

Staff analysis: Two detriments to the community could be noise and smoke. Fire pits are utilized at night and could have an impact on surrounding neighbors. The noise ordinance prohibits loud noise within 200 feet of residential dwellings between the hours of ten p.m. and eight a.m. Condition of approval #2 has been added to reinforce the City ordinance. The applicant plans to burn *duralogs*, rather than wood, to decrease emissions into the atmosphere.

Variance

The required front yard setback in the R-1 District is fifteen feet. The fifteen foot setback establishes the minimum distance from the right-of-way for any part of the structure, with the exception of permitted encroachments. A structure is defined as “anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.” Encroachments allowed by the code within the front yard setback include a front porch, staircase, and bay windows. A fire pit and bench are not listed as allowed encroachments within the front yard and therefore require a variance by the Planning Commission. The fire pit is located on the property line, the majority of which is on the private property within the front yard setback area. The bench is located just outside the property line and is entirely within the street right-of-way.

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.

Staff finds that the following special circumstances are applicable to the subject property:

1. The lot is unique in that it is located at the end of the street adjacent to a coastal bluff and open space. There are no adjacent neighbors to the south, on the side of the home in which the fire pit and bench were installed.
2. Properties that are adjacent to Grand Avenue have a clear view of the Monterey Bay and therefore utilize the yard space fronting the ocean often. Improvements within the yards along the bluff typically include decks and patios, barbeque grills, fire pits, and a gate opening onto the public pathway.
3. Other properties in the area have been granted approval of permanent structures within the setback area and right-of-way; therefore granting the variance permit would not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone which the subject property is situated.

Environmental Review

Section 15304 of the CEQA Guidelines exempts minor alterations to land. Specifically, 15304(b) exempts new landscaping. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #14-135 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of two structures (fire pit and bench) permanently affixed to the ground within the front yard setback and right-of-way at 100 Oakland Avenue. A coastal development permit, variance, and major revocable encroachment permit have been approved within this application.

2. The City of Capitola noise ordinance §9.12.010 prohibits any loud noise within two hundred feet of any residence, hotel, apartment house, cabin, cottage, cottage court, lodging facility or any building or place regularly used for sleeping purposes in the city between the hours of ten p.m. and eight a.m. of any day or days. The use of the fire pit shall not result in loud noise beyond 10 p.m. If the City receives complaints regarding noise associated with the fire pit, the permit may be revoked by the Community Development Director or Planning Commission.
3. There shall be no additional permanent structures located within the right of way without the issuance of a major permit by the Planning Commission.
4. Prior to building permit issuance, the applicant shall contact the Public Works Department to complete the revocable encroachment permit process. A revocable encroachment permit shall be required to be recorded.
5. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

FINDINGS

- A. **The application, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff and the Planning Commission have reviewed the project. The coastal development permit conforms to the requirements of the Local Coastal Program and conditions of approval have been included for the variance and major revocable encroachment permit to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

Report Prepared By: Katie Cattan
Senior Planner

Attachment A – Project Plans
Attachment B – Coastal Findings
Attachment C - Photo



JULIA K BELL LANDSCAPE DESIGN
 (925) 402-3918
 julia@belldesign.com
 www.juliakbelldesign.com

CLIENT
 Castellanos Residence
 100 Oakland Avenue
 CA 95010

SCALE
 1/4" = 1'0"

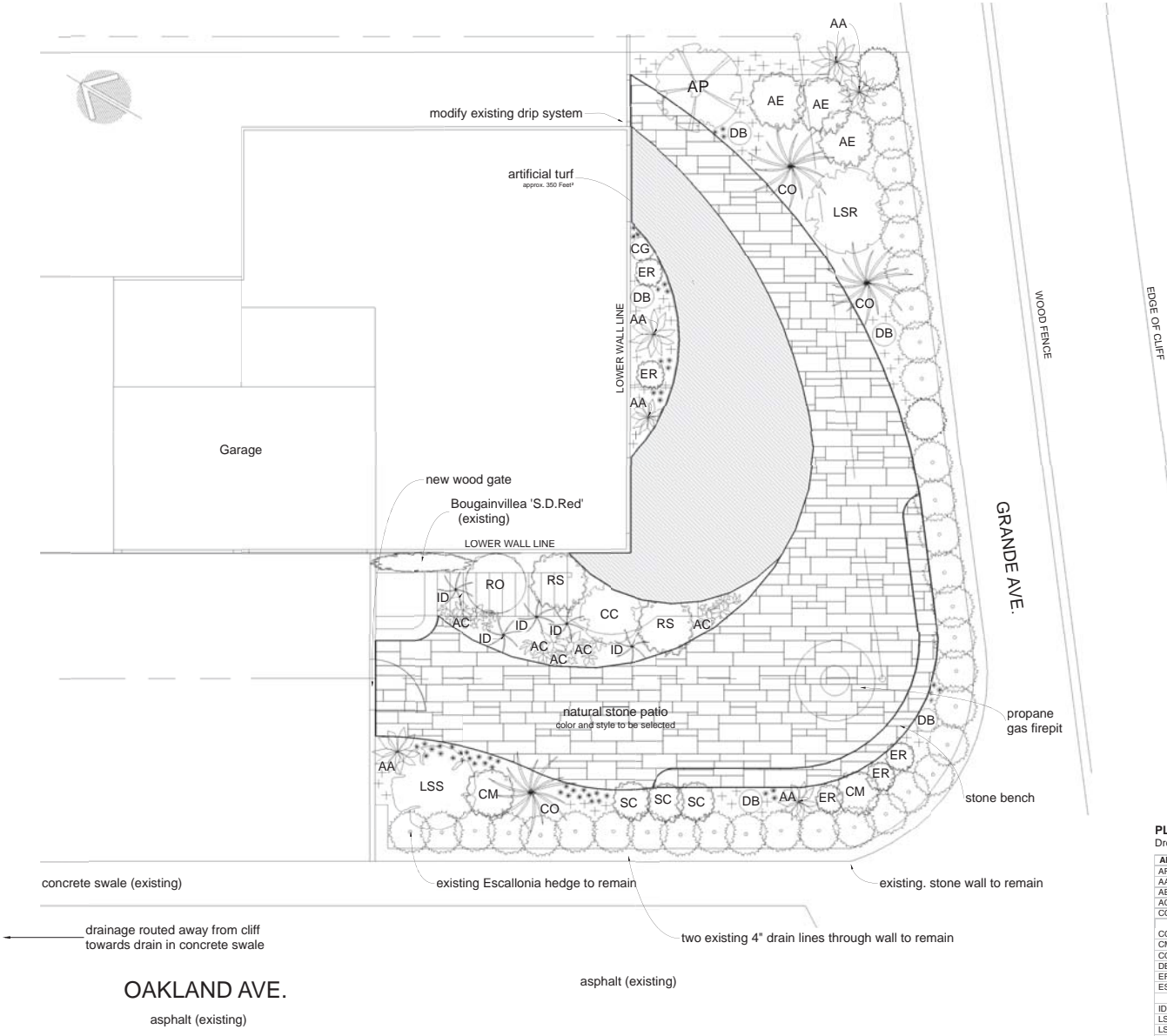
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PROPOSED
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 A.0

Item #: 5.A. Attachment A Landscape Plan..pdf

PROPOSED LANDSCAPE PLAN

20'
 1/4" = 1'0"



PLANT LIST: 100 OAKLAND AVE
 Drought-tolerant, coastal-appropriate selections:

Alias	Scientific Name	Common name	Planting Size	Qty
AP	<i>Acer palmatum 'Sango-kaku'</i>	Coral Bark Japanese Maple	24" Box	1
AA	<i>Agave attenuata variegata</i>	Variegated Fox-tailed Agave	5-Gal	6
AE	<i>Arctostaphylos edmundsii 'Rosy Dawn'</i>	Rosy Dawn Manzanita	5-Gal	3
AC	<i>Asarum splendens</i>	Variegated Wild Ginger	1-Gal	5
CC	<i>Carpenteria californica</i>	CA Bush Anemone	5-Gal	1
CG	<i>Ceanothus griseus horizontalis 'Diamond Heights'</i>	Variegated Carmel Creeper	1-Gal	2
CM	<i>Ceanothus maritimus</i>	Valley Violet Ceanothus	5-Gal	2
CO	<i>Cordyline 'Design-a-line Burgundy'</i>	False Dracena	5-Gal	3
DB	<i>Dudleya brittonii</i>	Live-Forever Succulent	1-Gal	5
ER	<i>Eriogonum grande var. rubescens</i>	Red Buckwheat	1-Gal	5
ES	<i>Escallonia x exoniensis 'Fradesii'</i>	Pink Princess Escallonia	5-Gal	2
	<i>Fragaria chiloensis</i>	CA Beach Strawberry	Flat	2
ID	<i>Iris douglasiana 'Canyon Snow'</i>	Douglas Iris	1-Gal	5
LSS	<i>Leucodendron 'Safari Sunset'</i>	Sunset Conebush	15-Gal	1
LSR	<i>Leucospermum 'Sunrise'</i>	Early Salmon Pincushion	15-Gal	1
RO	<i>Rhododendron occidentale</i>	Western Azalea	5-Gal	1
RS	<i>Ribes sanguineum</i>	Ribes	5-Gal	2
ER	<i>Salvia clevelandii 'Allen Chickering'</i>	Allen Chickering Sage	1-Gal	3
SC	<i>Sedum spaldingii 'Cape Blanco'</i>	Dusty Stonecrop	Flat	1

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PROJECT APPLICATION #14-135
100 Oakland AVENUE, CAPITOLA
COASTAL BLUFF DEVELOPMENT

COASTAL FINDINGS

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

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

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

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

- The proposed project is located on a privately-owned lot located on the Coastal Bluff. The project will not directly affect public access and coastal recreation areas as it involves a fire pit and bench located within the enclosed yard of a private residence and portion of the street right-of-way. The structures have no affect on public trail or beach access.

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

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

- The proposed project is located adjacent to the coastal cliff, approximately 50 feet from the shoreline. No portion of the project is located along the shoreline or beach.

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

- There is no evidence of use of the site by members of the public for coastal access.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The 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. There is no access to the shore from the property.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located north of Grand Ave within 50 feet of the coastal bluff. 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. There is no access to the shore from the property. The project is within the privately utilized yard and not within

the public trail area.

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

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

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

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

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

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

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

b. Topographic constraints of the development site;

c. Recreational needs of the public;

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

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

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

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

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

SEC. 30222

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

- No new use or change in use is proposed.

SEC. 30223

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

- The project is not located within the residential lot and the city right-of-way. It is not within the coastal recreational use. There is a trail system adjacent to the residential property that is not impacted by the fire pit and bench.

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 bench and fire pit are located within the residential lot and the City right-of-way.

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

- The area is not utilized for parking or circulation. The property has traditionally been utilized as a private yard associated with a residential development.

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

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

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

- The project complies with the LCP policies.

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

- No water or sewer services will be affected.

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

- No water services are affected by the application.

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

- The project complies with water and energy conservation standards.

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

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

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

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

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

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

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project will not impact sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

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

- The project complies with all applicable erosion control measures.

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

- Geologic/engineering reports were prepared by qualified professionals for the updates to the home which are located in a geologic hazard zone. The fire pit and bench were installed during the improvements to the home.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone during the original review of the updates to the home. Conditions of approval were included with the original permit to ensure the project complies with geological, flood, and fire hazards.

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

- The proposed project is located on the bluff.

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

Item #: 5.A. Attachment B Coastal Findings.pdf

- The project involves a bench and fire pit which requires a variance due to the location within the front yard of the property.

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

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

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

- There will be no new introduced vehicular traffic from this project.



Item #: 5.A. Attachment C Photo.pdf

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 2, 2014

SUBJECT: **124 Central Ave** **#14-116** **APN: 036-122-13**
Design Permit, Conditional Use Permit, and Major Revocable Encroachment Permit for an addition to a Historic Single Family home located in the R-1 (Single-Family Residential) Zoning District.
This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Douglas Edwards
Representative: Derek Van Alstine (filed 7/21/2014)

REQUEST FOR CONTINUANCE

The architectural and site review committee requested additional information. Staff requests that this application is continued to the next Planning Commission meeting on November 6, 2014.

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STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
DATE: OCTOBER 2, 2014
SUBJECT: **GREEN BUILDING ORDINANCE AMENDMENT**

BACKGROUND

The City Council adopted the Green Building Ordinance on May 8, 2008 to promote sustainable design and improved energy efficiency for new construction and significant additions to existing commercial and residential buildings. As part of the Green Building Ordinance, the City Council also authorized the creation of a Green Building Education Fund to be used exclusively for program management, training, publications, and public educational purposes.

The City's Green Building regulations apply to non-residential additions and/or exterior remodels totaling 1,000 square-feet or more and residential additions and/or remodels totaling 350 square-feet or more. Projects subject to the regulations are assessed a fee of .25% of the total building valuation.

DISCUSSION

Significant state and federal regulatory changes have occurred since adoption of the Green Building Ordinance in 2008, including new statutory requirements for storm water pollution prevention and greenhouse gas (GHG) reduction programs. These new regulations require substantial City investment to effectively implement, including program management and administration, creation of incentive programs, materials and supplies, and education and outreach efforts.

Fees collected under the Green Building Ordinance may currently be used only for expenses associated with program management and public educational materials related to Green Building practices. The Ordinance, however, does not allow expenses related to storm water pollution prevention or climate action planning activities which are not directly related to the Green Building Program. These restrictions have made it challenging to spend monies accumulated in the Green Building Fund. The Green Building Fund currently has an approximate balance of \$122,000 and on average receives approximately \$21,000 of new revenue per fiscal year, depending on building permit activity.

Staff recommends the Ordinance be amended as shown below in ~~strikeout~~/underline:

Revenues collected shall be maintained by the Finance Department as a revolving Green Building ~~Education~~ Fund and shall be used only for program management, training, publications, ~~and~~ public educational purposes, incentive programs, and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention, and climate action planning activities.

CEQA REVIEW

The proposed Ordinance amendment would not result in detrimental physical changes to the environment and are therefore exempt from the California Environmental Quality Act (CEQA) by the “General Rule” exemption (Government Code Section 15061(b)(3)).

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council adopt the proposed amendments to the Green Building Ordinance.

Report Prepared By: Richard Grunow
Community Development Director

ATTACHMENTS

1. Proposed Green Building Ordinance Amendment

DRAFT

Attachment 1

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING TITLE 17 OF THE CAPITOLA MUNICIPAL CODE, CHAPTER 17.10, GREEN
BUILDING REGULATIONS**

RECITALS:

WHEREAS, increases in population continually raise the demand on natural resources;
and

WHEREAS, there is a limited supply of energy, materials and services related to the
construction of new buildings, both residential and non-residential; and

WHEREAS, the City of Capitola has previously committed to the finding and application
of solutions to Global Climate Change, water conservation, and storm water pollution
prevention; and

WHEREAS, the City of Capitola desires to be a leader in the development of a public
education and participation program in green building practices, water conservation, storm
water pollution prevention, and greenhouse gas reduction measures; and

WHEREAS, the Green Building ordinance is consistent with the General Plan of the City
of Capitola as expressed in the Land Use, Open Space and Conservation, Mobility, Energy
Conservation Element and in the Housing Elements (specifically: Housing Opportunities (B):
Opportunities for Energy Conservation), as well as in Policy 19 of the Capitola Local Coastal
Program (specifically sections A, B and C); and

WHEREAS, the most effective method of public and private participation is the
requirement for mandatory compliance with a responsible compliance methodology that is
designed to enhance green building construction techniques, water conservation, storm water
pollution prevention, and greenhouse gas reduction measures without being over-burdensome;
and

WHEREAS, the activity is covered by the general rule that CEQA applies only to
projects that have the potential for causing a significant effect on the environment. Where it
can be seen with certainty that there is no possibility that the activity in question may have a
significant adverse effect on the environment, the activity is not subject to CEQA (Subdivision
(b)(3) of Section 15061 of the California Environmental Quality Guidelines (14 CCR 15000 et
seq)).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 17.10 is hereby added to the Capitola Municipal Code to read as
follows:

“Chapter 17.10
Green Building Regulations

Sections:

- 17.10.010 Purpose and Findings
- 17.10.020 Definitions
- 17.10.030 Standards for Compliance
- 17.10.040 Exceptions
- 17.10.050 Maintenance of Document

- 17.10.060 Method of Compliance
- 17.10.070 Exceptional Design
- 17.10.080 Creation of Green Building Educational Resource Fund

17.10.010 Purpose and Findings

The City finds that green building design, construction and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building. The second purpose is to create healthy work and living environments increasing the productivity of workers and residents and visitors to the city by improving indoor air quality and lighting.

The intent of this section is to help promote the environmental sustainability of natural resources and improvement of the interior environment by efficiently redirecting the use of recyclable materials away from landfills, by introducing recycled-content and materials created with a low embodied energy materials in construction, and by reducing the energy consumption needs of structures by making use of efficient construction methods.

The City also finds that green design and construction decisions made by the City in the construction and remodeling of City buildings can result in significant cost savings to the City over the life of the buildings. The City also recognizes that it must lead by example in order to have the general populace follow suit and therefore commits itself to the practice of green building for all new and remodeling construction on City owned buildings and structures.

The City additionally finds that water conservation, storm water pollution prevention, and greenhouse gas reductions advance the City's General Plan goals to promote resource conservation, clean and healthy air and water, and overall environmental sustainability.

17.10.020 Definitions

Addition: A structure expansion that is physically connected to a previously existing building.

Interior remodel: Change or alteration in only the interior of a building that does not increase its net square footage.

New construction: A new building not physically connected to a previously existing building.

Non-habitable residential structure: A building on a residential property that is not legally habitable, such as a garage or shed.

Non-residential: Not meeting the definition of "residential".

Residential: Single-family, accessory dwelling units, or multi-family residences.

Remodel: Change or alteration in a building that does not increase its net square footage.

17.10.030 Standards for Compliance

Persons constructing a new building, adding to or substantially remodeling a building in the City of Capitola shall participate in the Capitola Green Building Program. In order to obtain a building permit for any new building, addition or substantial remodel in excess of those exempted in Section 17.10.040, each project must include elements from the program checklist equal to or exceeding the following:

TABLE 1: NON-RESIDENTIAL (COMMERCIAL) ACTIONS AND POINT REQUIREMENTS

Total points possible	75
Action	Points required to receive action:
C-1. Receipt of Building Permit*	7
C-2. Green Building Award	40

*Exceptions: These points are not required for non-residential additions and remodels totaling less than 1000 square feet, or interior-only non-residential remodels of any size.

TABLE 2: RESIDENTIAL NEW CONSTRUCTION ACTIONS AND POINT REQUIREMENTS

Total Points Available	460	
Action	Points required to receive action:	
	First 350 Square Feet	Each Additional 100 Square Feet or fraction thereof
R-N-1. Receipt of building permit	10	1.5
R-N-2. Green Building Award	60	3.5

TABLE 3: RESIDENTIAL REMODEL AND ADDITION ACTION POINT REQUIREMENTS

Total Points Available	464	
Action	Points required to receive action:	
	First 350 Square Feet	Each Additional 100 Square Feet or fraction thereof
R-A/R-1. Receipt of building permit*	5	1.1
R-A/R -2. Green Building Award	35	2.5

*Exception: These points are not required for additions and/or remodels of less than 350 square feet.

17.10.040 Exceptions

The following are exempt from the provisions of this Section:

- Additions and remodels of less than three hundred fifty (350) square feet of any residential dwelling structure.
- Additions and remodels of less than one thousand (1000) square and interior remodels of any non-residential structure.
- Equipment and non-structural modifications of any residential or non-residential structure.
- Non-habitable residential structures of less than one thousand (1000) square feet.
- General maintenance of any structure.
- Historical structures where the historic fabric would be compromised.

17.10.050 Maintenance of Document

Building and planning staff shall update the Green Building Program documentation and checklist to reflect advances in green building techniques and materials and to make necessary modifications in program implementation on an annual basis.

17.10.060 Method of Compliance

The Chief Building Official and/or the Community Development Director shall maintain the following documents for the public:

- *City of Capitola: Standards for Green Building Compliance*
- *New Home Green Points Check List for Residential Buildings*
- *New Building Green Points Check List for Non-Residential Buildings*

These documents shall be to aid in the design and certification of new residential and non-residential buildings and significant remodels and additions thereto. Every applicant of a building permit not exempted by 17.10.040 (Exemptions) above shall complete and submit the appropriate check list for their project as well along with the standard application documents. All compliance measures shall be clearly delineated on plan sets.

17.10.070 Exceptional Design

Designers and builders employing exceptional design, construction practices and/or maintenance features may have their project modified from the strict interpretation of the program if in the opinion of the Community Development Director or Building Official such features exhibit at least a 20 percent increase in points over the minimum standards for a Green Building Award as outlined in 17.10.30 Standards for Compliance above. Exceptional designs shall also be recognized by the City and eligible to receive a plaque that may be displayed on the structure.

17.10.080 Creation of Green Building ~~Educational Resource~~ Fund

Building permits which are required to comply with the Green Building Regulations shall be assessed a fee equal to .0025 times the overall valuation of the project. Revenues collected shall be maintained by the Finance Department as a revolving Green Building ~~Education~~ Fund and shall be used only for program management, training, publications, ~~and~~ public educational purposes, incentive programs, and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention, and climate action planning activities.

Section 2. Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Section, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause and phrase of this Section irrespective of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or effective. To this end, the provisions of this Section are declared to be severable.

ORDINANCE NO.

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Section 3. This ordinance shall take effect and be in full force on December 1, 2014 ~~July 1, 2008~~.

This ordinance was introduced on the 23rd day of October, 2014 ~~8th day of May, 2008~~, and was passed and adopted by the City Council of the City of Capitola on the _____ day of _____, ~~2014~~~~08~~, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED: _____
Sam Storey, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Item #: 5.C. Attachment A. Green Building Ordinance_Ord.pdf

ORDINANCE NO.

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