



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, March 2, 2017 – 7:00 PM

Chairperson Ed Newman
Commissioners Sam Storey
 Linda Smith
 TJ Welch
 Susan Westman

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Approval of Draft January 19, 2017 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. 708 Capitola Road #17-011 APN: 036-062-15

Conditional Use Permit for a yoga studio located in the CN (Neighborhood Commercial) zoning district.

This project is in the Coastal Zone but does not require a coastal development permit.

Environmental Determination: Categorical Exemption

Property Owner: Gotti Properties, LLC

Representative: Carrie Burr (filed 01/31/2017)

B. 332 Riverview Avenue #16-226 APN: 035-172-33

Design Permit for a 33 square-foot addition to build an interior staircase to access an existing third-story roof deck, 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: Robert Mendez

Representative: Dennis Norton, filed: 12/20/16

C. 300 Plum St #16-45 APN:036-352-71.036-352-57, and 036-352-58

Coastal Development Permit for the removal of seven trees located at 300 Plum Street MHE (Mobile Home Exclusive) 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 Owners: Brookvale Terrace Property Owners Association, Emily & Bruce Clark, Robert & Mary Montonye

Representative: PG&E, filed 1/3/17

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. 231 Esplanade #17-002 035-211-01

Sidewalk Sign Permit for Margaritaville Restaurant located at 231 Esplanade in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Sarah Orr, filed: 1/26/15

B. 1475, 1501, 1549, 1601 41st Ave #16-201 034-151-20

Master Sign Program application for the King's Plaza shopping center, located in the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Ow Family Trusts, filed: 11/2/16

Representative: North West Signs

C. 4025 Brommer Street #16-222 APN: 034-164-08

Design Permit and Conditional Use Permit to develop a new three story mixed-use building with office space on the first floor and residences on the top floors with variance requests to minimum floor height and parking dimension standards, located in the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Stuart Family Trust

Representative: Lot C Architecture, filed: 12/14/16

D. Zoning Code Update All Properties within Capitola

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

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Katie Cattan, Senior Planner, City of Capitola

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

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

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

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. 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.



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JANUARY 19, 2017
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner Linda Smith: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Absent, Commissioner Susan Westman: Absent, Commissioner Sam Storey: Present.

2. NEW BUSINESS

A. Swearing In of New Planning Commissioner(s)

Senior Planner Herlihy swore in Commissioner Storey.

B. Election of Chair and Vice Chair

Commissioner Smith moved, seconded by Commissioner Storey to elect Commissioner Newman as chair and Commissioner Westman as Vice Chair. The motion passed unanimously.

RESULT:	ACCEPTED [3 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	Sam Storey, Commissioner
AYES:	Smith, Storey, Newman
EXCUSED:	Welch, Westman

C. Commission Appointments

The Commission opted to defer appointments to the Art and Cultural Commission and the Traffic and Parking Commission until the February 2, 2017, meeting.

3. PRESENTATIONS

A. Soquel Creek Water District Presentation

Soquel Creek Water District General Manager Ron Duncan and Board Member Carla Christensen gave an overview of water shortage and provided a handout titled *PUREWater Soquel Project Overview*, November 2016.

The presentation included information about water supply challenges faced by the Water District.

Underground aquifers are being overdrawn, which is creating sea water intrusion. Soquel Creek has created a Community Water Plan, a road map to the future for water conservation.

Minutes Acceptance: Minutes of Jan 19, 2017 7:00 PM (Approval of Minutes)

4. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda – None**
- B. Public Comments - None**
- C. Commission Comments - None**
- D. Staff Comments - None**

5. APPROVAL OF MINUTES**A. Planning Commission Minutes for the Regular Meeting of Dec 1, 2016**

RESULT:	ACCEPTED [2 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Newman
ABSTAIN:	Storey
EXCUSED:	Welch, Westman

6. CONSENT CALENDAR**A. 502 Pine Street #16-212 036-022-48**

Subdivision application to convert a duplex apartment into two residential condominium units in the RM-M (Multi-family Residential – Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: David Kraemer

Representative: John Swift, filed: 11/18/16

CONDITIONS OF APPROVAL

1. The project consists of a Tentative Parcel Map to allow a condominium conversion of a duplex in the RM-M (Multi-family Medium Density) zoning district at 502 Pine Street. The tentative parcel map creates two condominium units, each with 1,549 square feet of private interior area and 226 square feet of private interior garage area. The map also splits the exterior open space into exclusive use common area assigned to each unit. There is no shared common space proposed.
2. Prior to recordation of a parcel map, the duplex shall be brought into compliance with the condominium conversion requirements within Capitola Municipal Code section 16.68.120 through 16.68.160.
3. Prior to recordation of a parcel map, all easements and agreements shall be identified on the map in a configuration which meets the requirements of the utility companies and the City of Capitola Public Works Director.
4. Prior to the recordation of a parcel map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
5. Prior to recordation of a parcel map, all Planning fees associated with permit #16-212 shall be paid in full.

- 6. The tentative parcel map for the two-unit condominium shall expire 24 months from the date of approval. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160 and the California Subdivision Map Act.

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 and the Planning Commission have reviewed the project. The tentative parcel map, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan. The duplex complies with requirements of the RM-M zoning district.

B. The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.

The tentative parcel map was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed condominium conversion.

C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

Motion: Approve Subdivision Application

RESULT:	APPROVED [2 TO 0]
MOVER:	Sam Storey, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Storey
ABSTAIN:	Newman
EXCUSED:	Welch, Westman

7. PUBLIC HEARINGS

A. 4530 Garnet Street #16-157 034-034-02

Design Permit application for a remodel and 557 square foot addition to combine an existing single-family residence and detached secondary dwelling unit with a variance request to the maximum 80% valuation for improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Clark Cochran

Representative: Dennis Norton, filed: 8/15/16

NOTE: Request for Continuance to February 2, 2017 Planning Commission Meeting

Minutes Acceptance: Minutes of Jan 19, 2017 7:00 PM (Approval of Minutes)

MOTION: Continue item to February 2, 2017 Planning Commission Meeting

RESULT:	CONTINUED [UNANIMOUS]	Next: 2/2/2017 7:00 PM
MOVER:	Sam Storey, Commissioner	
SECONDER:	Linda Smith, Commissioner	
AYES:	Smith, Newman, Storey	
EXCUSED:	Welch, Westman	

B. 407 El Salto Drive #16-178 APN: 036-133-18

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

Planning Intern Joanna Wilk gave the staff presentation. Property owner Rebecca Peters responded to concerns about fence height and noted that the proposed fence is similar in height to those of her neighbors and explained that the extra height requested was due to having a dog.

Commissioner Smith is reluctant to grant a height exception and noted that front yards without fences provide for a more communal feel. Commissioner Storey questioned the purpose of the height exception.

After some discussion, Commissioner Smith made two separate motions for the encroachment and the height, with the condition that the solid portions of the fence cannot be taller than 30 inches.

MOTION: Approve Major Revocable Encroachment Permit with amended conditions and findings

RESULT:	ENCROACHMENT PERMIT APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Sam Storey, Commissioner
AYES:	Smith, Newman, Storey
ABSENT:	Welch, Westman

MOTION: Approve Fence Permit with a height exception with amended conditions and findings

RESULT:	FENCE PERMIT APPROVED AS AMENDED [2-1]
MOVER:	Linda Smith, Commissioner
SECONDER:	Sam Storey, Commissioner
AYES:	Smith, Newman, Storey
NAYS:	Newman
ABSENT:	Welch, Westman

Minutes Acceptance: Minutes of Jan 19, 2017 7:00 PM (Approval of Minutes)

CONDITIONS OF APPROVAL (REVISED)

1. The project approval consists of a fence permanently affixed to the ground within the right-of-way at 407 El Salto Drive. A fence permit with a height exception and major revocable encroachment permit have been approved within this application.
2. There shall be no additional permanent structures located within the right of way without the issuance of a major revocable encroachment permit by the Planning Commission.
3. Prior to building permit issuance, a major revocable encroachment permit shall be recorded as issued by the Public Works Department.
4. ~~Prior to issuance of a Certificate of Occupancy.~~ At time of final building inspection, 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #16-178 shall be paid in full.
6. 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.
7. 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.
8. The applicant shall utilize the design and materials approved by the Planning Commission on January 19th, 2017. The gates are not to exceed 50 inches in height at the top of the arch. The solid wood portions of the gates shall not to exceed 30 inches with the remaining height is to be constructed of transparent rod iron grill material. The stacked rock pillars shall not to exceed 48 inches in height. The wall between the pillars shall have a maximum of 30 inches of decorative concrete with 12 inches of transparent rod iron grill material on top.

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, and the Planning Commission have all reviewed the proposed fence in the public right-of-way. A fence exemption has been granted for the additional height and conditions of approval have been included for the 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 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303 of the CEQA Guidelines accessory structures including fences. No adverse environmental impacts were discovered during review of the proposed project.

C. Zoning Code Update All Properties within Capitola

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17). The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission. Environmental Determination: Addendum to the General Plan Update EIR
 Property: The Zoning Code update affects all properties within the City of Capitola.
 Representative: Katie Herlihy, Senior Planner, City of Capitola

Senior Planner Katie Herlihy gave the presentation and reviewed accomplishments from 2014 through 2016. The updated Draft Zoning Code was released on January 9, 2017, incorporating Council and staff edits to date. There are nine remaining zoning code issues that were identified in attachment 1 to packet, needing feedback before final public draft review in upcoming meetings. Senior Planner Herlihy distributed an updated zoning map dated January 18, 2017.

Senior Planner Herlihy reviewed next steps and requested direction to revisit future meeting dates, potentially February 16, March 16 and March 30 for additional special meetings

Motion: Continue

RESULT:	CONTINUED [UNANIMOUS]	Next: 2/2/2017 7:00 PM
AYES:	Smith, Newman, Storey	
EXCUSED:	Welch, Westman	

8. DIRECTOR'S REPORT

Director Grunow reported the following:

The League of California Cities has announced their annual Planning Commissioners Academy March 1-3, 2017, in Los Angeles. He has information packet if anyone is interested in attending.

The Wireless Ordinance update was presented to the City Council meeting and was continued to next meeting on Thursday, January 26, 2017.

The application at 105 Sacramento that was previously approved by the Planning Commission, was appealed, and due to clerical error on noticing, the project has been continued to the City Council's agenda for next week.

9. COMMISSION COMMUNICATIONS

Commissioner Storey stated he was glad to be here.

Commissioner Newman commended former Planning Commission Chair Welch for the excellent job that he did as chairman.

Minutes Acceptance: Minutes of Jan 19, 2017 7:00 PM (Approval of Minutes)

10. ADJOURNMENT

Approved by the Planning Commission

Minutes Acceptance: Minutes of Jan 19, 2017 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MARCH 2, 2017
 SUBJECT: **708 Capitola Road #17-011 APN: 036-062-15**

Conditional Use Permit for a yoga studio located in the CN (Neighborhood Commercial) zoning district.
 This project is in the Coastal Zone but does not require a coastal development permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Gotti Properties, LLC
 Representative: Carrie Burr (filed 01/31/2017)

APPLICANT PROPOSAL

The applicant requests a Conditional Use Permit (CUP) to operate a yoga studio within an existing commercial space located at 718 Capitola Avenue, in the CN (Neighborhood Commercial) zoning district. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

The applicant is proposing to lease 2,080 square feet of commercial space to operate Breath and Oneness a yoga studio. The use will replace the K Liquors that previously occupied the space. 718 Capitola Avenue is located in a mixed use neighborhood with a combination of residential and commercial uses in the immediate area. There are two buildings on the site with an existing tenant combination of restaurant, salon, office space, and one second story residential unit.

Conditional Use Permit

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

The applicant provided an overview of the proposed business. The space will include 1,140 square feet for yoga and other related classes, 560 square feet for check-in, bathrooms and waiting rooms, and 320 square feet of office space. Classes will be offered daily between 7 am

and 10 pm. Up to three employees may be on the property at the same time. Expected class attendance is between 10 to 25 people.

Parking

§15.51.130(G) within the parking section of the zoning ordinance requires that a *school* provide one parking space for each employee, including teachers and administrators, plus additional spaces as determined by the Planning Commission to be adequate for student and visitor parking. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

The property has 52 non-exclusive parking spaces on site. The permit is conditioned that exclusive parking is limited to the required residential parking spaces. As shown in the table below, the existing restaurant, office, salon, and residence are required to have 34 parking spaces by City parking standards. The remaining 18 spaces are available for the yoga studio at one space per 120 square feet. Due to scheduled class times, a yoga studio has a more intense parking demand than retail or personal service, but is not as intense as a restaurant. The ratio for the Yoga studio at 1 space per 120 square feet follows this rational with a higher requirement than a personal service establishment at 1 space per 300 square feet and retail at 1 space per 240, but less than the restaurant at 1 space per 60 square feet.

Use	Required Parking	Size	Parking Spaces
Cook House Restaurant	1 per 60 sf	1,210 sf	20
Salon	1 per 300 sf	1,270 sf	4.2
Office	1 per 300	2,160 sf	7.2
Residential	2 per unit	1 unit	2
		Subtotal	34
Yoga Studio	1 per 120 sf	2080	18
			52 total

CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves a yoga studio occupying an existing commercial space formerly occupied by a liquor store. No adverse environmental impacts were discovered during project review by either the Community Development Department staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission approve application #17-011, subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a yoga studio within an existing commercial space located at 708 Capitola Avenue. The space includes a yoga studio (1,140 square feet), reception area and bathroom (560 square feet), and an office (320 square feet).
2. There are 52 non-exclusive onsite parking spaces. The yoga studio parking requirement is 1 space per 120 square feet and met with 18 onsite parking spaces.

3. Prior to installation of a sign, the applicant shall obtain approval for a Sign Permit through the Community Development Department.
4. The applicant shall obtain a business license from the City of Capitola prior to operating the business.
5. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
7. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon the land pursuant to the permit.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed business may be granted a conditional use permit within the CN Zoning District. The use meets the intent and purpose of the CN Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

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

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and will maintain the character and integrity of the neighborhood. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves a yoga studio occupying a previous liquor store. No adverse environmental impacts were discovered during project review by staff or Planning Commission.

ATTACHMENTS:

1. 708 Capitola Ave Management Plan
2. 708 Capitola Ave Floorplan

Prepared By: Katie Herlihy
Senior Planner

Carrie Burr
1752 Wilshire Dr
Aptos CA 95003

1/31/17

Proposed Business:

Breath+Oneness
at 708 Capitola Ave

This yoga and workshop center will have 1,140 sf for yoga and other related classes, 560 sf for check-in, bathrooms, and waiting room, and 320 sf for office space.

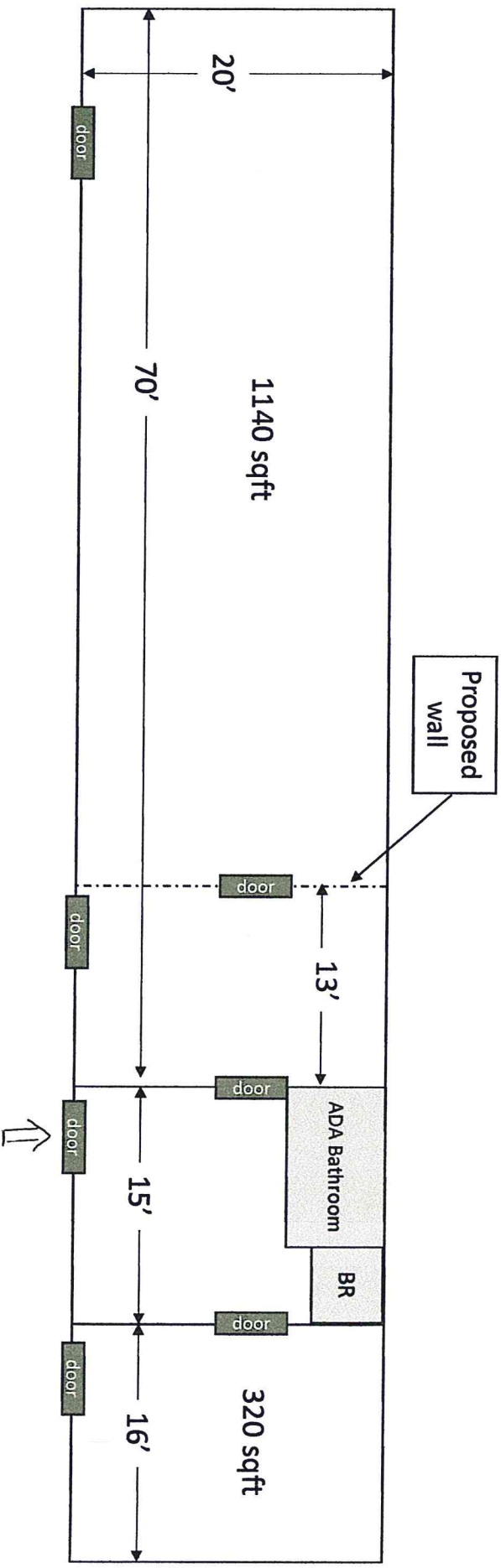
The operating hours will be M-F 7am-10pm; Sa-Sun 8am-9pm.

There will be one front desk person and either one or two teacher(s) on the premises during business hours. There will also be one owner/manager on-site 40-60 hours/week.

We estimate most classes to have between 10-25 people/class.

See attached for tentative schedule.

Breath+Oneness LLC Building Floorplan



Attachment: 708 Capitola Ave Floorplan (1770 : 708 Capitola Avenue)

RECEIVED

JAN 8 1 2017

CITY OF CAPITOLA

1/31/17



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MARCH 2, 2017
 SUBJECT: **332 Riverview Avenue #16-226 APN: 035-172-33**

Design Permit for a 33 square-foot addition to build an interior staircase to access an existing improved third-story roof deck, 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: Robert Mendez

Representative: Dennis Norton, filed: 12/20/16

APPLICANT PROPOSAL

The applicant is proposing a 33 square-foot addition to an existing single-family residence located at 332 Riverview Avenue in the CV (Central Village) zoning district. The addition will create a new enclosed stairwell to the rooftop deck.

BACKGROUND

The existing structure was built in 1976 as a single unit that has a shared wall with an adjacent residential property to the north. The home was designed with a roof top deck that is accessed from an internal ship ladder and latched skylight. The residential building records of 1976 identify a rooftop deck.

On January 25, 2017, the Architectural and Design Review committee reviewed the application. The committee provided the following suggestions:

Frank Phanton, Local Architect, liked the simple addition. He requested that the site plan be updated to show property lines.

City Public Works Representative, Danielle Uharriet, informed the applicant that standard conditions of approval for stormwater compliance will be added to the permit.

City Building Official, Brian Van Son, informed the applicant the railing height for the rooftop deck must be a minimum of 42 ¼ inches in height.

City Senior Planner, Katie Herlihy, requested a survey and to identify the existing landscape area.

The plans were updated to include all requested information.

DISCUSSION

The new addition will enclose 33 square feet of decking on the second story and extend the exterior walls higher to create an enclosed staircase leading to the rooftop. The applicant is requesting the addition to provide safe access onto the existing rooftop deck.

Development Standards: The single family home is located in the Central Village zoning district. The standards in the following table apply to the project. The proposed staircase addition complies with the development standards of the Central Village zoning district.

Height		
Zone Height: 27 feet	Proposed: 26 ft 8 in	
Lot Coverage		
Sufficient space for required parking. Requires: 3 spaces /1 covered	2 onsite spaces exist. No additional parking proposed. Parking is not required because addition is less than 10% of floor area.	
Lots on the south side of Riverview Avenue which are smaller than 1,200 square feet shall be allowed 80% lot coverage. Lots which are greater than 1,200 square feet shall be allowed 70% lot coverage.	Allowed lot coverage: 80% (980 sf)	Proposed lot coverage: 923 sf
Yards		
10% of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking.	10% Landscape required or 111 sf	56 sf landscape exists. No additional landscape proposed

Non-Conforming Structure: The existing structure is non-conforming in terms of required onsite parking and landscaped open space. There are two onsite parking spaces currently within the garage. The home has a floor area of 2,104 square feet and requires three onsite spaces. Pursuant to §17.51.015.D, parking is not required to come into compliance because the addition is less than ten percent of the existing floor area of the home. The existing landscaped open space on the site is 56 square feet, approximately half of the 10% code requirement of 111 square feet. The code allows non-conforming structures to continue as long as the alteration to the non-conforming structure does not exceed 80 percent of the present fair market value of the structure. The 33 square foot addition does not exceed the 80 percent limit. The remaining open space around the home is within a two-foot strip along the rear property line and a two-and a half foot wide side yard on the south side. Neither of the narrow spaces is conducive to landscaping

Design Permit: The second story addition requires approval of a design permit by the Planning Commission. The applicant is proposing wood shingle siding on the addition to match the existing second story. The home is not historic. The proposed addition is modest in size and blends in well to the existing home.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures that are less than 50 percent of the existing floor area ratio of the structure. The project involves a 33 square

foot addition to an existing two-story single-family residence in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends approval of application #16-226 for the small addition to the single family home based on the finding and conditions of approval.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a 33 square-foot addition to a single-family home. The addition will provide internal staircase access to the existing roof deck. The total FAR of the project is 2,104 square feet. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 2, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #16-226 shall be paid in full.
7. 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.
8. 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.
9. 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).

10. 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.
11. 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.
12. 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
13. 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.
14. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed enclosed staircase, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The addition would comply with all development standards of the Central Village Zoning District.
- B. **The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the 33 square foot addition for an enclosed staircase leading to the existing rooftop deck. The new addition will blend in seamlessly with the existing structure while maintaining the character and integrity of the Riverview Avenue neighborhood.

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

Section 15301(e) of the CEQA Guidelines exempts small additions to existing structures. The project involves a 33 square foot addition to an existing single family residence. Staff has not identified any possible environmental impacts associated with the 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 332 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 lot.

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 a minor addition to 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 a minor addition to 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;

- 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 complies with shoreline structure policies.

(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 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.

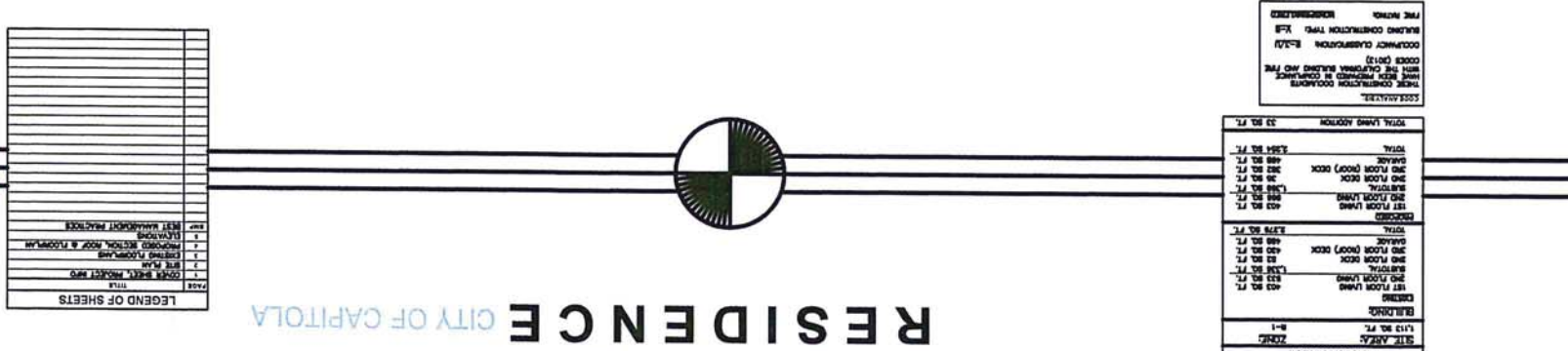
(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is located within the area of the Capitola parking permit program and has no impact on the parking permit program.

ATTACHMENTS:

1. 332 Riverview Avenue Plan w survey

Prepared By: Katie Herlihy
Senior Planner



MENDES RESIDENCE

CITY OF CAPITOLA

RECEIVED

DEC 20 2016

COVER SHEET

LEGEND OF SHEETS

DENNIS NORTON

HOME DESIGN AND PROJECT PLANNING

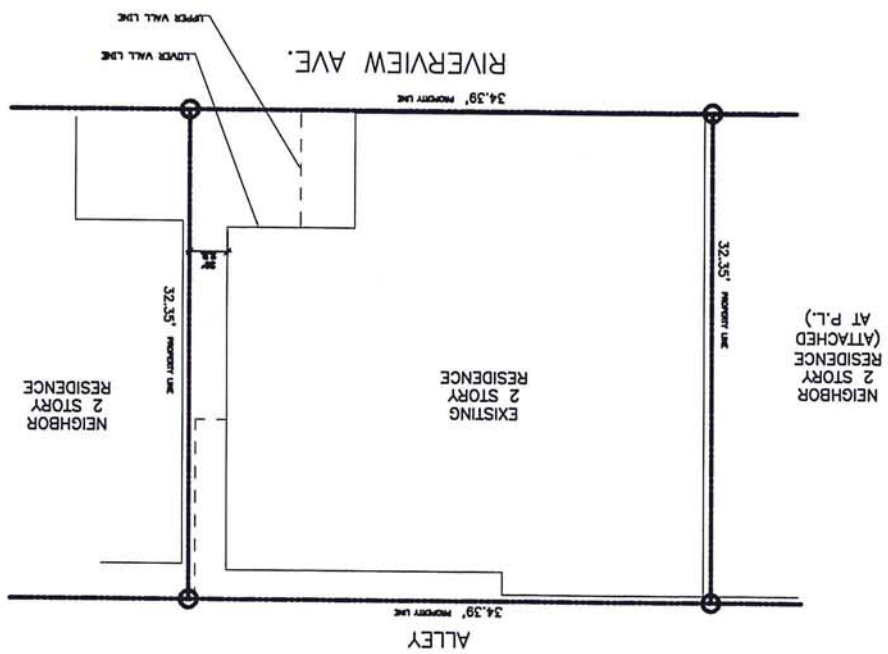
332 RIVERVIEW AVENUE
CAPITOLA, CA 95010
APN 035-172-33

MENDES RESIDENCE

CITY OF CAPITOLA

RECEIVED

DEC 20 2016



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

2

12/13/16
332 RIV
1/4"=1'-0"
00

SITE
PLAN

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
7712 CENTRAL AVENUE, CENTRAL CALIFORNIA HOME
DESIGN CENTER, SUITE 100
FRESNO, CA 93720
PHONE: 559-438-1111
WEBSITE: www.dennisonortondesign.com

MENDES RESIDENCE
332 RIVERVIEW AVE.
CAPITOLA, CA 95010
APN 035-172-33

ROBERT MENDES
332 RIVERVIEW AVE
CAPITOLA, CA 95010
HOB-823-7893

ROBERT M. ...
332 RIVERVIEW AVENUE
CAPITOLA, CA 95010
708.433.7899

MENDES RESIDENCE
332 RIVERVIEW AVE.
CAPITOLA, CA 95010
APN 035-172-33

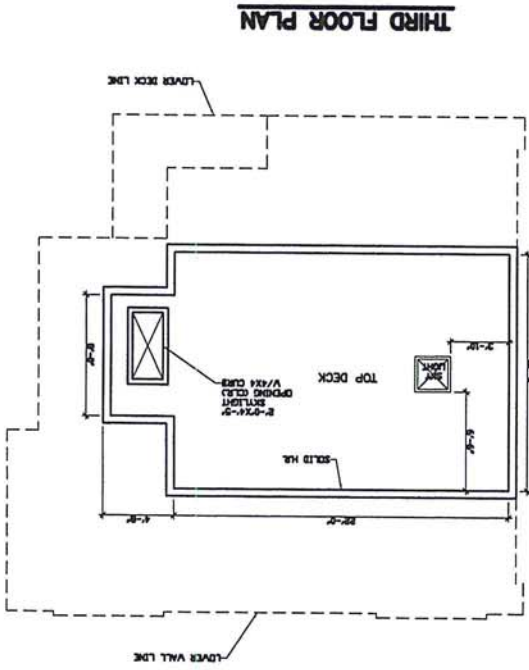
DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
770 CENTRAL AVENUE, CAPITOLA, CALIFORNIA 95010
WEB SITE: www.dennisonortondesign.com

EXISTING
FLOORPLANS

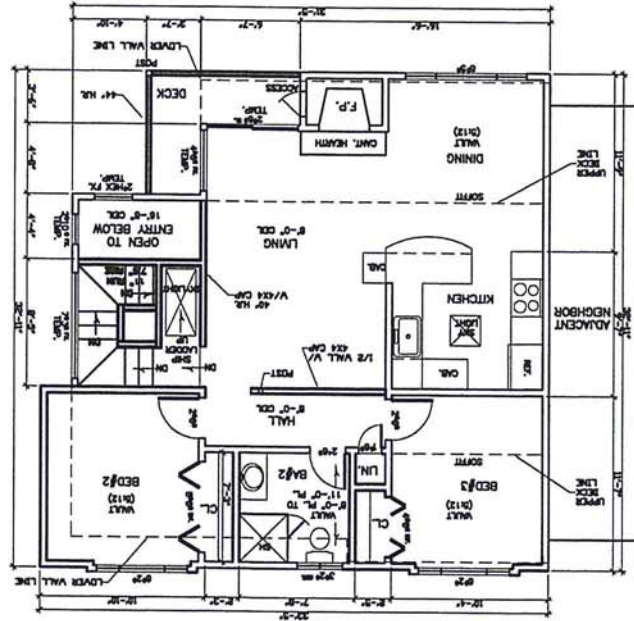
09/16/16
332 RV
1/4"=1'-0"
CS

3

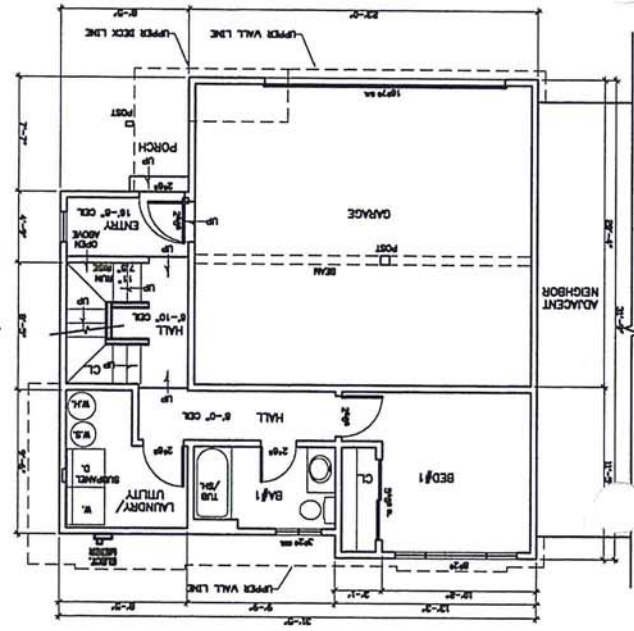
1 FLOOR PLAN

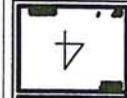


SECOND FLOOR PLAN



FIRST FLOOR PLAN





10/11/16
332 RIV
1/4" = 1'-0"
GG

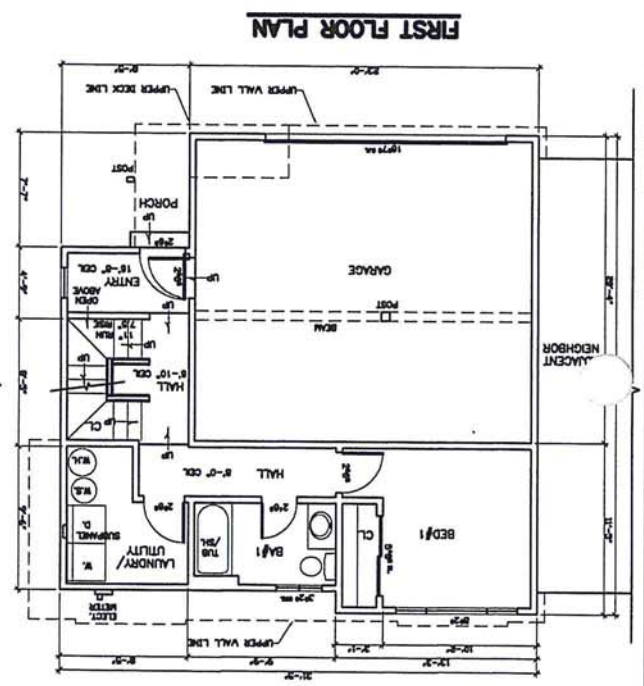
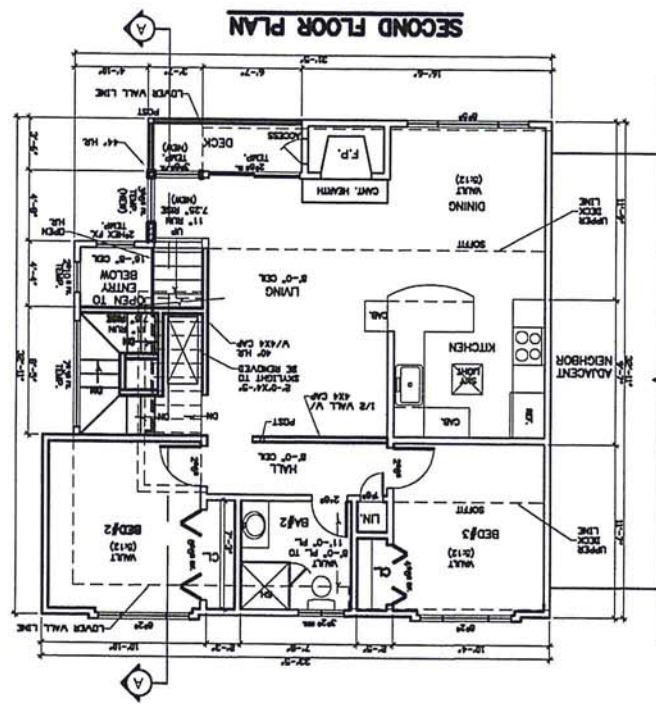
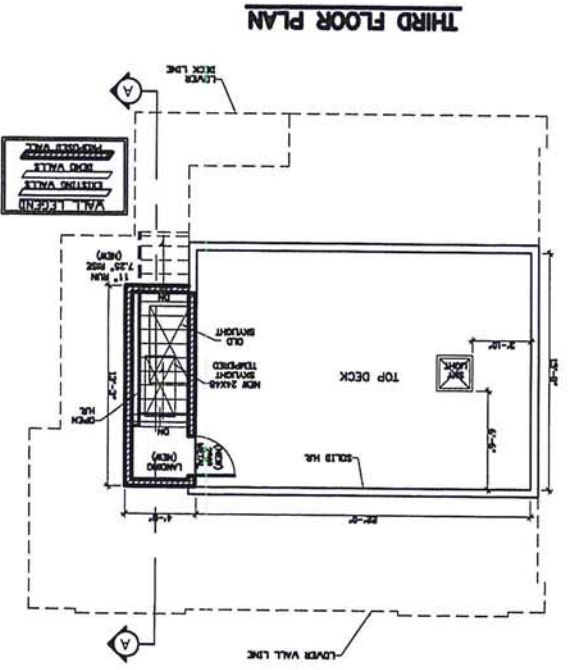
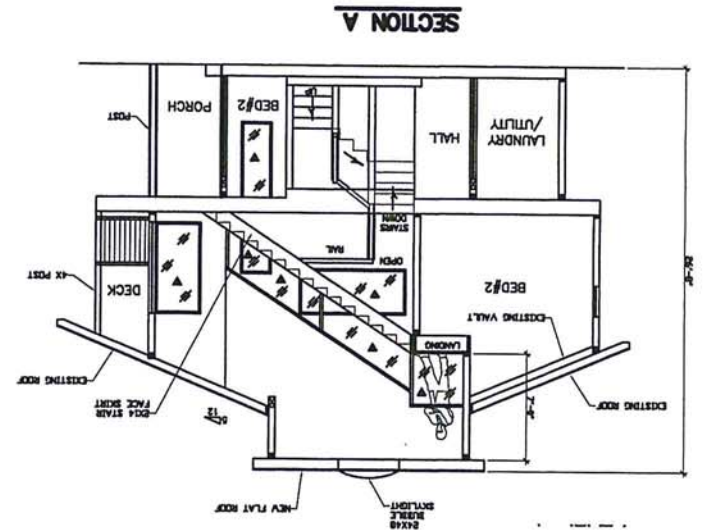
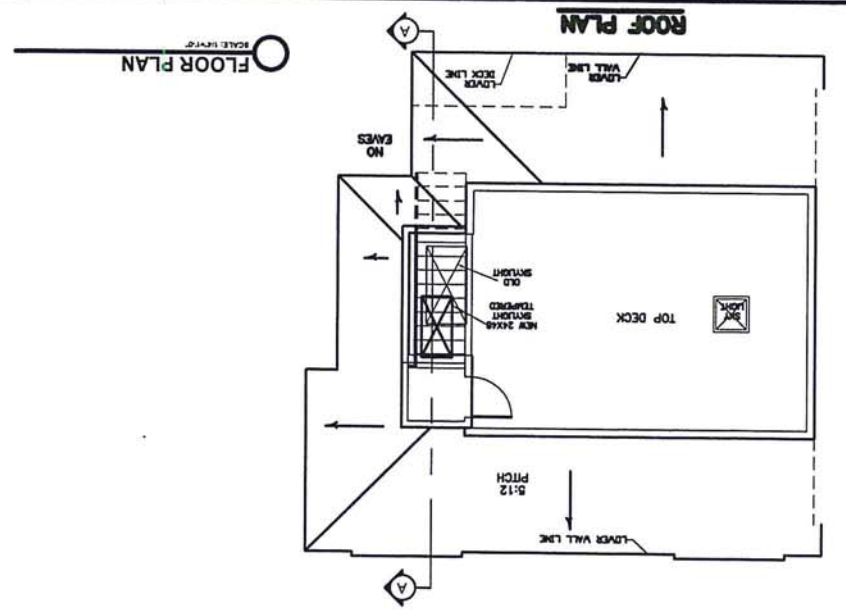
**PROPOSED SECTION,
ROOF & FLOORPLANS**

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
THE CAPITAL AVENUE, CAPITAL, CALIFORNIA 95010
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WWW.DENNISNORTONDESIGN.COM

MENDES RESIDENCE
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CAPITOLA, CA 95010
APN 035-172-33

ROBERT MEND...
ROBERT MEND...
ROBERT MEND...

Packet Pg. 29



ELEVATIONS

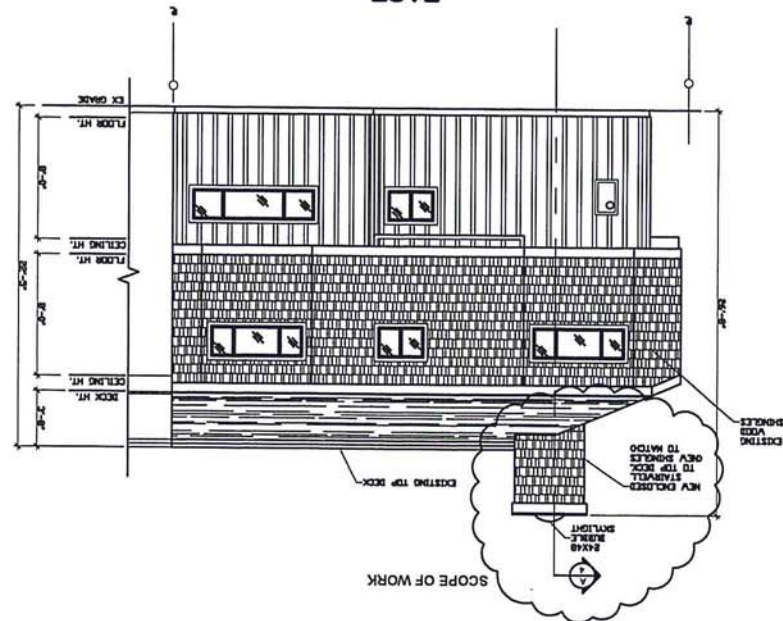
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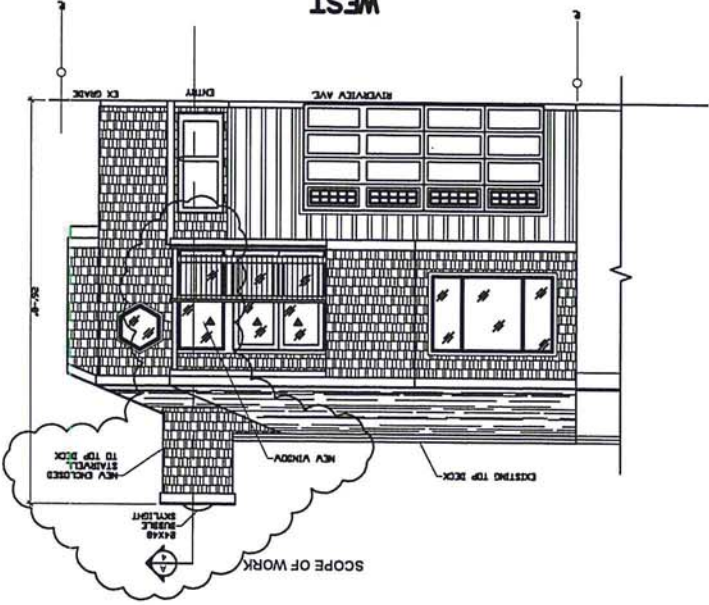
ROBERT M...
332 RIVERVIEW AVE
CAPITOLA, CA 95010
831-438-7899

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

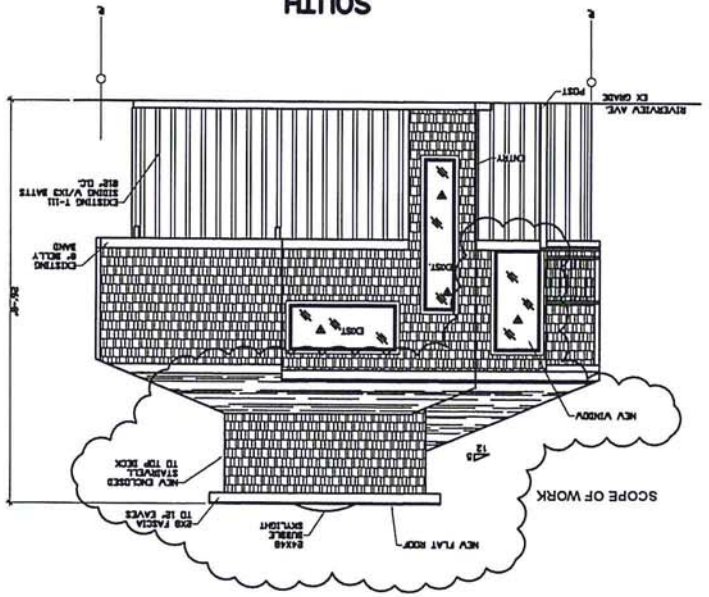
EAST



WEST



SOUTH



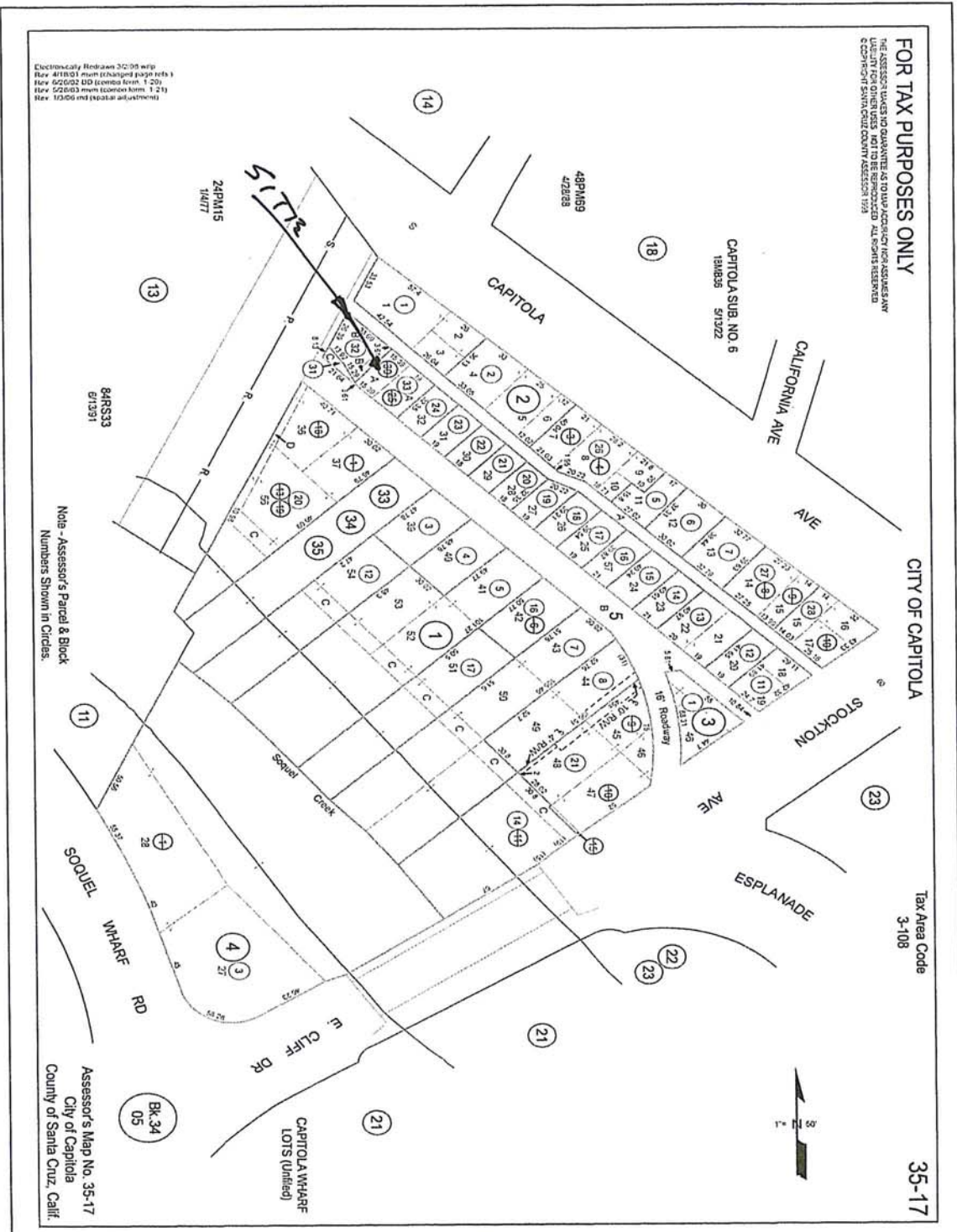


First American

myFirstAm® Tax Map

334 Riverview Ave, Capitola, CA 95010

4.B.1



Attachment: 332 Riverview Avenue Plan w survey (1729 : 332 Riverview Avenue)

LEGEND

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

NOTE: ELEVATIONS ARE ASSUMED

REFERENCES

24 PM 15
33 PM 48
DOC. # 2012-0003961
DOC. # 2013-0054746
VOL. 5621 O.R. 137

NOTE

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



PAUL JENSEN
PROFESSIONAL LAND SURVEYOR
SANTA CRUZ, CALIFORNIA

SCALE 1" = 4'

JANUARY, 2017

SITE MAP
of the Lands of
SHACHAR & CHERYL TASSA
334 Riverview Ave.
&
ROBERT P. AND DUSTYNNE C. MENDES,
Trustees, or their Successors-in-Interest,
Mendes Revocable Living Trust U/D/T June 16, 2011
332 Riverview Ave.
Capitola, California
A.P.N. 035-172-32,33



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MARCH 2, 2017

SUBJECT: **300 Plum St #16-45 APN:036-352-71.036-352-57, and 036-352-58**

Coastal Development Permit for the removal of seven trees located at 300 Plum Street MHE (Mobile Home Exclusive) 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 Owners: Brookvale Terrace Property Owners Association, Emily & Bruce Clark, Robert & Mary Montonye

Representative: PG&E, filed 1/3/17

APPLICANT PROPOSAL

The applicant is requesting a Coastal Development Permit to remove seven trees located in the Brookvale Terrace mobile home park at 300 Plum Street in the MHE (Mobile Home Exclusive) Zoning District. The trees are located in an Environmentally Sensitive Habitat area and the coastal zone. Tree removals from environmentally sensitive areas within the coastal zone require a Coastal Development Permit per Capitola Municipal Code section 17.46.050.A.1.b.ii.

BACKGROUND

In March of 2016, PG&E initiated an administrative permitting process for the removal and pruning of trees located along PG&E's underground, high-pressure natural gas pipeline which runs through the city from McGregor Drive to Gross Road. The tree removals are a necessary part of PG&E's Community Pipeline Safety Initiative project, which aims to protect the underground gas pipeline.

DISCUSSION

In January of 2017, PG&E submitted an application for the seven tree removals requiring a Coastal Development Permit (Attachment 1). The table in Attachment 2 identifies the approximate size, type, and location of the trees.

To remove a tree, the City must make specific findings that the tree removal is in the public interest based on three criteria outlined in the Community Tree and Forest Management Ordinance (Municipal Code section §12.12). Within this application, findings can be made pursuant to §12.12.080(C)(1)(c), which allows a tree to be removed if "...a tree has caused, or has the potential to cause, unreasonable property damage and/or interfere with existing utility services". The subject trees have the potential to damage the underground natural gas line

through root intrusion and could impair emergency access to repair personnel in the event of a pipe failure.

The applicant is also required to plant replacement trees and/or make payment of in-lieu fees into the City's Tree and Forest Management Fund. PG&E met with Brookvale Terrace representatives to finalize a tree replacement plan for the mobile home park. A replanting plan is included as the "Riparian Corridor Restoration Plan" in Attachment 1. The plan shows the approximate locations of 13 trees which are to be planted on site once PG&E completes the removal work. In addition, PG&E has deposited \$48,000 for in-lieu fees to mitigate for their citywide tree modification program.

Tree removal/modification work within environmentally sensitive areas will be performed solely with hand powered tools. No heavy equipment is allowed to enter environmentally sensitive areas and the applicant has been conditioned to submit a plan to identify measures to avoid impacts to nearby sensitive vegetation.

CEQA

This project qualifies for an exemption pursuant to CEQA section 15304, Minor Alterations to Land, because it involves the removal and pruning of trees and shrubs which are not considered scenic and have not been designated as Heritage Trees.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-045, based on the findings and conditions of approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a Coastal Development Permit for the removal of seven trees at 300 Plum Street in the Environmentally Sensitive Habitat Zone and MHE (Mobile Home Exclusive) Zoning District. The approval requires replanting 13 replacement trees on site.
2. All tree removal/modification work within environmentally sensitive areas shall be performed with hand tools (e.g., chainsaws, loppers, etc.). No heavy equipment shall be allowed to operate within environmentally sensitive areas.
3. No work shall occur within wetlands or waterways.
4. No use of herbicides shall be allowed within environmentally sensitive areas.
5. All work within the environmentally sensitive area shall be monitored by a ISA certified arborist and a qualified biologist. The arborist and biologist shall have authority to stop work if activities impact sensitive vegetation, wetlands, or other mature trees which have not been permitted to be removed or modified. In the event of such work stoppage, the applicant or their representatives shall immediately contact the Community Development Department and shall not resume work until authorized.
6. 10 five-gallon Willow trees and three 15-gallon Birch trees are required to be planted on site in order to replace the seven tree removals. The location of the replacement trees is to match the Riparian Corridor Restoration Plan submitted by the applicant. Prior to making any changes to the approved restoration plan, modifications must be specifically requested and submitted in writing to the Community Development Department.

7. Prior to removal of the trees, all Planning fees associated with permit #16-045 shall be paid in full.
8. 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.
9. 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
10. This permit shall expire 24 months from the date of issuance. The applicant shall remove the trees 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.
11. In any case where the conditions to the granting of a permit have not been or are not complied with, the Community Development Director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the Planning Commission may revoke the permit.

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 in Brookvale Terrace Mobile Home Park at 300 Plum Street. The park is not located in an area with coastal access. The tree removals 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 in the central portion of the mobile home park at 300 Plum Street. 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 at 300 Plum Street. 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 the Environmentally Sensitive Habitat Zone.

b. Topographic constraints of the development site;

- The project is located in a gulch.

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 seven tree removals located in a mobile home park on residential lots of record.

SEC. 30223

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

- The project involves seven tree removals located in a mobile home park on residential lots 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 seven tree removals located in a mobile home park on residential lots 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 tree removals located in a mobile home park. 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 involves tree removals located in a mobile home park. The GHG emissions for the project are projected at less than significant impact. There will be no impact on water.

(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 the tree removals.

(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 are not required for this application.

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

- No impacts to geological, flood, or fire hazards are anticipated with the removal of the trees.

(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 tree removals are consistent with the Mobile Home Exclusive 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 does not involve onsite parking.

ATTACHMENTS:

1. Attachment 1.pdf
2. Attachment 2.pdf

Prepared By: Joanna Wilk
Intern



Don Triplett
Principal Land Consultant
1455 East Shaw Ave
Fresno, CA 93726
559-263-5239
Email: don.triplett@pge.com

December 21, 2016

Kattie Cattan, Senior Planner
Planning Department
City of Capitola
420 Capitola
Capitola, CA 95110

RE: Application for a Coastal Development Permit for the Community Pipeline Safety Initiative for Project RW-V-6186-14

Dear Ms. Cattan:

Please accept this letter along with attachments as Pacific Gas and Electric (PG&E's) Coastal Development Permit (CDP) application for RW-V-6186-14. This CDP application (Attachment A) is for RW-V-6186-14, which is part of PG&E's Community Pipeline Safety Initiative (CPSI). RW-V-6186-14 is within the City of Capitola's (City) Coastal Zone (Attachment B) and within one of the City's environmentally sensitive habitat areas (ESHA) (Attachment C). PG&E is seeking a permit for removing trees from within PG&E's existing easement that contains a high-pressure natural gas transmission pipeline to improve emergency access and safety. The trees will be replaced at a safe distance from the gas pipeline.

Attachment D shows the pipeline alignment, which is an existing easement, and the location of seven trees that will be removed. Attachment E is the Landscape Plan, which states the 13 replacement trees will be City approved riparian trees.

I. LOCAL COASTAL PLAN AND ZONING DESIGNATION

The Capitola Local Coastal Program (LCP) includes the City's Zoning Ordinance, Chapter 17.95. The PG&E easement is located within the Brookvale Terrace Mobile Home Park, which is zoned MHP (Mobile Home Park). The easement in this area where the trees are located is within the City's Noble Gulch ESHA, and any development in this area is guided by Zoning Ordinance Chapter 17.95 Environmentally Sensitive Habitats particularly Section 17.95.040 Noble Gulch riparian corridor regulations. Attachment F sets the standards for protecting the environment within the project area. The three owners of private parcels consented to allow the proposed work, and their Tree Permit Applications are on file with the City of Capitola. The total number of trees to be removed for this CDP is seven. None of the trees to be removed are a threatened species, nor are they on a state or federal list of endangered species. As discussed with the City of Capitola, the fees associated with the submittal of this application are not required given the total cost PG&E has paid for CPSI-related projects in the City of Capitola. The total fees listed in Attachment A are existing, previously incurred costs and will cover the fees for submittal of this application.

PG&E’s Subject Matter Experts (SMEs) reviewed the project for potential environmental impacts and found the tree removal did not have an adverse impact on the Noble Gulch riparian corridor. Removal of native riparian trees within the Noble Gulch riparian corridor will not take place. Removal of the seven trees shall be consistent with all applicable provisions of the Capitola Tree Cutting Ordinance, and a tree permit application was submitted to the Community Development Department that included these seven trees and will be heard by the Planning Commission for this CDP application. The removed trees will be replaced according to the Tree Ordinance which will result in 13 new trees, and a final landscaping plan will be submitted to the City of Capitola.

I. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

The list below was used to indicate plans applicable to the project and verify if they are consistent or not consistent with project implementation.

General Plan	Air Quality Mgmt. Plan
Airport Land Use Plans	LCP/Land Use Plan (LUP)
Water Quality Control Plan	

General Plan

The proposed project was reviewed for consistency with the City’s General Plan. This CDP application discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT**

LCP/LUP

The City of Capitola LCP/LUP sets the standard for all development within the City’s Coastal boundary.

Policy III-4: It shall be the policy of the City of Capitola to require the planting of trees in new development and to protect existing trees by allowing removal only in accordance with the City’s Tree Ordinance. The City should encourage new developments to be designed to preserve significant vegetation.

Implementation: Enforce adopted Capitola Tree Ordinance.

The proposed project is consistent with policies of the LUP. **CONSISTENT**

Water Quality Control Plan

The City of Capitola is included in the Central Coast Regional Water Quality Control Board – Region 3 (CCRWQCB). The CCRWQCB regulates the sources of water quality related

problems which could result in actual or potential impairment or degradation of beneficial uses or degradation of water quality. Because the proposed project would not increase on-site impervious surfaces, or include land uses that would introduce new sources of pollution that could not be effectively mitigated on-site, it is not expected to contribute runoff which would exceed the capacity of storm-water drainage systems or provide substantial additional sources of polluted runoff. The proposed project would not result in water quality impacts or be inconsistent. **CONSISTENT**

Air Quality Management Plan

Consistency with the Air Quality Management Plan is an indication of a project’s cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District’s adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin. The proposed project would not conflict with or obstruct the implementation of the AQMP. There would be no stationary emissions as a result of the proposed project and according to the MBUAPCD *CEQA Air Quality Guidelines* the threshold for construction activities with potentially significant impacts for PM10 is 2.2 acres of disturbance a day. As less than 2.2 acres would be disturbed by this project, it would not result in a significant impact and would be consistent with the AQMP. **CONSISTENT**

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

As discussed below, PG&E determined that none of these environmental factors would be adversely affected by this project.

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	Hazard/Hazardous Materials	Land Use
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities/Service Systems	Noise

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in this list. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact, the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

FINDING: For the above referenced topics there is no potential for significant environmental impact to occur from the proposed project, and no further discussion is necessary.

EVIDENCE:

Aesthetics. No Impact

The removal of seven trees and the addition of 13 new trees will add to the ambiance of this mobile home park.

Agricultural Resources. No Impact

The proposed project is in a residential area. The project site has a General Plan designation as a Mobile Home Park (R-MH), which is a valuable source of affordable housing for Capitola residents. Also, the Zoning Map shows this area as Mobile Home Exclusive (MHP zoning district), therefore it is not designated for agricultural use, nor is there any agricultural production on the project site.

Biological Resources. No Impact

An Environmental Constraint Review was prepared by a qualified biologist, and concluded that with the implementation of project-specific avoidance and minimization measures, adverse impacts to biological resources will not occur.

Cultural Resources. No Impact

A Cultural Resources Constraints Report was prepared by PG&E, and concluded there were no adverse findings, but there is suggested an "Inadvertent Discovery Protocol" (Attachment G) that if archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 100 feet of the find and PG&E's Cultural Resources Specialist shall be contacted. At the same time the Capitola Community Development Department shall be immediately notified. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of Capitola and PG&E, and implemented.

Geology/Soils. No Impact

There will be no grading or change of the existing run-off for this project.

Greenhouse Gas Emissions. No Impact

The accumulation of greenhouse gases (GHG) in the atmosphere naturally regulates the earth's temperature. However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. Carbon dioxide (CO₂) and methane (CH₄) are the GHGs that are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and landfills.

In response to an increase in man-made GHG concentrations over the past 150 years,

California has implemented AB 32, the “California Global Warming Solutions Act of 2006.” AB 32 requires achievement by 2020 of a statewide GHG emissions limit equivalent to 1990 emissions (essentially a 25percent reduction below 2005 emission levels) and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions.

GHG emissions contributing to climate change have only recently been addressed in CEQA documents. Senate Bill 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis under CEQA. In December 2009, the California Resources Agency adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG and climate change impacts. The Monterey Bay Unified Air Pollution Control District has not yet established thresholds of significance for GHG emissions, and emissions associated with this project would not be substantial.

Hazard/Hazardous Materials. No Impact

The project site is not included on a list of hazardous materials sites.

Mineral Resources. No Impact

No mineral resources have been identified, or would be affected by the project.

Land Use. No Impact

The project is consistent with the Capitola Local Coastal Program, and Title 17, the Coastal Zoning Ordinance.

Population/Housing. No Impact

The project is removing and replacing trees so that PG&E can inspect the underground gas pipeline as part of their CPSI program. The project would result in no additional housing units and would not, therefore, result in any additional population. The project would not alter the location, distribution, or density of human population in the area, and the project would not create a demand for additional housing.

Public Services. No Impact

The project would not result in increased demand for public services as it would not involve an increase in local population.

Recreation. No Impact

No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The project would not create recreational demands.

Transportation/Traffic. No Impact

The project site is not located within an airport land use plan, within two miles of a public airport, or in vicinity of a private airstrip. The tree removal and replacement program duration will be coordinated with Public Works who has been working with the Consulting Forester. During the tree removal and replacement program there will be a limited number of workers on-

site per day arriving and leaving each day, which is typical for this type of project. There will be no adverse impact on the City's transportation system, and this project will not adversely impact traffic.

Utilities and Service Systems. No Impact.

The proposed project is part of a safety initiative involving PG&E and the Public Utilities Commission. It would not result in a change in impervious surfaces and would therefore not increase runoff compared to existing conditions. It would not, therefore, exceed the capacity of existing or planned storm water drainage facilities.

Noise. No Impact

The only noise would be typical for tree removal, and would be permitted by the City of Capitola, and would have to adhere to the Tree Cutting Ordinance and the City's Noise Ordinance.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CONCLUSION

This project may be exempt from CEQA review. Nevertheless, on the basis of this initial environmental evaluation, PG&E finds the proposed project **WOULD NOT** have a significant effect on the environment, and if the project is determined by Capitola Community Development to not be exempt under **CEQA**, a **NEGATIVE DECLARATION** should be prepared by the City of Capitola.

V. ADDITIONAL INFORMATION

If you have any questions, or concerns, please contact Vick Germany, AICP, at 925-328-5176 or at vick.germany@pge.com.

Sincerely,

for Don Triplett
Principal Land Consultant, PG&E

CC Vick Germany, AICP
Anthony J. "Bud" Carney, AICP
Les Strnad
Dylan Windt

Attachments:

- A Coastal Development Permit Application**
- B Coastal Zone Map**
- C ESHA Map**
- D Coastal Development Permit Site Map**
- E Landscape Plan**
- F Zoning Ordinance Chapter 17.95 Environmentally Sensitive Habitats**
- G Cultural Resources Constraints Report**

ATTACHMENT A
COASTAL DEVELOPMENT PERMIT
APPLICATION

Attachment: Attachment 1.pdf (1775 : 300 Plum St)



City of Capitola MASTER APPLICATION

Application #	_____
Filing Date	_____
Total Fee	_____
Received by	_____

Project Address: 300 Plum Street, Capitola 95010

A.P.N.: Brookvale Terrace Mobile Home Park APN Map (attached)

Zone District: MHP

Existing Condition/Current Use Tree Removal Permits within Coastal Zone

- New
 Addition
 Remodel
 Variance
 Demo
 CUP
 Coastal Permit
 Other _____
 Residential: # of Bldgs.____ # of Stories____ # of Units____
 Commercial: # of Bldgs.____ # of Stories____

Project Description:

PG&E CPSI TREE REPLACEMENT for project RW-V-6186-14 within their easement located within the Brookvale Terrace Mobile Home Park. Proposed seven removals include: gray pine (15"), deodar cedar (16"), Chinese elm (11"), gray pine (17"), Japanese maple (2"), gray pine (14"), and cedar (19"). The spreadsheet maintained by the city shows eight removals requiring a coastal permit; however, vegetation point ID002395, a Monterey cypress (54") has been removed since the inventory occurred. Furthermore, vegetation point ID02387 was updated from a redwood to a cedar per a site visit performed on December 1, 2016. The updated total for vegetation removal is seven.

Proposed Use/Occupancy: TREE REPLACEMENT

IMPORTANT: Please check the box next to the name of the person listed below whom we should contact regarding this application.

Property Owner: See individual property tree applications Phone: _____

Mailing Address: See tree removal applications
 Email: _____

Applicant: Don Triplett, Principal Land Consultant, PG&E Phone: 559-263-5239

Mailing Address: 1455 East Shaw Ave., Fresno, CA 93726
 Email: don.triplett@pge.com

Architect/Designer: Anthony J. "Bud" Carney, AICP Plan Cons. Phone: 831-818-8914

Mailing Address: 347 Arthur Ave., Aptos, CA 95003
 Email: budcarney@live.com

Engineer: _____ Phone: _____

Mailing Address: _____
 Email: _____



City of Capitola MASTER APPLICATION

Application # 16-045

Proposed

New Commercial Building: _____ sq. ft.
 New Residential Building: _____ sq. ft.
 Addition: _____ sq. ft.
 Remodel/Tenant Improvement: _____ sq. ft.
 Carport/Patio Cover: _____ sq. ft.
 New Deck: _____ sq. ft.
 New Fencing: _____ sq. ft.
 New Paving: _____ sq. ft.
 Parking Spaces: _____
 Other (specify): _____

Existing

Lot: _____ x _____ = _____ sq. ft.
 Main Building: _____ sq. ft.
 Parking Spaces: _____
 Other (specify): _____ sq. ft.

PLANNING STAFF USE ONLY

- ARCHITECTURAL AND SITE REVIEW
- COASTAL REVIEW: EXCLUSION, EXEMPTION OR REC. TO CCC
- ENVIRONMENTAL REVIEW
- ADMINISTRATIVE REVIEW
- PLANNING COMMISSION REVIEW (PC)
- ZONING ADMINISTRATOR
- OTHER _____

I, the undersigned, understand approval of this project does not waive any requirements, laws, or ordinances of the City of Capitola. All statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

In submitting this Application, I agree to defend, indemnify, and hold harmless the City of Capitola, its officers, employees, and agents, from and against any claim, including attorneys' fees and litigation costs, arising out of or in any way related to the City of Capitola's processing, consideration, or approval of this Application.

Signature: See individual property applications on file with the city

 Property Owner

Date: _____

I hereby authorize the above named contact person to act as my agent in all matters pertaining to this application.

Signature: *[Handwritten Signature]*

 Applicant

Date: 12-22-16

Attachment: Attachment 1.pdf (1775 : 300 Plum St)



City of Capitola MASTER APPLICATION

Application # 16-045

AGREEMENT FOR PAYMENT OF PROCESSING FEES

City of Capitola (hereinafter CITY) and PG&E (hereinafter APPLICANT) agree to the following:

1. This Agreement is in reference to the permit processing costs associated with Planning Application # 16-045.
2. A minimum deposit or fixed fee will be collected at the time of project submittal. Fixed fees are non-refundable, flat fee payments. Deposit accounts require an initial payment as stipulated in the City's Fee Schedule. If the initial deposit is depleted, the APPLICANT is responsible for replenishing the account to continue processing. Projects with deposit accounts will receive an invoice prior to issuance of a planning permit to be paid within 25 days from the invoice date. Upon completion of project review, any remaining deposit will be refunded to the APPLICANT. If it is necessary to utilize consultant services, a deposit to cover the consultant's costs will be requested from the APPLICANT prior to execution of the contract with the consultant.
3. The APPLICANT is responsible for payment of all permit processing costs associated with this project. If during the course of processing, the financial responsibility changes, the new financially responsible party must complete an Agreement for Payment which will release the previous APPLICANT from further financial obligations and designate the new APPLICANT.
4. If an invoice is not paid within 25 days CITY may stop work and close the application.
5. APPLICANT agrees to pay all fees applicable under the City's Fee Schedule prior to approval and issuance of land use clearance, map clearance or clearance for record of survey, building permit and post discretionary case clearance. No clearances or permits will be issued without receipt of fully payment for fees unless waived or adjusted by the Community Development Director upon a showing of good cause.
6. If the APPLICANT owes any amount due on any other project application, the CITY will not accept any subsequent permit application from the APPLICANT, unless waived by the Community Development Director.

Executed this _____ day of _____, 2016

CITY

APPLICANT

Community Development Department

Signature

Print Name

for Don Triplett, Principal Land Consultant, PG&E

Mailing Address

1455 East Shaw Ave., Fresno, CA 93726



City of Capitola MASTER APPLICATION

 Application # 16-045

PLANNING STAFF USE ONLY

APPLICATION/FEE TYPE	FEE In effect at the time of application	TOTAL
Conceptual Review – PC	\$1,539 + 5% IT Fee	
Conceptual Review – PC and CC	\$2,309 + 5% IT Fee	
Pre-Application Review	\$215 + 5% IT Fee	
ENVIRONMENTAL REVIEW		
EIR Processing	Cost + 21% consultant fee, \$10,000 min deposit	
Mitigation/Condition Monitoring Program	Cost + 21%	
Negative Declaration and Mitigated Negative Declaration	Cost; \$2,000 min deposit	
NEPA Compliance	Cost + 21%	
AMENDMENT/REZONE		
Annexation	Cost + overhead; \$3,000 min. deposit	
Planned Development Rezone	Cost; \$3,500 min deposit	
Rezone	Cost; \$5,000 min deposit	
Specific Plan	Cost; \$5,000 min deposit	
Zoning Ordinance/General Plan/Local Coastal Plan Amendment	Cost; \$5,000 min deposit	
COASTAL		
Coastal Permit Exclusion	\$86 + 5% IT Fee	
Coastal Development Permit	\$770+ 5% IT Fee	DEPOSIT
SUBDIVISIONS		
Certificate of Compliance & Lot Merger	\$513 + 5% IT Fee	
Boundary Line Adjustment	\$820 + 5% IT Fee	
Tentative Parcel Map	Cost; \$2,000 min. deposit	
Tentative Map	Cost; \$5,000 min. deposit	
Revised Map/Subdivision Modification	Cost; \$2,000 min. deposit	
Map Time Extension	Cost; \$2,000 min. deposit	
Design Permits		
Residential Single-Family Staff Review	\$750 + 5% IT Fee	
Residential Single-Family PC Review	\$2,565+ 5% IT Fee	
Residential Multi-Family	\$3,590+ 5% IT Fee	
Commercial	\$4,000 min. deposit	
Secondary Dwelling Unit	\$513+ 5% IT Fee	
Secondary Dwelling Unit (PC Approval)	\$1,539 + 5% IT Fee	
Variance	\$1,539 + 5% IT Fee	

Attachment: Attachment 1.pdf (1775 : 300 Plum St)



City of Capitola

MASTER APPLICATION

Application # 16-045

SIGNS		
Master Sign Program	Cost; \$3,000 min deposit	
Sign Permit – Staff Review	\$124 + 5% IT Fee	
Sign Permit – PC Review	\$513 + 5% IT Fee	
Temporary Signs & Banners	\$37 + 5% IT Fee	
Village Sidewalk Sign Permit	\$63 + 5% IT Fee	
USE PERMITS		
Commercial Sidewalk/Parking Lot Sale Permit	\$74 + 5% IT Fee	
Conditional Use Permit (Staff Approval)	\$1,539 + 5% IT Fee	
Conditional Use Permit (PC Approval)	Cost; \$3,000 min deposit	
Home Occupation Use Permit	\$154 + 5% IT Fee	
Master Conditional Use Permit	Cost; \$3,500 min deposit	
Tenant Use Permit (within MCUP) – Staff approval	\$75+ 5% IT Fee	
Temporary Use Permit	\$78 + 5% IT Fee	
Transient Rental Occupancy Use Permit	\$513 + 5% IT Fee	
ADDITIONAL FEES:		
Appeals by applicant	Cost	
Appeals by City Official	\$0	
Appeals by Other	\$500	
Appeals to Coastal Commission	\$0	
Appeal – Building/Zoning Code Violation	\$500	
Code Compliance	Double Application Fees	
Continuance Request – Applicant (2+)	\$151 + 5% IT Fee	
Development Agreement	Cost; \$5,000 min. deposit	
Fence Permit - Staff Approval	\$42 + 5% IT Fee	
Fence Permit - Planning Commission Approval	\$770 + 5% IT Fee	
Mobile Home Park - Change of Use or Closure	Cost; \$5,000 min. deposit	
Records Search/Special Report – ½ hour minimum	Cost	
Technical Study Preparation or 3 rd Party Review	Cost + 21%	5,000.00
Permit Amendment	50% of Original Cost	
Permit Time Extension – Staff Approval	\$513+ 5% IT Fee	
Permit Time Extension – PC Approval	\$1,539 + 5% IT Fee	
Stormwater Development Review Fee	\$105 + 5% IT Fee	
Tree Removal – Staff Approval	\$123 + 5% IT Fee	
Tree Removal – Planning Commission Approval	\$1,026+ 5% IT Fee	11,600.00
Tree Removal – 3 or more trees on a property	\$263 + 5% IT Fee	
Tree Installation Deposit	\$513	
TOTAL FEES:		16,600.00
Applications which include a fee & deposit will be processed as deposit account. At time of building permit, the following planning fees may be collected if applicable: General Plan Maintenance Fee; Inclusionary housing fees; and Public Art		

Attachment: Attachment 1.pdf (1775 : 300 Plum St)

PLAN SPECIFICATIONS

General Information on All Applications:

1. Eight (8) sets of 24" x 36" (maximum) drawings and one (1) set of 8 ½" x 11" reductions of plans or a pdf file of drawings.
2. All plans must be prepared to scale.
3. Include the name of the person preparing the drawings, for whom, and date.
4. Include the Assessor's Parcel Number, street address, vicinity map, or other property identifying information.

All applications must include appropriate information as it pertains to the project including:

A. Survey

1. Stamped survey of existing conditions by licensed surveyor
2. Include locations of all existing features, buildings, trees and shrubs, and location of structures on adjacent lots.

B. Site Plan

1. North arrow
2. Scale: 1/8" = 1", or engineer's scale (not less than 1" = 10 feet)
3. Dimensions of the lot.
4. Building locations and their relationship to each other and the lot lines with dimensions. Include existing buildings to be demolished and all proposed structures.
5. Location of existing and proposed on-site lighting, height and hooding devices.
6. Total square footage of gross floor area of all stories, and percent of total net
7. Locations of all existing features, buildings, trees and shrubs, and approximate footprint of structures on adjacent lots.
If the diameter is larger than 6" inches measured 48" above existing grade and the tree is proposed for removal, a Tree Permit is required.
8. Topography, existing and proposed – REQUIRED on all slopes over 10%. *All topographic maps shall be prepared by a registered civil engineer, or licensed surveyor.* The contour interval shall be two (2) feet for slopes up to 20% and five (5) feet for slopes over 20%. Cut and Fill – Indicate cuts with red shading. Indicate fill with blue shading. Include the location of the disposal site and a site cross section.

C. Floor Plans and Elevations

1. Scale: 1/4" = 1'
2. Interior room layout. Label each room – existing and proposed.
3. Elevations: All four sides of the structure including exterior stairs, ramps, elevators, downspouts, flues, fans, and roof equipment – existing and proposed.
4. Materials: texture, color, and finish of fencing, walls, roof, balcony, etc.
5. Screening of mechanical equipment, trash enclosures, etc.
6. Additional information that will indicate the design aesthetics, affect and compatibility with neighboring properties and uses.

D. Landscape Plan

1. Plant type, size, quantity of plants and/trees
2. Irrigation plan
3. Indicate any trees to be removed – may require Tree Permit

E. Color and Materials Board

F. Storm Water Permit Project Application - attached

F. Drainage Plan/Erosion Control Plan-may be included on Site Plan

1. Show and label existing and proposed drainage features (e.g. curbs, channels, dikes, ditches, swales, rain gutters, splash blocks, energy dissipaters, storm drain inlets and pipe systems, French drains, culverts, creeks, etc.)
2. Show topography and use arrows to show pathways of runoff
3. Show the methods by which stormwater runoff from roofs and other new impervious areas- such as driveways, walkways and patios-will be conveyed away from structures to vegetated areas.
Use arrows to depict pathways of runoff.
4. Show proposed erosion control measures, such as waddles, silt fencing, seeding, etc.
5. Re-vegetation proposal for all exposed soil surfaces.
6. Sediment containment measures and special precautions for winter operations (October 1st through April 30th)
7. Drainage and erosion control plan – details implementing Low Impact Development BMP's outlined in the *Slow It. Sink It. Spread It. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County

Staff to complete below

Net Impervious Area (New + Replaced – (Existing- Proposed))	_____ sq. ft.
Tier Determination	<input type="checkbox"/> Basic Tier _____

Check One	Tier*	Detached Single Family Homes	All Others (Commercial, Industrial, Two- & Multi-Family Homes)
<input type="checkbox"/>	Basic Tier**	New/Replaced impervious area < 2,500 sf	
<input type="checkbox"/>	Tier 1	New/Replaced impervious area ≥ 2,500 sf	New/Replaced impervious area ≥ 2,500 sf
<input type="checkbox"/>	Tier 2	N/A	Net impervious area ≥ 5,000 sf
<input type="checkbox"/>	Tier 3	Net impervious area ≥ 15,000 sf	New/Replaced impervious area ≥ 15,000 sf
<input type="checkbox"/>	Tier 4	New/Replaced impervious area ≥ 22,500 sf	

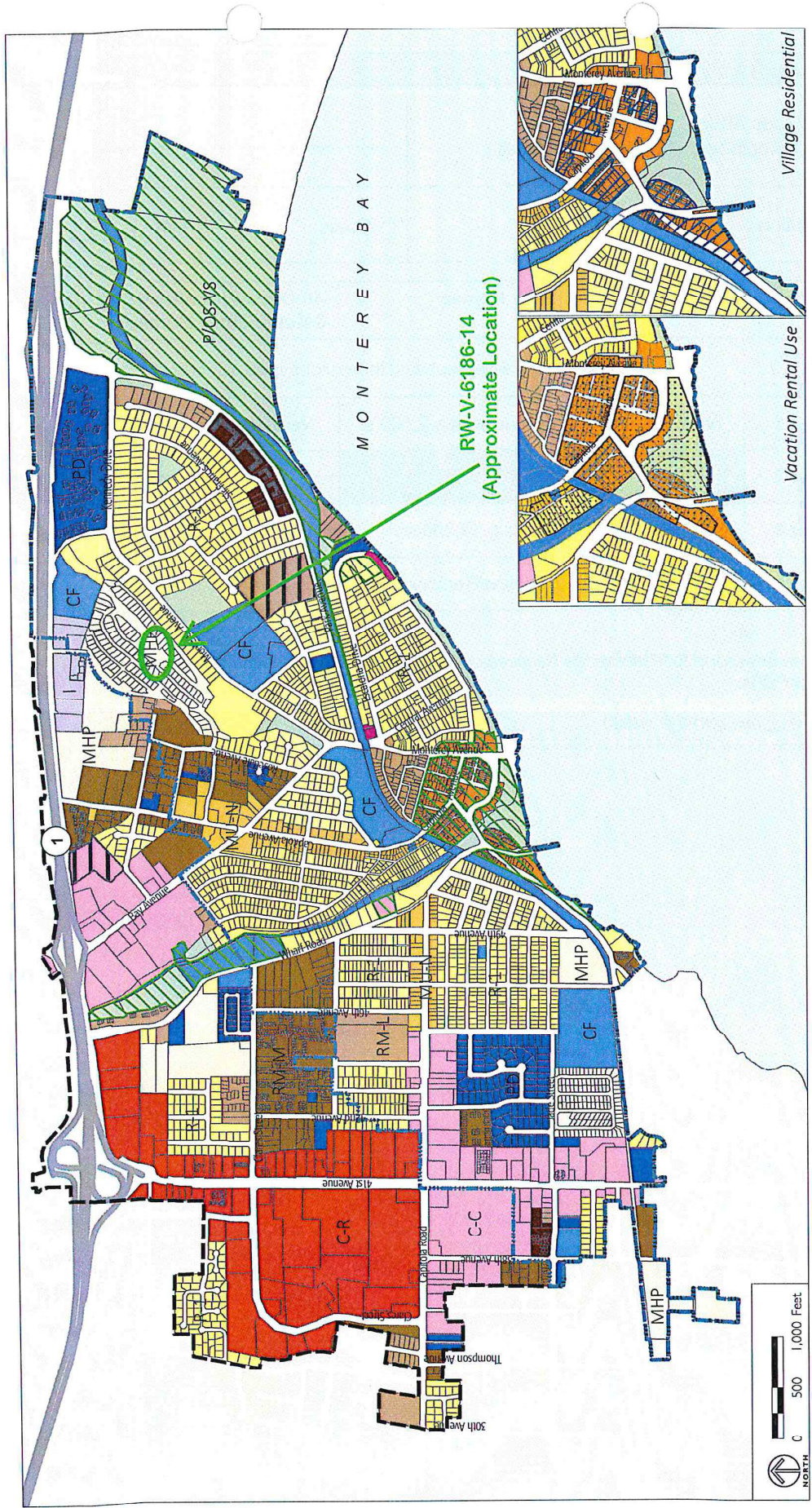
Notes:

- * Tier numbers correspond to "Performance Requirements" identified in the State Water Resources Control Board resolution for PCRs.
 - ** Basic Tier projects must incorporate runoff reduction measures into site plan, e.g. disperse runoff to vegetated area, pervious paving, rain barrel or cistern
- Net impervious area = new impervious + replaced impervious – (pre-project minus post-project)*

Attachment: Attachment 1.pdf (1775 : 300 Plum St)

ATTACHMENT B

CITY OF CAPITOLA
ZONING CODE UPDATE



- | | | | |
|---|---|--|---|
| <p>Residential Zoning Districts</p> <ul style="list-style-type: none"> R-1 - Single-Family Residential RM-L - Multi-Family Residential, Low Density RM-M - Multi-Family Residential, Medium Density RM-H - Multi-Family Residential, High Density MHP - Mobile Home Park | <p>Mixed-Use Zoning Districts</p> <ul style="list-style-type: none"> MU-V - Village Mixed Use MU-N - Neighborhood Mixed Use <p>Commercial and Industrial Zoning Districts</p> <ul style="list-style-type: none"> C-R - Regional Commercial C-C - Community Commercial | <p>Other Zoning Districts</p> <ul style="list-style-type: none"> P/OS - Parks and Open Space CF - Community Facility PD - Planned Development | <p>Overlay Zones*</p> <ul style="list-style-type: none"> -AHO - Affordable Housing Overlay -CZ - Coastal Zone -VRU - Vacation Rental Use -VR - Village Residential -VS - Visitor Serving |
| <p>Visitor Accommodations</p> <ul style="list-style-type: none"> VA - Visitor Accommodations I - Industrial | <p>City Limit</p> <ul style="list-style-type: none"> City Limit | | |

DRAFT ZONING MAP

Attachment: Attachment 1.pdf (1775 : 300 Plum St)

*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.



ATTACHMENT C

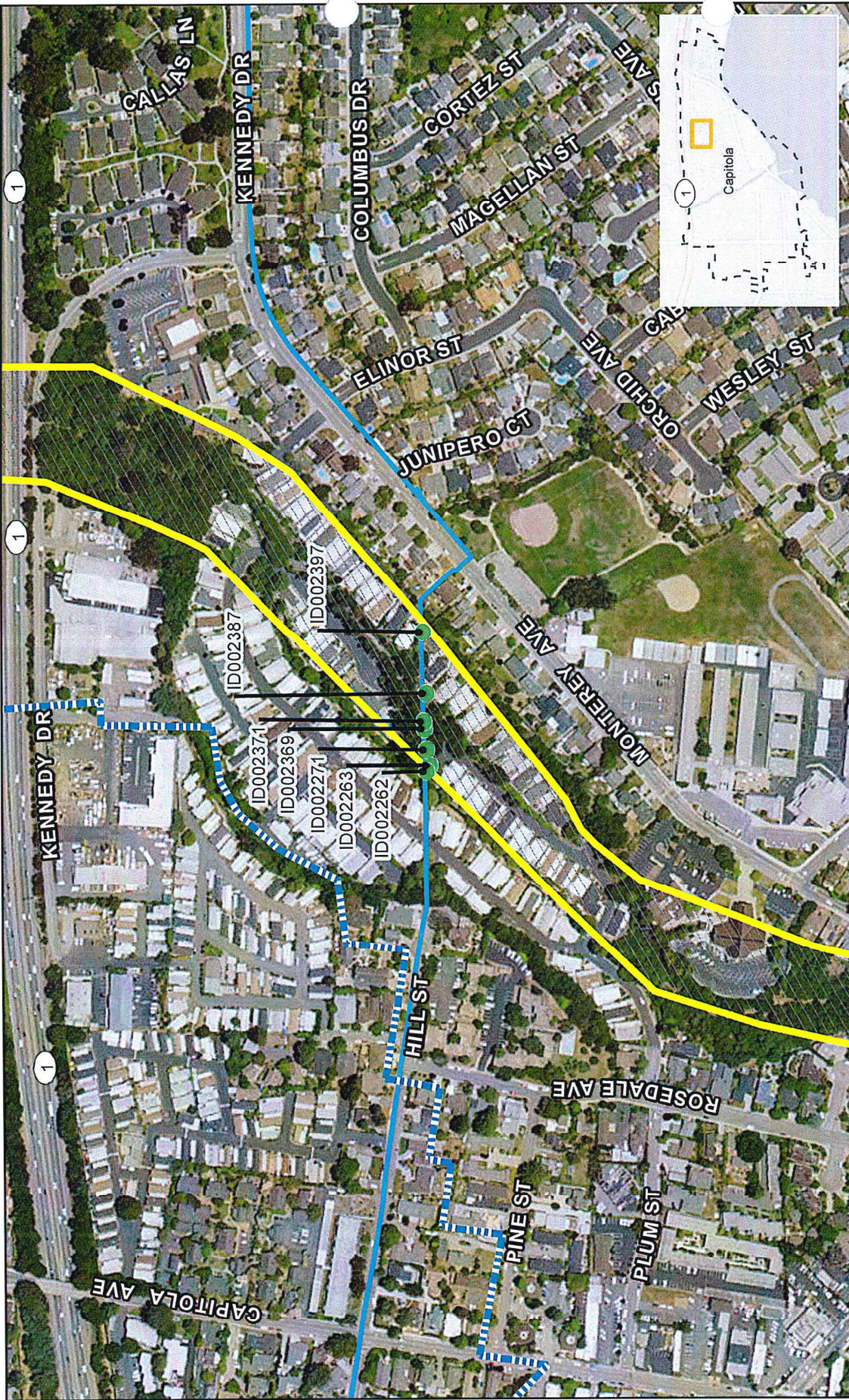
Environmentally Sensitive Habitat Zone

RW-V-6186-14
(Approximate Location)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Attachment: Attachment 1.pdf (1775 : 300 Plum St)



**Attachment D
Coastal Development Permit Site Map
RW-V-6186-14
Community Pipeline Safety Initiative
City of Capitola, CA**

- Tree Removal - Unacceptable Risk
- Gas Transmission Pipeline
- Coastal Zone Boundary
- Environmentally Sensitive Habitat Area

PG&E Critical Infrastructure Information. Facilities to be operated by PG&E personnel only. Point, pipeline, boundary and area locations are approximate and for illustrative purposes only. Data subject to updates. Call 811 before you dig. Map Created: 12/15/2016

Unacceptable risk trees are proposed to be removed for safety reasons.

Attachment: Attachment 1.pdf (1775 : 300 Plum St)

ATTACHMENT E

LANDSCAPE PLAN

17.95.040 – Noble Gulch riparian corridor regulations, part F states: “Coastal development permit applications within or adjacent to the Noble Gulch riparian corridor shall be accompanied by landscaping plans which set 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.”

PG&E will prepare a Final Landscaping Plan that will include planting 13 similar riparian trees found in the attached document entitled “The Riparian Woodland.”

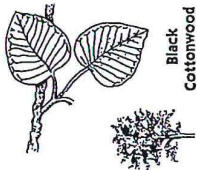
The Riparian Woodland



Here are some of the trees and shrubs which are common in the riparian habitat of Soquel Creek in Capitola. All of them may be found in the vicinity of Peery Park and just upstream.

COMMON TREES

Black Cottonwood, *Populus trichocarpa*. These tall deciduous trees are numerous along much of Soquel Creek. Their high canopies reach skyward through the crowns of lesser trees. The new green leaves appear in spring followed by the cottony wind-borne seed, after which they are named. In the fall, the leaves turn a bright yellow.



Black Cottonwood

Western Sycamore, *Platanus racemosa*. The massive spreading branches of the sycamore and its beautiful, dappled bark are unique among the trees of Soquel Creek. Their large maple-like leaves are easily identified. Few sycamores remain in Capitola, but fine specimens may be seen near Peery Park.



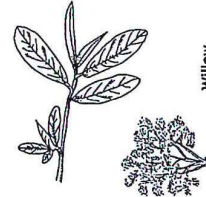
Western Sycamore

White Alder, *Alnus rhombifolia*. Alders border Soquel Creek along much of its length. These fast growing trees are among the first to appear along the stream-edge following floods.



White Alder

Willow, *Salix* spp. At least four different native species of willows grow along Soquel Creek (arroyo, yellow, red and Coulter's). Willows are generally not as tall as other riparian trees, and often form dense thickets along the water's edge. They vary in form from rounded and shrub-like (arroyo willow) to moderately tall trees (red and yellow willow).



Willow



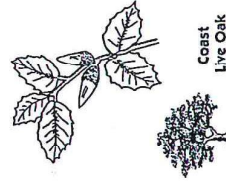
Boxelder

Boxelder, *Acer negundo*. Actually a species of maple, this medium-sized, rounded tree has light green, three-part leaves. Clusters of winged seeds

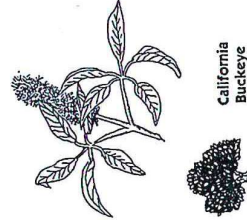
SOQUEL CREEK

(called samaras) are conspicuous on the female trees during fall and winter. **Coast Live Oak**, *Quercus agrifolia*. Unlike the preceding trees, coast live oaks are not confined to riparian habitats. Along Soquel Creek, they grow mostly on the banks and slopes away from the water's edge. There is a fine stand at Peery Park. These evergreen trees are an important component of other forest and woodland communities throughout the county.

California Buckeye, *Aesculus californica*. These small, rounded deciduous trees have the showiest flowers of any native tree along Soquel Creek. The flowers bloom in May and June and develop into huge brown seeds which persist into the winter. Leaves develop early in spring and drop in late summer before other trees.



Coast Live Oak



California Buckeye

STREAMSIDE CARE GUIDE

ATTACHMENT F

Zoning Ordinance Chapter 17.95 Environmentally Sensitive Habitats

17.95.040 Noble Gulch riparian corridor regulations. In the Noble Gulch riparian corridor the following are required:

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

B. A minimum thirty-five foot setback from the outer edge of riparian vegetation shall be required for all new development.

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 the riparian area and report to the city in writing of his/her findings before final action is taken.

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

E. Snags, 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.

F. Coastal development permit applications within or adjacent to the Noble Gulch riparian corridor shall be accompanied by landscaping plans which set 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.

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 and shall not be permitted to damage roots of riparian trees. Grading shall only take place during the dry season. (Ord. 685 §9, 1989; Ord. 677 §7 (E), 1989; Ord. 634 §1(part), 1987).

ATTACHMENT G

CULTURAL RESOURCES CONSTRAINTS

REPORT

Inadvertent Discovery Protocol

If any cultural resources are located during project activities, Best Management Practice 25 (Environmental Services Procedure P-002) should be implemented, which includes stopping all work in the vicinity of the discovery and immediately notifying a PG&E Cultural Resources Specialist. Archaeological and historic-period resources in the region may include:

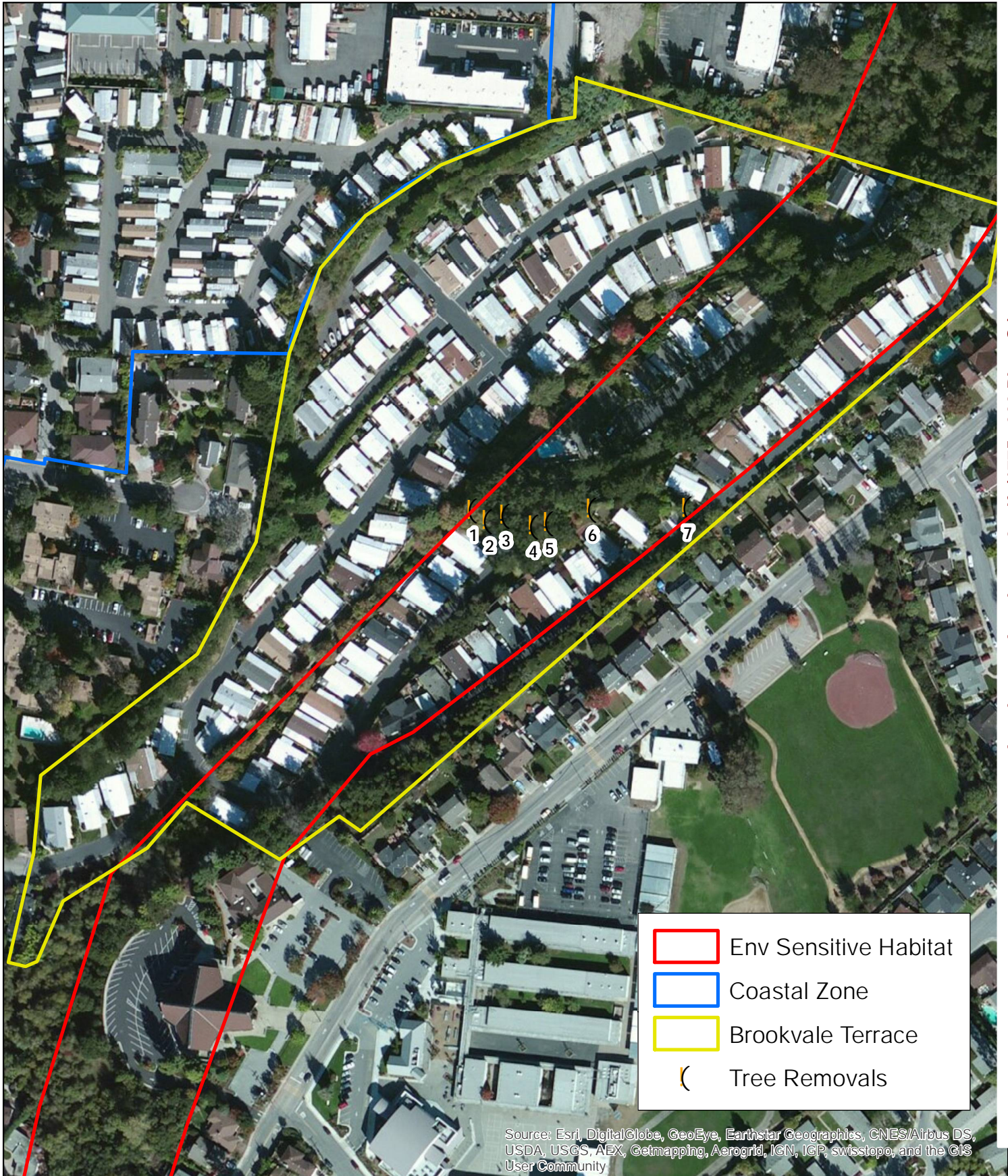
- **Archeological materials:** flaked stone tools (projectile point, biface, scraper, etc.) and debitage (flakes) made of chert, obsidian, etc., groundstone milling tools and fragments (mortar, pestle, handstone, millingstone, etc.), faunal bones, fire-affected rock, dark middens, housepit depressions and human interments.
- **Historic-era resources:** may include, but are not limited to, small cemeteries or burial plots, cut (square) nails, containers or miscellaneous hardware, glass fragments, cans with soldered seams or tops, ceramic or stoneware objects or fragments, milled or split lumber, earthworks, feature or structure remains and trash dumps.

Human Remains Protocol

Section 7050.5 of the California Health and Safety Code (CHSC) states that it is a misdemeanor to knowingly disturb a human burial. In keeping with the provisions provided in 7050.5 CHSC and Public Resource Code 5097.98, if human remains are encountered (or are suspected) during any project-related activity:

- Stop all work within 100 feet;
- Immediately contact a PG&E Cultural Resource Specialist (CRS) who will notify the county coroner;
- Secure location, but do not touch or remove remains and associated artifacts;
- Do not remove associated spoils or pick through them;
- Record the location and keep notes of all calls and events; and
- Treat the find as confidential and do not publically disclose the location.

Brookvale Terrace PG&E Tree Removals Coastal Development Permit Required



Attachment: Attachment 2.pdf (1775 : 300 Plum St)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

No.	Veg Point ID	Species	Diameter at Breast Height (in)	Location	Property Type	APN	Coastal Zone	Env Sensitive Zone	Native Riparian Tree	Work	Coastal Permit Required
Native Riparian Tree Prune & Non-Native Tree Removal Located in the Environmentally Sensitive Habitat Areas with in the Coastal Zone: Coastal Permit & Planning Commission Review Required											
1	ID002262	Maple, Japanese	2	300 Plum St	Private	03635271	yes	yes	no	Remove	yes
2	ID002263	Elm, Chinese	11	300 Plum St	Private	03635271	yes	yes	no	Remove	yes
3	ID002271	Pine, Gray	17	300 Plum St	Private	03635271	yes	yes	no	Remove	yes
4	ID002369	Pine, Gray	14	300 Plum St	Private	03635271	yes	yes	no	Remove	yes
5	ID002371	Pine, Gray	15	300 Plum St	Private	03635271	yes	yes	no	Remove	yes
6	ID002387	Redwood	19	300 Plum St #16	Private	03635257	yes	yes	no	Remove	yes
7	ID002397	Cedar, Decodar	16	300 Plum St #15	Private	03635258	yes	yes	no	Remove	yes



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MARCH 2, 2017

SUBJECT: **231 Esplanade #17-002 035-211-01**

Sidewalk Sign Permit for Margaritaville Restaurant located at 231 Esplanade in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Sarah Orr, filed: 1/26/15

APPLICANT PROPOSAL

The applicant is proposing a sidewalk sign for Margaritaville located at 231 Esplanade in the CV (Central Village) Zoning District. The shape of proposed sidewalk sign deviates from the BIA master design, therefore, the application has been referred to the Planning Commission for a decision.

HISTORY

On February 16, 2017, the Planning Commission reviewed the sidewalk sign application for Margaritaville and continued the item to March 2, 2017. Prior to rendering a decision on the application, the Planning Commission requested that staff reach out to the Village Business Improvement Association (BIA) for input on the sign. Staff reached out to the BIA and requested input on the sign. BIA member, Gary Wetsel, provided staff with an email not in support of the design modification (Attachment 6). BIA member, Carin Hanna, informed staff that she would attempt to meet with officers of the BIA to discuss the proposed sign and provide feedback. At the time of publishing the staff report, a recommendation has not been received. Staff will present any additional information that is received at the hearing. If a recommendation from the BIA is not received prior to the meeting, the Planning Commission may continue the item to the April 6th meeting.

DISCUSSION

The applicant is currently seeking approval of a village sidewalk sign. Section 17.57.060.F outlines the 19 standards for a Central Village sidewalk sign (Attachment 3). The proposes sign complies with all regulations except that the shape of the sign is different from the BIA master design. Standard 9 of the Village Sidewalk Sign regulations states "Sidewalk signs must use the approved Business Improvement Association (BIA) master design approved by the community development director. A copy of the approved sidewalk sign shall be maintained in

the Planning Department of the City in Capitola.” The BIA approved sign design is included as Attachment 4.

The BIA sign design is 18 inches wide by 32 inches tall. The sign is attached to a metal pole with a round metal base. There is a maximum total height for the sign, pole, and base of 58 inch from grade. The BIA sign face is rectangular in shape with a unique curvilinear design along the top and bottom edge of the sign. Zelda’s Restaurant and Paradise Beach Grill have approved sidewalk signs that match the shape of the BIA sign face (Attachment 5).

The Margaritaville sidewalk sign is composed of a stained alder wood sign face, with black vinyl letters identifying the restaurant at the top, and a chalk board framed with alder wood centered on the sign face. The sign complies with all required dimensional standards and is designed with quality materials. The sign does not, however, match the shape of the approved BIA design. The proposed sign is a rectangle that does not include the curved edges of the BIA sign. Photos of the sign face are included as Attachment 3.

CEQA

This sign is an accessory structure and is categorically exempt under Section 15311 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #17-002, subject to the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of one two-sided sidewalk sign for the Margaritaville Restaurant located at 231 Esplanade. The shape of the sidewalk signs is slightly different from the approved BIA design and therefore requires approval by the Planning Commission. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 16, 2017, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The sidewalk sign must be located in the in front of the business where the sidewalk is at least seventy-eight inches in width.
3. The sidewalk sign shall be no larger than eighteen inches in width and no taller than fifty-eight inches measured from the ground.
4. The sign is designed to be attached to a metal pole which will be placed in a moveable stand. The moveable stands cannot be more than eighteen inches wide. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
5. The applicant shall obtain an encroachment permit from the Public Works Department for the sidewalk sign. The encroachment permit will identify the location of the sign on a base.
6. The sidewalk sign shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A forty-eight inch level clear path of travel on concrete or similar material must be maintained where the sign is located.
7. Sidewalk signs shall be spaced a minimum of thirty linear feet from all other permitted sidewalk signs.
8. The sidewalk sign may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. No other temporary advertising signs may be used at the same time as the sidewalk sign is in use. This includes all banners, flags, window signs covering more than one-third of the window or other temporary signage.
10. All other signs on the property must be in conformance with the city's sign regulations prior to a sidewalk sign permit being issued.
11. Damaged or dilapidated sidewalk signs shall be replaced at the discretion of the community development director.
12. The sidewalk sign may not contain lights of any kind.
13. The owner of the business shall provide an executed city hold harmless waiver and proof of liability insurance to the satisfaction of the city attorney in the amount of one million dollars prior to placing the sign within said right-of-way.
14. 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.

FINDINGS

A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.

The sidewalk sign was designed to maintain the character and aesthetic of the Central Village district.

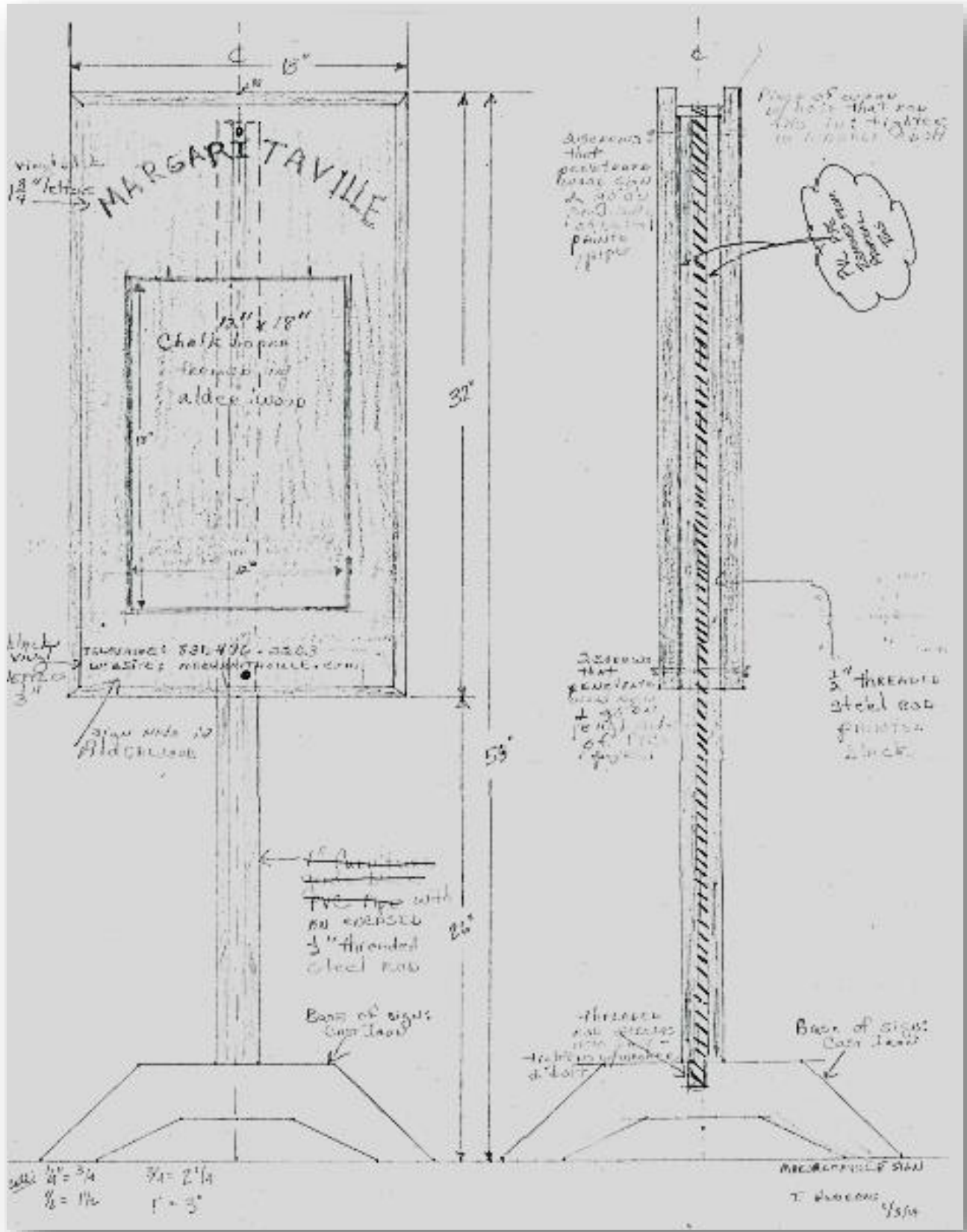
B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.

The sidewalk sign complements the Margaritaville restaurant and the Esplanade. The proposed custom sign will have a rectangular sign face built of alder wood. It will be located on the sidewalk and maintain thirty feet of separation from other approved sidewalk signs to avoid visual clutter.

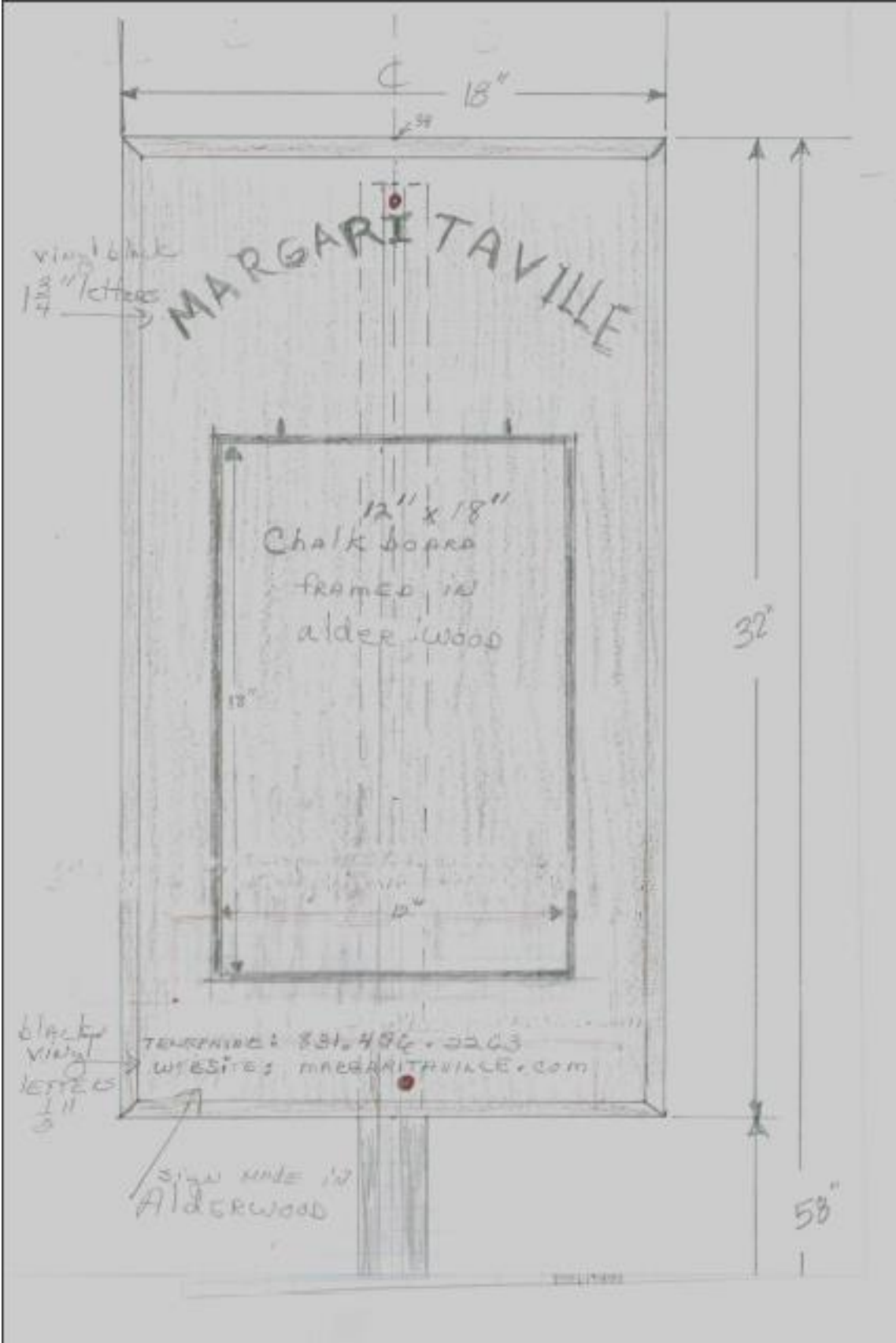
ATTACHMENTS:

1. Margaritaville Sidewalk Sign Plans
2. Photo of Margaritaville Sign Face
3. Sidewalk Sign Regulations
4. BIA sidewalk sign example
5. Approved Sidewalk Sign Examples
6. Letter from Gary Wetsel

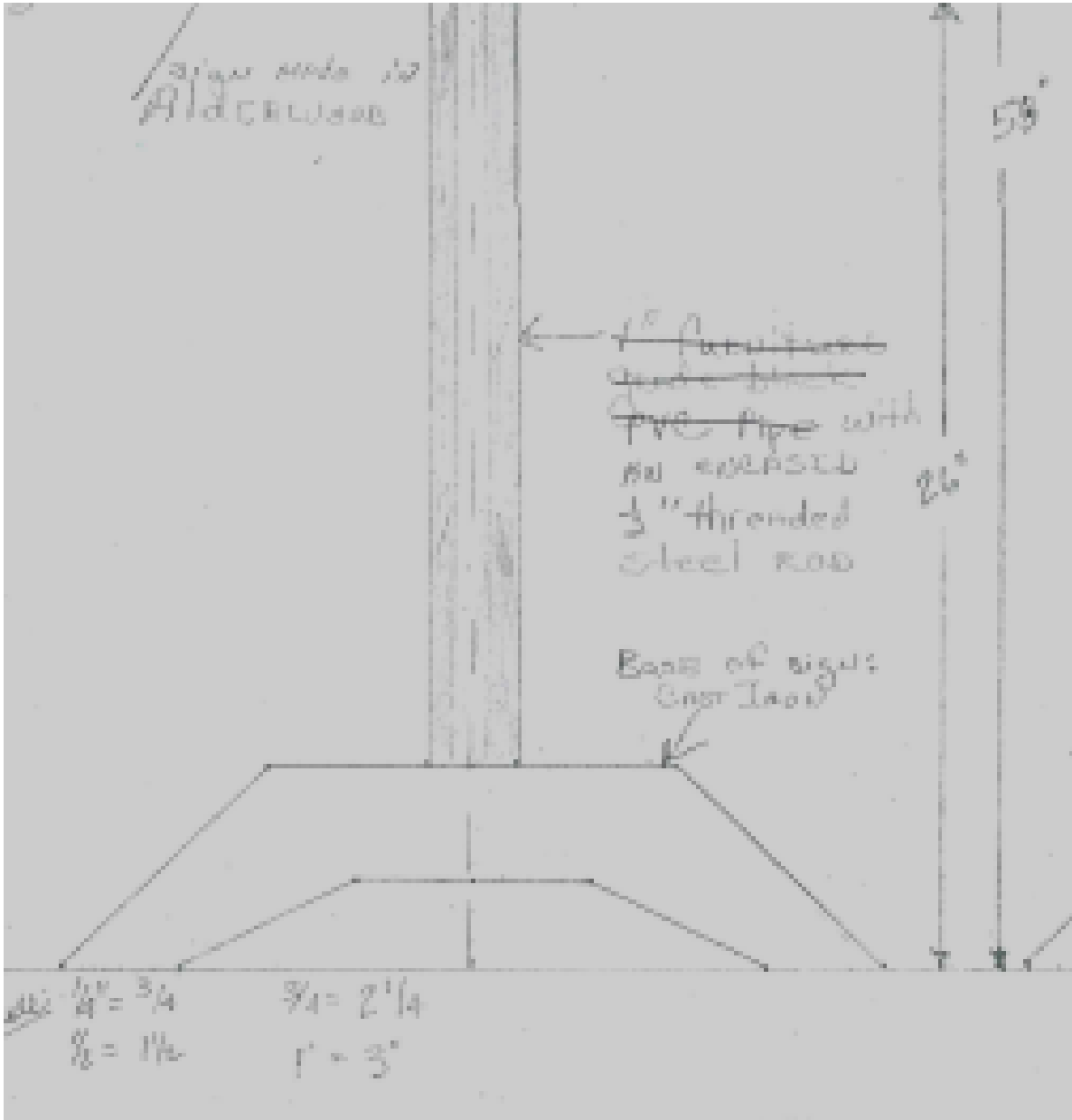
Prepared By: Katie Herlihy
Senior Planner



Attachment: Margaritaville Sidewalk Sign Plans (1758 : 231 Esplanade)



Attachment: Margaritaville Sidewalk Sign Plans (1758 : 231 Esplanade)

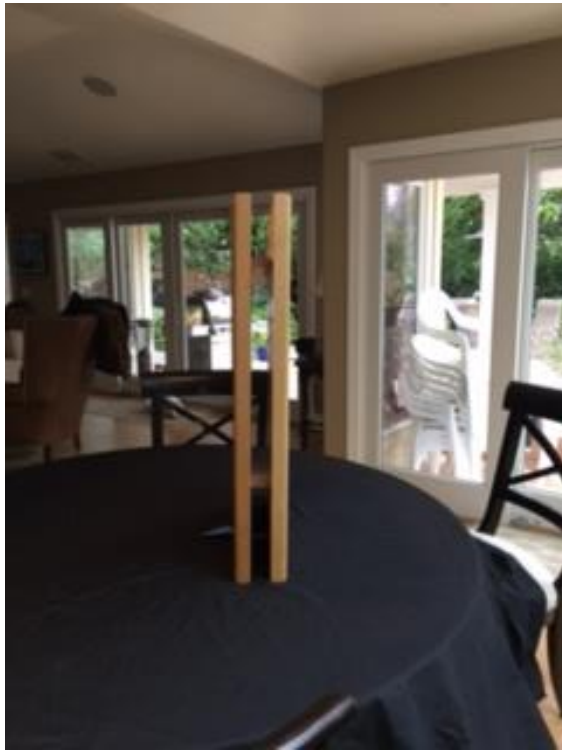


Attachment: Margaritaville Sidewalk Sign Plans (1758 : 231 Esplanade)

Image of Sign Face



Front View



Side View

Attachment: Photo of Margaritaville Sign Face (1758 : 231 Esplanade)

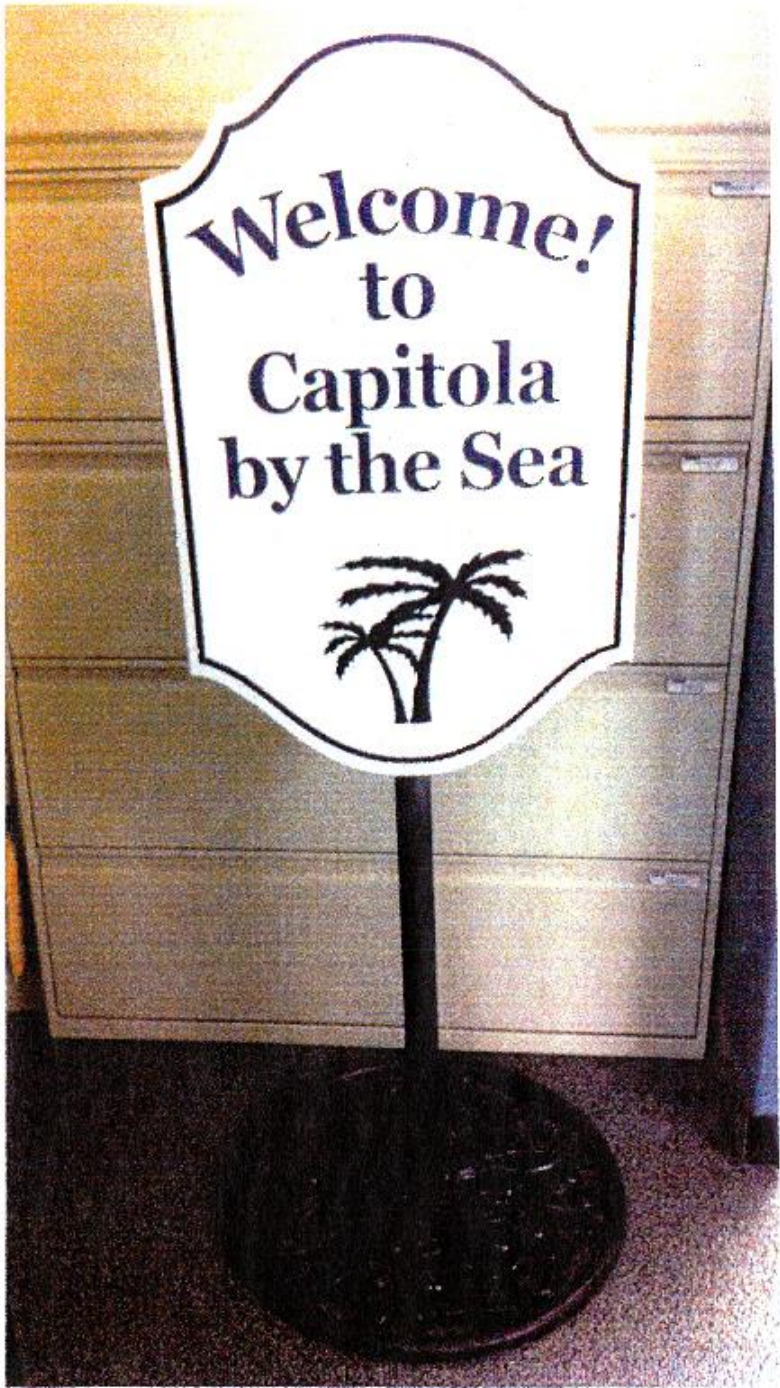
17.57.060 Central village signs.

All signs to be erected in the central village zoning district shall comply with the central village design guidelines as specified in the following regulations for signs:

- A. Relate all signs to their surroundings in terms of size, shape, color, texture and lighting so that they are complementary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.
- B. Arrange any external spot or flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.
- C. Signs for buildings which house more than one business are permitted only when a program for the complex has been approved. Signs need not match but should be compatible with the building and each other.
- D. One menu box with a maximum of three square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
- E. If banners and flags are placed on a building they must be included and reviewed as part of the sign program.
- F. Sidewalk signs are permitted in the Central Village zoning district subject to the following standards:
 1. Only one two-sided sidewalk sign per business establishment is permitted.
 2. The sidewalk in front of the business must be at least seventy-eight inches in width.
 3. Sidewalk signs consistent with the approved BIA design can be issued an over the counter sign permit by the community development director.
 4. Sidewalk signs shall be no larger than eighteen inches in width and no taller than fifty-eight inches measured from the ground.
 5. The signs may be placed on poles which will either be placed in a hole drilled into the sidewalk or in moveable stand. The moveable stands cannot be more than eighteen inches wide and will need to be approved as part of the sign permit. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
 6. All sidewalk signs will need to obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 7. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A forty-eight inch level clear path of travel on concrete or similar material must be maintained where the sign is located.
 8. Sidewalk signs shall be spaced a minimum of thirty linear feet from all other permitted sidewalk signs.

9. Sidewalk signs must use the approved Business Improvement Association master design approved by the community development director. A copy of the approved sidewalk sign shall be maintained in the planning department of the city of Capitola.
10. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.
11. No other temporary advertising signs may be used at the same time as the sidewalk sign is in use. This includes all banners, flags, window signs covering more than one-third of the window or other temporary signage.
12. All other signs on the property receiving a permit for a sidewalk sign must be in conformance with the city's sign regulations prior to a sidewalk sign permit being issued.
13. Damaged or dilapidated sidewalk signs shall be replaced at the discretion of the community development director.
14. No sidewalk sign may contain lights of any kind.
15. No more than thirty sidewalk signs will be allowed in the Central Village zoning district at any time.
16. The owner of any business desiring to place a sidewalk sign on the city right-of-way shall provide an executed city hold harmless waiver and proof of liability insurance to the satisfaction of the city attorney in the amount of one million dollars prior to placing the sign within said right-of-way.
17. Multi-tenant developments shall be permitted one sandwich board sign per each common exterior public business entrance.
18. Individual signs may advertise more than one business.
19. Illegal signs or sign stands may be removed by the city of Capitola to insure public safety. (Ord. 973 § 3, 2012; Ord. 785 § 2, 1995)

Copy of the approved BIA sidewalk sign maintained in the planning department of the City of Capitola.



Attachment: BIA sidewalk sign example (1758 : 231 Esplanade)

Paradise Beach Grille Approved Sidewalk Sign



Attachment: Approved Sidewalk Sign Examples (1758 : 231 Esplanade)

Zelda's on the Beach Approved Sidewalk Sign



Attachment: Approved Sidewalk Sign Examples (1758 : 231 Esplanade)



Attachment: Approved Sidewalk Sign Examples (1758 : 231 Esplanade)

Herlihy, Katie (kherlihy@ci.capitola.ca.us)

From: Gary Wetsel <gary@mauisunrise.net>
Sent: Tuesday, February 21, 2017 5:27 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Cc: Hanna, Carin (carinhanna@aol.com); Grunow, Rich (rgrunow@ci.capitola.ca.us); Bottorff, Ed (ebottorff167@yahoo.com); Karl Heiman; Termini, Mike (michael@triadelectric.com); Welch, Troy (TJ) (noworries4TJ@mac.com)
Subject: Re: Village Sidewalk Sign Application
Importance: High

There has been much discussion of sidewalk signs. After lengthy debates a sign standard was agreed upon. **I see no reason why any modification** to this standard should be made. All merchants must be subject to the same form, NO EXCEPTIONS.

In addition I am certain that only one sign is allowed for **multiple tenants in one building**. There are 3 tenants in this building.

Specifically If Margartiville and Mr. Toots each desire a sign, their entrances are a few feet apart and would not meet the 30 foot requirement.

Please advise.

Gary Wetsel

On Feb 21, 2017, at 5:07 PM, Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us> wrote:

Good Afternoon Gary and Carin,

The City recently received a sidewalk application for Margaritaville. The Planning Commission reviewed the application at the special meeting on February 16th and continued it to March 2nd. The Commission requested that I reach out to the BIA to receive feedback on a current application, specifically the proposed shape of the sidewalk sign.

The standard in the code states that "Sidewalk signs must use the approved Business Improvement Association master design approved by the community development director. A copy of the approved sidewalk sign shall be maintained in the planning department of the city of Capitola." The code includes a maximum height of 58 inches and a maximum width of 18 inches. The sign can be two sided and must be placed on a pole that is either drilled into the sidewalk or in a moveable stand.

The application complies with the standards for height, width, moveable stand, and pole. The big question is whether or not any variation in the shape of the sign is allowed or should be allowed. The BIA sign had a unique shape. The shape of the proposed Margaritaville sign is a rectangle that is 18 inches wide by 32 inches tall made of Alder wood. They are proposing vinyl lettering for "Margaritaville" above a framed alder wood chalkboard that is centered on the sign. It is high quality craftsmanship. I have attached the staff report and the application. Could you please review and provide me with feedback that I can share with the Planning Commission? My staff report is due to go out this Friday. Any feedback you can provide by Friday would be greatly appreciated. If this is too soon, I can look into continuing the matter.

Respectfully,

Senior Planner

City of Capitola

Attachment: Letter from Gary Wetsel (1758 : 231 Esplanade)

420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300

<image002.jpg>

<Report and Attachments.pdf>

Attachment: Letter from Gary Wetsel (1758 : 231 Esplanade)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: MARCH 2, 2017
 SUBJECT: **1475, 1501, 1549, 1601 41st Ave #16-201 034-151-20**

Master Sign Program application for the King's Plaza shopping center, located in the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Ow Family Trusts, filed: 11/2/16

Representative: North West Signs

APPLICANT PROPOSAL

The applicant is proposing a Master Sign Program (MSP) for the King's Plaza shopping center at 1475, 1501, 1549, and 1601 41st Avenue. The proposed MSP would include specifications for new wall signs, monument signs, and directional signs throughout the shopping center. The shopping center is zoned CC (Community Commercial).

BACKGROUND

The Architectural and Site Review Committee reviewed the application on January 25th, 2017, and provided the applicant with the following direction:

Public Works Representative, Daniel Uharriet: explained that standard stormwater conditions will apply to the construction site.

Building Official, Brian Van Son: informed the applicant that the monument signs will need to meet line-of-sight requirements for ingress and egress into the shopping center.

Local Architect, Frank Phanton: supports the proposal and did not have any comments.

City Planner, Ryan Safty: directed the applicant to submit information on the existing sign sizes and to update the elevations to show compliance with minimum eight-foot height clearance. Staff also recommended using faux stone along the base of the 38th Avenue monument signs to match the Capitola Road and 41st Avenue proposals. Lastly, staff informed the applicant that a condition of approval will require a detailed landscape plan at time of building permit submittal to ensure each new monument signs is landscaped (Condition of Approval #5).

Following the Architectural and Site Review hearing, the applicant revised plans and submitted additional information to address each of the comments received at the hearing.

DISCUSSION

The King's Plaza shopping center is a large retail center consisting of 500,000 square feet of land occupied by retail shops, restaurants, a grocery store, and a movie theater. The property is situated at the corner of three streets: Capitola Road, 41st Avenue, and 38th Avenue. The property has considerable frontage along the major commercial thoroughfares of 41st Avenue (630 feet) and Capitola Road (335 feet). The Shell gas station and Bank of the West properties along Capitola Road are not considered a part of King's Plaza.

Visibility from 41st Avenue has been a challenge for the shopping center's many tenants due to the location of the buildings being set far back from 41st Avenue. The existing signs and building entrances are oriented towards the centralized parking lot, 41st Avenue, and Capitola Road. There are no existing signs along 38th Avenue, a mixed use area that transitions from commercial to residential uses heading south. The purpose of the MSP application is to increase tenant visibility along 41st Avenue, improve wayfinding, and update the design of individual tenant signs. The applicant is also seeking additional monument signs through the geographical constraint exception allowed within the code due to visibility challenges.

Master Sign Program (MSP):

The existing center contains an array of different designs of wall signs and monument signs. The style of the wall signs for the smaller, inline tenants are cabinet signs, but the size, shape, and placement of the cabinet signs vary. The anchor tenants have larger custom wall signs. The center has two existing oversized monument signs: a large timber structure along 41st Avenue and a changeable copy movie theatre sign along Capitola Road that advertises current movies.

King's Plaza does not have an existing MSP for the shopping center. Currently, a new tenant can replace an existing sign face or lettering on an existing sign when the new sign is to be substantially the same size and design as the existing (§17.57.020). Any design, size, or location change requires Planning Commission approval. Additionally, new monument and directional signs require Planning Commission approval.

Pursuant to §17.57.080, Master Sign Programs establish material, letter style, height, color and illumination of signs for shopping centers. An MSP allows individual sign permits to be issued by the Community Development Director or his designee when in compliance with the MSP standards. The Planning Commission has added flexibility within the municipal code when reviewing an MSP.

Geographically Constrained Areas:

The sign code also allows greater flexibility for commercial sites that are geographically located that, except to a very limited degree, the signs are not visible from other properties or public streets (§17.57.090). Much of the center's signage is not visible from 41st Avenue or Capitola Road. Due to the visibility constraints of the center, the Planning Commission may approve additional or variations to any type of signage as long as the following findings can be made:

1. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.

2. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. This subsection C does not allow approval of: signs over sixteen feet high, sound signs, abandoned signs, balloon signs greater than fifteen inches in diameter, or freestanding signs.

The applicant is requesting additional monument signs along the street frontages due to visibility challenges. The Planning Commission has the ability to approve the requests due to the existing site challenges as long as the special signage will not have a significant adverse effect on the character and integrity of the surrounding area.

Wall Signs:

The proposed MSP for the King's Plaza shopping center would specify the allowed location, size, and design of wall signs throughout the center. The MSP includes a table on page four which includes the store frontage and the proposed maximum allowed sign area, letter height, and logo height for each tenant (Attachment 1). The MSP would allow tenants to choose between replacing an existing wall sign with a new wall sign of the same size and design, or constructing a new sign which meets the design requirements of the MSP.

Design: The MSP proposes that new wall signs would be internally illuminated cabinet signs. A majority of the existing tenants have cabinet signs which are located along the roofline or hanging below the rooftop. The *41st Avenue Design Guidelines* state that, "individual letters attached to a wall are preferred to cabinet signs". The municipal code does not prohibit cabinet wall signs.

Size: The code limits the size of a wall sign to one square foot of sign area for each one linear foot of business frontage (§17.57.070.B). Page 4 of the MSP includes the length of the suite frontage and proposed maximum sign area. The majority of the proposed maximum sign areas are within a few feet of the length of the building frontage. The suggested maximum sign area creates consistency for the size of similar tenants within the same building. For instance, within the Palace Arts building, the smaller tenant spaces (East-End Pub, Flying Crane, Pet Emporium, and Orange Theory) frontages vary from 30 to 31 feet. The MSP allows a maximum sign area of 30 square feet for each space to create consistency in scale across the façade.

Quantity: Wall signs are limited within the sign code to one wall sign per business unless a business is located on a street corner or if the additional wall sign is allowed under a master sign program. The proposed MSP would allow each tenant one wall sign centered above their primary store front, except that "end-cap" tenants be allowed two wall signs on each corner of the building. Suite A-3 (Main Street Bagel), Suite V (See's Candy), and Suite S (Baskin Robins) currently have two wall signs and fall within this category. The proposal requests two new 100 square foot wall sign for Suite I (East End Brewery) and Suite N (Orange Theory) along the internal access from 38th Avenue into the plaza. The request for 100 square feet matches the 100 linear feet of business frontage along the side elevation. Suite Z (IHOP) also has two wall signs but is not an end-cap tenant. The proposed MSP seeks to increase Suite Z (IHOP) wall signs from the two existing 35 square feet wall signs to two 70 square foot wall signs.

Recommendation: For the wall signs within the MSP, staff recommends minor changes to the proposed allocations including:

- Decrease the maximum sign area on the I-South (East-End Brewery) and N-North (Orange Theory) elevations from 100 square feet to 30 square feet. This change would allow the suites to have advertising facing the vehicular entrances, but reduces the size to better conform to the center's overall sign program.

- Reducing the proposed IHOP signs to allow either one 70 square foot sign on the east-side (facing 41st Avenue), or two 35 square foot signs on the east and north sides of the building.
- Require Planning Commission approval for new signs for major tenants and the theater site which are larger than 75 square feet (Condition of Approval #6).

In total, the shopping center contains 1,984 combined linear feet of business frontage. The MSP proposes a total of 1,919 square feet of combined wall sign area, which complies with the code maximum of one square foot of sign area for each one linear foot of business frontage. By incorporating staff's recommendations, the combined wall sign square footage total would be reduced from 1,919 square feet to 1,709 square feet.

Monument Signs:

The shopping center has two existing monument signs: one along 41st Avenue and the theater sign along Capitola Road. The MSP proposes to remove the 15-foot high monument sign along 41st Avenue, keep the existing 20-foot tall movie theater sign, and construct eight new multi-tenant monument signs along the perimeter of the shopping center. The MSP includes four new monument signs along 41st Avenue, two along Capitola Road, and two along 38th Avenue.

Size: Pursuant to the Capitola Municipal Code, monument signs are limited to a maximum height of eight feet for buildings located at least 25 feet away from the street and four feet for buildings closer than 25 feet. Every building in the center, except suite Z (IHOP), is located 25 feet from the street. The maximum size for monument signs is 60 square feet. The proposed monument signs along 41st Avenue and Capitola Road would be eight feet tall and 48 square feet in size. The proposed monument signs along 38th Avenue would be five feet tall and 35 square feet in size.

Design: Additionally, the code limits the maximum number of tenants listed on a monument sign to four, while the MSP proposes to list four to five tenants on the 41st Avenue and Capitola Road monuments and four to six tenants along 38th Avenue. The range of four to six would allow one tenant to utilize up to two spaces. The Planning Commission has the ability to approve the increase in number of tenants due to geographical constraints of the site as long as the required findings can be made. Many of the tenants are not visible from adjacent properties or public streets and will rely on the monument sign for business visibility.

The code states that internally illuminated monument signs, "shall be limited to the use of individually lighted letters with opaque or wood background materials" (§17.57.070.A.1). The proposed monument signs would be double sided, internally illuminated, and use faux stone for the base. The sign face would not comply with the required standards of individually lighted letters. The proposed sign faces are cabinet style and would be made of acrylic plastic with a vinyl overlay, and not individually lighted letters.

Quantity: The code limits the number of monument signs to one for each building frontage. In the case of a corner parcel, a monument sign may be allowed for each frontage provided that each sign is placed at least two hundred feet from the actual intersection corner. The center fronts along three streets which would allow for three monument signs by code, one on each street. The applicant is proposing eight monument signs around the center. The MSP includes four new monument signs along 41st Avenue, two sign along Capitola Road, and two along 38th Avenue.

The King's Plaza owners are requesting additional monument signs due to the size and layout of the shopping center. In a letter included in their application, the owners outline that the number of proposed signs is consistent with neighboring shopping centers, the size of the proposed signs is consistent with City code, the proposed signs will provide additional visibility their smaller businesses, and the MSP is consistent with the character of the area (Attachment 2).

To approve the additional monument signs, the Planning Commission must find that the special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. Staff conducted a survey of the surrounding area and monument signs including properties in the commercial area south of Clares Street, east of 38th Avenue, north of Jade Street, and west of 45th Avenue (Attachment 3). The survey identified 29 monument signs. Of the 29 monument signs observed, 24 of them serve properties which are located at least 25 feet from the street and can be eight-feet tall (§17.57.070.A.1). Of these 24 signs, over half are at the eight-foot maximum height limit or taller.

The survey also revealed trends in the number of monument signs for larger properties. The Capitola Mall, which is roughly two-and-a-half times the size of Kings Plaza, has five monument signs along the four streets which border the property. The mall has two monument signs along 41st Avenue, two along Clares Street, and one along Capitola Road. Within the Kings Plaza MSP, four monument signs are proposed along 41st Avenue which may be too busy for the block and have a negative impact on the surrounding area. In anticipation of the question of visual clutter, staff requested that the applicant construct temporary story poles to show the height, width, and location of the monument signs. The week prior to the Planning Commission meeting, the poles shall be in place.

Recommendation: For the monument signs within the MSP, staff recommends minor changes to the proposed allocations including:

- Allow up to four new monument signs. Specifically, two monument signs along 41st Avenue (one near suite A-3 and one near suite Z), one monument sign along Capitola Road in addition to the existing movie theatre sign, and one monument sign along 38th Avenue.
- Require individually lit channel letters for the monument signs instead of cabinet signs. Staff has added this as a condition of approval (Condition of Approval #8).
- Allow the proposed monument signs to list up to six tenants, per the geographical constraint code flexibility. The recommended reduced approval of four monument signs could list a maximum of 16 suites under current code, while the center currently has 21 businesses.

Directional Signs:

The MSP proposes three directional signs throughout the parking lot of the shopping center. Each directional sign would be four-feet nine-inches tall. The directional signs would be similarly designed as the proposed monument signs and would list five tenants. The proposed directional signs comply with code requirements.

CEQA

Section 15301 of the CEQA Guidelines exempts minor alterations to existing structures. This project involves eight new monument signs, three new directional signs, and design limitations for new wall signs throughout the shopping center in the CC (Community Commercial) Zoning District.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-201, based on the findings, conditions, and following modifications:

- Any new wall-sign for a major tenant that exceed 75 square feet shall require approval by the Planning Commission (Condition of Approval #6).
- New wall signs on the I-South and N-North elevations shall be reduced from 100 square feet to 30 square feet.
- The proposed signs for suite Z should be reduced to a total of 70 square feet with the stipulation that the tenant can either have one 70 square foot sign on the east-side (facing 41st Avenue), or two 35 square foot signs on the north-east corner of the building.
- Maximum of five monument signs on the site including the existing changeable copy sign for the Theater: two on 41st Avenue, two on Capitola Road, and one on 38th Avenue.
- Require individually lit channel letters for the monument (Condition of Approval #8).

CONDITIONS OF APPROVAL

1. The project approval consists of a Master Sign Program to establish sign criteria for the King's Plaza shopping center at 1475, 1501, 1549, and 1601 41st Avenue in the CC (Community Commercial) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 2, 2017, except as modified through conditions imposed by the Planning Commission during the hearing. The applicant is required to update the master sign program to reflect all conditions imposed by the Planning Commission within 30 days of the program approval.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. Any sign illumination must be screened from direct view, so that the illumination does not shine into adjacent property or distract motorists or pedestrians.
4. Prior to issuance of individual sign permits, all Planning fees associated with permit #16-201 shall be paid in full.
5. Prior to issuance of building permit, the applicant must submit detailed landscape plans for each monument sign area. The landscape plans must use native, drought tolerant plants and must use irrigation with a timer.
6. Any new wall-sign for a "major tenant" or the theatre site which are larger than 75 square feet shall require Planning Commission review and approval.
7. The master sign program shall be updated to allow new wall signs on the "I-South" and "N-North" elevations up to 30 square feet.
8. The monument signs shall use individually lit channel letters with opaque or wood background materials instead of cabinet signs. (§17.57.070.A.1)
9. The master sign program shall be updated to allow suite Z to have either one 70 square foot sign on the east-side (facing 41st Avenue), or two 35 square foot signs on the east and north sides of the building.

10. The master sign program shall be updated to reflect a maximum of five monument signs on the site (four new). Two may be located along 41st Avenue, two along Capitola Avenue (including the theater sign) and one along 38th Avenue.
11. The monument signs may list a maximum of six tenants. No tenant sign may be located on more than one monument signs.
12. All illumination must comply with the standards of the sign ordinance and municipal code. Animated signs and moving lights are prohibited. No sign shall have an intensity of more than fifty foot-candles as measured from the ground level.
13. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
14. 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.
15. 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.
16. 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).
17. 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.
18. 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.
19. 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.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the application. The proposed Master Sign Program, with the recommended conditions imposed, would meet the intent and purpose of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General 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 reviewed the proposed master sign program and determined that the Master Sign Program due to geographical constraints and large size of the site complies with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves the approval of a Master Sign Program for the King's Plaza shopping center. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

D. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.

The allowance of six tenants to be listed on the proposed monument signs is appropriate for the Kings Plaza Master Sign Program proposal. The center is allowed a maximum of four monument signs. With six tenants on each monument sign, the center can advertise a maximum of 24 businesses. The center currently has 21 businesses. The added number of tenants on the monument signs is necessary for the center to be able to advertise each of their businesses.

E. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the of the surrounding area.

The special signage for additional tenants (up to six) to be listed on the new monument signs will not have a negative effect on the surrounding area. The massing and height of the proposed monument signs complies with code requirements. There are several other monument signs in the CC (Community Commercial) zone which similarly list more than four tenants.

ATTACHMENTS:

1. Master Sign Program Plans
2. Request Letter to Capitola Planning Commission
3. Monument Sign Survey

Prepared By: Ryan Safty
Assistant Planner

King's Plaza

Master Sign Program

Capitola, California USA

CREATED BY NORTHWEST SIGNS

February 10, 2017

Project File No:

Date of Approval:

INTRODUCTION

This Master Sign Program has been developed with the purpose of creating criteria that allows for creativity and varied use of sign designs. Use of established trademarks and logos are encouraged. This Master Sign Program is created for the mutual benefit of all tenants and the public, and there should be an element of continuity between the signs in the Master Sign Program. It is intended that signs should not be sterile or uninteresting. All new signs shall be consistent with this Master Sign Program. "Nothing in this Master Sign Plan shall limit non-sign improvements, including, but not limited to remodels, new construction, and/or murals."

All Existing permitted signs shall be considered legal.

CHAPTER ONE GUIDELINES FOR KING'S PLAZA TENANT BUILDING SIGNAGE

1. Each tenant shall be allowed a minimum of one sign over their primary storefront. End cap tenants in Suites A3, H, I, N, S, V, and the tenant in Suite Z shall be allowed a maximum of two signs.

2. The tenants in the shopping center shall be divided into the following categories:

Inline Tenants: Suites A2, A3, B, I, J, M, N, O, P, Q, R*, S, V, W, X and Y.

* Please note that Suite R is currently part of Suite TU but if it is ever divided back in its own space it would be considered an Inline Tenant space.

Sub Major Tenant: Suite A1

Major Tenants: Suites C, D, E, F, K, L, R, T and U.

Theater: Suites G and H.

Restaurant Pad. Suite Z.

3. Maximum sign area, sign height, letter height and logo height for each suite is identified in table 1 **NOTE: The combined maximum height for letters in a single or double line sign shall not exceed the maximum letter height identified in table 1.**
4. Maximum square footage of logo shall not exceed 25% of proposed sign area.
5. All colors and font styles shall be selected by tenant with landlord approval.
6. All illuminated signs shall bear UL labels. All such labels shall be in an inconspicuous location. All sign installation(s) shall comply with all local building and electrical codes.
7. All conductors, transformers, mounting hardware, wiring and other equipment shall be concealed from public view.

8. All tenant signage will be connected to tenant's electrical system and be controlled by lighting controls furnished by tenant. All signs shall be lighted during hours designated by the landlord.
9. All penetrations into building and/or roof required for installation of sign shall be sealed in a water tight condition by the roofing contractor, patched as required and painted to match adjacent finish.
10. All work shall be of an acceptable level of quality and performed by a licensed contractor. Landlord reserves the right to reject any work determined to be of insufficient quality.
11. Tenants may be asked by landlord to remove, replace or repair signs in the event that they do not properly illuminate, are damaged, aged or discolored. Tenants shall have (7) seven days to prove such corrections are being made.
12. All permitted signage in the shopping center as of the date of the approval of this Master Sign Program shall be legal and allowable. New Tenants in the shopping center shall be allowed to (1) use existing signage style that includes new tenant's business name and/or logo, or (2) install new signage consistent with this Master Sign Program.
13. In the event two adjacent inline tenant suites combine to form one space the tenant may combine the max sign area of the two suites.

CHAPTER TWO RESTRICTIONS & SUBMITTALS FOR KING'S PLAZA TENANT BUILDING SIGNAGE

All tenants are subject to the following:

1. No animated, revolving, flashing, audible, offensive or side walk signs shall be allowed.
2. Tenant will be required to remove any sign that does not meet landlord approval or that does not contribute positively to the overall design of the center. Such signs will be removed within (2) two day days of notification by landlord.

Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)

- 3. Tenants shall submit (2) two copies of shop drawings to landlord of all proposed signage, showing colors, locations, materials, electrical and attachment details. Upon receipt of approval from landlord, tenant (or their authorized agent) shall make all necessary submittals to city agencies and are responsible for obtaining necessary permits. No sign shall be installed until all necessary permits have been obtained.
- 4. Any new projecting/hanging signs shall be installed with an 8'-0" overhead clearance.

CHAPTER THREE GUIDELINES FOR KING'S PLAZA MONUMENT SIGNAGE

- 1. The existing theater marquee sign near Capitola Road is allowed and change to text of the sign shall be permitted
- 2. Shopping center owner shall be allowed to install (8) eight freestanding, double sided, internally illuminated, multi-tenant monument signs throughout the perimeter of King's Plaza, as shown on attached site plan and exhibits B, C, and E and as described in Guidelines 3-5 of this chapter
- 3. Shopping center owner shall be allowed to install (4) four new monument signs near 41st Avenue. These signs, including the bases and artistic features, shall be approximately 8'-0" tall and 6'-3" wide. These signs shall have either (4) four or (5) five tenant panels on each side. If landlord so chooses two tenant spaces on each monument sign shall be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on 41st Avenue. See Exhibit B & E.
- 4. Shopping center owner shall be allowed to install (2) two new monument signs near Capitola Road. These signs, including the bases and artistic features, shall be approximately 8'-0" tall and 6'-3" wide. These signs shall have either (4) four or (5) five tenant panels on each side. If landlord so chooses two tenant spaces on each monument sign shall be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on Capitola Road. See Exhibit B.
- 5. Shopping center owner shall be allowed to install (2) two new monument signs near 38th Avenue. These signs, including the bases and artistic features, shall be approximately 5'-0" tall and 7'-0" wide. These signs shall have either (4) four or (6) six tenant panels on each side. If landlord so chooses two tenant spaces on each monument sign shall be combined to form one larger tenant panel. No tenant shall be on more than one monument sign on 38th Avenue. See Exhibit C.
- 6. Shopping center owner shall be allowed to install (3) three freestanding, double sided, internally illuminated, multi-tenant directional signs within King's Plaza, as shown on attached site plan. Also see Exhibit D.
- 7. No temporary signs or sandwich board signs will be allowed.

INLINE TENANT BUILDING SIGN TABLE 1

SUITE	STORE FRONTAGE	MAX SIGN AREA	MAX SIGN HEIGHT	MAX LETTER HEIGHT	MAX LOGO HEIGHT
A-2	45'-0"	72 sq	3'-0"	2'-6"	2'-6"
A3-EAST	35'-0"	72 sq	3'-0"	2'-6"	2'-6"
A3-NORTH	44'-0"	40 sq	2'-6"	2'-2"	2'-2"
B	39'-0"	40 sq	2'-6"	2'-2"	2'-2"
I-EAST	31'-0"	30 sq	2'-6"	2'-2"	2'-2"
I-SOUTH	100'-0"	100 sq	2'-6"	2'-2"	2'-2"
J	30'-0"	30 sq	2'-6"	2'-2"	2'-2"
M	30'-0"	30 sq	2'-6"	2'-2"	2'-2"
N-NORTH	100'-0"	100 sq	2'-6"	2'-2"	2'-2"
N-EAST	31'-0"	30 sq	2'-6"	2'-2"	2'-2"
O	48'-0"	40 sq	2'-6"	2'-2"	2'-2"
P	20'-0"	25 sq	2'-6"	2'-2"	2'-2"
Q	19'-0"	25 sq	2'-6"	2'-2"	2'-2"
R	60'-0"	60 sq	2'-6"	2'-2"	2'-2"
S-SOUTH	22'-0"	25 sq	2'-6"	2'-2"	2'-2"
S-EAST	36'-0"	40 sq	2'-6"	2'-2"	2'-2"
V-EAST	36'-0"	40 sq	2'-6"	2'-2"	2'-2"
V-NORTH	40'-0"	40 sq	2'-6"	2'-2"	2'-2"
W	40'-0"	40 sq	2'-6"	2'-2"	2'-2"
X / Y	90'-0"	90 sq	2'-6"	2'-2"	2'-2"

SUB MAJOR TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	MAX SIGN AREA	MAX SIGN HEIGHT	MAX LETTER HEIGHT	MAX LOGO HEIGHT
A-1	80'-0"	72 sq	3'-0"	2'-6"	2'-6"

MAJOR TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	MAX SIGN AREA	MAX SIGN HEIGHT	MAX LETTER HEIGHT	MAX LOGO HEIGHT
C / D	148'-0"	148 sq	5'-6"	5'-2"	5'-2"
E / F	170'-0"	170 sq	5'-6"	5'-2"	5'-2"
K / L	120'-0"	120 sq	5'-6"	5'-2"	5'-2"
R / T / U east	150'-0"	100 sq	5'-6"	5'-2"	5'-2"
R / T / U south	150'-0"	70 sq	5'-6"	5'-2"	5'-2"

THEATER TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	MAX SIGN AREA	MAX SIGN HEIGHT	MAX LETTER HEIGHT	MAX LOGO HEIGHT
G / H	130'-0"	130 sq	6'-6"	6'-2"	6'-2"

THEATER ALSO ALLOWED ONE 14'-6" X 50'-0" THEATER MARQUEE

RESTAURANT TENANT BUILDING SIGN TABLE

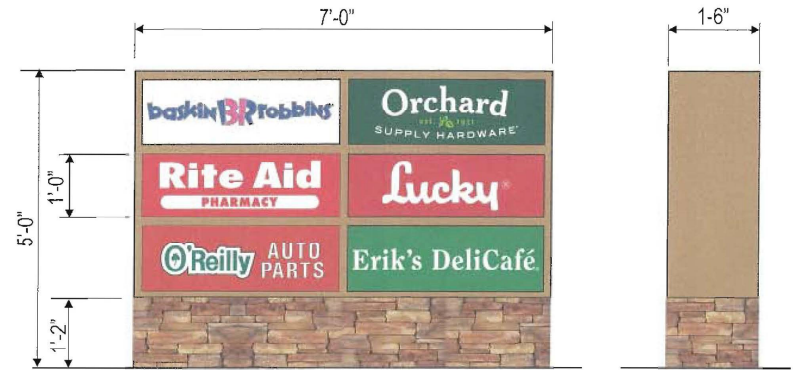
SUITE	STORE FRONTAGE	MAX SIGN AREA	MAX SIGN HEIGHT	MAX LETTER HEIGHT	MAX LOGO HEIGHT
Z-NORTH	70'-0"	70 sq	5'-0"	4'-8"	4'-8"
Z-EAST	70'-0"	70 sq	5'-0"	4'-8"	4'-8"

EXHIBIT A



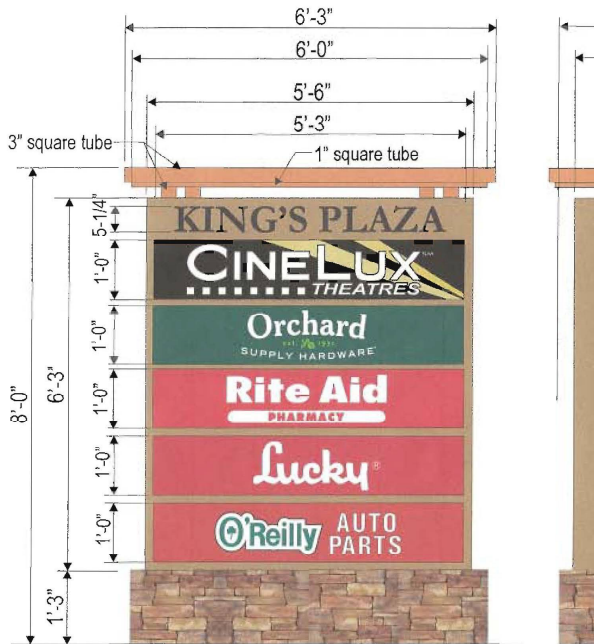
Typical Shop Tenant Sign 1/2"=1'-0"

single face internally illuminated sign with routed aluminum pan face-backed with acrylic plastic and vinyl overlay.



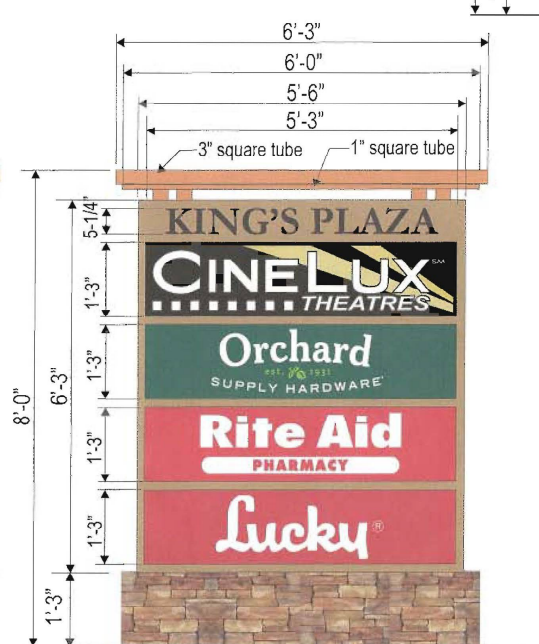
Typical free standing signs-38th Avenue 1/2"=1'-0"

Double sided internally illuminated multi tenant monument sign with Lexan tenant panels with vinyl overlay, fabricated aluminum cabinet and faux stone base.



Typical free standing signs-41st Ave. & Capitola Road 1/2"=1'-0"

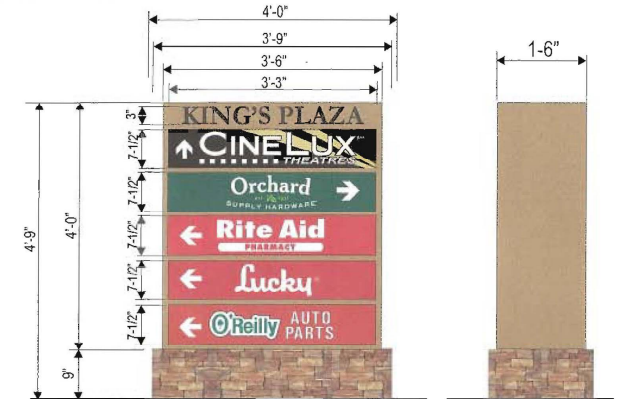
Double sided internally illuminated multi tenant monument sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum roof and faux stone base.



Free standing sign-41st Ave. monument A 1/2"=1'-0"

Double sided internally illuminated multi tenant monument sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum roof and faux stone base.

EXHIBIT C



Directional Sign 1/2"=1'-0"

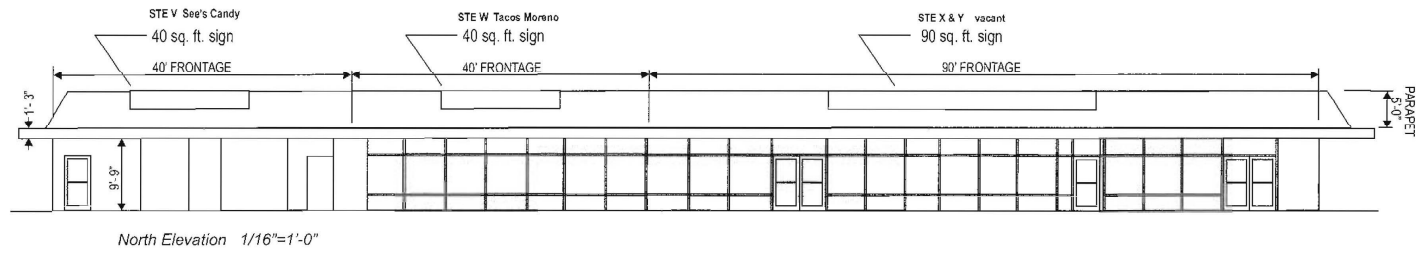
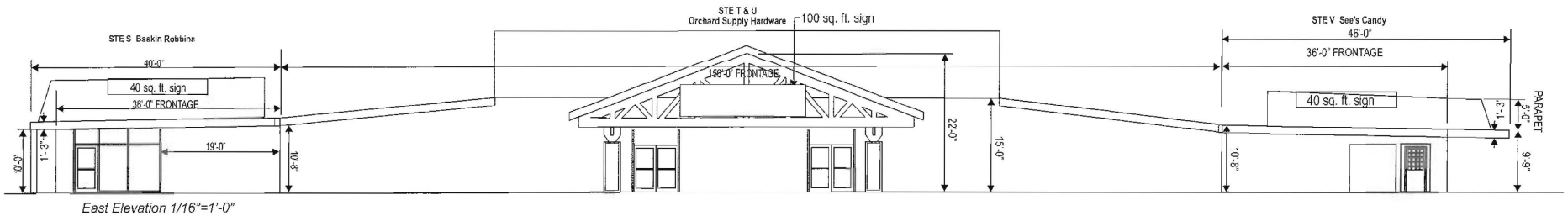
Double sided internally illuminated multi tenant directional sign with routed center I.D. backed with acrylic plastic, Lexan tenant panels with vinyl overlay, fabricated aluminum cabinet and faux stone base.

EXHIBIT D

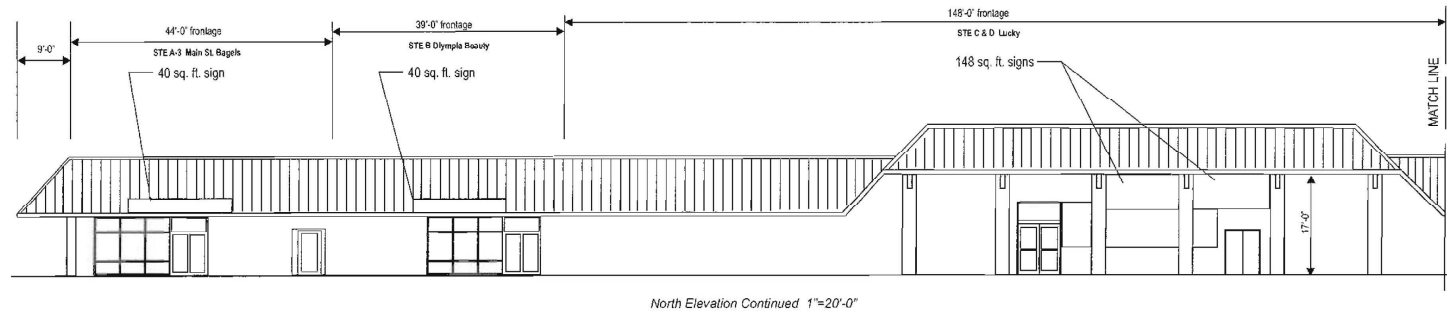
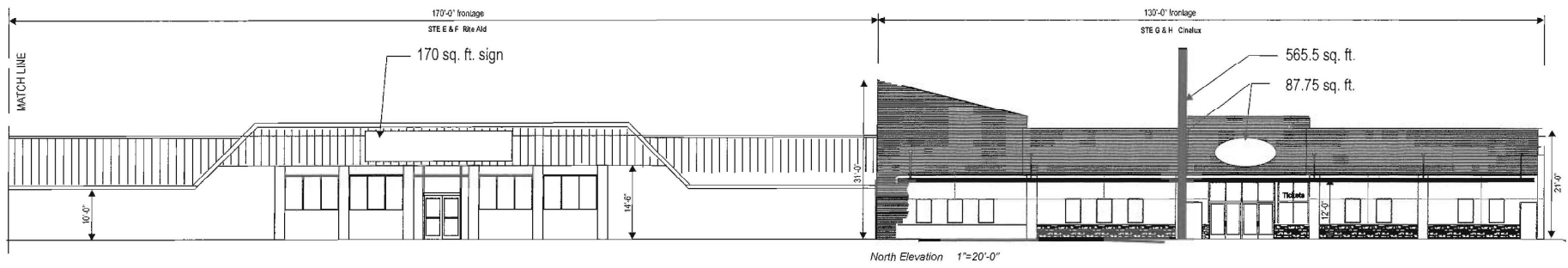
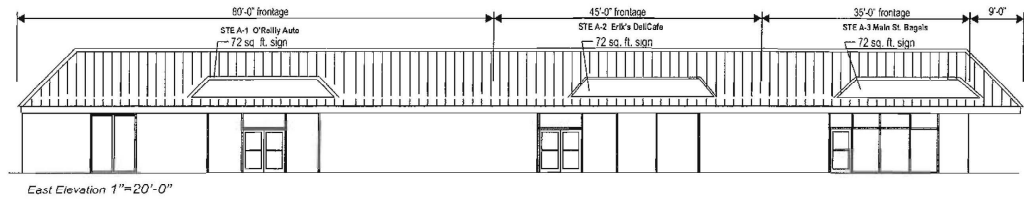
EXHIBIT B

2-10-17

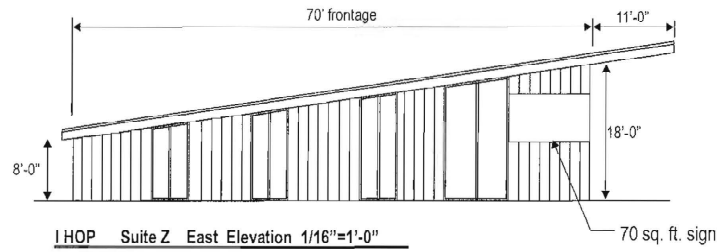
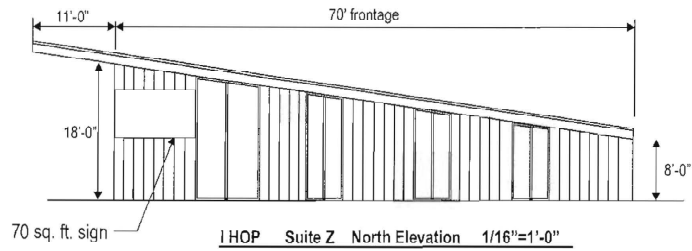
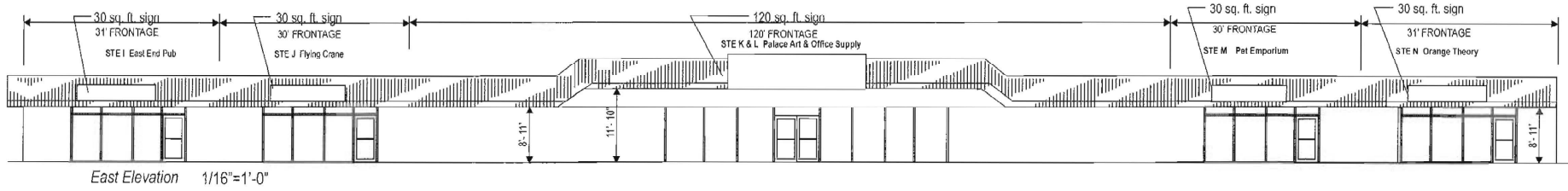
EXHIBIT E



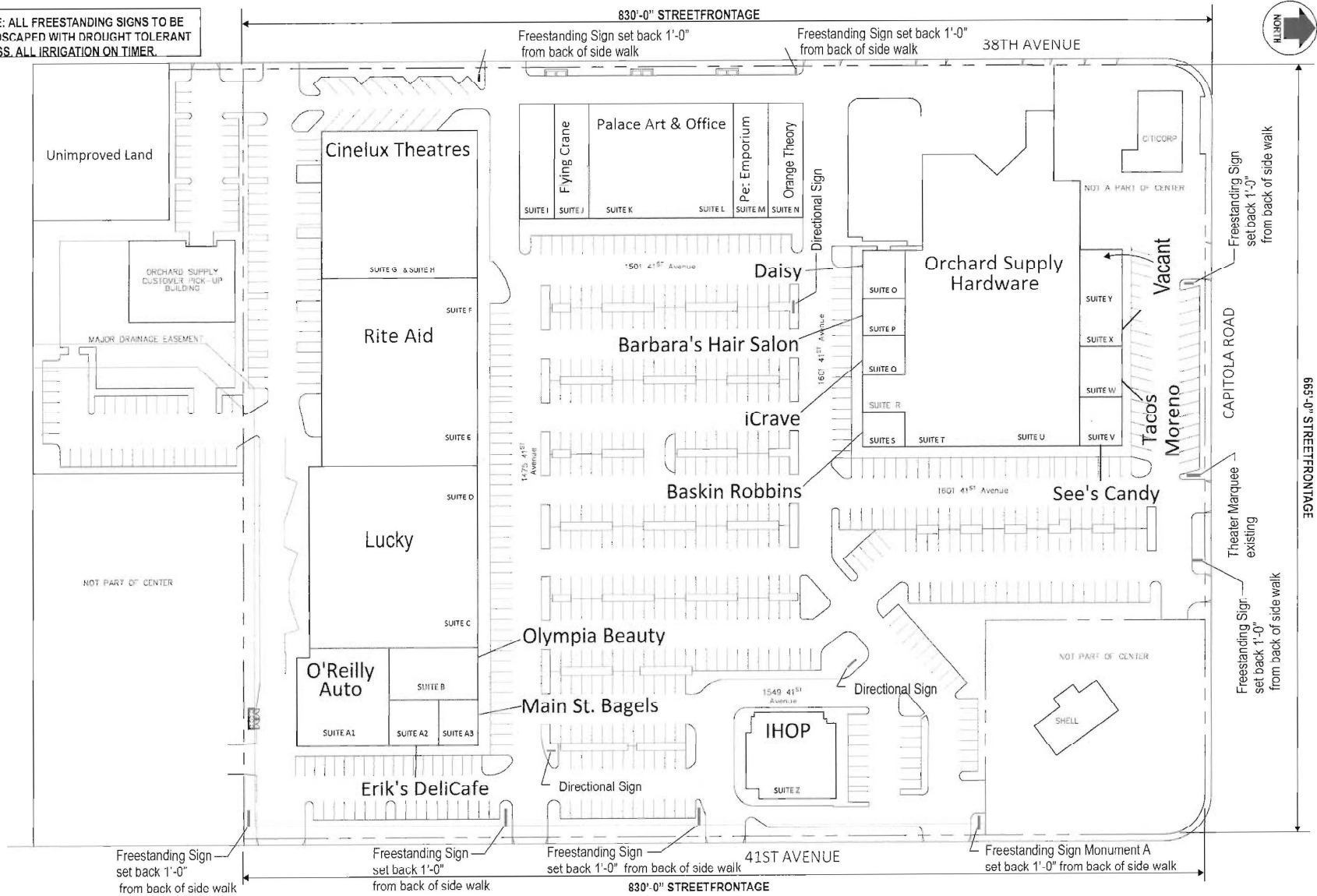
Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)



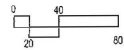
NOTE: ALL FREESTANDING SIGNS TO BE LANDSCAPED WITH DROUGHT TOLERANT GRASS. ALL IRRIGATION ON TIMER.



2-10-17

Site Plan

scale: 1"=80'-0"



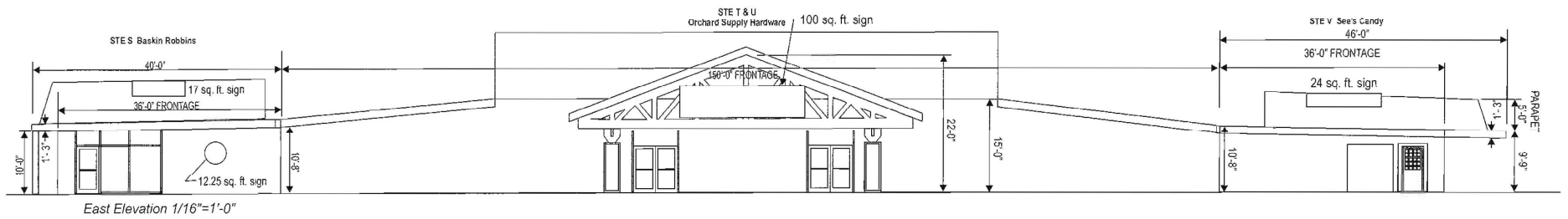
King's Plaza Page 9 of 9

Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)

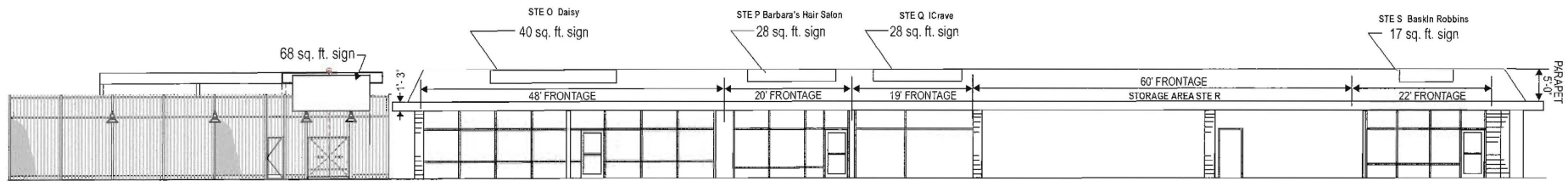
King's Plaza
Existing Sign Inventory
Capitola, California USA

CREATED BY NORTHWEST SIGNS
February 1, 2017

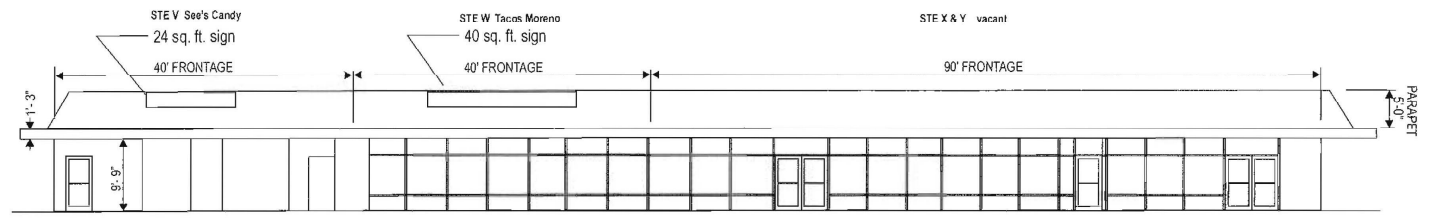
Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)



East Elevation 1/16"=1'-0"

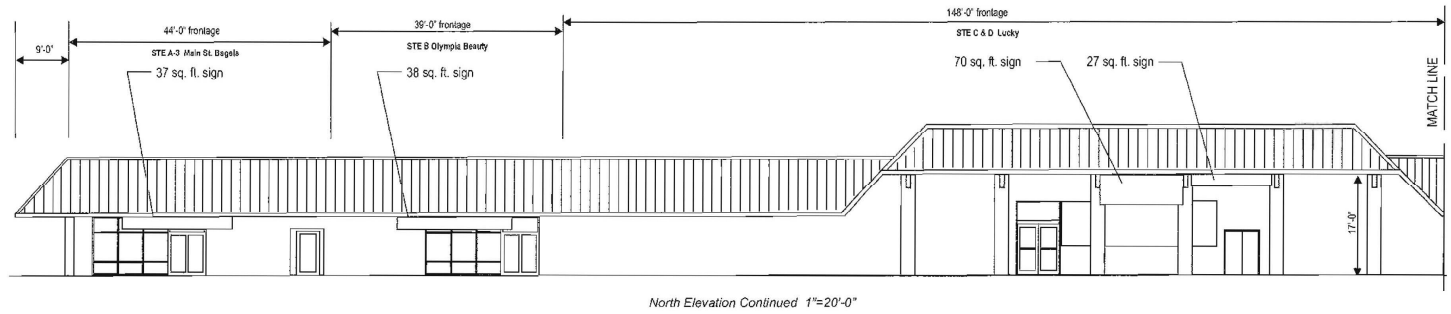
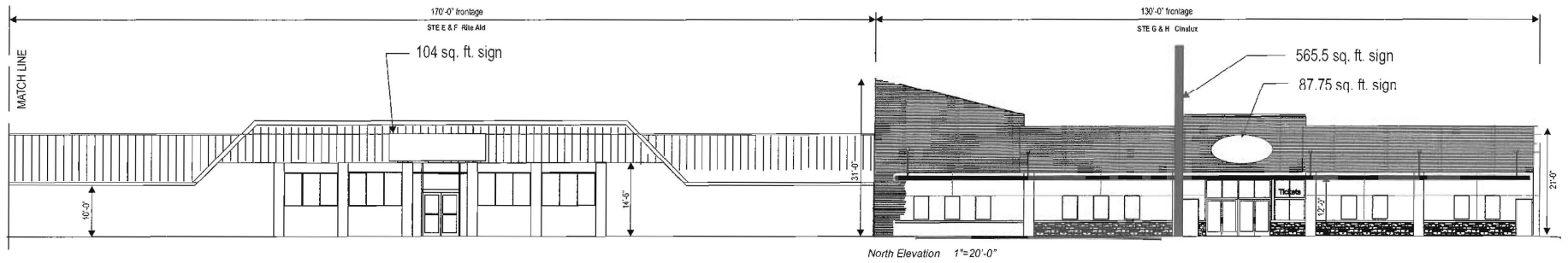
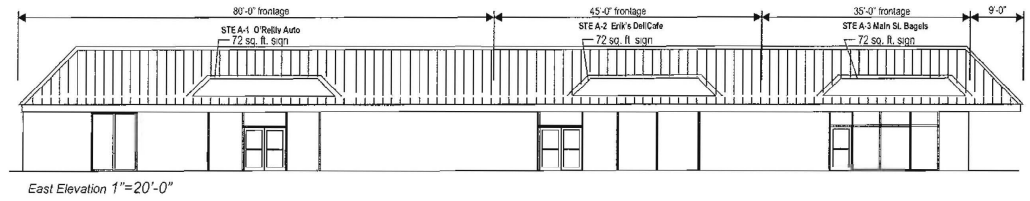


South Elevation 1/16"=1'-0"

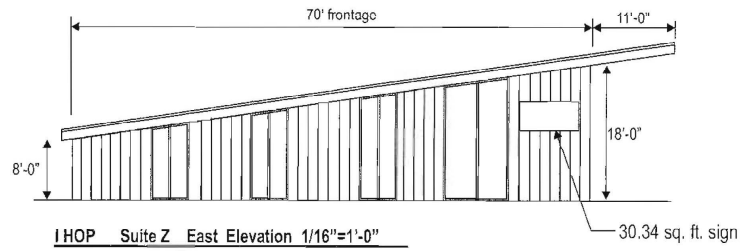
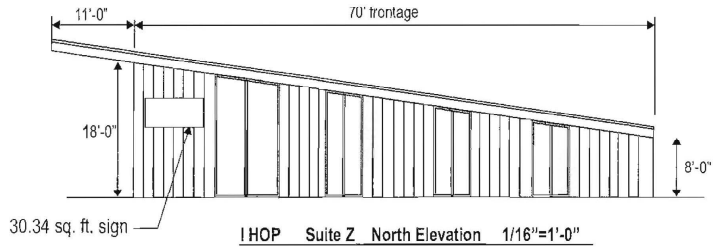
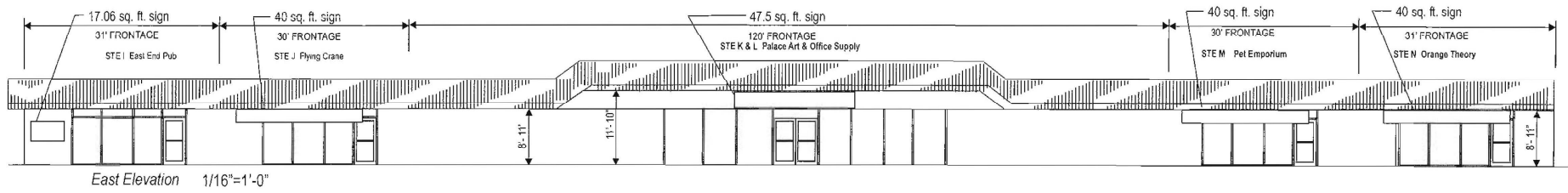


North Elevation 1/16"=1'-0"

Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)



EXISTING SIGN INVENTORY

INLINE TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	SIGN AREA	SIGN HEIGHT	SIGN LENGTH
A-2	45'-0"	72 □	3'-0"	24'-0"
A3-EAST	35'-0"	72 □	3'-0"	24'-0"
A3-NORTH	44'-0"	37 □	2'-0"	18'-6"
B	39'-0"	38.5 □	2'-0"	19'-3"
I-EAST	31'-0"	17.06 □	3'-3"	5'-3"
I-SOUTH	100'-0"	0	0	0
J	30'-0"	40 □	2'-0"	20'-0"
M	30'-0"	40 □	2'-0"	20'-0"
N-NORTH	100'-0"	40 □	2'-0"	20'-0"
N-EAST	31'-0"	0	0	0
O	48'-0"	40 □	2'-0"	20'-0"
P	20'-0"	28 □	2'-0"	14'-0"
Q	19'-0"	28 □	2'-0"	14'-0"
R	60'-0"	0	0	0
S-SOUTH	22'-0"	17 □	2'-0"	8'-6"
S-EAST-A	36'-0"	17 □	2'-0"	8'-6"
S-EAST-B	36'-0"	12.25 □	3'-6"	3'-6"
V-EAST	36'-0"	24 □	2'-0"	12'-0"
V-NORTH	40'-0"	24 □	2'-0"	12'-0"
W	40'-0"	40 □	2'-0"	20'-0"
X / Y	90'-0"	0	0	0

SUB MAJOR TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	SIGN AREA	SIGN HEIGHT	SIGN LENGTH
A-1	80'-0"	72 □	3'-0"	24'-0"

MAJOR TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	SIGN AREA	SIGN HEIGHT	SIGN LENGTH
C / D Lucky	148'-0"	70 □	5'-0"	14'-0"
C / D B of A	148'-0"	27 □	2'-0"	13'-6"
E / F	170'-0"	104.5 □	5'-6"	19'-0"
K / L	120'-0"	47.5 □	2'-6"	19'-0"
R / T / U east	150'-0"	100 □	5'-0"	20'-0"
R / T / U rear	150'-0"	68.3 □	5'-0"	13'-8"

THEATER TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	SIGN AREA	SIGN HEIGHT	SIGN LENGTH
G / H WALL	130'-0"	87.75 □	6'-6"	13'-6"
G / H TOWER	130'-0"	565.5 □	39'-0"	14'-6"

RESTAURANT TENANT BUILDING SIGN TABLE

SUITE	STORE FRONTAGE	SIGN AREA	SIGN HEIGHT	SIGN LENGTH
Z-NORTH	70'-0"	30.34 □	3'-10"	7'-11"
Z-EAST	70'-0"	30.34 □	3'-10"	7'-11"

Attachment: Master Sign Program Plans (1778 : 1475, 1501, 1549, 1601 41st Ave)

Ow Family Trusts
 King's Plaza Shopping Center
 1601 41st Ave., Suite 202
 Capitola, CA 95010

January 27, 2017

Chairperson Linda Smith
 Commissioners Ed Newman, Gayle Ortiz,
 T.J. Welch, and Susan Westman
 Capitola Planning Commission
 planningcommission@ci.capitola.ca.us

RE: MONUMENT SIGNS IN KING'S PLAZA MASTER SIGN PROGRAM

Dear Capitola Planning Commission and City Council,

This Letter is on behalf of Ow Family Trusts, the owners of King's Plaza Shopping Center at 1601 41st Avenue in Capitola, regarding the monument signs in our proposed Master Sign Program (the "MSP"). In the MSP, we are requesting the ability to build four monument signs along 41st Avenue, two monument signs along Capitola Road, and two monument signs along 38th Avenue. We believe the proposed number and size of signs are consistent with neighboring shopping centers; will increase the visibility and viability of our tenants, especially our small, local businesses; and is consistent with the character of the area.

1. The number of proposed signs is consistent with neighboring shopping centers

King's Plaza is located on one of the busiest corners in the county. It is also one of the largest retail parcels in the area. Unlike other large centers, it is one parcel and is not divided into multiple parcels, such as the Capitola Mall. Because King's Plaza is so large and has so much frontage, there currently are far fewer signs per foot of frontage compared with other nearby retail centers. For example, there are four parcels directly across 41st Avenue from King's Plaza on the same lineal frontage with prominent signage, including three monument signs and one large building sign. Thus, four monument signs at King's Plaza along 41st Avenue is consistent with the character of the surrounding area.

Moreover, if King's Plaza were four separate parcels (or more) like the properties across the street, we would have the right to build four monument signs (or more). It would be unfair to punish our tenants because they are in a large center on one parcel rather than a large center made up of multiple parcels. Additionally, there are four separate buildings in King's Plaza. The Capitola Municipal Code recognizes the relationship between monument signs and buildings, rather than parcels, in Section 17.57.070.3. Even though King's Plaza is only one parcel, it is quite large and with four buildings, most of which are recessed back from the street, four monument signs is appropriate for the shopping center.

Similarly, there is a lot of frontage along Capitola Road and 38th Avenue. The businesses across the street have a similar number of signs. The two proposed signs along each of these streets is consistent with current signage and the character of the neighborhood.

2. The size of the proposed signs is consistent with the area and City code

Each of the proposed signs is smaller than allowable monument signs under current City code for King's Plaza. City code allows monument signs up to 60 square feet. The largest new proposed monument size is 50 square feet. The height of the largest proposed monument sign is 8 feet tall, which is consistent with the code. 8 feet is significantly shorter than the current legal, nonconforming sign for Lucky and Rite Aid at King's Plaza along 41st Avenue. The current Lucky and Rite Aid sign is approximately 16 feet tall and 16.5 feet wide. Thus, the proposed signs are half as tall as the

current sign. And combined *all* of the four new proposed monument signs along 41st Avenue are of similar size to the single existing monument sign.

The proposed new monument signs are smaller than other signs and recently installed art sculptures within close proximity to King’s Plaza. The proposed new monument signs are substantially smaller both in height (8 feet vs. approximately 10 feet) and width (6.25 feet vs. 12.2 feet) than the current legal, nonconforming sign at the Shell station at 41st Avenue and Capitola Road, which is not part of King’s Plaza. Moreover, the proposed new monument signs are significantly shorter and set back further from the street than recent art installations in the medians, such as the grouping of kayak and surfboard installations are approximately 10 feet tall.

The proposed signs along 38th Avenue are even smaller and shorter. Because that area is more residential in character and traffic tends to move slower than on the other side of King’s Plaza, we designed the signs to fit in with the neighborhood while still allowing residents and visitors to learn about the tenants in King’s Plaza. The proposed signs are similar in size to the current Extra Space Storage sign that is directly across the street from King’s Plaza.

3. The proposed signs will help our tenants, especially our small, local businesses

The proposed monument signs in our MSP will help our tenants. All of our tenants ask for more signage, especially along bustling 41st Avenue. Monument signs inform consumers, increase sales, provide viability to our small businesses, and increase City revenues via increased sales taxes. If our MSP is not approved and we are not able to build the proposed monument signs, our small, local business will be most adversely affected. If we are allowed to build some, but not all, of the proposed monument signs, due to obligations to our larger tenants, those left out will be our smallest tenants. It won’t be Lucky, Rite Aid, or Orchard Supply Hardware who will be hurt most by a rejection of or amendment to our MSP. It will be tenants like iCrave, Pet Emporium, and the Daisy that would be hurt most if our MSP is not accepted. These are the tenants who most often ask for more signage and the tenants who would benefit most by approval of our MSP.

4. The MSP is consistent with the character of the area

41st Avenue is a long, vibrant commercial corridor that is the main retail center for Capitola. It is important for residents needing to buy groceries, pick up something from a pharmacy, get a new tool at a hardware store, grab a meal, or see a movie. Our MSP has been designed to conform to the energetic character of the area and provide our tenants with visibility on the neighboring streets without being a distraction or overwhelming the senses. The architectural elements of the proposed new monument signs provide a pleasing aesthetic and a consistent, cohesive design element to King’s Plaza. The proposed new monument signs are different enough from monument signs at neighboring shopping centers to provide King’s Plaza with some personality but similar enough in size, color, shape, and material to not stand out too much.

Our MSP has been carefully designed to be a positive outcome for all stakeholders. Residents and visitors will be able to more easily know what businesses are in King’s Plaza. Our tenants will have increased visibility and business. The City will have increased tax revenues. We will have happier tenants and customers. We thank the Planning Commission and staff for their hard work and service to Capitola, and we respectfully request that you approve the proposed MSP for King’s Plaza Shopping Center.

Sincerely,



George Ow, Jr., David Ow, Terry Ow, Karen Ow, Benjamin Ow, and Andrew Ow, Esq. for King’s Plaza Shopping Center

Attachment: Request Letter to Capitola Planning Commission (1778 : 1475, 1501, 1549, 1601 41st Ave)

VIA EMAIL

Cc: Katie Cattan
Senior Planner
City of Capitola
kcattan@ci.capitola.ca.us

Ryan Safty
Assistant Planner
rsafty@ci.capitola.ca.us

Attachment: Request Letter to Capitola Planning Commission (1778 : 1475, 1501, 1549, 1601 41st Ave)

MONUMENT SIGN SURVEY



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

MONUMENT SIGN SURVEY

Monument Signs. Except as otherwise provided in this chapter, every monument sign shall comply with the requirements of this section.

No such sign shall exceed eight feet above ground, except where the existing main building, or proposed building, is closer than twenty-five feet from the front property line adjoining a public street, no such sign shall exceed four feet in height. (§17.57.070.A)

Buildings further than 25 feet from street:

- 1) 4450 Capitola Rd – 5'
- 2) "AAA" at 4400 Capitola Rd – 6'
- 3) 4210 Capitola Rd – 6'
- 4) DMV at 4200 Capitola Rd – 6'
- 5) DMV at 4200 Capitola Rd – 6'
- 7) "Whole Foods" at 1710 41st Ave – 6.5'
- 8) "Chevron" at 1650 41st Ave – 8'
- 9) "Shell" at 1649 41st Ave – 10'
- 10) Movie theatre sign (Kings Plaza) – 22'
- 11) Capitola Mall along Capitola Rd – 8'
- 13) Capitola Mall along Clares St – 8'
- 14) Capitola Mall along Clares St – 8'
- 15) "Brown Ranch Center" at 3555 Clares St – 8'
- 16) "Pier 1" at 3825 Clares St – 6'
- 17) "Burger King" at 2001 41st Ave – 8'
- 18) Capitola Mall along 41st Ave – 11' (to highest portion) and 8' to sign
- 19) "Capitola Station" at 1820 41st Ave – 8'
- 20) "McDonalds" at 1760 41st Ave – 11'
- 21) Capitola Mall along 41st Ave – 8'
- 22) "CVS" at 1750 41st Ave – 4.5'
- 24) "Academy Mortgage" at 1500 41st Ave – 4.5'
- 25) "Four Star Center" (Tower Sign) at 1440 41st Ave – 16'
- 28) "Fairfield Inn" at 1225 41st Ave – 7.5'
- 29) "Extra Space Storage" at 1465 38th Ave – 4.5'

Buildings closer than 25 feet from street:

- 6) 1715 42nd Ave – 4.5'
- 12) "Takara Sushi" at 3775 Capitola Rd – 3.5'
- 23) "Wind n Sea" Center at 1600 41st Ave – 6'
- 26) "Best Western" hotel at 1435 41st Ave – 5'
- 27) "41st Ave Plaza" at 1350 41st Ave – 4'

1



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

2



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

17



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



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Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)

29



Attachment: Monument Sign Survey (1778 : 1475, 1501, 1549, 1601 41st Ave)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: CAPITOLA PLANNING COMMISSION

DATE: MARCH 2, 2017

SUBJECT: **4025 Brommer Street #16-222 APN: 034-164-08**

Design Permit and Conditional Use Permit to develop a new three story mixed-use building with office space on the first floor and residences on the top floors with variance requests to minimum floor height and parking dimension standards, located in the CC (Community Commercial) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption
Property Owner: Stuart Family Trust
Representative: Lot C Architecture, filed: 12/14/16

APPLICANT PROPOSAL

The applicant is requesting a design permit and conditional use permit to construct a three-story mixed-use building at 4025 Brommer Street located in the CC (Community Commercial) zoning district. The proposal includes a variance request for minimum floor height and parking standards. The existing single-story office building would be demolished as a part of the proposal.

BACKGROUND

The applicant previously submitted a conceptual review for a mixed use development. The applicant requested feedback from the Planning Commission on the placement and massing of a three-story development concept. On November 3rd, 2016, the Planning Commission reviewed the conceptual design and provided the following summarized comments and direction to the applicant (Attachment 3):

- The subject property is much smaller than typical CC zoned parcels; the development should be relative to the site and the surrounding area.
- Suspended architectural features over the front-yard landscape area are not viewed as encroachments and do not require a variance.
- The proposal may use a portion of the street right-of-way towards the required 15-foot front-yard landscape strip and allow the building to be closer than 15-feet from the front property line, as long as the proposal provides landscaping within the rear parking lot as stated in the 41st Avenue Design Guidelines.
- Recommend lowering the height of the building to two stories and explained that the 15-foot first story minimum height can be reduced.
- Variances to intensify development standards would not be supported.
- Ensure that that vehicular circulation within the rear parking would be feasible.

Following the conceptual review hearing, the applicant revised the proposal pursuant to the Planning Commission direction and resubmitted plans on December 14th, 2016. The applicant lowered the building height by six feet, shifted the building four-feet towards Brommer Street to utilize some of the right-of-way for the landscaping requirement, added landscaping around the rear parking area, enlarged the drive aisle at the rear parking lot to 25-feet to improve vehicular circulation, and reduced residential window area for added privacy (Attachment 1).

Architectural and Site Review:

The above matter was reviewed by the Architectural and Site Review Committee on January 11th, 2017, and the following direction was provided to the applicant:

Public Works Representative, Danielle Uharriet: directed the applicant to submit a site drainage plan and a site plan which shows all impervious and pervious surfaces, and to revise the site plan to show the new driveway location and details of the trash enclosure. Staff informed the applicant that a sidewalk payment is required in-lieu of constructing a new sidewalk and standard stormwater requirements must be met during construction.

Building Official, Brian Van Son: informed the applicant that the front pedestrian path should connect to the sidewalk area and that a 1-hour fire wall will be required for the east-side of the building.

Local Architect, Frank Phanton: liked the design and was not concerned with the proposed height due to the large hotel across the street. Mr. Phanton expressed possible concern with the rear deck and the neighboring property to the west. The applicant explained that they are currently working on fencing and landscaping agreements to ensure adequate privacy with both neighboring properties.

Landscape Architect: position is vacant.

City Planner, Ryan Safty: informed the applicant that the proposed parking space dimensions do not comply with municipal code requirements. The applicant discussed the option of requesting smaller parking dimensions in order to provide an additional parking space. Staff recommended the plans be revised to meet parking dimension requirements, but noted that the applicant could submit a second parking proposal option for a variance review by the Planning Commission.

Following the Architectural and Site Review hearing, the applicant made the requested plan revisions and resubmitted plans on January 26th, 2017. The applicant submitted documentation of proposed design modifications and neighbor's support for the proposal (Attachment 5) and submitted an alternative parking proposal for variance discussion. The plans include two different parking proposals within the first two pages. The front sheet (A1.1) includes eight parking spaces, one of which is undersized, and requires a variance. The second sheet (A1.1b) shows seven parking spaces which meet code requirements.

SITE AND ZONING ANALYSIS

The following table outlines the zoning code and general plan requirements for development within the CC (Community Commercial) zoning district relative to this application.

Development Standards		Existing	Proposed
Use		Office	Mixed Use: Office + Multi-family
Is CUP required?			Yes
Height: 40 ft.		12 ft.	34 ft.
Yards			
A. Landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.			10 ft. setback to front property line 15 ft. of landscaping from sidewalk to building - Complies
B. Side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide			14 ft. – west 2 ft. – east (<i>Roof overhang to east property line</i>) - Complies
C. Front yards and corner lot side yards shall not be used for required parking facilities.			Complies
Parking		Required	Proposed
Office	1 space per 300 sq.ft.	858 sq.ft. office = 3 spaces	7 spaces total
Duplex	2 spaces per unit (1 must be covered per unit)	Duplex = 4 spaces (2 covered) Total = 7 spaces	3 covered 1 van accessible stall ("Parking Option B" on sheet A1.1b) Complies
Landscaping. Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards			Approximately 900 sf. (18%) Complies
General Plan: Floor Area Ratio Allowance		CC – maximum FAR of 1.0 (<i>5,000 sq. ft.</i>)	3,450 sq. ft. (=0.69 FAR) - Complies
41st Avenue Design Guidelines		Proposal is aligned with all relevant guidelines	

DISUSSION

The subject property is located in a transitional area of the Community Commercial (CC) zoning district that has a mix of commercial, visitor serving, and residential uses in close proximity. East of the subject property is 41st Avenue, which has a mix of high-intensity commercial development. Heading west from 41st Avenue, Brommer Street transitions from commercial into less-intensive residential development. The neighboring properties along the north side of Brommer Street are single-story. To the south is a four-story hotel and two-story residences. The owner is proposing to demolish the existing single-story office building and build a new, three-story, mixed-use development (Attachment 1).

Design Permit

The applicant is proposing to locate the new three-story building in the front half of the lot, with the required parking area behind. The proposed building would have a 10-foot front-yard setback and 43-foot rear-yard setback. The building would be setback two feet from the east property line and 14 from the west property line. The proposed vehicular entrance would be along the western edge of the property, furthest from 41st Avenue. The proposed three-story building would have 20-feet of separation from the neighboring building to the east, and 12-feet

of separation from the neighboring building to the west. The third-story would step-in three feet on all sides to increase setbacks and decrease the overall massing.

At the conceptual review hearing, the Planning Commission asked that the Public Works Department review the proposed vehicular circulation for safety. The Public Works Director requested that 18-feet of the proposed west side-yard landscaping strip at the back end of the building be removed and used for a vehicular turnout. Outgoing vehicles would yield to incoming and utilize the turn-out area to allow the incoming vehicles to pass, and appropriate signage will be installed. Staff has added this as Condition of Approval #12.

The proposed three-story development would have office use on the first floor, and residential uses on the second and third floors. Specifically, the first floor would be 858 square feet of office space, and the second and third floors would consist of two, identical, 1,296 square foot two-story units. The residential units would be accessed from the parking lot at the rear of the site. Each unit would have one second-story deck, located on either the front or rear of the proposed building. The second story deck at the rear may create privacy concerns with the neighboring properties. To address potential privacy concerns with the rear second-story deck, the owner has agreed to plant a new hedge in between the neighboring property to the east (4055 Brommer Street). In addition, the owner has agreed to add fence lattice, replace a screening tree, and add privacy walls to the exterior decks for the property to the west (3892 Brommer Street). (Attachment 5).

The applicant was directed by the Planning Commission to reduce the height of the building during the conceptual review. The current design has been reduced from 40 feet to 34 feet, through decreasing the individual floor heights of the individual stories. The first story is proposed at 11.5 feet, the second story at ten feet, and the third at eight-and-a-half feet. The original concept included a 15 foot first story as required within a CUP for a mixed-use development. The applicant is seeking a variance to reduce the floor height from 15 feet to 11.5 feet.

The building would use a mix of dark-grey stucco and stone siding for the first floor, with white vertical board and batten siding for the second story, and dark-grey horizontal siding along the third floor and second floor deck railings. The finished roof would be shingle. The front of the building would have a covered entry way over the front door, with large windows on either side.

The proposed three-story mixed-use building is required to have seven on-site parking spaces. The residential units each require two parking spaces, one of which must be covered. The 858 square foot office space requires three uncovered spaces. The applicant submitted two parking options: Option A (sheet A1.1) requires a variance and Option B (sheet A1.1b) complies with the parking regulations. The covered spaces would be nine-feet by 18-feet and the uncovered spaces would be nine-feet by 18-feet. One of the proposed uncovered parking spaces would be compact of eight-feet by 16-feet, and they would all utilize municipal code section 17.51.060 to allow two-feet of the parking stall lengths to overhang a landscaped area.

The applicant is proposing new landscaping throughout the property. The code requires a 15-foot landscape strip along the front of the property. The proposed front landscape area would utilize the front 10 feet of the property, along with five feet of the road right-of-way. The code does not require that the 15-foot landscape strip be located entirely within property boundaries; the Planning Commission approved of this landscape concept at the November 3rd, 2016 conceptual review hearing.

Conditional Use Permit

Pursuant to section 17.60. 060.W of the Community Commercial zoning district, multiple-family residences may be approved as a conditional use permit provided the residential use is secondary to a principle permitted use on the same lot subject to the following italicized limitations:

1. *First floor uses shall be commercial uses. **Complies***
2. *Commercial ceiling height shall be greater in height than any residential ceiling height located above commercial uses. **Complies***
3. *First floor ceiling heights shall be a minimum of fifteen feet or one hundred twenty percent of the maximum ceiling height of the residential units located above the commercial uses, whichever is greater. **Variance Requested***
4. *Commercial entrances shall be the primary building entries and shall be accented with strong architectural definition. Residential entrances shall be secondary and de-emphasized (e.g., located at the rear of the building, visually unobtrusive, etc.). **Complies***
5. *Adequate separation of different types of uses shall be maintained in order to avoid potential adverse impacts from one use on another due to noise, lighting, odors, vibration, and general nuisances. **Complies***
6. *Adequate separation of different types of uses shall be maintained to protect the aesthetic values and primary uses of the site. **Complies***

During the November 3, 2016 meeting, the Commission directed the applicant to decrease the overall height of the building. The applicant is seeking a variance to standard #3 which requires a minimum 15 feet height for the commercial space.

Variance

The applicant is requesting a variance to allow a reduced first-story ceiling height. As mentioned above, the municipal code requires that first-floor ceiling heights for mixed-use developments be a minimum of 15-feet in height, while the applicant is proposing 11.5 feet.

A height reduction was recommended by the Planning Commission at the November 3rd, 2016 conceptual review hearing. The Commission noted that the subject property is much smaller than most CC zoned properties in the vicinity and thus should be designed accordingly. The reduced first floor height reduces the overall height and massing of the proposal to better fit with the neighboring single-story residences. Staff therefore recommends approval of the variance to minimum first-floor height standards.

Additionally, the applicant is requesting consideration of a variance for reduced parking dimension standards. The code requires that covered parking spaces for the residences be a minimum of nine-feet by 18-feet. The applicant has proposed an alternative parking plan (which is shown on sheet A1.1) which proposes to reduce one of the covered parking spaces to eight-feet by 18-feet. This proposal would provide one additional on-site parking space, for a total of eight. Although this proposal would create more on-site parking, staff cannot make findings for a variance. There are no special circumstances associated with the property that prevent the applicant from meeting on-site parking standards. Staff recommends denial of the parking variance request shown on sheet A1.1 and approval of "Parking Option B" as shown on sheet A1.1b, which complies with code requirements.

CEQA REVIEW

Section 15303 of the CEQA Guidelines exempts the construction of small structures, including new residential uses and office space. This project involves the construction of a three-story mixed-use building with office use on the first floor and two residential units on the second and

third floors, located in the CC (Community Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #16-222 and associated variance to first-floor height minimums, based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval is for the construction of a new, three-story mixed-use development at 4025 Brommer Street. The first floor would be 858 square feet of office space, and the second and third floors would consist of two, identical, 1,296 square foot two-story duplex units. The maximum Floor Area Ratio for the 5,000 square foot property is 1.0 (5,000 square feet). The total FAR of the project is 69% with a total of 3,450 square feet of floor area, compliant with the maximum FAR within the zone. The project includes approval of a variance to minimum first-story floor heights, and denial of a variance to parking size standards. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 2nd, 2017, 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 issuance of building permit, the owner shall record a Deferred Improvement Agreement for the sidewalk along the Brommer Street frontage.
5. The applicant shall enter into a landscape maintenance agreement and a cash deposit of \$2,000.00 shall be retained by the City to cover costs of replacing or maintaining landscaping for a period of three (3) years after project completion.
6. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
7. 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.
8. 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).
9. 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.

10. The variance request to reduction of parking size standards has been denied. The final building permit plans must comply with parking standards of seven full-size parking spaces on-site.
11. 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.
12. Prior to issuance of a building permit, the applicant must revise plans to show that 18-foot of the west side-yard landscaping strip at the back end of the building be removed and used for a vehicular turnout to the satisfaction of the Public Works Director. Outgoing vehicles would yield to incoming and utilize the turn-out area to allow the incoming vehicles to pass. Appropriate signage will be installed, facing the parking lot.
13. Prior to issuance of building permit, all Planning fees associated with permit #16-222 shall be paid in full.
14. At time of submittal for building permit review, design details of the trash and recycling enclosure, including cover to the enclosure, shall be submitted to the City and approved by the Public Works Department.
15. 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.
16. 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.
17. 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).
18. 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.
19. 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.
20. 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

21. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
22. 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.
23. 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.
24. 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.
25. 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, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the proposed three-story mixed-use development. The project, with the conditions imposed, conforms to the development standards of the CC (Community Commercial) zoning district with the granting of a variance to the minimum first-floor height. 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 Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project as designed maintains the character and integrity of the neighborhood. The project will serve as a transition from commercial properties to the east and residential properties to the west. The project has been designed to ensure adequate separation and privacy from adjacent uses.

C. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303 of the CEQA Guidelines exempts the construction of small structures, including new residential and office space. This project involves the construction of a three-story mixed-use building with office use on the first floor and two residential units on the second and third floors, located in the CC (Community Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

D. 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;

The subject property is on a small lot located in the CC (Community Commercial) zoning district. This portion of Brommer Street serves as a transition point between the residences to the west and commercial properties to the east. The special circumstance is the size and location of the property. The code requires that the minimum first-floor wall height in the CC zone be 15-feet. The variance allows the applicant to reduce the overall height of the proposal to better conform with neighboring uses.

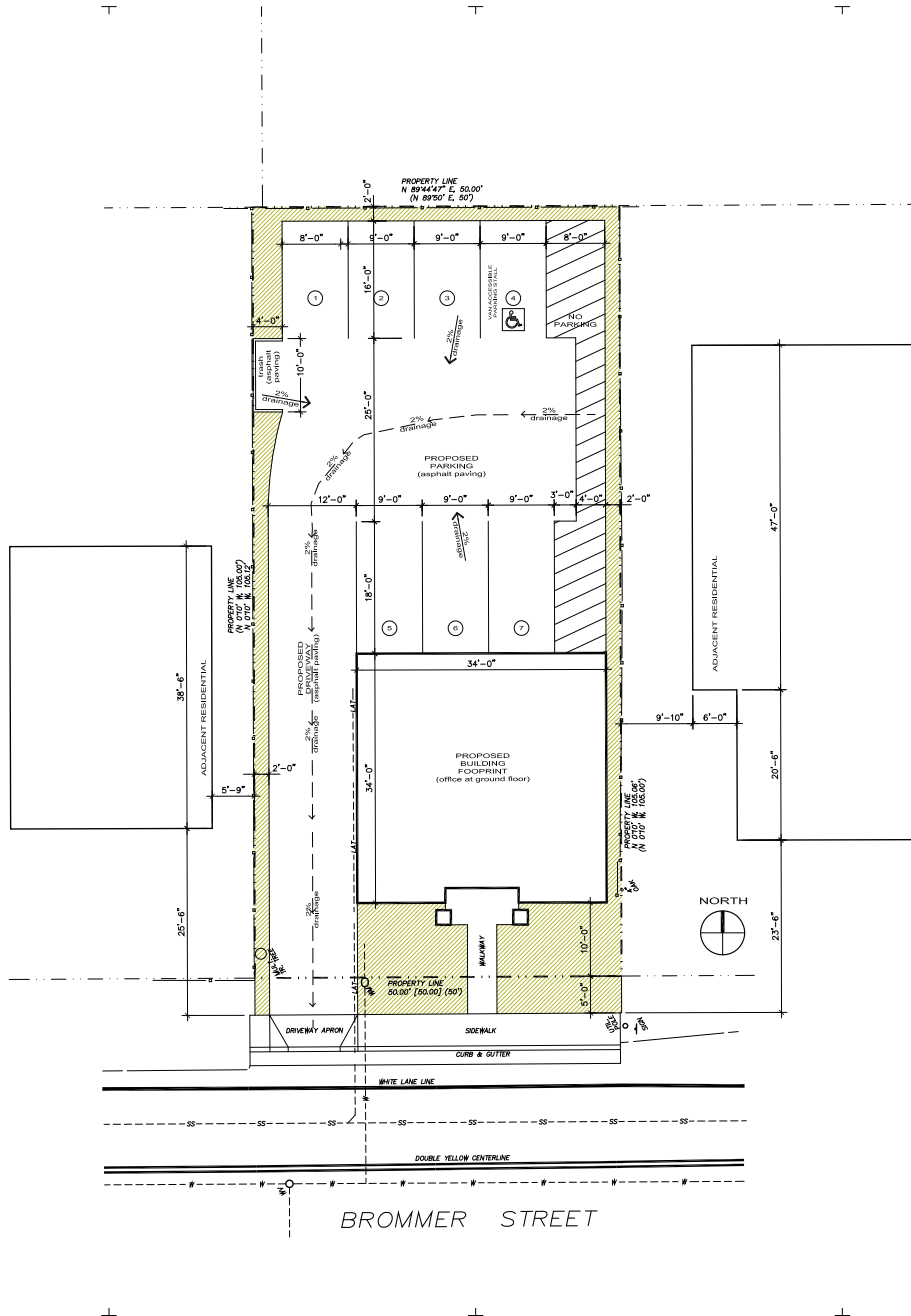
E. The grant of a variance permit would not constitute the grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

The subject property is a small lot located in the CC (Community Commercial) zoning district. Allowing the reduction in the first-floor height minimum would not constitute a special privilege, as the variance allows the applicant to reduce the overall height of the proposal to better conform with neighboring uses.

ATTACHMENTS:

1. Project Plans
2. Conceptual Review Minutes and Report - 11/3/16 Hearing
3. Planning Commission Direction- 11/3/16 Hearing
4. Project Modifications
5. Neighbor's Letter of Support

Prepared By: Joanna Wilk
Intern



SITE DATA

GENERAL INFORMATION:
 ZONING: CC-COMMUNITY COMMERCIAL
 HEIGHT LIMIT: 40'
 LOT COVERAGE: UNLIMITED

SQUARE FOOTAGES:
 FIRST FLOOR
 OFFICE = 858 S.F.
 SECOND FLOOR
 2 BEDROOM APARTMENT = 1,296 S.F.
 2 BEDROOM APARTMENT = 1,296 S.F.
 TOTAL = 2,592 S.F.
 TOTAL CONDITIONED = 3,450 S.F.

PARKING:
 1/300 S.F. (RETAIL/OFFICE) X 858 S.F. = 3 SPACES
 2 SPACES PER RESIDENCE (1 COVERED) = 4 SPACES
 7 SPACES REQUIRED
 7 SPACES PROVIDED (3 COVERED)

OTHER:
 FIRST FLOOR CEILING TO BE 10' HIGH.



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PROJECT:

*Brommer
 Mixed Use*

Schematic Design

4025 Brommer Street
 Carlinville, CA 96010
 APN: 034-164-08

REVISIONS:		
NO.	DATE	REMARKS

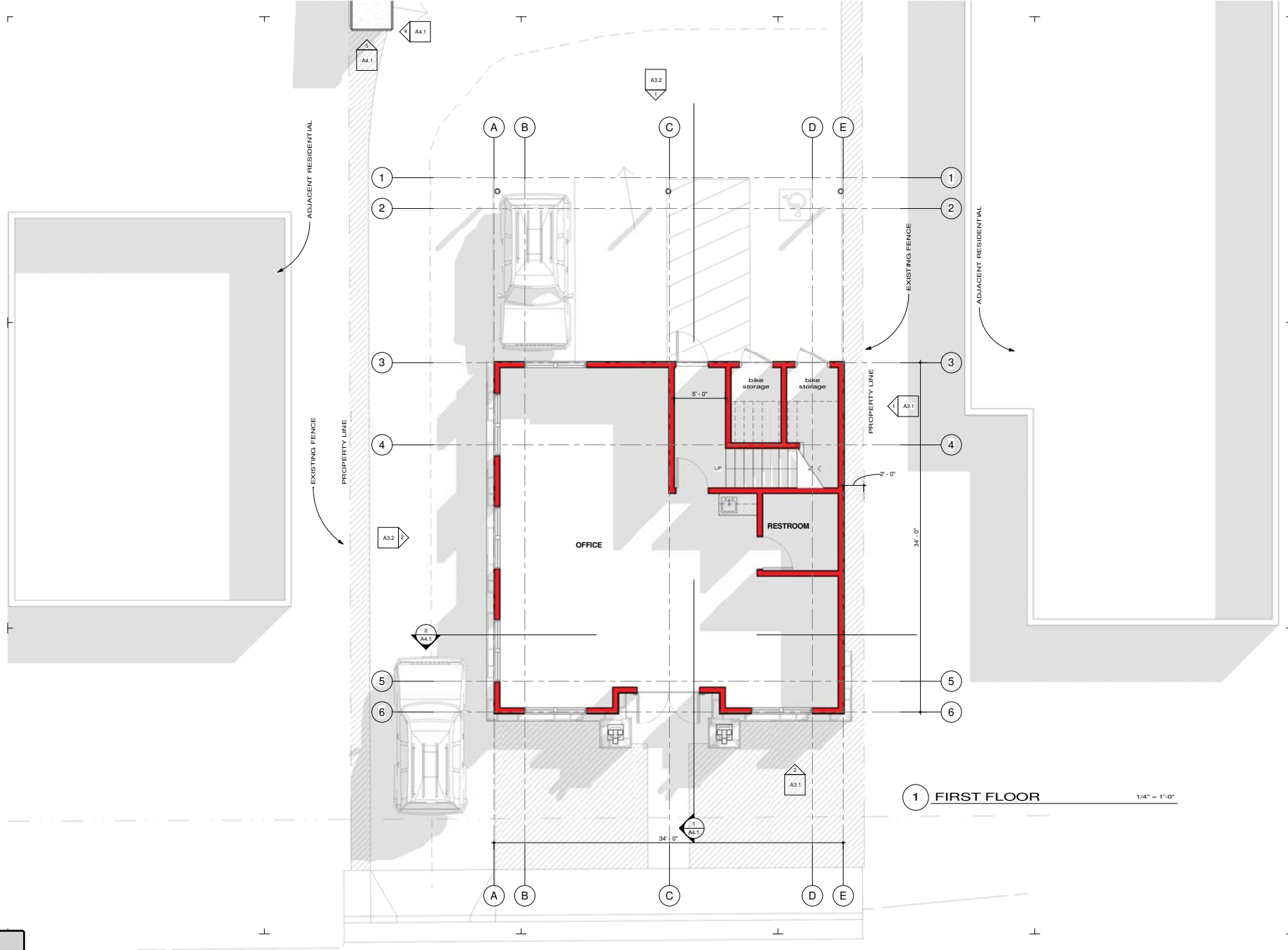
PROJECT NO:
 1607
 ISSUE DATE:
 January 26, 2017

DRAWING
 TITLE:

SITE
 PLAN
 (parking
 option B)
 1/8" = 1' - 0"

DRAWING NO:

A1.1b



1 FIRST FLOOR 1/4" = 1'-0"



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PROJECT:
**Brommer
 Mixed Use**

Schematic Design

4025 Brommer Street
 Capitola, CA 95010
 APN: 034-164-08

REVISIONS:

NO.	DATE	ISSUES

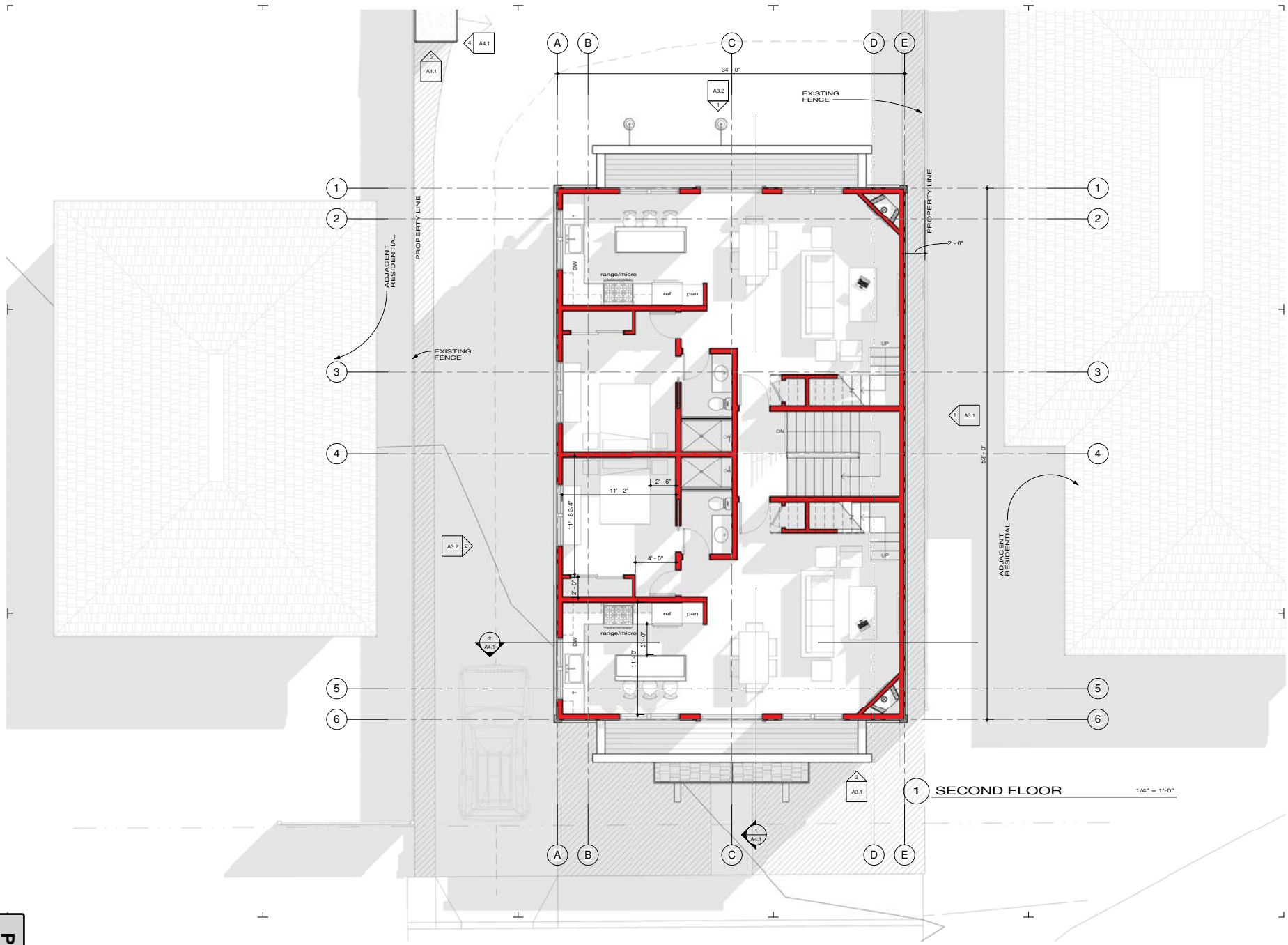
PROJECT NO:
 1607
 ISSUE DATE:
 January 26, 2017

DRAWING
 TITLE:

FIRST FLOOR
 PLAN
 1/4" = 1'-0"

DRAWING NO.:

A2.1



LOT
C
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PROJECT:
**Brommer
Mixed Use**

Schematic Design

4025 Brommer Street
Capitola, CA 95010
APN: 034-164-08

REVISIONS:
NO. | DATE | STATUS

PROJECT NO:
1607
ISSUE DATE:
January 26, 2017

DRAWING
TITLE:

**SECOND
FLOOR PLAN**
1/4" = 1'-0"

DRAWING NO.:

A2.2



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PROJECT:

**Brommer
Mixed Use**

Schematic Design

4025 Brommer Street
 Capitola, CA 95010
 APN: 034-164-08

REVISIONS:

NO.	DATE	STATUS

PROJECT NO:

1607
 ISSUE DATE:
 January 26, 2017

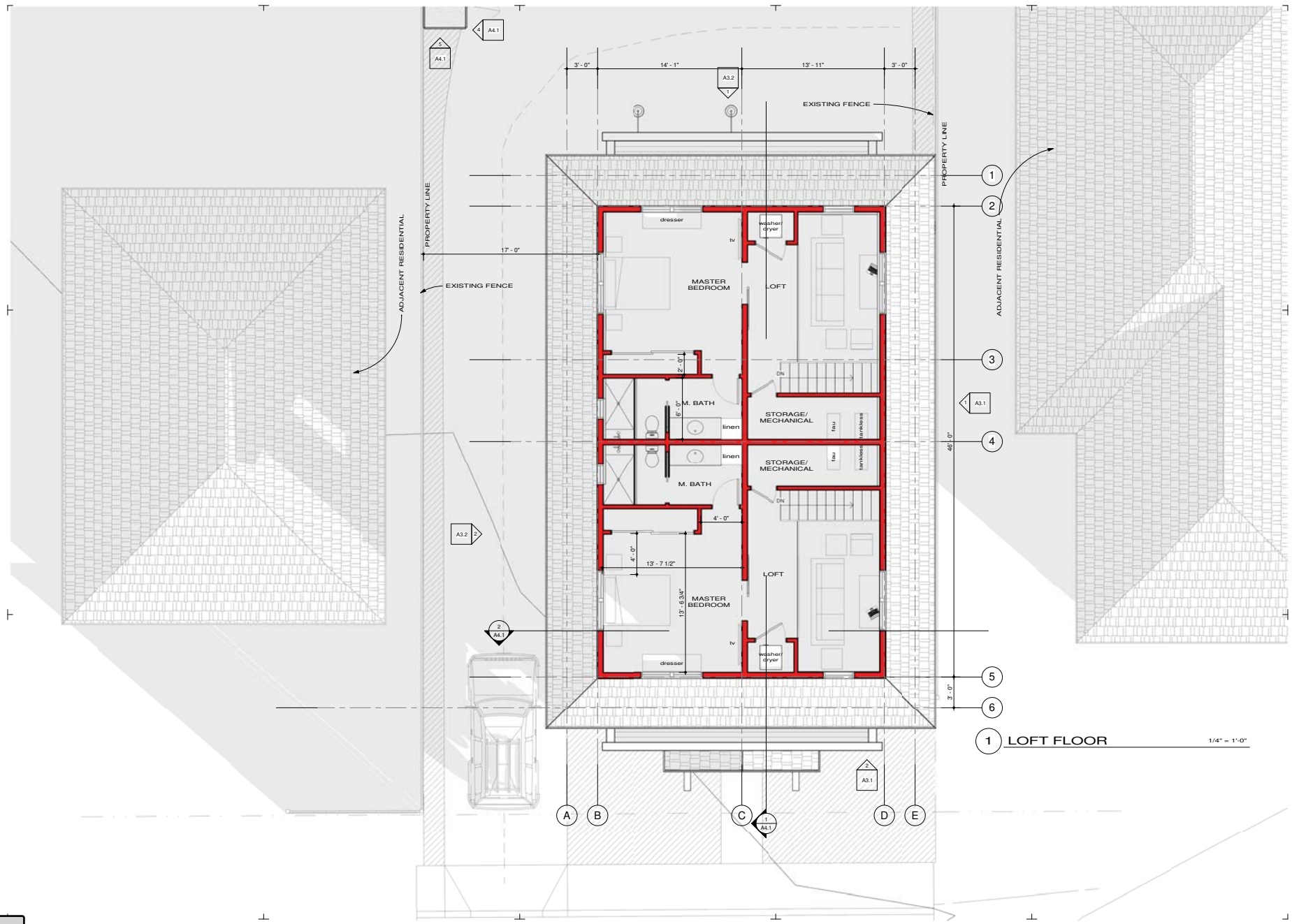
DRAWING

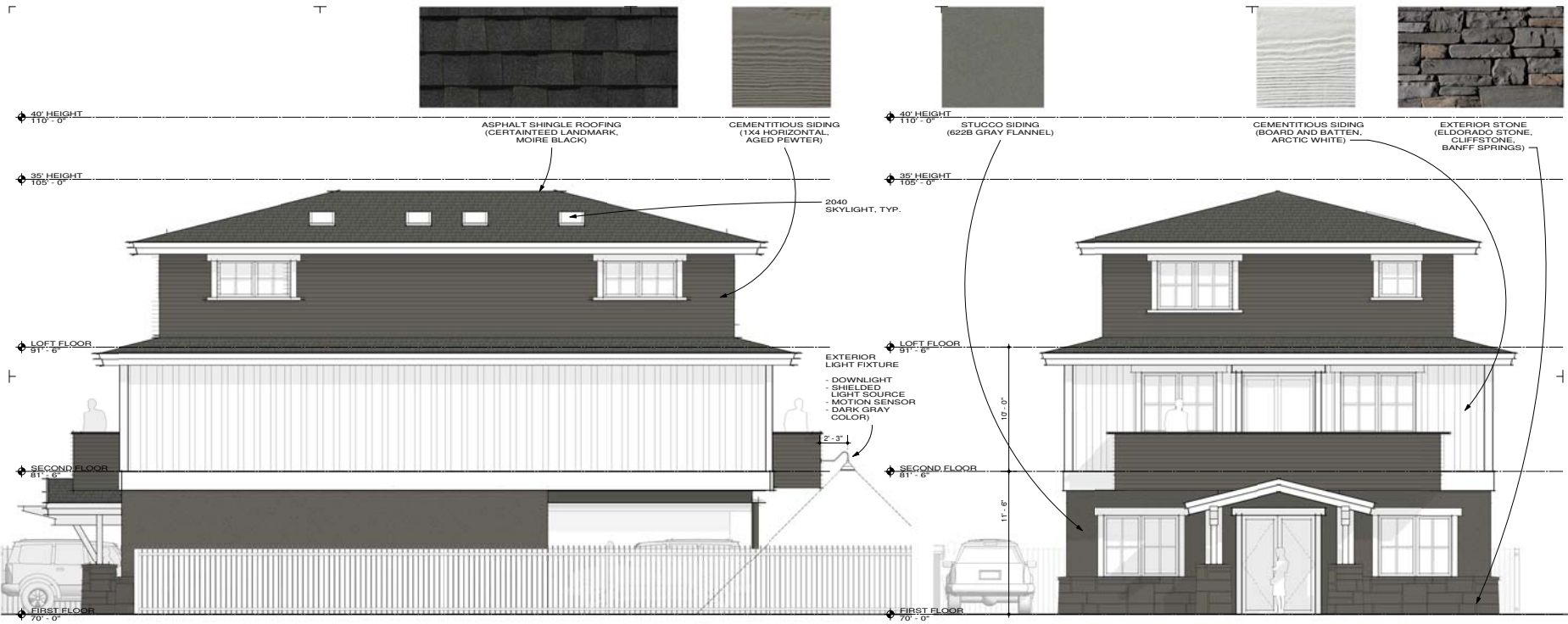
TITLE:

**LOFT FLOOR
PLAN**
 1/4" = 1'-0"

DRAWING NO.:

A2.3





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

2 SOUTH ELEVATION 1/4" = 1'-0"



5 Street View



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PROJECT:
**Brommer
 Mixed Use**
 Schematic Design

4025 Brommer Street
 Capitola, CA 95010
 APN: 034-164-08

REVISIONS:

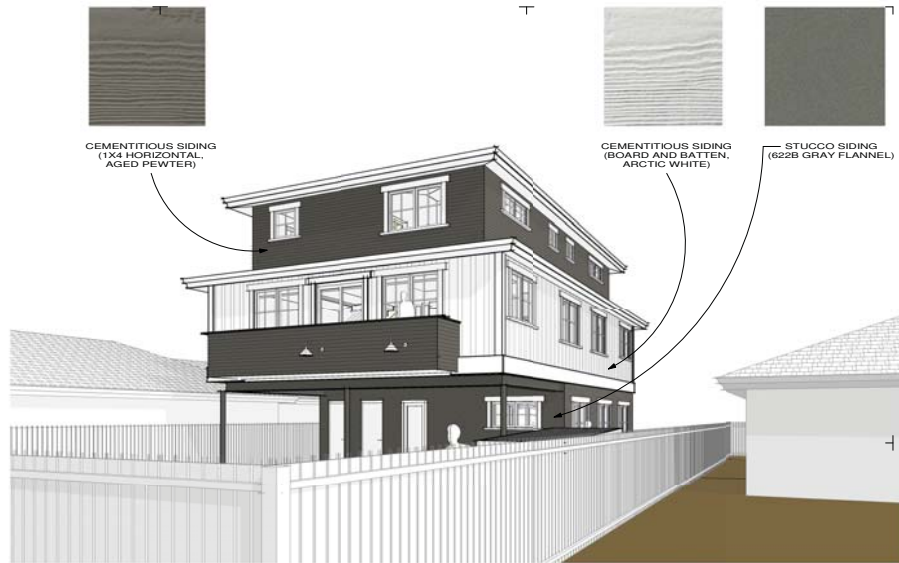
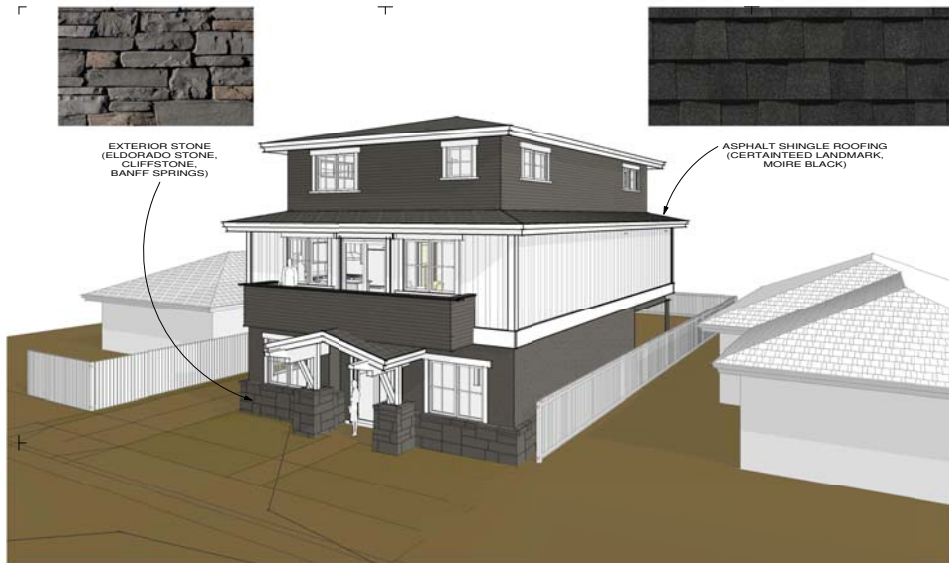
NO.	DATE	ISSUES

PROJECT NO:
 1607
 ISSUE DATE:
 January 26, 2017

DRAWING
 TITLE:

ELEVATIONS
 1/4" = 1'-0"
 DRAWING NO.:

A3.1



3 Street View 2

4 View from Rear

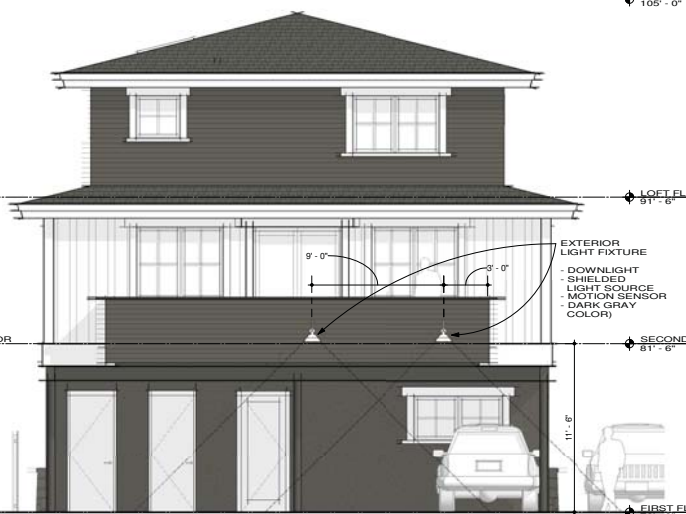
40' HEIGHT 110'-0"

38' HEIGHT 102'-0"

LOFT FLOOR 81'-6"

SECOND FLOOR 81'-6"

FIRST FLOOR 70'-0"



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



2 WEST ELEVATION 1/4" = 1'-0"



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PROJECT:
 Brommer
 Mixed Use

Schematic Design

4025 Brommer Street
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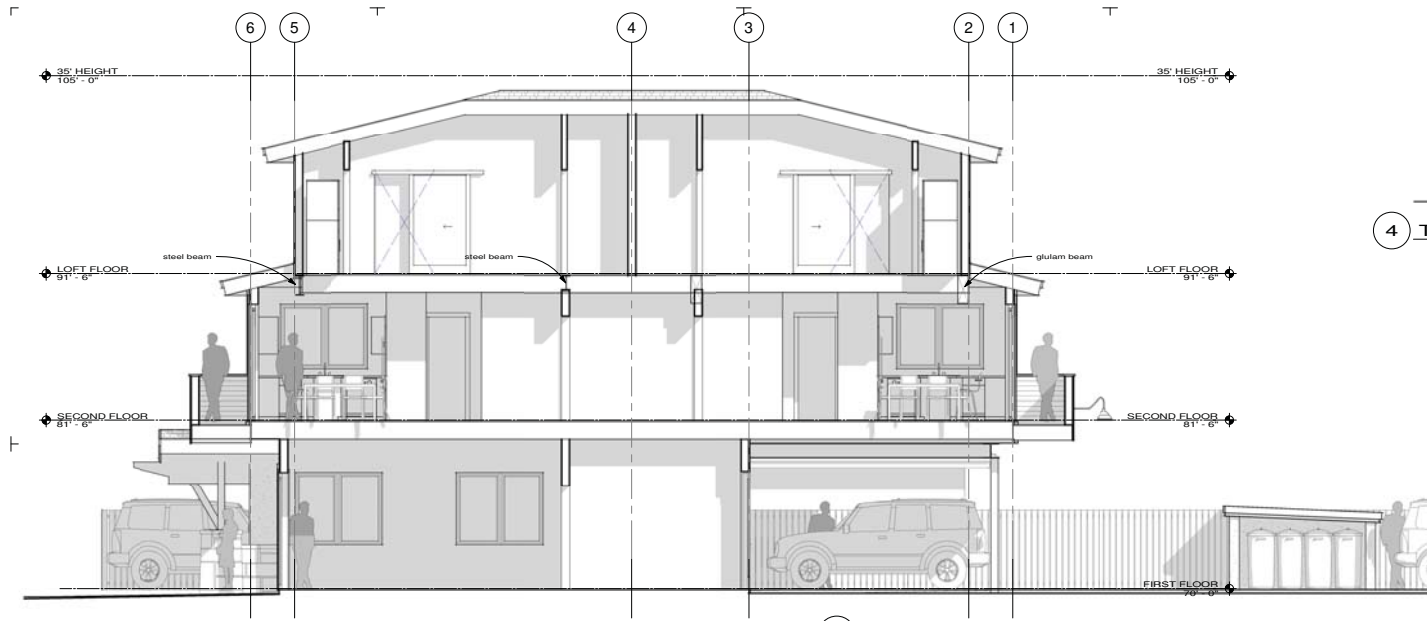
PROJECT NO:
 1607
 ISSUE DATE:
 January 26, 2017

DRAWING
 TITLE:

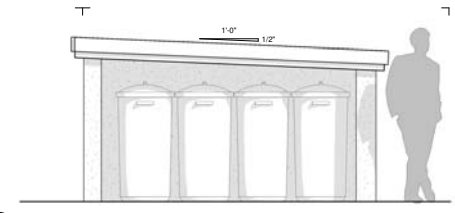
ELEVATIONS
 1/4" = 1'-0"

DRAWING NO.:

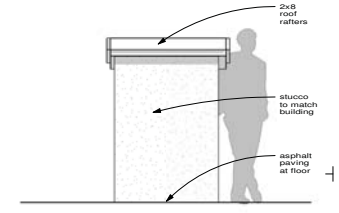
A3.2



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



4 Trash - front view 1/2" = 1'-0"



5 Trash - side view 1/2" = 1'-0"



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



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PROJECT:
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 Mixed Use**

Schematic Design

4025 Brommer Street
 Capitola, CA 95010
 APN: 034-164-08

NO.	DATE	STATUS

PROJECT NO:
 1607
 ISSUE DATE:
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DRAWING
 TITLE:

Sections
 As Indicated
 DRAWING NO:

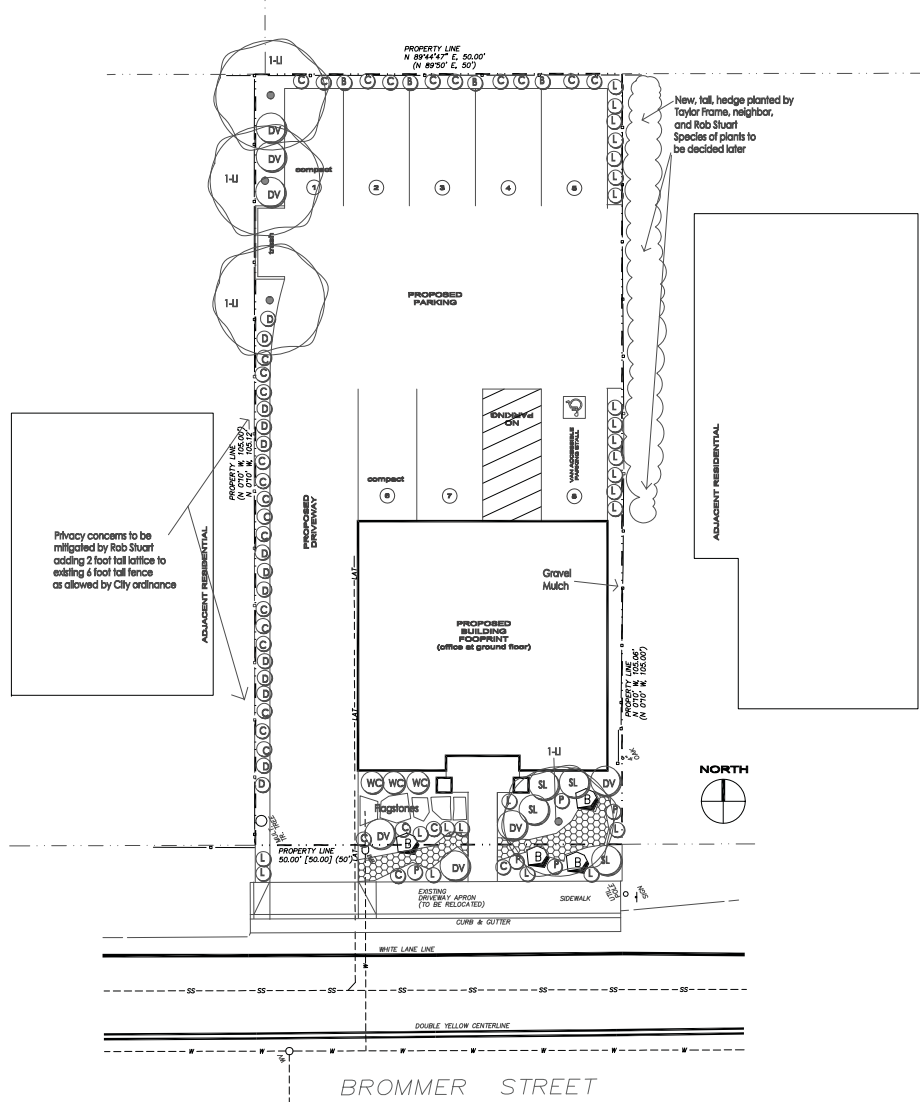
A4.1

Plant Legend

KEY	SIZE	WATER	BOTANICAL NAME	COMMON NAME
TREES				
LI	30" box	LOW	Logansea lucida	Cape Myrtle
HERBACEOUS				
DV	S	LOW	Dieta vegeta	Fountain Lily
WC	S	LOW	Westringia Myrtifolia	Coast Rosemary
B	S	LOW	Bougainvillea spectabilis	Boh Vite on fence
GROUND COVERS				
SL	1	LOW	Solanum elaeagnifolium	Mexican Sage
L	1	LOW	Lomandra longifolia	Lomandra
P	1	LOW	Phormium tenax	Sea Flax
C	1	LOW	Crocosmia aurantiaca	Betty's Hedge
D	1	LOW	Asplenium platyneuron	Asplenium

Landscape Notes

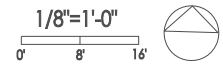
- 1) Final building permit drawings to include a detailed irrigation plan, details, and space that meet the requirements of the Santa Cruz Water Department
- 2) Exact location of plants on site to be adjusted as to best coordinate with irrigation locations, light, drainage, hedges, and soles
- 3) Use 3 inch deep mulch in all shrub and ground cover planting areas. Provide owner with different mulch samples and prices including Redwood Sawdust or dark brown mulchogry colored woodchip which from Wilson Recycling. Use the redwood sawdust.
- 4) Install plants for all plant circles shown on the plan even if they aren't labeled. Call for clarification. For bidding purposes. If no call is available to answer questions, assume that any plant circle scaled less than 8" wide is 5 gal. size and any circle scaled larger is 24" box size
- 5) The plan is schematic. Don't install plants too close to edges of parking or buildings. Be sure plants are not blocking sprinkler spray excessively. Keep valves and quick couplers away from trees.
- 6) See notes concerning soil amendments and fertilizer. For bidding purposes until the soil fertility test is done, use 4 cubic yards of ritholized redwood sawdust or 800 Super Humat Compost and 14 pounds of 19-20-21 fertilizer blend into the top 6" to 8" of soil after tilling soil to 12" deep, except under existing trees or on steep slopes.
- 7) Don't trench too close to structures without getting an OK from the building architect or structural engineer.
- 8) Prior to signing contract for work or existing plants check with landscape architect to make sure you have the current drawings and to make sure there aren't any plant changes
- 9) Existing Italian Cypress hedges on 3 sides of the property have to be removed to make room for the driveway, parking, and building
- 10) The dry creek bed is a combination of areas of 4" to 6" dia rounded river rock and 1/2" to 1-1/2" rounded river rock with heavy duty weed cloth underneath. The boulders can be Sonoma Field Stone that average 1200 lbs. each set into the soil to appear stable.



Privacy concerns to be mitigated by Rob Stuart adding 2 foot tall lattice to existing 6 foot tall fence as allowed by City ordinance

New, tall, hedge planted by Taylor Frame, neighbor, and Rob Stuart. Species of plants to be decided later

Planting Plan



Revision

GREGORY LEWIS LANDSCAPE ARCHITECT #2178
738 Park Way Santa Cruz, CA 95062 (831) 428-4747
greg@landscape8.com

Rob and Karen Stuart
4025 Brommer St., Capitola, CA

Mixed Use Building

Date: 1/11/17
Scale: As Shown
Drawn: Greg
Sheet: 1

- 7. Prior to issuance of building permit, all Planning fees associated with permit #16-186 shall be paid in full.

FINDINGS

- A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**
 The ~~hall~~ externally illuminated aluminum signs have a simple design that will complement the neighboring restaurant and the aesthetic of the Central Village district.
- B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**
 The signs are modern and clean in design and add to the exterior appearance of the restaurant.

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

5. PUBLIC HEARINGS

- A. 407 El Salto Drive #16-178 036-133-18**
 Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Rebecca Peters
 Representative: Rebecca Peters, filed: 9/26/16
NOTE: Request for Continuance to December 1, 2016 Planning Commission Meeting

RESULT:	CONTINUED [UNANIMOUS]	Next: 12/1/2016 7:00 PM
MOVER:	Susan Westman, Commissioner	
SECONDER:	Gayle Ortiz, Commissioner	
AYES:	Ortiz, Newman, Welch, Westman	
ABSENT:	Smith	

- B. 4025 Brommer Street #16-177 APN: 034-164-08**
 Conceptual Review to demolish an existing office building and to construct a new three-story mixed-use building with office space on the first floor and two residences on the second and third floors, located in the CC (Community Commercial) zoning district.
 This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.
 Environmental Determination: Categorical Exemption
 Property Owner: Stuart Family Trust
 Representative: Lot C Architecture, filed: 9/26/16

Attachment: Conceptual Review Minutes and Report - 11/3/16 Hearing (1709 : 4025 Brommer Street)

Planner Herlihy Cattan presented the conceptual design for guidance from the Planning Commission. This parcel under the new code would be the last one zoned Community Commercial (CC) and adjacent to multi-residential. Current uses are residential to the west and east. All parking is located in the rear. The applicant asked if the commission would allow a four feet extension for a second-story deck and other overhangs into the required landscaping. The 41st Avenue Design Guidelines do not address encroachments in landscape areas. Staff noted the adjacent duplex is non-conforming and cannot be expanded.

Commissioner Newman does not have any concern about overhangs as they do not decrease landscape area. Other commissioners agreed.

Commissioner Westman asked about setbacks for parking next to residential. Staff responded it requires a two-foot landscape strip and confirmed there are no setback requirements in the zone. Staff was also asked to check if there is a masonry wall requirement at the back and landscaping options for that.

Jason Wooley, architect, spoke to the project and the lack of specific guidance within the CC zone. Commissioner Newman expressed concern about circulation in the existing awkward intersection. Mr. Wooley said the driveway location was chosen because they did not want it close to the intersection.

Chairperson Welch prefers the current proposed location of the driveway.

Commissioner Westman asked if Public Works anticipates any widening and was told that it would want a deposit for sidewalk improvements, but there is no plan for widening.

During public comment, the neighbor to the west expressed concerns about privacy with the loss of trees and said the 40-foot height overpowers adjacent properties. He agreed with commission concerns that the street is difficult at rush hours and backs up to 38th Avenue. He does not feel employee parking is accounted for in requirements and other area businesses already use the street to park.

The rear property owner is concerned that the building is too tall and narrow. He also questioned if there is adequate turning radius for parking spaces if all are full.

Another neighbor said the scale is too large, especially height, and has some privacy concerns.

Commissioner Westman agreed that height may be extreme for a transitional location. She would prefer something more compatible with the adjacent residential.

Commissioner Newman felt the proposal is a dramatic intensification of use and also wants to see transition scale.

Commissioner Ortiz also wants to confirm that parking will be usable. She has no problem with overhangs but would encourage preserving existing vegetation.

Planner Herlihy Cattan said the mixed-use conditional use permit requires the 15-foot height for the commercial portion and asked if the commission would support allowing a lower height and/or eliminate the two residential unit requirement.

C. 226 Monterey Avenue #16-125 036-111-15

Design Permit for an addition to an existing two-story single-family home and construction of a new secondary dwelling unit with a variance to the maximum 80% valuation for



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: NOVEMBER 3, 2016
 SUBJECT: **4025 Bromer Street #16-177 APN: 034-164-08**

Conceptual Review to demolish an existing office building and to construct a new three-story mixed-use building with office space on the first floor and two residences on the second and third floors, located in the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Stuart Family Trust

Representative: Lot C Architecture, filed: 9/26/16

APPLICANT PROPOSAL

The applicant is requesting feedback on a development concept for the property at 4025 Brommer Street in the CC (Community Commercial) zoning district. The project as proposed will require approval of a conditional use permit, possible variance, and coastal development permit by the Planning Commission.

DISCUSSION

The property is located in a transitional area that has a mix of commercial, visitor serving, and residential uses in close proximity. The new owner plans to demolish the existing office building on the site and build a new multi-family mixed-use project with office on the first story and two residential units on the second and third story (Attachment 1: Conceptual Plans). In the process of designing the building, the applicant raised several questions regarding the placement of the building and allowed encroachments. Staff suggested that the applicant bring a concept of the design to Planning Commission for direction prior to submitting an official application. The applicant provided a letter to explain their approach to the design (Attachment 2).

The following table includes the Community Commercial zoning district development standards relative to the conceptual design:

Development Standards	Existing	Proposed
Use	Office	Multi-family mixed use
Is CUP required?		Yes
Height: 40 ft.		40 ft.
Yards		

Attachment: Conceptual Review Minutes and Report - 11/3/16 Hearing (1709 : 4025 Brommer Street)

A. Landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.		15 ft. Encroachments: 2 ft. Roof Overhang 4 ft. Deck 7 ft. Covered Entryway Discussion Requested
B. Side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide		2 ft. Roof overhang on property line.
C. Front yards and corner lot side yards shall not be used for required parking facilities.		Complies
Parking	Required	Proposed
Office 1 space per 300 sf.	1060 sf. Office	8 spaces total
Duplex 2 spaces per unit / 1 covered	4 spaces	3 covered
	Duplex 4 spaces/ 2 covered	Complies
Landscaping. Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards		530 sf.(9.9%)

Encroachments into the front landscape area

The code requires “landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines”. Within the CC zone there is no list of allowed encroachments into the landscaped area. The proposed commercial entryway, second story deck, and roof overhang extend over the landscape area. The applicant is requesting discussion on the improvements that extend over the landscape area. To make findings for a variance for encroachments on a flat, adequately sized property would be difficult. The following 41st Avenue Guidelines are relative to the proposed encroachments:

“Entries should be protected from wind, rain and sun and provide a distinct entrance to the building.”

“Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows).”

“Off-street parking shall be located to the rear of the site. Street frontages should be devoted to buildings and landscaping. (This requirement may be varied for special site features.)”

Conditional Use Permit

Pursuant to §17.60. 060.w, in the Community Commercial zoning district, multiple-family residences may be approved as a conditional use permit provided the residential use is secondary to a principle permitted use on the same lot subject to the following italicized limitations:

1. *First floor uses shall be commercial uses. **Complies.***
2. *Commercial ceiling height shall be greater in height than any residential ceiling height located above commercial uses. **Complies.***
3. *First floor ceiling heights shall be a minimum of fifteen feet or one hundred twenty percent of the maximum ceiling height of the residential units located above the commercial uses, whichever is greater. **Complies***
4. *Commercial entrances shall be the primary building entries and shall be accented with strong architectural definition. Residential entrances shall be secondary and de-emphasized (e.g., located at the rear of the building, visually unobtrusive, etc.).*

Analysis. The commercial entrance is the primary entrance for the building centered on the front facade. The entry way includes a low pitched gable roof that extends seven feet from the façade of the building providing a sense of arrival for the structure.

5. *Adequate separation of different types of uses shall be maintained in order to avoid potential adverse impacts from one use on another due to noise, lighting, odors, vibration, and general nuisances.*

Analysis. Within the CC zone, side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. When a side or rear yard is provided it shall be at least ten feet wide.

The concept places the roof overhang at the east property line and provides a 15 feet setback along the west property line. There is a single family home to the west, and the street continuing westward includes residential single and multi-family uses. Within the proposed changes to the Capitola Zoning Map, properties west of the subject property will be rezoned from commercial to multi-family residential. The applicant provided greater separation along the East side to create a buffer for the mixed use by placing the driveway approach to the rear parking lot along the east property line. A two-foot landscape buffer will be required along the east property line at time of submittal.

The multi-use structure is located two feet from the east property line and the roof overhang is located at the property line. The property to the east is a duplex. The duplex is located fifteen feet from the property line. A duplex is a non-conforming use in the CC zone. Expansions of non-conforming uses are not allowed, therefore for the life of the duplex fifteen feet separation will be maintained. If the owner of the neighboring lot were to redevelop the site, they too would have the flexibility of zero setbacks on the side yard as proposed by the owner of 4025 Brommer Street.

The third story of the structure is stepped in 6 feet to allow additional separation and assist in breaking up the massing of the structure.

6. *Adequate separation of different types of uses shall be maintained to protect the aesthetic values and primary uses of the site.*

Analysis. The building is in a transition zone located on the edge of the Community Commercial zone. The proposed use incorporates ground floor office space with

residential above. The mixed use building is located closer to the commercial core along 41st in order to create a buffer from the single family residential to the west. The existing duplex to the east is 15 feet from the property line. As stated previously, the building to the east is not allowed to expand as a residential use.

RECOMMENDATION

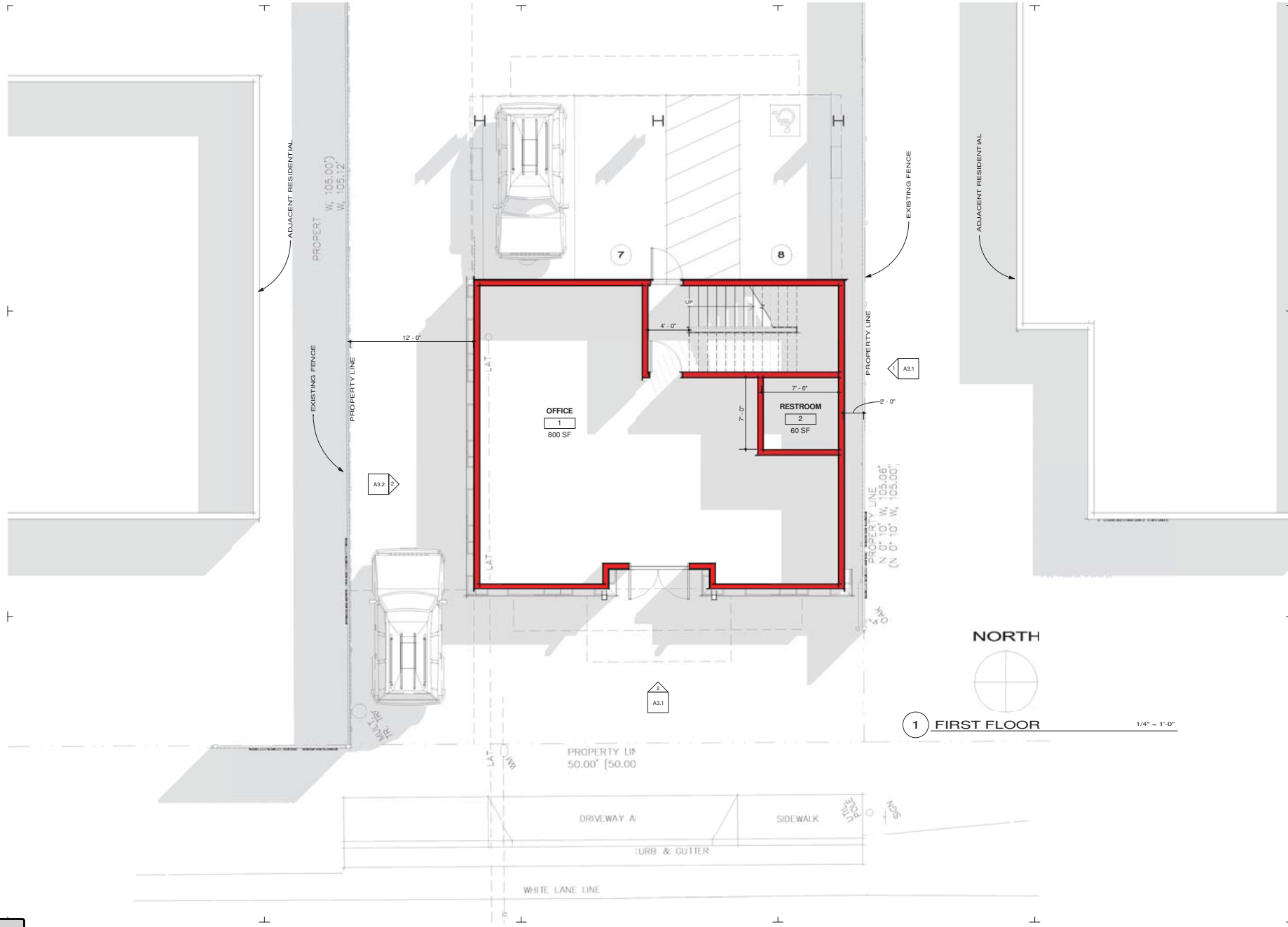
The project has been submitted to the City for conceptual review. The intent of the conceptual review process is to provide the applicant with early feed-back prior to investing significant time and money on the project. The applicant is seeking the Planning Commission's direction on the draft concept. As a starting point, staff has identified several questions, which the Commission may wish to consider while reviewing this project.

1. Would the Planning Commission support a finding that the proposed encroachments (covered entryway, second story deck, roof overhang) within the front landscape are compliant with the front yard requirements and 41st Avenue Guidelines? *or* Should the applicant apply for a variance for encroachments over the required landscape area?
2. Does the Planning Commission support the placement of the building away from the west property line and closer to the east property line?

ATTACHMENTS:

1. 4025 Brommer Street Conceptual Plan
2. 4025 Brommer Street Letter from Architect

Prepared By: Katie Cattan
Senior Planner



1 FIRST FLOOR 1/4" = 1'-0"



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NO.	DATE	ISSUES

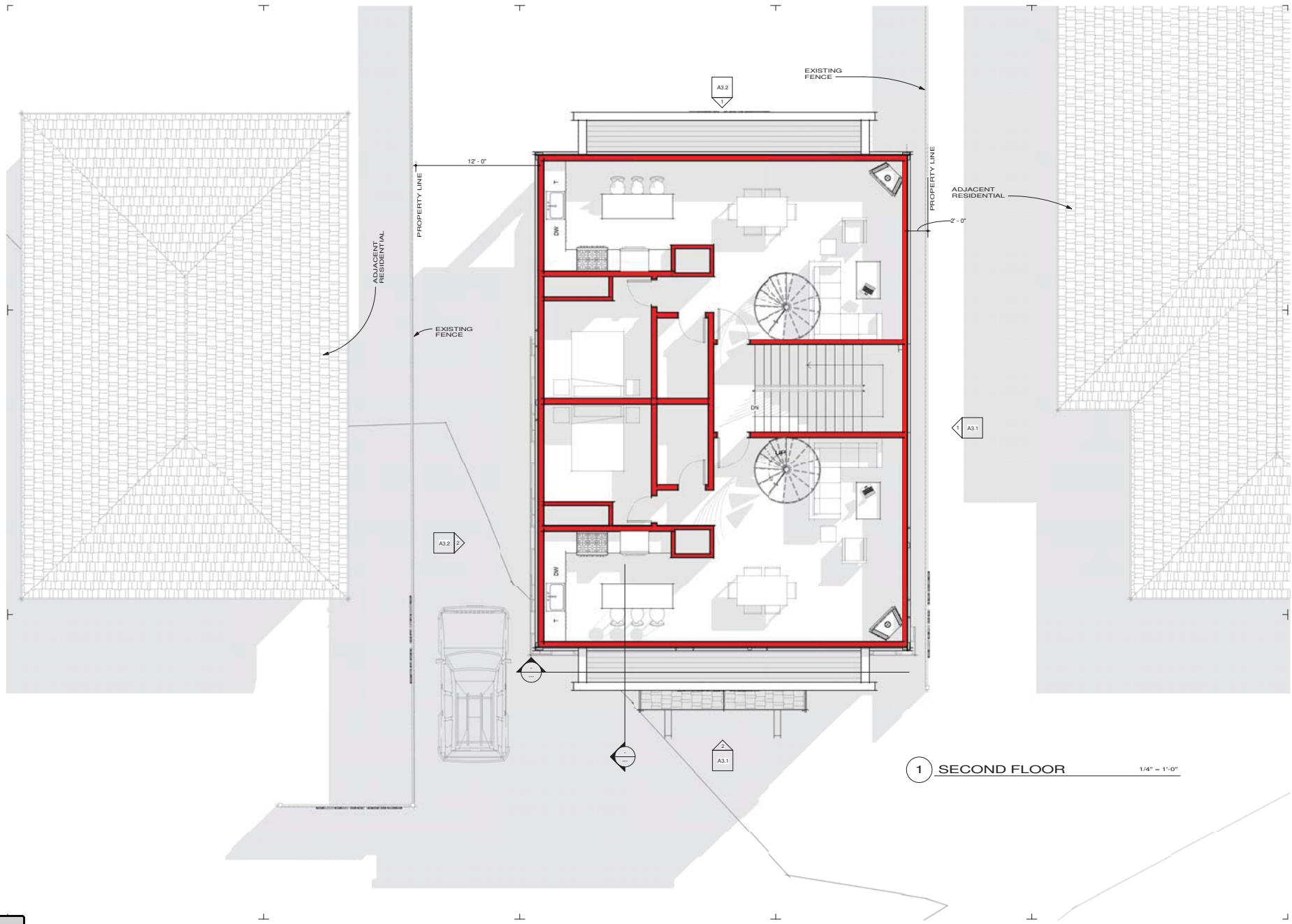
PROJECT NO:
 1607
 ISSUE DATE:
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DRAWING
 TITLE:

FIRST FLOOR
 PLAN
 1/4" = 1'-0"

DRAWING NO.:

A2.1



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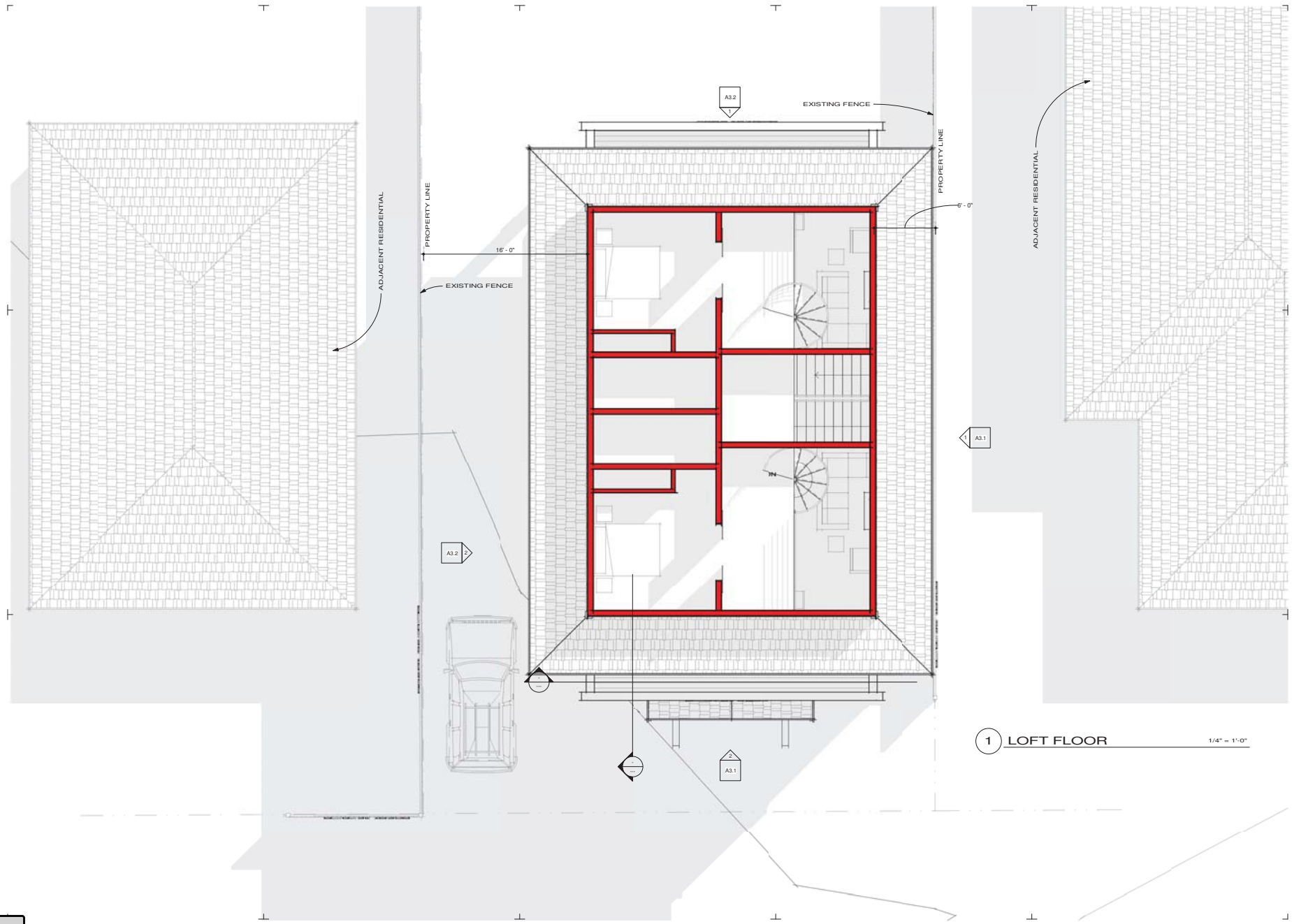
PROJECT NO:
 1607
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DRAWING
 TITLE:

**SECOND
 FLOOR PLAN**
 1/4" = 1'-0"

DRAWING NO.:

A2.2



1 LOFT FLOOR 1/4" = 1'-0"



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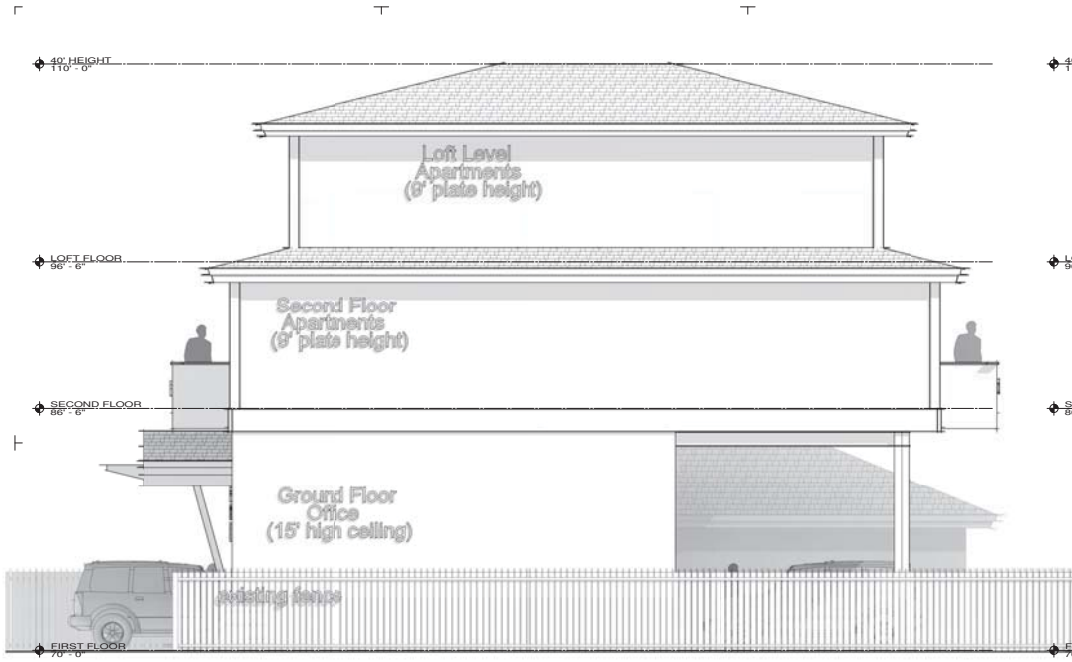
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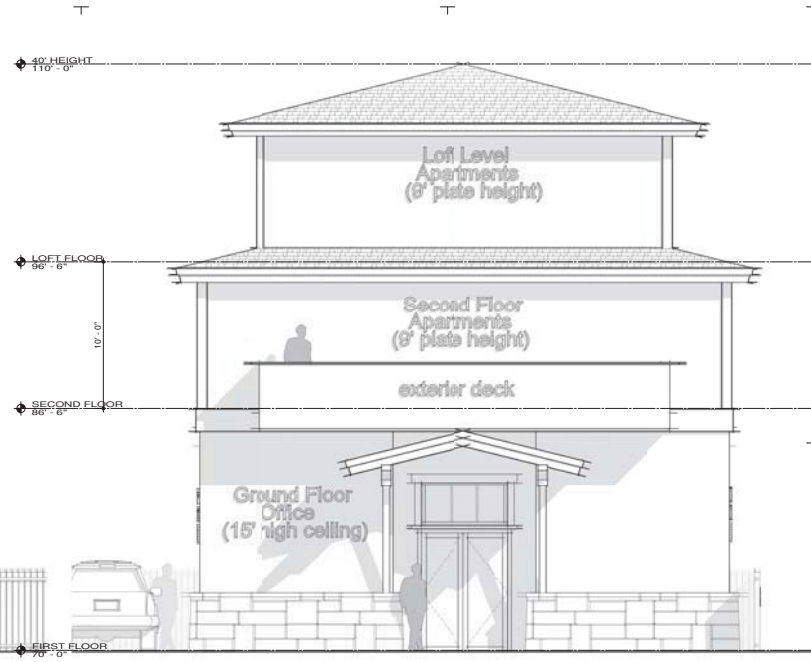
LOFT FLOOR
 PLAN
 1/4" = 1'-0"

DRAWING NO.:

A2.3



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



2 SOUTH ELEVATION 1/4" = 1'-0"



5 Street View



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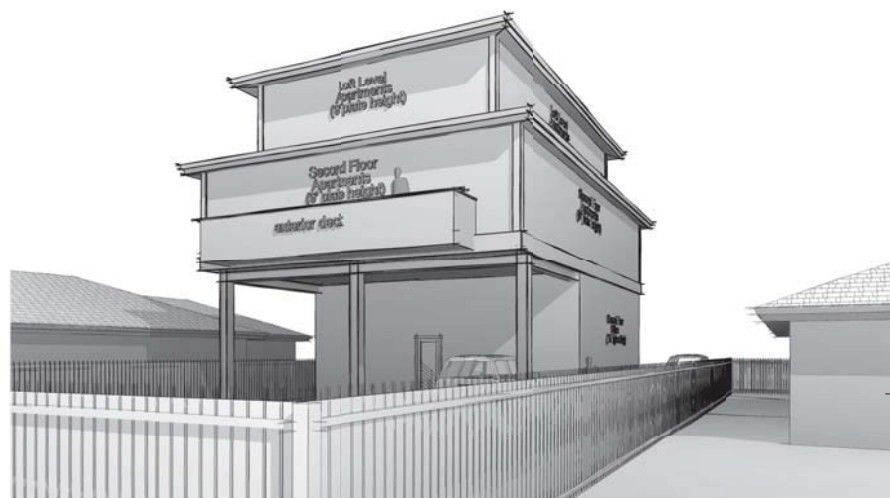
ELEVATIONS
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A3.1



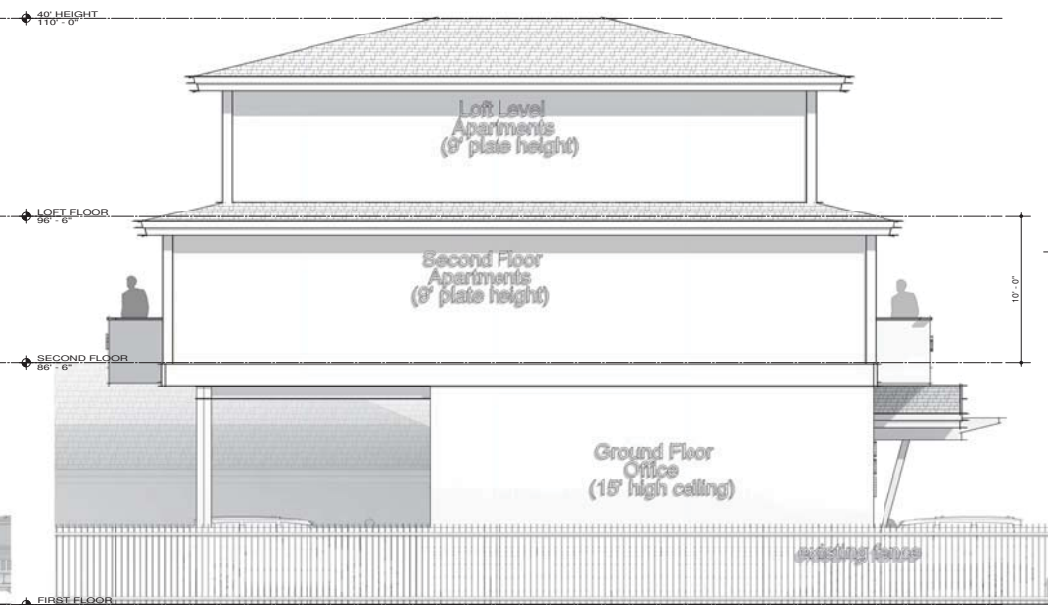
3 Street View 2



4 View from Rear



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



2 WEST ELEVATION 1/4" = 1'-0"



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1607
ISSUE DATE:
September 22, 2016

DRAWING
TITLE:

ELEVATIONS
1/4" = 1'-0"

DRAWING NO.:

A3.2



October 17, 2016

City of Capitola
 Attn. Katie Cattan, Senior Planner
 420 Capitola Avenue
 Capitola, CA 95010
kcattan@ci.capitola.ca.us
 831.475.7300

Re: 4025 Brommer Street, Capitola, CA

Dear Ms. Cattan,

I am writing you in regards to the proposed development at 4025 Brommer Street in Capitola, CA. The property owners (Rob and Karen Stuart) are proposing to demolish the existing single story office structure, then build a new mixed use development on this parcel. Listed below are proposed elements of the project:

- In order to maintain neighborhood curb appeal, we are proposing to locate the required parking at the rear of the property. The proposed parking includes 3 covered spaces and an accessible parking stall.
- We are proposing a 12 foot wide drive aisle on the West side of the property for access to the rear parking. This allows for significant separation from the adjacent residence.
- On the East side of the property we are locating the building 2 feet off of the property line in order to create more separation from the adjacent multi-residential structure.
- On the street side of the property (South side), we are proposing natural landscaping within the required 15 foot front setback. The proposed landscaping also includes the 5 foot area between the edge of the 4' wide sidewalk and the property line, for a total of 20 feet of landscaping at the front of the proposed structure.
- The proposed building would have commercial office space at the ground floor with the required 15' high ceilings and two rental apartment units located on the floor above. The entrance to the ground floor commercial unit would face Brommer Street and the entrance to the apartment units would be at the rear of the building (North side).
- Each residential apartment is proposed to have a loft area. This proposed Loft Level is stepped in 4 feet from the perimeter building footprint in order to minimize the overall massing of the project.

With all of the elements listed above included in the project, we are finding that the proposed square footages of the commercial and residential units are being limited. Since the CC code does not preclude projections into the required 15 foot front yard landscape area, we ask that the following projections be approved:

- With the proposed building footprint located at the 15 foot front setback, we are proposing that the 2 foot deep roof eave encroach into the front setback.
- We are also proposing a 4 foot projection of a second floor residential deck into the front setback in order to provide outdoor space to the unit and help minimize the massing on the street side of the building.
- We are also proposing a 7 foot roof projection into the front setback in order to create an appropriately scaled public entrance to the office space on the ground floor.

None of these proposed projections would touch the ground.

Thank you for your consideration on this proposed mixed use development.

Sincerely,

Jason Wooley, Architect
 license number C27825

Planning Commission Feedback from 11/3/16 Conceptual Review Hearing

- Discussion on entrance being located away from the busy intersection at 41st Avenue. Suggestion of requiring right hand turn for exit, but this is not a requirement of city.
- Suspended features over landscape area are not viewed as encroachments and do not require a variance.
- Discussion on future use of street right-of-way counting toward the 15-foot landscape requirement. If structure is brought closer to the street, it should be balanced with providing landscaping around the periphery of the site (rear parking lot) as required in the guidelines.
 - The Public Works Director plans to build sidewalk and bike lane improvements along the frontage starting at 41st Avenue. There are no preliminary plans. The project at 4025 Brommer would be required to construct sidewalk along the frontage with the back of walk at the property line. Since there are no plans to actually build this today, the Public would support an in lieu payment to City for the street project.
- Recommended lowering the height of the building to two stories. It is a transition area and maximizing the height is not suggested adjacent to residential. The 15-foot first story minimum can be reduced.
- Variances to intensify development standards would not be supported.
- A single residential unit above the office would be supported rather than multifamily.
- Make sure the circulation in the rear of the site would work. Have proposal reviewed by Public Works prior to Planning Commission review.
- This is not your typical Community Commercial lot. It is much smaller. The development should be relative to the site and the surrounding area.



December 14, 2016

City of Capitola
 Attn. Katie Cattan, Senior Planner
 420 Capitola Avenue
 Capitola, CA 95010
kcattan@ci.capitola.ca.us
 831.475.7300

Re: 4025 Brommer Street, Capitola, CA

Dear Ms. Cattan,

The property owners and I have been working on significant changes to the Brommer Street project and I wanted to give you a breakdown of what we've done. Taking into consideration guidance from you, the Planning Commission, and concerned neighbors, we have made the following changes...

SITE PLAN (sheet A1.1)

1. We corrected the placement of the adjacent structures.
2. We enlarged the drive aisle at the rear parking to 25' in width (commercial standards) in order to ease turn around space. This shifted the building 1' closer to the street.
3. We added 2 feet of landscaping around the perimeter of the parcel. This reduced the size of the building in the East/West direction by 2 feet.
4. In order to accommodate the previous two changes, we shifted the building another 4 feet towards Brommer Street. This places the building 15 feet back from the edge of the sidewalk. This allows for 15 feet of landscaping at the street as shown.
5. We changed two "standard" sized parking stalls to "compact" size in order to accommodate a new trash enclosure location and large tree plantings at the Northeast corner (shown on landscaping plan)

ELEVATIONS (sheets A3.1 and A3.2)

1. We lowered the ceiling height at the ground floor commercial space to 10' high and lowered the plate height at the loft level. This lowered the overall height of the building by 6 feet to a total height of 34 feet.
2. We reduced the size of the loft level windows facing West. These windows are only 24 inches tall with a sill height of 5 feet above finish floor.
3. We removed the windows at the ground floor and second floor facing East.

Thank again for your help on this project and please let me know if we can answer any question for you as you review the attached documents.

Sincerely,

Jason Wooley, Architect
 license number C27825

Attachment: Project Modifications (1709 : 4025 Brommer Street)

Taylor Frame
Owner
4055 Brommer St
Santa Cruz, CA

RE: Development at 4025 Brommer

To Whom It May Concern:

I have reviewed the potential plans of the development at 4025 Brommer and I support the project. I believe that it will add value to the neighborhood and also set a new precedent for mixed use buildings. Upon inspection of the plans, I am in agreement with the design of the structure. The builder, Timberworks Inc., and I have addressed concerns and made changes that we both feel are appropriate.

As long as the plan is followed, then I am in complete support of this development project.

Thank you.

Taylor Frame

[REDACTED]
Date: February 22, 2017 at 8:57:21 PM PST
[REDACTED]

Subject: Letter of Mitigation for property @ 4025 Brommer St.

We, Bart Hoogstede and spouse Kim Hoogstede are property owners of 3891 Brommer St., West neighbors of 4025 Brommer St. We have met with Rob Stuart on a few occasions to discuss his future planned development on 4025 Brommer St. We have come to a verbal agreement on the following terms:

1. Add two feet of lattice on top of existing fence along length of mutual property line.
2. Flowering Plum tree (Rob Stuarts tree) to be removed and replaced by tree on 3891 Brommer to afford recovery of lost privacy.
3. Site lighting-unobtrusive site lighting on property to avoid "spotlight type" annoyance of all neighbors.
4. Privacy walls on West and East ends of exterior decks to mitigate privacy issues for neighbors.

Although no one likes change, and loss of exisisting privacy, Rob Stuart has worked with us to mitigate our foreseen concerns and with that we are writing this letter of mitigation.

Sincerely, Bart and Kim Hoogstede

3892 Brommer St.

Santa Cruz, CA. 95062

Dated: 2/22/2017

Attachment: Neighbor's Letter of Support (1709 : 4025 Brommer Street)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MARCH 2, 2017

SUBJECT: **Zoning Code Update All Properties within Capitola**

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

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Katie Cattan, Senior Planner, City of Capitola

BACKGROUND: On January 9, 2017, an updated draft zoning code and zoning map was published which incorporates all edits received from the Planning Commission and City Council during 2016. The Planning Commission edits that were accepted by the City Council have been incorporated into the draft zoning code in black. The City Council recommended revisions are shown in red. The draft code also includes revisions made by City staff to improve clarity and non-policy revisions requested by Coastal Commission staff. Staff revisions are shown in blue. The draft code, zoning map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>. Hardcopies of the draft code are available to the public at City Hall and the Capitola Library.

DISCUSSION: Staff compiled the *Remaining Zoning Code Issues* report that highlights nine remaining zoning code issues that must be addressed prior to adoption (Attachment 3). The first item, the Zoning Map and Vacation Rental (VR) Overlay boundary, was discussed at the February 2, 2017 meeting. During the special meeting on February 16th, the Planning Commission reviewed all the remaining issues except Issue 8: Accessory Dwelling Units. The Planning Commission requested that staff return with an overview of the state legislation that has necessitated changes to the accessory dwelling unit regulations.

Chapter 17.74 establishes standards for the design, permitting, parking, and placement of accessory dwelling units consistent with the State of California Government Code Section 65852.2 as amended within SB 1069 and AB 2299. The chapter has been modified extensively since the original 2016 draft to comply with recent State legislation. Major changes due to state legislation include:

1. New Terminology. Accessory Dwelling Unit replaces Secondary Dwelling Units. There are new categories of ADUs including Attached Accessory Dwelling Units, Detached Accessory Dwelling Units, and Internal Accessory Dwelling Units.
2. Reductions and waivers in parking requirements.
 - a. A property with an internal accessory dwelling unit is not required to provide any additional parking for the unit beyond what is required for the primary residence.
 - b. Attached and Detached Accessory Structures. One space is required. This requirement may be waived for the following cases:
 - i. Located within ¼ mile of bus transit with service interval of 15 minutes of less during peak commute periods. (Not applicable in Capitola with current bus frequency)
 - ii. Located in Historic District (Applicable along Riverview)
 - iii. When off-street parking permits are required but not offered to occupants of ADU. (Not applicable in Capitola. Each unit receives a parking pass)
 - iv. When there is a car share vehicle pick-up /drop-off location within one block of the accessory dwelling unit.
 - c. Off-street parking may be provided as tandem parking on an existing driveway and may be located within minimum required setback areas from property lines.
3. Prohibition on a local agency (city or county) which provides water and sewer to require new utility connections for ADUs that are contained within an existing residence or accessory structure. This regulation would apply to properties within the Santa Cruz Water District but not Soquel Creek Water District.
4. A local agency may require a new or separate utility connection directly between an attached or detached accessory dwelling unit in which the connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit.
5. Prohibits requirement of fire sprinklers if they are not required for the primary structure. The Capitola Building Official is currently in contact with the State Fire Marshall to find out how this standard applies to an older primary structure that did not require sprinklers when built, but would require sprinklers under the current regulations.
6. Requires ADU regulations to apply in all single-family and multifamily zones. The draft code specifies that within the multi-family residential (RM) and Neighborhood Mixed Use (MU-N) an ADU is allowed if lot is occupied by one single-family dwelling. An ADU could be built in conjunction with an existing multi-family dwelling.
7. Increased size standards. The increased floor area of the ADU cannot exceed 50% of the existing living area, up to a maximum of 1,200 square feet. Capitola's current maximum size for ADUs ranges from 500 to 800 square feet depending on lot size. There is no change to the maximum floor area ratio of .60 for the combined maximum floor area of the primary residence and ADU. The draft code allows ADUs to increase to the state maximum of 1,200. The City can adopt maximum size standards that are more restrictive than SB 1069 provided these standards are not "designed or applied in a manner that burdens the development of ADUs and maximize the potential for ADU development."

Examples of other cities' size limits in recent ADU updates:

Palo Alto: Maximum 450 sq. ft.

Berkeley: Max 700 sq ft.

Campbell and Fremont: Max 500-1,200 sq. ft. depending on lot size.

Three options for maximum size:

1. 1,200 sq. ft. or 50 percent of primary structure (SB 1069)
2. Capitola's existing standard (500-800 sq. ft. depending on lot size)
3. Modifying existing standard to allow up to 1,200 on very large lots (as in Campbell and Fremont)

Staff will request direction on the options during the public hearing.

8. No setback can be required for an existing garage that is converted to an ADU.

The state also passed AB 2406 which create an additional housing option of junior accessory dwelling units (JADU). Adoption of a JADU ordinance is not required by the state. A JADU could be built within the proposed ADU ordinance. Some unique characteristics of JADUs are:

1. May not exceed 500 square feet in size;
2. Must be completely contained within the space of the existing residential structure;
3. May share a bathroom with the primary structure;
4. Must have an efficiency kitchen;
5. The City cannot require additional parking; and
6. Utility providers cannot require water or sewer connection fees.

A JADU is an internal unit and would not be required to provide parking. JADUs are required to be accessed directly through an exterior doorway and interior doorway. JADUs provide flexibility for the homeowner to rent or utilize the space as circumstances change. The statute does not differentiate between public or private utilities, simply stating "No agency should require a sewer (water) fee". Soquel Creek Water District could not require an additional meter as currently practiced for ADUs. JADUs do count towards regional housing need allocation (RHNA) as a housing unit within the census definitions.

A JADU ordinance is not proposed within the Zoning Code update because a JADU could be built as an Internal ADU. Staff suggest adding the following sentence to the Internal Accessory Dwelling Unit definition: "The term Internal Accessory Dwelling Unit includes Junior Accessory Dwelling Units as defined in Government Code Section 65852.22." Staff also suggests adding a definition for a JADU that specifies that a JADU is limited to an efficiency kitchen, a maximum of 500 square feet, and may have a shared bath.

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared and will be included in the packet during final recommendation to City Council.

RECOMMENDATION: Accept the staff presentation, provide direction on the draft Accessory Dwelling Unit ordinance, and recommend that the City Council review the draft then initiate a 60 day public review.

ATTACHMENTS:

1. Chapter 17.74 Accessory Dwelling Units
2. ADU Memo CA
3. Remaining Zoning Code Issues

Prepared By: Katie Herlihy

Senior Planner

Chapter 17.74 – ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose
- 17.74.020 Definitions
- 17.74.030 Required Permits
- 17.74.040 Permitted Location
- 17.74.050 Standards for All Accessory Dwelling Units
- 17.74.060 Standards for Attached and Detached Accessory Dwelling Units
- 17.74.070 Findings
- 17.74.080 Deed Restrictions
- 17.74.090 Incentives



Note: This chapter has been significantly revised to comply with changes to state law adopted by the California Legislature in 2016 concerning local regulation of accessory dwelling units (SB 1069 and AB 2406). Revisions to Capitola's existing accessory dwelling unit regulations required by state law include reducing parking requirements, allowing by right accessory dwelling units contained within the existing space of a home, establishing time limits for the City to act on applications, limiting utility connection requirements, increasing maximum size, and reducing setback requirements.

17.74.010 Purpose

This chapter establishes standards for the location and construction of accessory dwelling units consistent with Government Code Section 65852.2. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit.** “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary single-family residence with exterior access to the accessory dwelling unit provided independent from the primary single-family residence.
- B. Attached Accessory Dwelling Unit.** “Attached accessory dwelling unit” means an accessory dwelling unit that:
 1. Shares at least one common wall with the primary single-family residence;
 2. Is not fully contained within the existing space of the primary single-family residence or an accessory structure; and
 3. Provides exterior access independent from the primary single-family residence.

- C. Detached Accessory Dwelling Unit.** “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with the primary single-family residence.
- D. Internal Accessory Dwelling Unit.** “Internal accessory dwelling unit” means an accessory dwelling unit that:
1. Is fully contained within the existing space of the primary single-family residence or an accessory structure; and
 2. Provides exterior access independent from the primary single-family residence.
- E. Two-story Attached Accessory Dwelling Unit.** “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either two stories of living space attached to the primary single-family residence or located on the second story above the ground floor of the primary single-family residence.
- F. Two-story Detached Accessory Dwelling Unit.** “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either two stories of living space as part of a single accessory dwelling unit or second story living space above a ground floor garage or other accessory structure.

17.74.030 Required Permits

A. Internal Accessory Dwelling Units.

1. **Administrative Permit.** An internal accessory dwelling unit is allowed with an Administrative Permit if:
 - a. The proposed unit complies with Section 17.74.040 (Standards for All Accessory Dwelling Units); and
 - b. The proposed unit is contained within an existing primary single-family residence or accessory structure that complies with the minimum side and rear setback requirements of the applicable zoning district.
2. **Design Permit and Conditional Use Permit.** The Planning Commission may allow an internal accessory dwelling unit located within an existing primary single-family residence or accessory structure that does not comply with the minimum side and rear setback requirements of the applicable zoning district with the approval of a Design Permit.

B. Attached and Detached Accessory Dwelling Units.

1. **Administrative Permit.** Attached and detached accessory dwelling units consistent with Section 17.74.040 (Standards for All Accessory Dwelling Units) and Section 17.74.050 (Standards for Attached and Detached Accessory Dwelling Units) are allowed with an Administrative Permit.
2. **Design Permit and Conditional Use Permit.**

- a. The Planning Commission may approve an attached or detached accessory dwelling units that deviates from the standards in Subsections C (Unit Size) through J (Open Space and Landscaping) of Section 17.74.050 (Standards – Attached and Detached Accessory Dwelling Units) with the approval of a Design Permit and a Conditional Use Permit.
 - b. All two-story attached and detached accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.
- C. Conditional Use Permit Findings.** To approve a Conditional Use Permit for an accessory dwelling unit, the Planning Commission must make all of the findings in Section 17.74.050 (Findings).
- D. Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring an Administrative Permit and approve or deny the application within 120 days after receiving an application.

17.74.040 Standards for All Accessory Dwelling Units

The following standards apply to all types of accessory dwelling units, including attached, detached, and internal accessory dwelling units.

- A. Compliance with Zoning District Standards.** An accessory dwelling unit shall comply with all requirements of the applicable zoning district except as modified in this chapter.
- B. One Primary Residence on Parcel.** An accessory dwelling unit is permitted only when not more than one primary single-family dwelling is present on a parcel or is constructed concurrently with the accessory dwelling unit.
- C. Occupancy.** The property owner must occupy either the primary or accessory dwelling. The Planning Commission may grant an exception to this requirement in the case of unique hardship with the approval of a Conditional Use Permit.
- D. Maximum Number per Parcel.** Only one accessory dwelling unit is allowed on a single parcel.
- E. Parking.**
 - 1. **Internal Accessory Dwelling Units.** Off-street parking in addition to any off-street parking required for the primary residence is not required for an internal accessory dwelling unit.
 - 2. **Attached and Detached Accessory Dwelling Units.**
 - a. Except as provided in Paragraph (c) below, one off-street parking space shall be provided for an attached or detached accessory dwelling unit in addition to any off-street parking required for the primary residence.
 - b. Required off-street parking may be provided as tandem parking on an existing driveway and may be located within minimum required setback areas from front,

side, and rear property lines on the parcel in accordance with Section 17.76.040.B (Parking in Front and Exterior Side Setback Areas).

- c. No off-street parking is required for an attached or detached accessory dwelling unit in the following cases:
 - (1) The accessory dwelling unit is located within one-half mile of a bus transit stop with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (4) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

F. Utility Connections.

1. **General.** An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
2. **Internal Accessory Dwelling Units.** The City shall not require an applicant to install a new or separate utility connection directly between an internal accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
3. **Attached and Detached Accessory Dwelling Units.**
 - a. The City may require a new or separate utility connection directly between an attached or detached accessory dwelling unit and the utility.
 - b. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
4. **Fire Sprinklers.** The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.

17.74.050 Standards for Attached and Detached Accessory Dwelling Units

The following standards apply to attached and detached accessory dwelling units.

- A. **Permitted Location.** Attached and detached accessory dwelling units are permitted only in:
 1. The Single-Family Residential (R-1) zoning district; and

2. The Multi-Family Residential (RM) and Neighborhood Mixed Use (MU-N) zoning districts on lot of 5,000 square feet or more occupied by one single-family dwelling.

B. Minimum Lot Size. An attached or detached accessory dwelling unit is permitted only on parcels 5,000 square feet or greater.

C. Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

1. Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet.
2. Detached accessory dwelling units: 1,200 square feet.

D. Maximum Floor Area Ratio. The combined floor area ratio (FAR) of a lot with a primary residence and an attached or detached accessory dwelling unit shall not exceed 0.60.

E. Height and Setback Standards.

1. Height and setbacks standards for attached and detached accessory dwelling units are shown in Table 17.74-2.
2. The Planning Commission may allow a detached accessory dwelling unit to exceed the height limits in Table 17.74-2 to accommodate a roof design that matches special roof features of the primary residence. Such a height exception requires Planning Commission approval of a Design Permit and a Conditional Use Permit.

TABLE 17.74-2: ACCESSORY DWELLING UNIT SETBACK AND HEIGHT STANDARDS

	Type of Accessory Dwelling Unit	
	Detached	Attached
Setbacks, Minimum [2]		
Interior Side	5 ft.	Same as required for primary residence
Exterior Side	Same as required for primary residence	
Rear	<u>One story unit</u> : 8 ft. [3] <u>Two story unit</u> : 10 ft. [3]	
Front	Same as required for primary residence	
Height, Maximum		
One story	<u>One story unit</u> : 15 ft. [1] <u>Two story unit</u> : 22 ft.	Height of primary residence or maximum permitted in zoning district, whichever is less

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

F. Two-Story Accessory Dwelling Units. All two-story accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

G. Doors and Windows.

1. The entrance to a detached accessory dwelling unit shall face the interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.
2. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to minimize privacy impacts and maintain access to light and ventilation on adjacent properties.

H. Orientation.

1. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
2. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.

I. Design. The design of the accessory dwelling unit shall complement the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

J. Open Space and Landscaping. Open space and landscaping shall be provided that is usable for both the accessory dwelling unit and the primary residence. Landscaping maintain privacy and provide screening for adjacent properties.

K. Mobile Units. Vehicles and trailers of any kind, with or without wheels, are prohibited as accessory dwelling units.

17.74.060 Findings

To approve a Conditional Use Permit for an accessory dwelling unit, the Planning Commission shall find that:

- A.** The exterior design of the accessory dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- B.** The exterior design is in harmony with, and maintains the scale of, the neighborhood.
- C.** The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
- E. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
- F. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan.
- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

17.74.070 Deed Restrictions

- A. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
 - 1. The accessory dwelling unit may not be sold separately.
 - 2. The accessory dwelling unit is restricted to the approved size.
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

17.74.080 Incentives

A. Fee Waivers for Affordable Units.

- 1. The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.

2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
 3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.
- B. Historic Properties.** The Planning Commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a Historic Resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the Planning Commission shall approve a Conditional Use Permit and find that the exception is necessary to preserve the architectural character of the primary residence.



Courtesy of Karen Chapple, UC Berkeley

Attachment: ADU Memo CA (1780 : Zoning Code Update)

California Department of Housing and Community Development
Where Foundations Begin

Accessory Dwelling Unit Memorandum

December 2016



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Attachment: ADU Memo CA (1780 : Zoning Code Update)

Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled,

and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Attachment: ADU Memo CA (1780 : Zoning Code Update)

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

- (1) Accessory dwelling units are a valuable form of housing in California.*
 - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*
 - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*
 - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*
 - (5) California faces a severe housing crisis.*
 - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*
 - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*
 - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.*
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.*



Courtesy of Karen Chapple, UC Berkeley

Are Existing Ordinances Null and Void?

Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply "state standards" (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to "state standards" and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or....” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) “**Manufactured home,**” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf> .

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Remaining Zoning Code Issues

For January 9, 2017 Draft



On January 9, 2017, Capitola published an updated draft zoning map and draft zoning code that incorporated all Planning Commission and City Council recommendations made in 2016. Staff identified 9 remaining issues for discussion that are summarized within this document.

Remaining Zoning Code Issues | 2017

Topic 1: Zoning Map and TRO Boundary

Overview: The zoning map has been updated to be consistent with the General Plan Land Use Map, reflect existing land uses, and to correct errors within the existing map. Zoning Districts have been updated to match those in the new zoning code. New changes that took place during the Planning Commission and City Council review of the draft map include:

- The Visitor Server zone is now solely an overlay zone with the base zone removed. The map in figure 17.28-1 has been updated to reflect this change. Each property in the VS overlay has a base zone (CC, R-1, etc.) with a green hatch for the VS overlay.
- The TRO boundary was expanded along Capitola Avenue to Riverview Avenue. Additional requests were made by a member of the public to include properties along Capitola Avenue to Bay Avenue and to consider the property at 502 Beulah Drive. **Discussion Requested.**

Staff has identified the proposed modifications to the zoning map in the table below. **Staff is requesting direction on the draft zoning map.**

Zoning Map Changes from Existing Zoning Map to Draft October 6, 2016 Zoning Map

	Location	Existing Zoning	New Zoning	Comments
1	Entire Map	Automatic Review		Removed AR
2	Capitola Road between 41 st and Wharf	Community Residential (CR)	Mixed Use Neighborhood (MU-N)	Removed CR, CN, and PO zones.
3		Neighborhood Commercial (CN) & Professional Office (PO)	Community Commercial (CC)	
4	41 st Avenue north of Capitola Road, Clares Street and Autoplaza Drive	Community Commercial (CC)	Regional Commercial (C-R)	General Plan implementation
5	3945 Melton Street	Single-Family (R-1)	Community Commercial (CC)	Informed owner. Supports change
6	519 Capitola Avenue	Single-Family (R-1)	MU-N	Informed owner. Supports change
7	822 Kennedy Drive parcel behind church	P/OS	Single-Family (R-1)	Developed within CUP
8	4800 and 4820 Opal Cliff	Single-Family (R-1)	RM-M	Annexed in 1963 as multi family.
9	3865, 3883, 3895 Brommer Street	Community Commercial (CC)	RM-M	Request from residents to be rezoned.
10	Parcels behind 2078 Wharf Road (Riverview of Capitola Condos)	AR/RM-LM	P/OS	Open Space behind condos.
11	Rispin on Wharf Road	AR/VS/R	VS/P/OS	Previously approved PD never developed.

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

12	620 El Salto	VS	R-1 with VS Overlay	Monarch Cove Inn
13	720 El Salto	VS/R-1	Single-Family (R-1)	Removed VS overlay
14	709 Escalona Drive	VS/R-1	Single-Family (R-1)	Removed VS overlay
15	1465 38 th Avenue extending to Capitola Road nad 3720 Capitola Road to 38 th Avenue	Neighborhood Commercial (CN)	Community Commercial (CC)	General Plan Implementation
16	720 Hill Street – hotel	Multi-family Medium Density (RM-M)	Community Commercial (CC) with AH overlay	Identified as AH site in housing element
17	502 Beulah	Mobile Home (MH)	Single-Family (R-1)	General Plan Implementation
18	405 and 407 Capitola Avenue and 410 Riverview	Neighborhood Commercial (CN)	Community Facility (CF)	Fire Station
19	1911 42 nd Avenue	Multi-family Medium Density (RM-M)	Planned Development (PD)	Pearson Ct. Established PD
20	Two parcels in the park at the end of Riverview Drive	Public Facilities (PF)	Public Open Space (P/OS)	Open Space
21	719 Capitola Ave – just north of Bay	Multi-Family Medium Density (RM-M)	Mixed Use Neighborhood (MU-N)	Existing Commercial Donut Station
22	500 Plum Street	Professional Office (PO)	Mixed Use Neighborhood (MU-N)	Removed PO zone.
23	City Owned Parcel behind 401 Monterey Avenue (Noble Gulch Park)	Multi-family Low Density (RM-LM)	Public Open Space (P/OS)	Open Space
24	401 Monterey Avenue	Multi-family Low Density (RM-LM)	Single Family (R-1)	Existing Single-Family home. Lot size does not meet minimum site area per dwelling for more than one unit.
25	3640 Capitola Road	Public Facilities (PF)	Community Commercial (CC)	Privately owned utility.
26	250 Monterey (Inn at Depot Hill)	Visitor Serving (VS)	Single-Family (R-1) V/S overlay	All VS is overlay

Topic 2: Height Exceptions in the Mixed Use Village (MU-V)**Section 17.20.030:** Height Exceptions in the Mixed Use Village.

Page: 20-5

MU-V zone height: 27 Feet

Overview: City Council recommended changes to the height exception to allow up to 30 feet with a maximum plate height of 26 feet and no habitable space above the plate line. The ongoing monitoring of interior habitable space would be challenging to enforce. During the City Council discussions, the understood purpose for prohibiting habitable space was to prevent breaks within the roof slope with habitable space design features, such as dormers.

Staff recommends combining Height Exceptions 1 & 3 to identify one height exception limit (30 or 33 ft), require a minimum 5:12 roof pitch to qualify for a height exception, and replace prohibition of habitable space with a prohibition on breaks in the roof slope. **Staff is requesting direction on height exceptions in the central village.**

Planning Commission Recommendation:

- B. ~~MU-V~~ Height Exceptions.** The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:
1. Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.
 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C

City Council Recommendation:

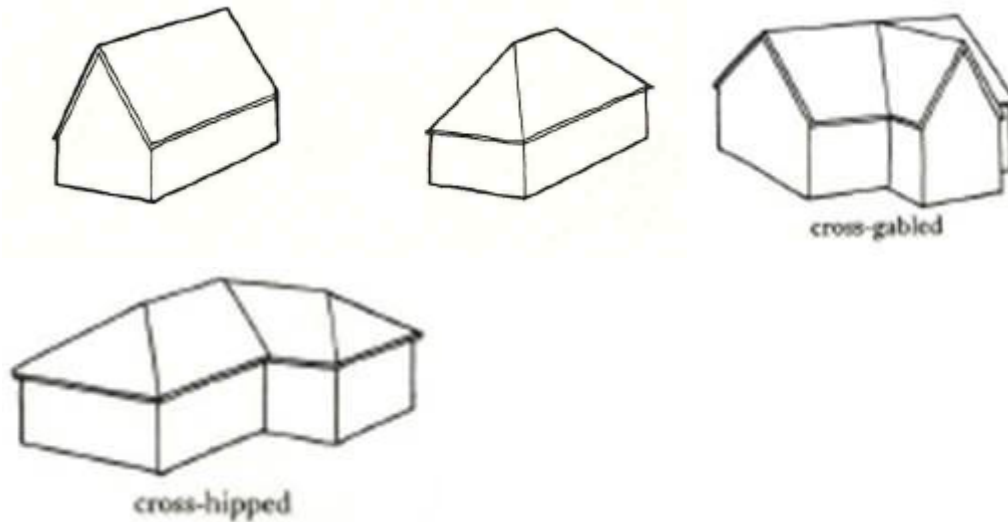
- B. Height Exceptions.** The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:
1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See Figure 17.20-1.
~~Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.~~
 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C. ~~Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C~~
 - ~~2-3.~~ Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.

Staff Recommended Amendment:

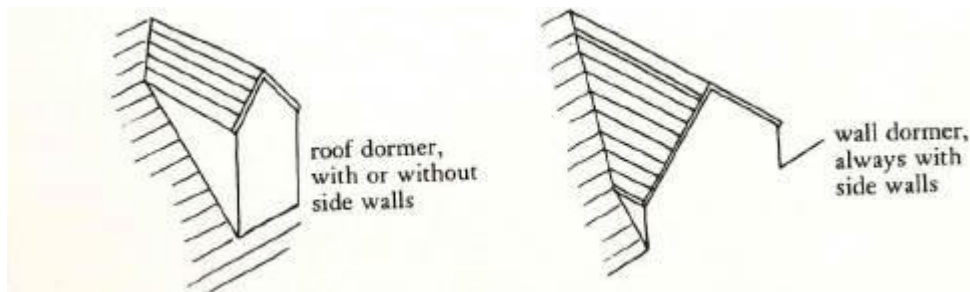
Height Exceptions: The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to 33 feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slopes for dormers, windows, doors, and decks."
2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C.

Allowable pitched roof designs:



Prohibited within roof slope:



Topic 3: Zone Height Exceptions and City Wide Height Exceptions

Mixed Use Village Height Exceptions

Section: 17.20.030

Page: 20-5

City-Wide Height Exceptions

Section: 17.48.020.B

Page: 48-2

Overview: As discussed in topic 1, there are height exceptions for specific scenarios within the Mixed Use Village. There are also City-wide height exceptions identified in Table 17.48-1 on page 48-2. During the discussion on mixed use village height exceptions, it was not discussed whether or not the city wide exceptions were intended to be in addition to the exceptions to zone height. Staff added a clarifying statement to 17.48.020.B to specify that the city-wide exceptions may not be combined with increased height allowance allowed within specific zoning districts as specified in Part 2. **Staff is requesting feedback on the edit to ensure the edit reflects the intent of the Planning Commission.**

B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions are measured from the maximum permitted zoning district height. They are not measured from the increased height allowed within specific zoning districts as specified in Part 2 (Zoning Districts and Overlay Zones).

Note: Height exceptions in Table 17.48-1 below add detail to height exceptions in Section 17.81.070 of the existing Zoning Code.

TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Non-habitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels and thermal recovery systems	No restriction	4 ft.
Wind energy systems	No restriction	40 ft.
Building mounted telecommunications facilities	See Chapter 17.104	

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Topic 4: Land-Use Changes in the Regional Commercial District

Section: 17.24.020

Page: 24-2

Overview: The City Council requested three significant changes be made to this table. First, the City Council requested that single-family dwellings be added to identify that they are prohibited. Second, the Council directed staff to prohibit multi-family dwellings in the regional commercial zone. Lastly, within a residential mixed use development in the regional commercial zone, the Council prohibited residential uses on the first story. The last two changes significant changes that will require all residential development to have commercial on the first story within the regional commercial zoning district. **Staff is requesting feedback on the change to ensure the draft code reflects direction requested.**

Planning Commission Recommendation:

Key	Zoning District			Additional Requirements
	C-C	C-R	I	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Residential Uses				
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C	-	17.24.040+40

[5] Permitted only on a mixed use site with the residential use secondary to the primary commercial uses on the site. Residential uses on the site are limited to less than 50 percent of the floor area of buildings on the site. Residential uses shall be located and designed to maintain a primarily commercial character and function on the site.

City Council Recommendation:

Residential Uses				
<u>Single-Family Dwellings</u>	=	=	=	
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C [7]	-	Section 17.24.040

[7] Residential uses are prohibited on the first story.

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Topic 5: Office Uses in the Regional Commercial Zoning District

Table: 17.24-2

Page: 24-4

Overview: City Council directed staff to prohibit all Office Uses in the ground floor of the Regional Commercial zoning district (C-R). This is a major change that will make numerous existing office uses located in established office buildings legal, non-conforming. As written, a vacant office space within an office building would be subject to Section 17.92.060: Non-conforming Use of Structures. A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status. If the office use is vacant (discontinued) for 90 consecutive days, the use shall not be reestablished and may be replaced only by a conforming use. After 90 days, the vacant space could not be leased with a new office use. Staff recommends that office uses in existing office buildings (utilized exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed. **Staff request discussion to confirm the City should prohibit all first-floor office spaces on the ground floor in the C-R zoning district.**

Planning Commission Recommendation:

C. Office Uses in the C-C and C-R Zoning Districts. In the C-C and C-R zoning districts, permits required for office uses, including professional, medical, banks, financial institutions and governmental offices, are shown in Table 17.24-2.

TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS

Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	C
Ground floor, less than 5,000 sq. ft.	P	C
Ground floor, 5,000 sq. ft. or more	C	C
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	P

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

City Council Recommendation:**TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS**

<u>Key</u>		
<u>P</u> Permitted Use		
<u>A</u> Administrative Permit required		
<u>M</u> Minor Use Permit required		
<u>C</u> Conditional Use Permit required		
<u>-</u> Use not allowed		
Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	€
Ground floor, less than 5,000 sq. ft.	P	€
Ground floor, 5,000 sq. ft. or more	C	€
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	€P

Staff Recommendation

Staff recommends adding a note to the table that office uses in existing office buildings (used exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed.

Topic 6: Pending Review of Coastal Commission edits

Overview: The California Coastal Commission staff reviewed the original Draft Zoning Code and provided preliminary feedback. The feedback ranges from minor edits to larger policy issues. During the initial draft zoning code review in 2016, the Planning Commission did not make a recommendation on the Coastal Overlay chapter to the City Council. Within the 2017 draft zoning code, City staff inserted Coastal Commission edits which do not fundamentally affect policy or which are minor in nature into the draft code. These changes are shown in blue throughout the code. The majority of the Coastal Commission suggested revisions were Chapter 17.44. Staff presented these edits to the City Council on October 13, 2016. The Council directed staff to return to the Planning Commission for a recommendation on the changes. **Staff requests direction on the Coastal Commission edits.**

Remaining Zoning Code Issues | 2017

Topic 7: Allowed Projections and Encroachments into Setbacks

Section: 17.48.030 C and D

Page: 48-2 to 48-4

Overview: The draft code includes a variety of setbacks for different projections and encroachments into the setback areas. Staff recommends slight modifications to setbacks to create consistency based on the possible impacts to neighbors. The following tables groups similar features and structures that have similar effects. The draft code standards are in black. **All staff recommended changes are in red.**

Architectural Design Elements (bay windows, front porch) that are encouraged with minimal setback.

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ROOF PROJECTIONS					
Cornices, eaves, canopies, and similar roof projections	4 ft	4 ft	2 ft	2 ft	All: 3 ft
WALL PROJECTIONS					
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections	2 ft	2 ft	2 ft	2 ft	All: 3 ft
ENTRIES					
Stairways and fire escapes or similar features	4 ft Not allowed	6 ft 4 ft	½ of required setback No max	4 ft Not allowed	Front: Not allowed Interior side: 3 ft Exterior side: Not allowed Rear: 5 ft
At grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All sides: No minimum
Landing Places, Patios, and Decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft Interior Side and Rear: 3 ft
Open and unenclosed entry porches and decks 19 to 30 inches above grade.	4 ft	6 ft	½ of required setback	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side: 3 ft Rear: 5 ft
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang.	5 ft	Not Applicable	Not Applicable	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side and Rear: Not Applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	No minimum

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Decorative Features such as a trellis and planter boxes are encouraged with minimal setbacks from property lines. Specificity has been added to trellis structures to ensure that trellis structures in the front yard will not be enclosed to ensure a trellis cannot be utilized as a fence feature well above the fence height allowance of 42 inches. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
DECORATIVE FEATURES					
Trellis Structure up to 10 ft in height that is open on all sides and arbors with a minimum of 2 open sides utilized over a walkway.	No max	No max	No max	No Max	No Minimum Staff Note: Limit trellises in the front yard to no walls. Could be utilized as high fence.
Trellis Structure up to 10 ft in height that is open on at least three sides, and the walls of the structure are 50 percent transparent.	No Max Not Allowed	No max	No max	No Max Not Allowed	Rear and Interior Side: No Minimum Front and Exterior Side: Not allowed.
Planter boxes and masonry planters with a maximum height of 42 inches.	No max	No max	No max	No Max	No Minimum
Landscape features, such as water fountain or statue , up to a maximum height of 6 ft that does not enclose the perimeter of the property.	No max	No max	No max	No max	All sides: 5 foot minimum

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Entertainment Features are typically social and should not be located right on a property line due to possible impacts of noise. They also are not normally allowed within a front setback or side yard setbacks. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ENTERTAINMENT FEATURES:					
Hot Tubs	Not allowed	No max	Not allowed	Not allowed	Rear: 2 5 ft All other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft minimum All other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No Max	All Sides: 5 ft minimum
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric connections must be less than 200 volts and drain size may not exceed that allowed for a mini bar. Includes Pizza Ovens.	Not allowed	No max	Not allowed	Not allowed	Rear Yard: 2 5 ft minimum All other sides: Not allowed

Structures and Equipment not permanently attached to the ground are allowed within setback areas. Rain harvest tanks are encouraged and therefore allowed within side and rear yard setbacks. Mechanical equipment may have noise and visual impacts to a neighbor; therefore, are prohibited from the front and exterior side yard and have required setbacks within the interior side yard and rear yard. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
OTHER STRUCTURES AND EQUIPMENT					
Children's play equipment, movable dog house, movable trach enclosures, and similar moveable objects	No max	No max	No max	No max	All sides: No minimum
Rain harvest tanks that do not exceed 8 ft in height	Not allowed	No max	No max	No max	Front Yard: Not Allowed. All sides: No minimum
Screened mechanical equipment including hot water heaters and HVAC units.	No max Not Allowed	No max	No max	No Max Not Allowed	No minimum Rear and Interior Side Yard: 3 ft

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Topic 7b: Setbacks for Accessory Structures and Accessory Dwelling Units**Section:** 17.52.020**Page:** 52- 2**Section:** 17.74.050 and 060**Page:** 74 - 5

Overview: The zoning code allows accessory structures and accessory dwelling units in setback areas. The setbacks in the draft code are consistent between the two allowed structures, requiring increased setbacks as the accessory structure increases in height. **Staff is not requesting direction on this item. Staff included this item anticipating that questions would arise relative to the setback discussion in Topic 7.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ACCESSORY STRUCTURES & DETACHED GARAGE 17.52					
Accessory structure less than 8 ft. in height, 80 sf or less, no plumbing	Same as primary	No max	No max	No max	All Sides: No minimum
Accessory Structures 8 to 15 ft. in height in SF zone	Same as primary structure	No max	No max	No max Same as primary structure	Front: Same as primary structure Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Detached Garage	None	No max	No max	No max	Front: 40 ft Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Accessory Structure in MF Residential	None	No max	No max	No max	Front: Same as primary Structure Interior and Exterior Side: 3 ft. Rear: 3 ft.

Attachment: Remaining Zoning Code Issues (1780 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

	Encroachment into Setback				Minimum Distances from Property Lines [2]
	Front	Rear	Interior Side	Exterior Side	
Accessory Dwelling Units					
Detached Accessory Dwelling Units – One Story (15 ft. Height or less)[1]	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 8 ft
Detached Accessory Dwelling Units (15-22 ft. height)	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 10 ft
Attached Accessory Dwelling Units	Same as primary residence	Same as primary residence	Same as primary residence	Same as primary residence	Front, Rear, Exterior Side and Interior Side: Same as primary residence Above garage: 5 ft [3]

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

Topic 8: Accessory Dwelling Units (previously Secondary Dwelling Units)**Chapter:** 17.74**Page:** 74-1 through 74-9

Overview: This chapter establishes standards for the location and construction of accessory dwelling units consistent with the State of California Government Code Section 65852.2 as amended within AB2299. The chapter has been modified extensively since the original 2016 draft to comply with recent State legislation. Major changes include new terminology, new definitions, new standards for attached, detached, and internal accessory dwelling units, new parking allowances and waivers, and increased minimum size of 1,200 square feet.

Topic 9: Non-Conforming Structures**Section:** 17.92.080**Page:** 92-6

Overview: The City Council requested that staff edit Table 17.92 to clarify the new thresholds. Staff updated the description of the thresholds and added examples for each. **Staff request discussion on the updated table.**

Planning Commission Recommendation:**TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES**

Project Affecting a Nonconforming Structure	Permit Required [1]
Nonstructural repairs, maintenance, and interior alterations	None
Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	None
Structural repairs, modifications, and additions that alter or affect the nonconforming aspect of the structure	Conditional Use Design Permit
Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Variance
Replication of a single-family dwelling per 17.92.070.D	Conditional Use Design Permit
Recreation of an involuntarily damaged or destroyed structure	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

Remaining Zoning Code Issues | 2017

City Council Recommendation:

TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES

Project Affecting a Nonconforming Structure	Example	Permit Required [1]
Interior Nonstructural repairs, maintenance, and interior alterations	Interior renovations to a room within a portion of a building located within a required setback area	None
Exterior Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	Adding floor area to a home with an existing roof that exceeds the maximum building height where the addition complies with the maximum building height and all other applicable standards	None
Exterior Structural repairs and modifications and additions that alter or affect the nonconforming aspect of the structure [2]	Rebuilding an existing building wall within a required setback area with no increase in floor area	Design Permit
Exterior Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Adding floor area to a portion of an existing room within a required setback area	Design Permit and Variance
Replication Reconstruction of a single-family dwelling per 17.92.070.D	See 17.92.080.C	Design Permit
Recreation of an involuntarily damaged or destroyed structure	Rebuilding a home destroyed by a fire to match the destroyed home	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

[2] ~~Repairs and replacement of exterior finishes such as roofs and exterior siding are allowed without a Design Permit.~~