



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, May 1, 2014 – 7:00 PM**

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

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

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

**C. Commission Comments**

**D. Staff Comments**

**3. APPROVAL OF MINUTES**

**A. Approval of April 3, 2014 Draft Planning Commission meeting 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. 121 Cabrillo Street #14-035 APN: 036-185-10**

Design Permit for a 151 square foot addition to the front facade of a single-family residence located in the R-1 (Residential Single Family) Zoning District.

This project does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Chris Heck

Representative: Kurt Useldinger, filed 03/10/14

**B. 312 Capitola Ave #B #14-049 APN: 035-182-20**

Design Permit for front façade modifications and Conditional Use Permit for outdoor dining and the sale of alcohol for the "It's Wine Tyme" business which is located in the CV (Central Village) 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: Peter Portido  
 Representative: Mike Grabill, filed 4/1/14

**C. 911B Capitola Avenue #14-050 APN: 036-011-11**

Conditional Use Permit for the sale of alcoholic beverages at the existing Quail and Thistle Tea Room located in the AR/CN (Automatic Review/ Neighborhood Commercial) Zoning District.

This project does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Margo Felldin

Representative: Cindy Fairhurst, filed: 4/4/14

**D. Improvements at the Intersection of Esplanade and Stockton Avenue #14-054 APN: N/A**

Coastal Development Permit for design modifications to the intersection improvements at Esplanade and Stockton Avenue in the CV (Central Village) Zoning District. These improvements combine two crosswalks across Stockton Avenue into a single crosswalk, construct a median island, construct a raised bulb-out, and add street lighting to the intersection. In addition approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced.

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

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: Steve Jesberg, filed 4/14/2014

**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. 1649 41st Avenue #14-017 APN: 034-151-09**

Conditional Use Permit and Design Permit application for the addition of a propane tank to an existing service station (Shell) that is located in the CC (Community Commercial) zoning district.

This project does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Peninsula Petroleum LLC

Representative: Hillary McClurg

**B. 712 Rosedale Avenue #13-153 APN: 036-072-05**

Design Permit application for a 450-square-foot addition to a single-family home in the R-1 (Single-Family) Zoning District.

This project does not require a coastal permit.

Environmental Determination: Categorical Exemption

Owner: Holger Schmidt

Representative: Greg Heitzler, filed: 03/25/2014

**C. Zoning Ordinance Update Work Plan**

Report on the Proposed Zoning Ordinance Update Work Plan

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

Adjourn to the next Planning Commission on Thursday, June 5, 2014 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

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

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://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](http://www.cityofcapitola.org).

THIS PAGE INTENTIONALLY LEFT BLANK



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, APRIL 3, 2014  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

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

**2. ORAL COMMUNICATIONS**

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

**3. APPROVAL OF MINUTES**

- A. **March 6, 2014, Draft Planning Commission Minutes**

**A motion to approve the March 6, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

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

**4. CONSENT CALENDAR**

- A. **207 California Avenue #13-170 APN: 035-181-10**  
Design Permit to remodel an existing single-family home in the CV (Central Village) Zoning District.  
This project does not require a Coastal Development Permit due to the addition being less than 10% of the internal floor area of the existing structure.  
Environmental Determination: Categorical Exemption  
Owner/Representative: Alfred Silva Jr., Filed 12.12.2013

**A motion to approve project application #13-170 for a Design Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**CONDITIONS**

- 1. The project approval consists of construction of a 42 square-foot addition to an existing single family home. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014 except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #13-170 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B

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

### **FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the CV (Central Village) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

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

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

This project involves an addition to an existing single-family residence in the CV (central village) Zoning District. The home is not historically significant. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

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

**B. 3120 Capitola Rd #14-027 APN: 034-281-27**

Fence Permit application with request for a height exception up to 6 feet within the front yard of a residence located in the R-1 (single family) Zoning District.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Owner: Lenny Farrell

Representative: Leland Cadwallader, filed: 02/14/2014

**A motion to approve project application #14-027 for a fence height exception with the following conditions findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of construction of a 6 foot high, 60 foot long fence. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a fence permit shall be secured for the construction of a fence authorized by this permit. Final fence permit 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 making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
5. Prior to issuance of fence 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.
6. Prior to issuance of fence permit, all Planning fees associated with permit #14-027 shall be paid in full.
7. 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
8. 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.



9. 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, General Plan, and Local Coastal Plan.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District. A height exception for a front yard fence has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project is located along Capitola Road in the R-1(Single Family Residential) zoning district, just south of the Capitola Road and Lotman Drive intersection. The project received a height exception to the maximum height standard to maintain the character and integrity of the neighborhood. The proposed fence compliments the existing mix of fences in the neighborhood in materials, height, and design.

**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.**

This project involves construction of a new fence in the R-1 zoning district. Section 15303 of the CEQA Guidelines exempts the construction of a fence in a residential zone.

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

### **5. PUBLIC HEARINGS**

**A. 1955 41<sup>st</sup> Avenue #14-029 APN: 034-261-53**

Amendment to the Master Sign Program at 1955 41<sup>st</sup> Avenue to allow Logo Signs up to 4 square feet in the CC (Community Commercial) Zoning District.

This project is not located within the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: JFG Capitola- Winfield Partners, L.P.

Representative: AKC Services, Kasey Clark, filed 02/18/2014

Commissioner Graves recused himself due to a conflict of interest with the applicant.

Senior Planner Katie Cattan presented the staff report. Planner Cattan noted that the owner provided consent for the applicant to also include an allowance for an internally lit white bar to underline the PG&E lettering on the sign. With the consent of the owner, the Staff was supportive of allowing the additional modification to master sign program.

The public hearing was opened. No one spoke in support or opposition to the item. The public hearing was closed.

Commissioners Routh, Smith, and Welch agreed with the staff recommendation and commented the proposed sign is an improvement to the existing sign.

Chairperson Ortiz concurred with the Commissioners, and requested that staff add to conditions of approval for future sign applications a suggested maximum of 600 lumens per square foot.

**A motion to approve project application #14-029 to amend the Master Sign Permit with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**CONDITIONS**

1. All future signs at 1955 41<sup>st</sup> Avenue shall comply with the Master Sign Program. Individual sign permits may be issued by the Community Development Director or designee.
2. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.
3. Prior to operation of a new business, the applicant shall obtain a business license from the City of Capitola.

**FINDINGS**

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed Master Sign Program is allowed in the CC Zoning District. Future sign applications will comply with the requirements of the Master Sign Program. Conditions of approval have been included to ensure that future signs for the commercial suites are consistent with the Master Sign Program, Zoning Ordinance, and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the amended Master Sign Program complements the building form. The MSP establishes requirements for future signs that will maintain the character and integrity of this commercial center within the City of Capitola. 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 signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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

**B. 1601 41<sup>st</sup> Ave #14-023 APN: 034-151-20**

Conditional Use Permit, Design Permit, Variance, and Sign Permit to allow an expansion of the existing Cinelux Theatre located in the Community Commercial (CC) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: George Ow Jr.

Representative: Paul Gunsky, filed 2-26-14

Senior Planner Cattan presented the staff report.

Commissioner Routh clarified the height and illumination areas of the proposed marquee sign. He confirmed that staff was suggesting no illumination of the sign beyond 40' in height.

The public hearing was opened.

George Ow, Jr., property owner, spoke on behalf of the shopping center and in support of the theater remodel.

Commissioner Routh asked Mr. Ow his future vision for the overall site. Mr. Ow responded that most improvements are tenant driven; however, improvements to the site and buildings will need to occur to keep the center competitive.

Paul Gunsky, theater operator, spoke in support of the application.

Rob Henry, architect, spoke in support of the application.

Commissioner Graves inquired about the proposed location of the marquee sign and asked why the sign was not centered over the theatre entrance. Mr. Henry responded that the marquee location was determined by the existing building's structural engineering.

Commissioner Smith clarified that both the red vertical element and light blue horizontal strips on the tower are illuminated. The back (south side) is blacked out. There are also lights along the front of the building frontage canopy.

The sign designer provided a detailed explanation about the sign lighting.

Three members of the public spoke in support of the application.

Property manager Karen Ow spoke in support of the application.

The public hearing was closed.

Commissioner Graves stated that he had received several emails in support of the application. He supported the application with the higher architectural sign feature, and suggested additional conditions: 1) If the city receives complaints about the brightness, then require the marquee lights to be turned off at the last movie seating. 2) The refuse area shall be designed to fully enclose from view all dumpsters and recycling bins.

Commissioner Routh said he felt the property owners of the approved senior housing project directly across the street were most likely to be concerned about the variance, but confirmed that no comments were received from them. He supported the application with the 50-foot height, and suggested an additional condition: The exterior wall display cases shall be for display of movie posters only, not the café or other services. Commissioner Routh also supported the newly submitted design of the sign along Capitola Road.

Commissioner Welch supported the 50-foot height and the entire project.

Commissioner Smith supported the 50-foot height. She stated that the height was not the concern, but rather the brightness of the illumination. She suggested an additional condition that blacked out any illumination on the 38<sup>th</sup> Avenue elevation (west side of the sign).

Commissioners and Mr. Grunsky reached a compromise to turn off lights on that side 15 minutes after the start of the final showing if complaints are received.

Chairperson Ortiz supported the 50-foot design. She stated that she felt findings could be made for both the site's visibility challenges due to its geography and the historical role of tall marquee theatre signs to draw audiences. She added the proposed upgrade will be a significant economic benefit to the City.

**A motion to approve project application #14-023 for a Conditional Use Permit, Design Permit, Variance, and Sign Permit with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of a Conditional Use Permit to expand a theater, allow outdoor seating, and allow the sale of alcoholic beverages and a variance for a 50-foot high architectural feature for the renovated and expanded theater space located at 1601 41<sup>st</sup> Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 3, 2014, except as modified through conditions imposed by the Planning Commission during the hearing. The Planning Commission granted the approval of the changeable copy monument sign along Capitola Road with the additional six inches of height from the existing, non-conforming sign.
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 making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #13-470 #14-023 shall be paid in full.
6. 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
7. Parking for the proposed theater expansion must be accommodated within the onsite parking.
8. Sound proofing must be installed along the eastern wall to protect the adjacent commercial use from noise impacts of the theater. A second frame wall shall be added to the existing block wall that will have thermafiber sound insulation and 2 layers of 5/8" gypsum wall board.
9. ~~No illumination is allowed beyond the zone height of 40 feet.~~ 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.

10. The applicant shall obtain an updated business license from the City of Capitola prior to operating within the expanded area.
11. Outdoor seating and landscape infrastructure is allowed along the sidewalk as long as there is compliance with ADA access.
12. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
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. 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.
15. The exterior wall display cases shall be used for movie posters only.
16. The refuse area shall be redesigned to enclose all dumpsters, carts and recycling bins to the satisfaction of the Community Development Director.
17. If complaints about the brightness of lights in the architectural feature are received by the City, then the west side illumination on the marquee sign shall be turned off 15 minutes after the last show begins.

## **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 expansion of the business, outdoor seating, and alcohol sales may be granted a conditional use permit within the CC Zoning District. The use meets 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 and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of this area of the City. The Planning Commission granted a variance for a 50-foot high architectural feature with a sign and illumination due to the challenging location of the theater’s proximity to 41<sup>st</sup> Avenue, the association of a vertical architectural feature traditionally found on a theater, and the economic development benefits of the use to the surrounding corridor. 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 expansion of the existing theater within an existing commercial space formerly occupied by a book store. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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

**C. GENERAL PLAN UPDATE**

Planning Commission recommendation on the proposed General Plan Update  
Environmental Determination: Environmental Impact Report  
Applicant: City of Capitola

Community Development Director Rich Grunow presented the staff report. David Early of the plan consultant PlaceWorks discussed the public process.

Commissioners Smith and Graves requested clarification of the Climate Action Plan measures. Director Grunow explained that the current list simply provides examples of mitigation measures that may be adopted when action is taken on that item.

The public hearing was opened.

John McGregor, owner of the rear parcel at 410 Bay Avenue, spoke in opposition to the request for 412-414 Bay Avenue zoning change.

Gerry Jenson, owner of the home under construction in the front parcel at 410 Bay Avenue, spoke in opposition to the request for 412-414 Bay Avenue zoning change and expressed concern that the neighborhood was not notified of potential rezoning.

Chairperson Ortiz noted the staff recommendation did not support the zoning change, but recommended offices as an added conditional use in the zoning update. Mr. Jensen said he would like more information about what the office use would allow for size, hours, and parking before he would take a position.

Commissioners expressed concern about recommending any changes at this point, including the modified staff suggestion. They also asked that any future discussion be noticed to neighbors.

Mary Gourlay of Barry Swenson Builder spoke in support of the staff effort and process. She said the floor area ratio (FAR) proposal allows for welcome flexibility and specifically provides options for a village hotel.

Chairperson Ortiz closed the public hearing.

Commissioners Graves and Routh expressed concern about FAR limits that would encourage heights and densities greater than the community has supported. Chairperson Ortiz agreed that they can set an ambitious development application up for failure.

Commissioner Smith asked fellow Commissioners to distinguish between the “proposed FAR” by zoning and the “increased FAR allowance” for projects that meet specific criteria. She supported a FAR that reflects as-built recent projects.

The Commission, staff, and consultant had a detailed discussion regarding the role of FAR and the benefits versus risks of having ratios that reflect recent and successful projects. They attempted to reach a recommendation consensus using the table presented by staff.

**A motion to recommend the General Plan Update including the following Floor Area Ratios with no increased FAR allowances made by Commissioner Routh and seconded by Commissioner Graves:**

Village mixed use: 2.5  
 Neighborhood mixed use: 1.0  
 Regional Commercial: 1.5  
 Community Commercial: 1.0  
 Visitor Accommodations: 0.5  
 Industrial: 0.5

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

**A motion to recommend the General Plan Update including following Floor Area Ratios and increased FAR allowances was made by Commissioner Welch and seconded by Commissioner Smith.**

Village mixed use: 2.0, 3.0  
 Neighborhood mixed use: 1.0, N/A  
 Regional Commercial: 1.5, 2.0  
 Community Commercial: 1.0, 1.5  
 Visitor Accommodations: 0.5, N/A  
 Industrial: 0.5, N/A

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

**A motion to adopt a resolution certifying the Final Environmental Impact Report and adopting the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations was made by Commissioner Routh and seconded by Commissioner Smith.**

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

**6. DIRECTOR'S REPORT - None**

**7. COMMISSION COMMUNICATIONS**

Chairperson Ortiz announced that Open Streets Capitola would take place May 4, with the Esplanade closed to motorized traffic and numerous activities planned.

**8. ADJOURNMENT:**

Chairperson Ortiz adjourned the meeting at 10 p.m. to the regular meeting of the Planning Commission to be held on Thursday, May 1, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on May 1, 2014.

---

Linda Fridy, Minute Clerk





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 1, 2014

SUBJECT: **121 Cabrillo Street #14-035 APN: 036-185-10**  
 Design Permit for a 151 square foot addition to the front facade of a single-family residence located in the R-1 (Residential Single Family) Zoning District.  
 This project does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Chris Heck  
 Representative: Kurt Useldinger, filed 03/10/14

### **APPLICANT PROPOSAL**

The applicant submitted a Design Permit application for the property at 121 Cabrillo Street. The project is located in the R-1 (Single Family) zoning district. Currently, the property includes a single-family home with a two-car garage. The applicant would like to expand the front living room forward approximately 8 feet as well as create a new entryway with patio. A design permit is required due to the addition being located on the front of the home.

### **BACKGROUND**

On March 12, 2014, the Architectural and Site Review Committee reviewed the application.

- City Design Representative Frank Phanton reviewed the application and did not request any changes.
- City Landscape Architect Craig Waltz reviewed the application and did not request any modifications.
- City Public Works Director Steve Jesberg informed the applicant that any modifications to the driveway approach will require the sidewalk to be brought into compliance with ADA.
- City Building Official Mark Wheeler informed the applicant that the low windows proposed in the front must be tempered glass.

### **DISCUSSION**

The single-family home at 121 Cabrillo Street is located within the Cliffwood Heights neighborhood. The Cliffwood Heights neighborhood consists primarily of detached single-family homes as well as multi-family housing on Monterey Street and Park Street. The neighborhood has a more contemporary feel due to wider streets with sidewalks and newer homes.

The Design Permit is for the remodel of the front façade of the existing single-family home. The front living room will be enlarged, extending forward approximately 8 feet including the area of the new bay window. The entrance to the home will be given more emphasis with an expanded patio and new arched entryway supported by 4x4 timber trusses, two-thirds of which will be wrapped with cultured stone veneer. The existing board and batt on the front of the home will be removed and replaced with

stucco to match the exterior on the other sides of the home. The existing garage and garage door are to remain unchanged.

**Site and Structural Data**

The project conforms with all R-1 (single family) zoning district standards, as follows:

<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>		6,098 sq. ft.
<b>Maximum FAR Allowed</b>	48%	2,927 sq. ft.
<b>Proposed FAR</b>	40%	2,427 sq. ft.
<b>Existing and Proposed Square Footage</b>		
<b>Existing House</b>		1,860 sq. ft.
<b>Existing Garage</b>		415 sq. ft.
	<b>Total Existing</b>	2,275 sq. ft.
<b>Added space</b>		152 sq. ft.
	<b>Total Proposed</b>	2,427 sq. ft.
<b>Set Backs</b>		
	<b>R-1 District</b>	<b>Proposed</b>
<b>Front Yard</b>	15'	18'
<b>Rear Yard</b>	20' (20% lot depth)	25'
<b>Side Yard</b>	6'2" (10% lot depth)	6'3"
<b>Building Height</b>		
	<b>R-1 District</b>	<b>Proposed</b>
<b>Residential</b>	25'-0"	15'
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
<b>Residential 2,001 sf up to 2,600 sf)</b>	3 spaces total 1 covered	4 spaces total 2 covered

**Architecture and Site Considerations**

Municipal Code section 17.63.090 lists the considerations reviewed by the Planning Commission within a Design Permit application. Staff has underlined the relative architecture and site considerations below followed by a staff analysis.

17.63.090(C) Landscaping

1. The location, height and materials of walls, fences, hedges, trees and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development.
2. The planting of groundcover or other landscape surfacing to prevent dust and erosion.
3. The prevention of unnecessary destruction of existing healthy trees.
4. Usable open space shall be reviewed both with respect to area and quality of landscape development.

Staff Analysis: The owner plans to protect the majority of the existing landscaping on the site during construction. The existing driveway and brick pathway in the front yard will remain in place. The bushes located in the area of the new addition will be removed. No additional landscaping is proposed. Staff has included condition of approval #6 to require that the existing landscaping be retained during construction as planned. The condition also requires that if landscaping is removed, the applicant must submit a landscape plan to the Community Development department for approval.

17.63.090(D) Site Layout:

1. The orientation and location of buildings, decks or balconies, and open spaces in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the buildings with adjacent development such that privacy of adjacent properties is maintained;

Staff Analysis: The home is located in a neighborhood dominated by single family homes oriented toward the street. The proposed modifications to the front entry of the home will complement the existing streetscape and create a more traditional front entrance with a patio.

17.63.090(F). Considerations relating to architectural character:

1. The suitability of the building for its purpose.

2. The appropriate use of materials to insure compatibility with the intent of the title:

Staff Analysis: The applicant is proposing to remove the section of board and batt siding on the front elevation and continue the stucco finish that exists on all other elevations of the home. All new windows will be white vinyl windows to match existing. The bay window includes a fixed picture window with a double hung window on either side. A new wood four panel door is proposed. Design features include the introduction of stained wood corbels under the eaves and an arched roof over the entryways with timber trusses.

**CEQA REVIEW**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition is under 10,000 square feet and not located in an environmentally sensitive area. This project involves a remodel to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #14-035 based on the following Conditions and Findings for Approval.

**CONDITIONS**

1. The project approval consists of construction of a 152 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 6,098 square-foot property is 48% (2,927 square feet). The total FAR of the home with new addition is 40% with a total of 2,427 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 1, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes

to the size or exterior appearance of the structure shall require Planning Commission approval.

6. The existing front yard landscaping shall be retained other than the vegetation within the footprint of the new addition. If additional landscaping is removed, the applicant shall submit a landscape plan to the Community Development Department for approval. The landscape plan will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping must be planted prior to final building occupancy.
7. Prior to issuance of building permit, all Planning fees associated with permit #14-035 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

### **FINDINGS**

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single-family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.
- C. **This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition is under 10,000 square feet and not located in an environmentally sensitive area. This project involves a remodel to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### **ATTACHMENTS**

- A. Project Plans

**Report Prepared By:           Katie Cattan  
Senior Planner**

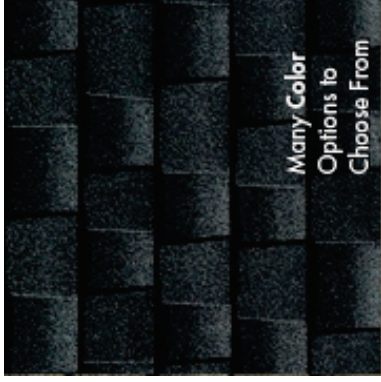
THIS PAGE INTENTIONALLY LEFT BLANK









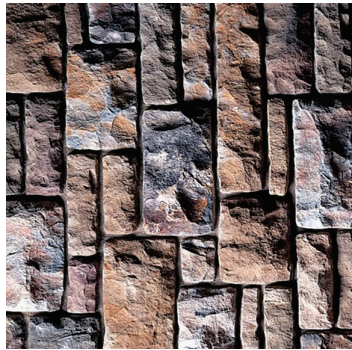


Roofing:

black asphalt  
shingle to match  
existing

Heck Residence

121 Cabrillos St Capitola CA APN 036-185-10



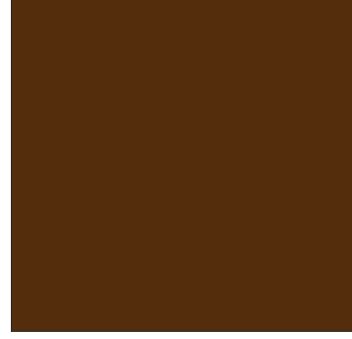
Stone:

Cultured Stone  
"Limestone"  
'Buck County'



Stucco:

Behr Paint  
"BXC-77"  
'Riviera Retreat'



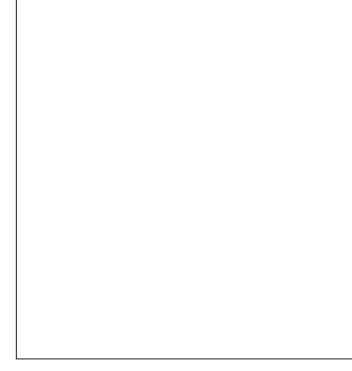
Wood Stain:

Cherry Stain on  
Entry truss,  
corbels,



Entry Door:

Behr Paint  
'Cranberry Tart'  
'HDCWR14-11'



Windows and

Fascia:

White



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 1, 2014

SUBJECT: **312 Capitola Ave #B** **#14-049** **APN: 035-182-20**  
Design Permit and Coastal Development Permit for front façade modifications and Conditional Use Permit for outdoor dining and the sale of alcohol for the "It's Wine Tyme" business which is located in the CV (Central Village) 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: Peter Portido  
Representative: Mike Grabill, filed 4/1/14

### **APPLICANT PROPOSAL**

The applicant submitted a Design Permit for a front façade modification and Conditional Use Permit (CUP) for outdoor dining and the sale of beer and wine at the existing multi-tenant commercial building located at 312 Capitola Avenue Suite B in the CV (Central Village) zoning district. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit, Design Permit, and Coastal Development Permit.

### **DISCUSSION**

The property is located at 312 Capitola Avenue within the Central Village. The property neighbors commercial uses along Capitola Avenue and backs up to the Cherry Avenue residential overlay district. Capitola Avenue has a mix of retail, restaurant, and personal service establishments. There is a mix of single family homes, multi-family apartments, and vacation rentals in the Cherry Avenue residential district.

#### **Design Permit**

Architectural and site approval is required for the establishment and conduct of any conditional use in the CV district. Development standards for the district are set forth in the Central Village Design Guidelines and the height and lot coverage maximums within the zoning ordinance. The applicant is proposing to replace the two existing picture windows within unit B and install a glass sectional roll-up door and move an existing door on the side elevation five feet toward the front of the building. (Attachment A: Plans) The applicant is not requesting an increase in height or area. The modification to the front façade of the building must be reviewed for consistency with the Central Village Design Guidelines.

The following underlined Central Village Design Guidelines are relevant to the application:

Create a development which is pleasant in character, human in scale, and facilitates easy circulation. Pedestrian orientation is important in the Village area.

Staff Analysis: The property has a private patio area that is adjacent to the public sidewalk. The applicant would like to utilize the patio area for outdoor dining for the wine tasting establishment. Three tables with chairs are proposed in the outdoor dining area. The ABC requires that any area of a business in which alcohol is served must be separated from public access. The applicant is proposing to utilize rectangular concrete planters to create a barrier between the public sidewalk and the outdoor dining area. (Attachment B: planter example) This will maintain circulation for the public along the sidewalk while creating a pleasant pedestrian experience.

Coordinate exterior building design on all elevations with regard to color, materials, architectural form and detailing to achieve design harmony and continuity.

Staff Analysis: The building is characterized by a rough sawn plywood siding with large picture windows facing Capitola Avenue. To add interest to the building and allow the wine tasting establishment to open out onto the patio, the applicant would like to replace the two existing picture windows within unit B and install a glass sectional roll-up door (Attachment C: roll-up door detail). This will activate the interior and exterior space. The new glass roll-up door will complement the existing architecture and proposed use.

There is no specific limitation for windows, but they must be incorporated into the design feature of the building without dominating the building. The use of plain aluminum windows is discouraged as are large areas of mirrored or tinted glass.

Staff Analysis: The glass roll-up door will replace two picture windows. The ratio of windows to siding will not be modified significantly with the addition of the roll-up door. The use of roll-up doors for restaurants has become a popular trend to activate pedestrian interest at the street level and provide a new aesthetic for patrons.

**Conditional Use Permit**

The existing wine tasting establishment, “It’s Wine Tyme” is relocating to 312 Capitola Avenue. The applicant is requesting approval of a CUP for outdoor seating and the sale of alcohol. 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 the sale of alcohol or outdoor dining 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 breakdown of tenant use and size within 312 Capitola Avenue is as follows:

Company	Use	Size
Violet Blossom Massage	Massage parlor	507 sf
Wine Tyme (applicant)	Wine Tasting – limited food with outdoor dining	618 sf
Beach House Rentals	Real estate office	1102 sf
57 Design	Office – second floor	445 sf
Nvision Ventures	Office – second floor	517 sf
Beach House Rentals	Real Estate Office	1102 sf

Its Wine Tyme is proposing to offer beer and wine in addition to cheese plates. The restaurant hours are Monday – Thursday 4 pm to 10 pm, Friday and Saturday 2 pm to 10 pm, and Sunday 1 pm to 8 pm. The applicant will have live, amplified music within the building. Music will begin at 7pm and end at 10 pm. The roll-up door will be closed during live music hours to mitigate noise impacts on nearby residents. Within the Capitola Municipal Code, a business may have entertainment without obtaining an entertainment permit if the entertainment is entirely enclosed within a structure and cannot be heard outside of the structure. Alcohol service at the previous location has not caused an enforcement

problem for the Capitola Police Department. The movement of the establishment across the road will not create an over-concentration of alcohol outlets in the neighborhood.

### **Parking**

There are currently 13 on-site parking spaces located at the mixed-use plaza from a driveway accessed off of California Avenue. The City contracted Kimley Horn and Associates to prepare parking demand calculations for peak weekday and a peak Saturday/Sunday period. (Attachment D) The study concluded shared parking demand a weekday is 12 spaces and on a weekend is 10 spaces based on time-of day peaks and use of the facilities in the plaza. Parking demand for the multi-tenant building including the new wine tasting establishment can be accommodated within the onsite parking.

### **CEQA**

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

### **RECOMMENDATION**

Staff recommends the Planning Commission approve application #14-049, subject to the following conditions and based upon the following findings:

### **CONDITIONS**

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales and outdoor dining and a Design Permit for modifications to the exterior of the existing commercial space located at 312 Capitola Avenue Suite B. The two windows on the front façade of Suite B will be modified to a roll-up door. A door on the side elevation will be relocate five feet toward the front of the building. No other modifications are proposed.
2. Parking for the wine tasting establishment must be accommodated within the onsite parking.
3. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
4. The owner, manager or operator of Its Wine Tyme may arrange for or allow entertainment to be conducted on the premises without obtaining an entertainment permit if the entertainment is entirely enclosed within a structure and cannot, at any time, be audible outside of the structure. An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department. An Entertainment Permit has not been approved within this application (#14-049).
5. The applicant shall receive permission from ABC prior to May 1, 2016. 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.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

**FINDINGS**

**A. The application, subject to the conditions imposed, 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 sale of business may be granted a conditional use permit for the sale of alcohol within the CV Zoning District. The use meets the intent and purpose of the Central Village 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 maintain the character and integrity of this area of the City. This area of the City is a mix of commercial and residential uses. Conditions of approval have been included to carry out these objectives.

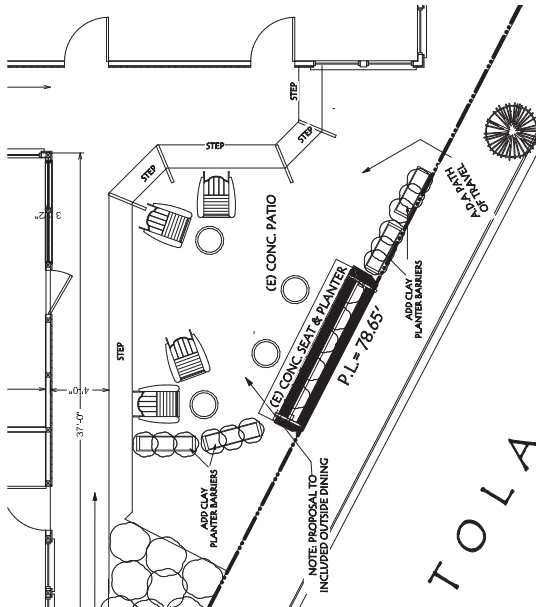
**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves an existing restaurant with the additional use of beer and wine sales. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

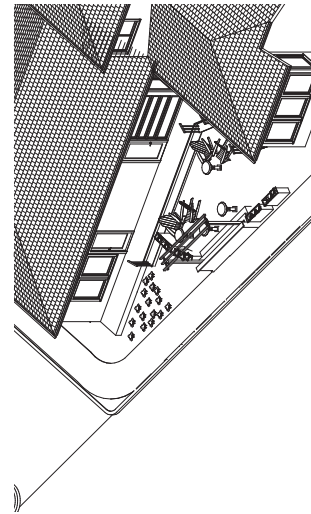
**ATTACHMENTS**

- A. Plans
- B. Planter Detail
- C. Roll-up door detail
- D. Parking Study
- E. Coastal Findings

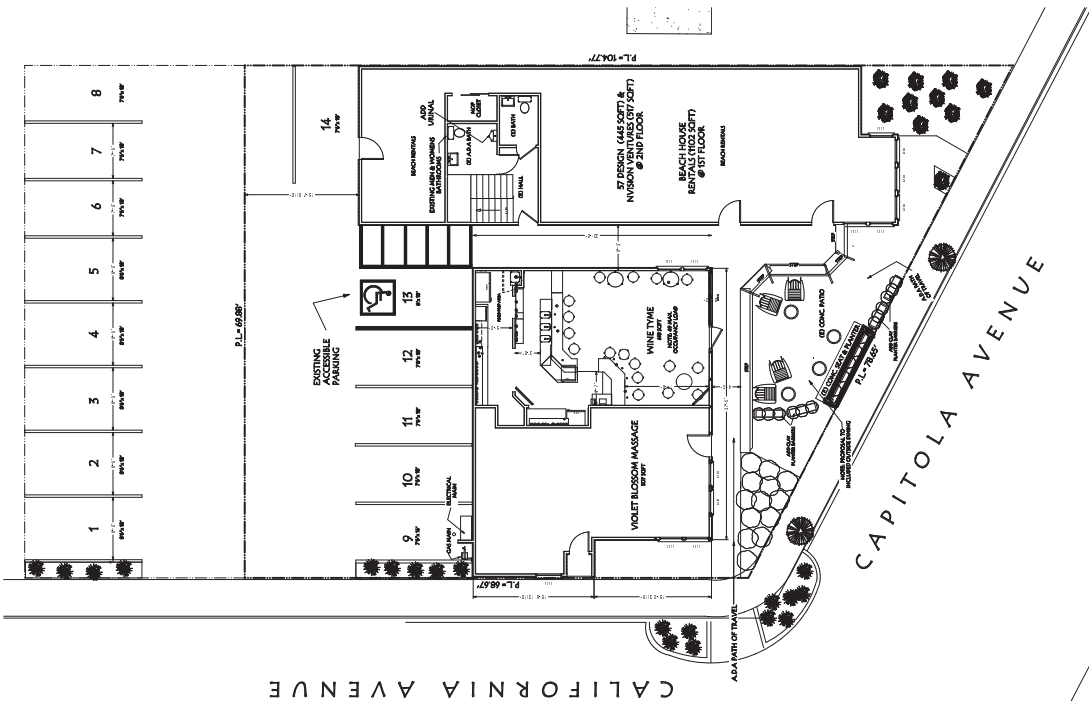
**Report Prepared By:           Katie Cattan  
Senior Planner**



OUTDOOR PATIO PLAN  
scale 1/4" = 1'-0"



OUTDOOR PATIO 3D  
NO SCALE



SITE PLAN scale 1/8" = 1'-0"

**SHEET INDEX**

- A1) SITE PLAN, AREA CALCULATIONS
- A2) FLOOR PLAN, ELEVATIONS
- A3) ELECTRICAL, PLUMBING, ENTRY DETAIL

**CLASSIFICATION SUMMARY**

WINE Tyme... 485 SQFT (1ST FLOOR)  
NET AREA = 485 SQFT (1ST FLOOR)  
GROSS AREA = 485 SQFT (1ST FLOOR)  
VIOLET BLOSSOM MASSAGE... 800 SQFT (1ST FLOOR)  
307 SQFT (1ST FLOOR) PER 307 SQFT = BUSINESS HOURS-10AM TO 9PM  
BEACH HOUSE RESTAURANT... 800 SQFT (1ST FLOOR)  
1100 SQFT (1ST FLOOR) PER 307 SQFT = BUSINESS HOURS-10AM TO 9PM  
ST. BROKEN... 485 SQFT (1ST FLOOR)  
485 SQFT (1ST FLOOR) PER 485 SQFT (1ST FLOOR)  
307 SQFT (1ST FLOOR) PER 307 SQFT (1ST FLOOR)  
TOTAL OCCUPANCY LOAD = 54

**REFERENCED STANDARDS**

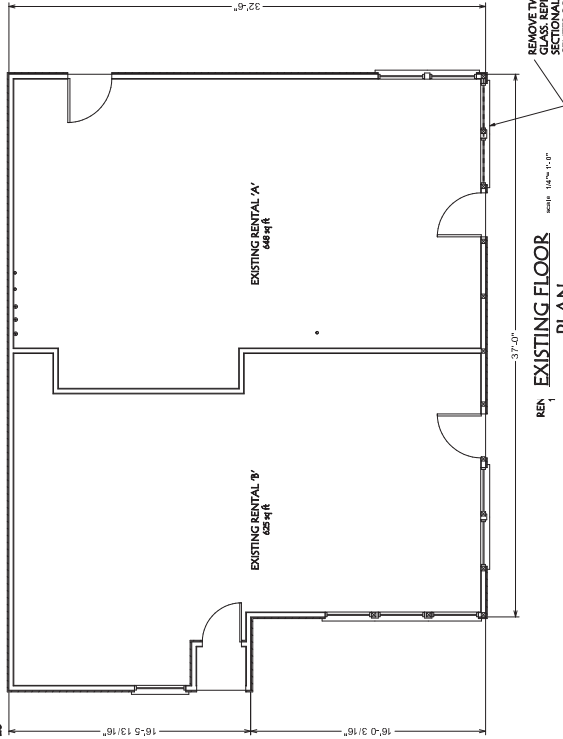
BUILDING OCCUPANCY GROUP:  
TYPE OF CONSTRUCTION:  
TYPE V.B.  
STORIES: TWO  
TOTAL FLOOR AREA:  
ENERGY METHOD: NA  
SPRINKLER SYSTEM: NON-SPRINKLERED  
FIRE RET. FLOORING: CLASS B  
GEO TECH REPORT: NA  
CODE EDITION:  
BUILDING CODE OF REGULATION TITLE 24  
2013 CALIFORNIA BUILDING & FIRE CODE  
2013 CALIFORNIA RESIDENTIAL CODE  
2013 CALIFORNIA ELECTRICAL CODE  
2013 CALIFORNIA FIRE CODE  
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE  
2013 CALIFORNIA ENERGY CODE



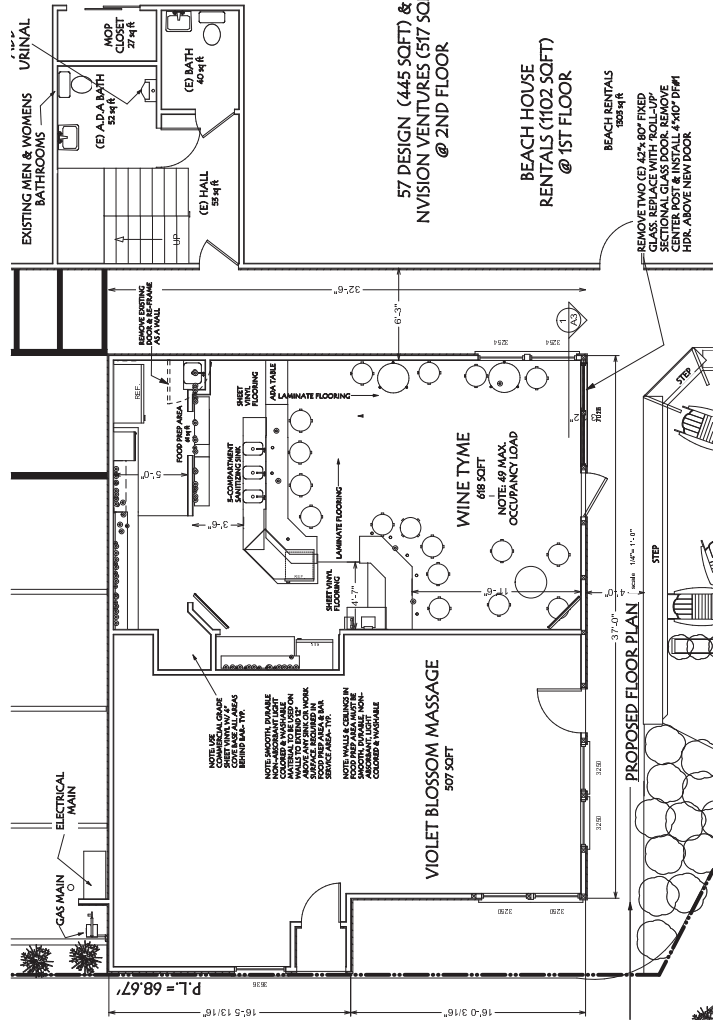
INTERIOR 3D  
NO SCALE

NOTE: COUNTY OF SANTA CRUZ SANITATION DEPT. REQUIRES VIDEO INSPECTION OF EXISTING SEWER LINE

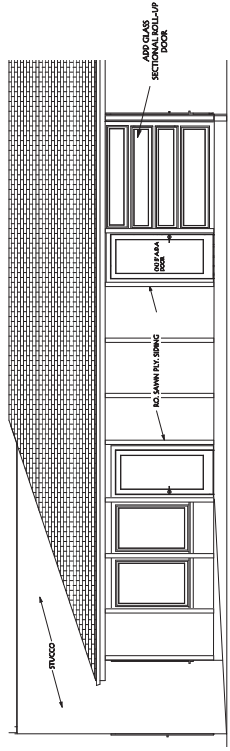
EXISTING CONDITIONS  
AS SHOWN ON THESE PLANS ARE THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE AND PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE AND PLANTING.



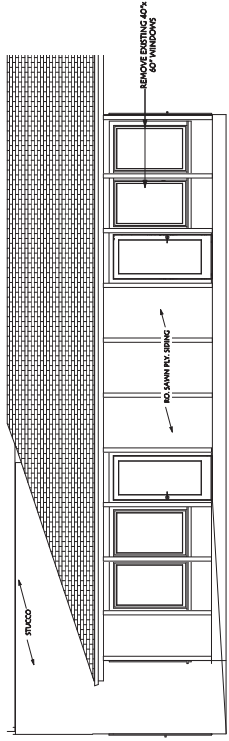
REP. EXISTING FLOOR PLAN



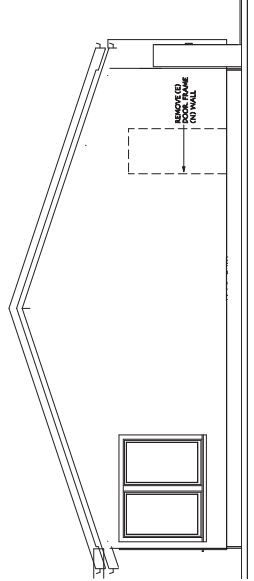
PROPOSED FLOOR PLAN



PROPOSED SOUTH ELEVATION



EXISTING SOUTH ELEVATION



EXISTING & PROPOSED EAST ELEVATION





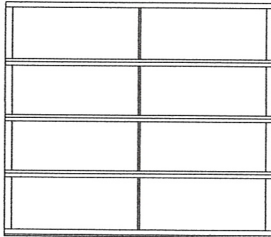


THIS PAGE INTENTIONALLY LEFT BLANK

Select your door panel style and glass

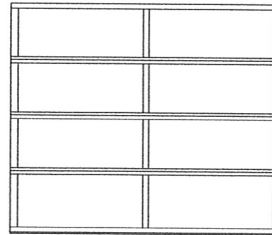
# 1 Choose a frame option:

7 feet tall



**Model 511\***  
**Standard frame**

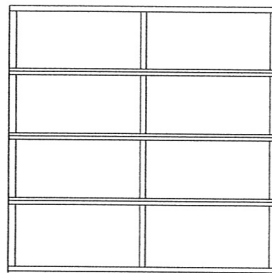
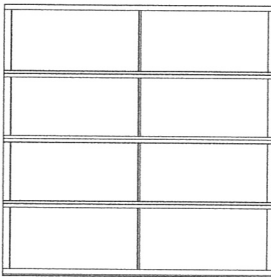
- Narrow rails and stiles
- An array of frame finishes and special custom options
- Door sizes up to 16' wide



**Model 521\***  
**Heavy duty frame**

- Wide, heavy-duty rails and stiles
- An array of frame finishes and special custom options
- Door sizes up to 26' wide
- Joint seal between sections for additional weather-resistance
- Wind load-rated door. Your door can be built to withstand a variety of wind conditions

8 feet tall



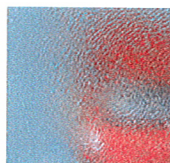
\* Section height varies dependent on door height.

# 2 Choose a glass type:

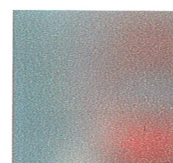
Double Strength (DSB) glass comes standard. In addition we offer an array of choices to complement your home.



Double Strength (DSB)\*



Obscure \*



Satin\*

**Specialty Glass**

- Laminated White – privacy
- Low E Glass\* – thermal efficiency
- Tempered Glass – enhanced safety
- Tinted Glass\* – color options: Green, Grey, Bronze

\* Insulated options available.

**Glass alternatives**

- Clear Lexan® Polycarbonate\* – shatter resistant
- Multi Wall Polycarbonate – superior strength with UV protection; color options: Clear, White, Bronze
- Plexiglas® Acrylic\* – shatter resistant



**Transform Your Home with the DoorView® visualization tool.**

Go to [overheaddoor.renoworks.com](http://overheaddoor.renoworks.com) to try our on-line interactive software tool that lets you visualize what your home would look like with a garage door from Overhead Door. Contact your local Overhead Door Distributor for more information and to receive a quote.



**Limited Warranty.**

Modern Aluminum garage doors are backed by a one-year limited warranty.\*

\* Warranties vary by model and are available upon request. See full text of warranty for details.

**The Genuine. The Original.**

Since 1921, Overhead Door Corporation has not only raised the standards of excellence for the industry—we've created them. Overhead Door created the first upward-acting door in 1921 and the first electric garage door opener in 1926.

Today, our network of over 400 Overhead Door Distributors are still leading the way with innovative solutions and unmatched installation, service and support. So look for the Red Ribbon. It's your guarantee that you're getting the genuine, the original Overhead Door.

SOLD AND DISTRIBUTED BY:



**The Genuine. The Original.**



2501 S. State Hwy. 121 Bus., Suite 200, Lewisville, TX 75067  
1-800-929-DOOR • [sales@overheaddoor.com](mailto:sales@overheaddoor.com)  
[www.OverheadDoor.com](http://www.OverheadDoor.com)





THIS PAGE INTENTIONALLY LEFT BLANK



Kimley-Horn  
and Associates, Inc.

*Memorandum*

To: Katie Cattan, AICP  
Senior Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

From: Frederik Venter, PE

Date: April 21, 2014

Re: Parking Analysis for Wine Tyme, Capitola Village

Suite 250  
100 W. San Fernando Street,  
San Jose, CA 95113

Office: 669-800-4146

The proposed Wine Tyme wine bar / wine tasting facility will be located at the intersection of Capitola Avenue and California Avenue within a plaza. The plaza currently comprises a mix of uses including Violet Blossom Massage, a massage parlor, Beach House Rentals, a real estate office, 57 Design, a design office, and Nvision Ventures, a venture office. The proposed Wine Tyme wine bar will increase the parking demand at this mixed-use plaza and thus a shared parking study was performed to determine if the current parking supply is sufficient to accommodate the demand with the wine bar.

There are currently 13 on-site parking spaces located at the mixed-use plaza from a driveway on California Avenue. **Figure 1** shows the project site.



Figure 1: Project Site



The gross floor area data for uses in the mixed-use plaza are as follows:

Company	Use	Size
Violet Blossom Massage	Massage parlor	507 sf
Wine Tyme (applicant)	Bar – limited food (cheese plate) with outdoor dining	618 sf
Beach House Rentals	Real estate office	1102 sf
57 Design	Office – second floor	445 sf
Nvision Ventures	Office – second floor	517 sf

Note: sf is square feet

Shared parking analyses was be prepared for a peak weekday and a peak Saturday/Sunday period using data contained in *Parking Generation 4<sup>th</sup> Edition* published by the Institute of Transportation Engineers and supplemented by data in *Shared Parking 2<sup>nd</sup> Edition* published by Urban Land Institute.

Kimley-Horn used the parking generation ratios from similar parking studies conducted for wine bars/tasting facilities in the area to estimate shared parking demand.





Parking demand for the wine bar was calculated based on peak parking rates developed for both weekday and weekends based on a number of similar wine bars in the City of Folsom Historic District, also a major tourist destination. The parking demand rates were based on gross square feet for the facility.

Parking demand for the massage parlor was calculated based on peak weekday parking rate for Health/Fitness Club (ITE Land Use 492). This rate was also assumed for the weekend and presents a conservative analysis.

Two of the three offices, 57 Design and Nvision Ventures, are assumed to be closed on weekends and thus have no parking demand is assumed at this time period. ITE Code 701a, Office Building, parking generation rate was used for the weekday.

Beach House Rentals and Violet Blossom Massage are assumed to remain open on both weekdays until about 6PM and weekends until about 5 PM.

The land uses can be grouped for parking demand calculations. The Plaza currently comprises 2,571 square feet of gross floor area (GFA) with approximately 2,064 square feet dedicated to offices and 507 square feet for a massage parlor.<sup>1</sup> **Table 1** summarizes the GFA for land uses analyzed on a weekday and a weekend.

---

<sup>1</sup> Email from Katie Cattan to Frederik Venter, 4/3/2014.

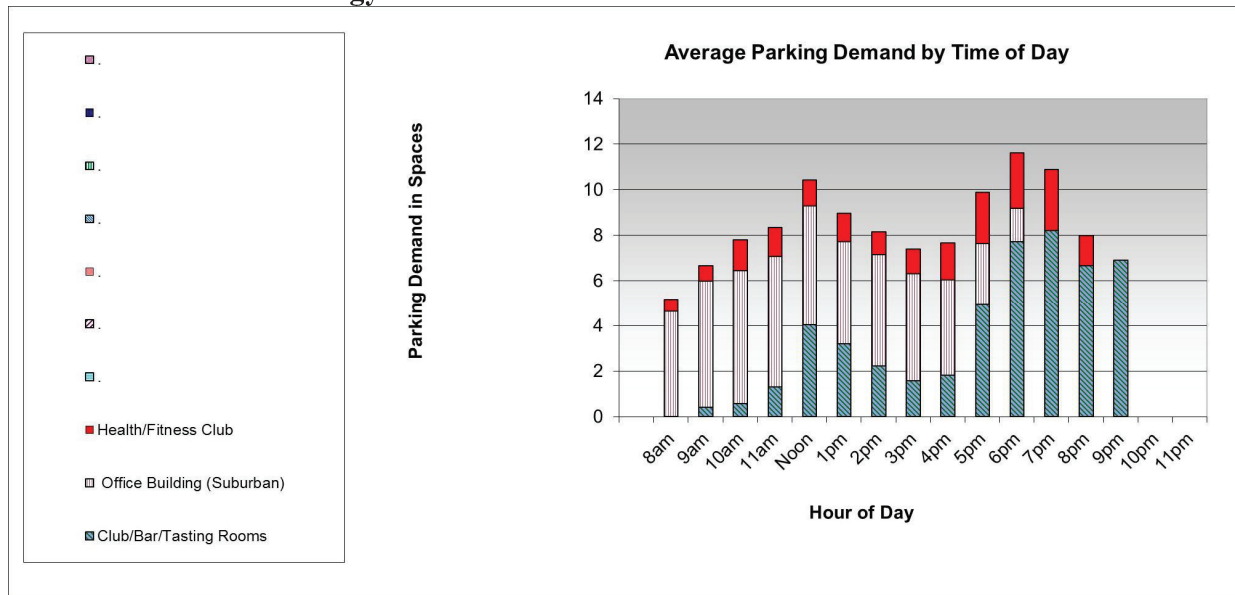


**Table 1 – Gross Floor Area for Weekday and Weekend Analysis**

Company	Use	Weekday GFA (sf)	Weekend GFA (sf)
Violet Blossom Massage	Massage parlor	507	507
Wine Tyme (applicant)	Bar – limited food (cheese plate) with outdoor dining	618	618
Beach House Rentals	Real estate office	1102	1102
57 Design	Office – second floor	445	0
Nvision Ventures	Office – second floor	517	0

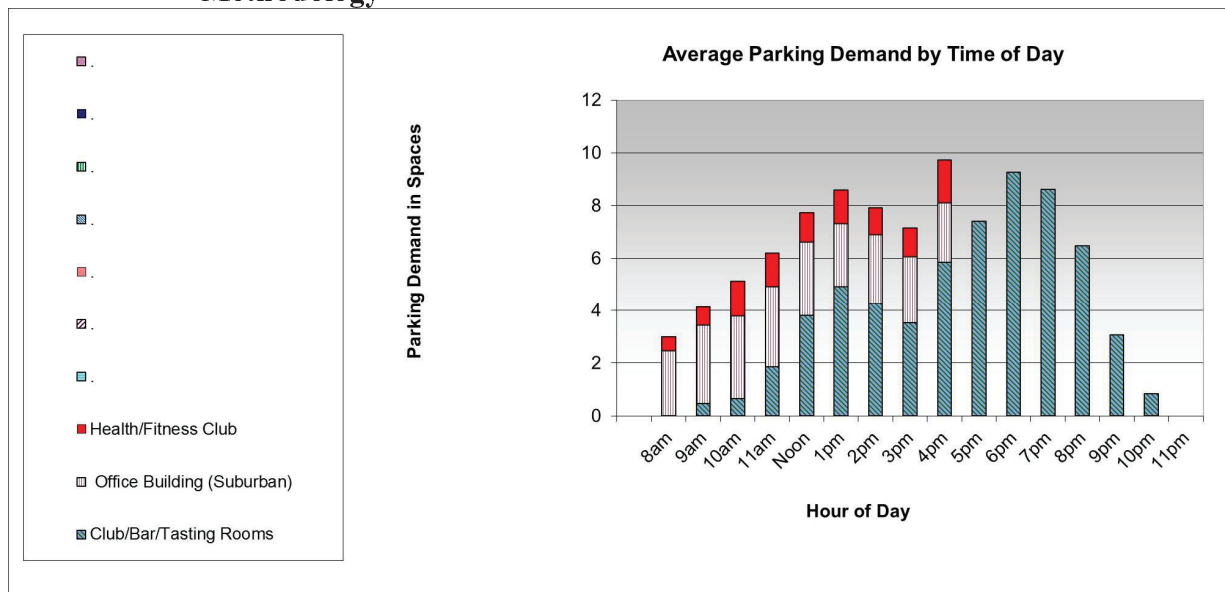
**Figure 2** and **Figure 3** summarize the shared weekday and weekend average parking demand for the Plaza respectively. As noted in the figures, the parking demand is not expected to exceed more than 12 occupied parking spaces in any hour on a weekday or weekend. Calculations using this methodology in indicated in Table 2 and Table 3 for the weekday and weekend average parking demand respectively.

**Figure 2 – Average Weekday Parking Demand – Shared Land Use Methodology**





**Figure 3 – Average Weekend Parking Demand – Shared Land Use Methodology**



The plaza has a parking supply of 13 spaces. Shared parking demand indicates that the average parking demand on a weekday is 12 spaces and on a weekend is 10 spaces based on time-of day peaks and use of the facilities in the plaza.



Table 2: Weekday Shared Parking Demand Calculations

Land Use Description	Independent Variable	No. of Units	Day of Week	Month Avg	Average Parking Demand by Time of Day																	
					8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm		
Club/Bar/Tasting Rooms	1,000 Sq Ft	0.618	Friday		13.3	0	1	1	1	4	3	2	2	2	2	5	8	8	7	7		
Office Building (Suburban)	1,000 Sq Ft	2.064	Friday		2.8	5	6	6	6	5	5	5	5	4	3	2						
Health/Fitness Club	1,000 Sq Ft	0.507	Friday		5.3	1	1	1	1	1	1	1	1	2	2	2	2	3	1			
<b>Totals</b>						5	7	8	8	10	9	8	7	8	10	12	11	8	7			

Table 3: Weekend Shared Parking Demand Calculations

Land Use Description	Independent Variable	No. of Units	Day of Week	Month Avg	Average Parking Demand by Time of Day																	
					8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm		
Club/Bar/Tasting Rooms	1,000 Sq Ft	0.618	Saturday		15	0	1	2	4	4	5	4	4	6	7	9	9	6	3	1		
Office Building (Suburban)	1,000 Sq Ft	1.102	Mon-Thu		2.8	2	3	3	3	3	2	3	3	2	2							
Health/Fitness Club	1,000 Sq Ft	0.507	Friday		5.3	1	1	1	1	1	1	1	1	2	2							
<b>Totals</b>						3	4	5	6	8	9	8	7	10	7	9	9	6	3	1		

K:\SIC\_TPTD\09776016c\CapitolA West Tyne Parking - JT\Memo\CapitolA West Tyne Parking Study Draft\MemoV2.doc

**PROJECT APPLICATION #14-049  
312 CAPITOLA AVE #B, CAPITOLA  
Front Façade Modifications to Commercial Structure and Outdoor Dining**

**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 312 Capitola Avenue. The business 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 at 312 Capitola 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 no 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 at 312 Capitola 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 an existing commercial building. There are no sensitive habitat areas on the property.

**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);**

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

- 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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 commercial use within an existing commercial lot of record. 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 Central Fire District. Water is available at the location.

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

- The project is a commercial use within an existing commercial lot of record. 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;***

- The project involves a commercial use within an existing commercial building. There are no impacts to natural resource, habitat, and archaeological resources.

***(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;***

- There are no modifications to drainage on the site proposed within the application. The footprint of the building is not being modified.

***(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;***

- There are no structures proposed therefore geological engineering reports are not required.

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

- The project modifies two windows to a roll up door. All geological, flood, and fire hazards are accounted for and mitigated in the project design.

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

- The parking for the use can be met within the onsite parking.



**STAFF REPORT**

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 1, 2014

SUBJECT: **911 B Capitola Ave #14-050 APN: 036-011-11**  
 Conditional Use Permit for the sale of alcoholic beverages at the existing Quail and Thistle Tea Room located in the AR/CN (Automatic Review / Neighborhood Commercial) Zoning District.  
 This project does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Margo Felldin  
 Representative: Cindy Fairhurst, filed: 4/4/14

**APPLICANT PROPOSAL**

The applicant submitted a Conditional Use Permit (CUP) to sell beer and wine at the existing Quail and Thistle Tea Room located at 911B Capitola Avenue in the CN/AR (Neighborhood Commercial/Automatic Review) 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 requesting approval of a CUP to add beer and wine sales to the existing restaurant. The applicants will file for the appropriate license with the Department of Alcoholic Beverage Control, but must have an approved CUP prior to action by ABC.

The property located at 911 Capitola Avenue is the historic Averon carriage house. According to the Historic Context Statement for the City of Capitola, the property is linked to the Soquel Rancho grantee Martina Castro and is one of two remaining properties in Capitola from the Hispanic settlement time period.

**Automatic Review Zoning District**

Within the AR (Automatic Review) overlay zoning district, all uses, except agricultural uses, are subject to a CUP. Pursuant to section 17.45.040 of the zoning code, the general plan shall be the principle guiding element in considering the use permit application. A CUP may be granted if the following findings can be made:

- A. That the proposed use is consistent with the general plan;
- B. That the proposed use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood and the city.

On July 23, 1998, the City Council amended the General Plan and the Zoning Map designation for the property at 911B Capitola Avenue to reflect the ongoing commercial use of the property. Within the amendment, the General Plan designation on the parcel was changed from "R-M" (Multiple Family Residential: Medium) to "C-P" (Pedestrian Commercial) and the zoning designation changed from

AR/RM-LM (Automatic Review/Multiple Family Residence: Low Medium) to CN (Neighborhood Commercial). The General Plan acknowledges the challenge of “managing the integration of new uses or intensification of existing uses within residential and commercial areas”. The General Plan discusses the necessary balance between small town experience, tourism, and adaptive re-use of commercial close to residential neighborhoods. There are no direct goals or policies within the General Plan related to the identified challenge and discussion on balance of uses within residential areas.

Staff finds that the proposed use is consistent with the General Plan and that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood and the city. Within the application for the sale of alcohol, the applicant is not proposing to increase the size of the existing restaurant or to modify the historic resource. The use will remain as a restaurant with the addition of alcohol sales to help the company remain competitive. The applicant is not requesting an entertainment permit for amplified music. The addition of alcohol within a restaurant in a neighborhood commercial zone is an appropriate use.

### **Conditional Use Permit**

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 the sale of alcohol within the ordinance. In issuing the CUP for the sale of alcohol, 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 Averon Carriage House has been utilized as a commercial property for over forty years. The property surrounding the Averon house is a mix of single-family and multi-family residential. There are commercial uses and a hotel within a ¼ mile of the site along Bay Avenue

The Quail and Thistle Tea Room is proposing to offer beer and wine in addition to the existing menu. The restaurant currently operates from 11am to 3 pm Thursday through Sunday. The Quail and Thistle Tea Room also host private parties for special occasions. The owner is considering extending the operations to include dinner service through 9 pm. The addition of beer and wine would provide a typical service to patrons of a restaurant and help the Quail and Thistle Tea Room compete with other restaurants providing lunch and dinner service. The restaurant will remain a Tea Room with an expanded selection of beverages. The addition of beer and wine to the restaurant would not intensify the operation or necessitate an increase in parking. Alcohol service by other restaurants in this area has not caused an enforcement problem for the Capitola Police Department and there is not an over-concentration of alcohol outlets in this neighborhood. The addition of beer and wine to this small restaurant is therefore not anticipated to cause nuisance or police enforcement problems.

### **PUBLIC INPUT**

The Planning Commission received an email from a local resident regarding the Conditional Use Permit (Attachment C). The resident stated concerns for the sale of alcohol at the site and future use of the establishment as a bar. The application is to maintain the existing restaurant use with the addition of the sale of alcohol.

### **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 the sale of alcohol within an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve application #14-050, subject to the following conditions and based upon the following findings:

## **CONDITIONS**

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales at the existing Quail and Thistle Tea Room within an existing commercial space located at 911B Capitola Avenue. No modifications to the size of the operation or the exterior of the structure are proposed within the application. Any significant modifications to the size or exterior appearance of the existing design require approval of a Design Permit by the Planning Commission.
2. Parking for the restaurant must be accommodated within the onsite parking.
3. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
4. The owner, manager or operator of the Quail and Thistle Tea Room may arrange for or allow entertainment to be conducted on the premises without obtaining an entertainment permit if the entertainment is entirely enclosed within a structure and cannot, at any time, be audible outside of the structure. An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department. An Entertainment Permit has not been approved within this application (#14-050).
5. The applicant shall receive permission from ABC prior to May 1, 2016. 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.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

## **FINDINGS**

### **A. The application, subject to the conditions imposed, 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 sale of business may be granted a conditional use permit for the sale of alcohol within the CN Zoning District. The use meets the intent and purpose of the Neighborhood 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 and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is dominated by residential uses with commercial located within a ¼ mile. The historic property has been utilized as a commercial property for over forty years. 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 an existing restaurant with the additional use of beer and wine sales. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**D. The use is consistent with the General Plan and will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood and the city.**

The applicant is not proposing to increase the size of the existing restaurant or to modify the historic resource. The use will remain as a restaurant with the addition of alcohol sales to help the company remain competitive. The addition of alcohol within a restaurant will not be detrimental to the surrounding neighborhood or the City.

**ATTACHMENTS**

A. Letter from Applicant

**Report Prepared By:           Katie Cattan  
Senior Planner**

P:\Planning Commission\2014 Meeting Packets\03-06-14 Planning Commission\14-050 911 Capitola Ave

RECEIVED

APR 14 2014

CITY OF CAPITOLA

14 April 2014

The Quail & Thistle Tea Room is applying for a beer and wine license so that we may be allowed to fully serve our customers. The majority of our business caters to the lunch crowd between the hours of 11am and 1pm with a somewhat slower period until our 3pm daily closing.

We cater to many private affairs where folks would like to be able to celebrate with toasts of champagne, or offer their attendees mimosas or wine.

We would like to expand our business to include dinner service on a limited basis and see the availability of wine as an integral part of this endeavor. In an effort to always be mindful of our neighbors, we do not foresee staying open past 9pm or including regular live music as a part of this venture.

We do not seek a change in our zoning as there has been an establishment on this property with a liquor license previously...Café Michelangelo.

We thank you for your prompt attention to this matter and appreciate any direction you're able to give us in order to ensure we remain a valued member of the Capitola business community.

Cindy Fairhurst-Thorpe  
Quail & Thistle Tea Room

THIS PAGE INTENTIONALLY LEFT BLANK





# Zoning Map

RT 1



Legend		
	AssessorsParcels	
	CityLimits	
Zoning		
RESIDENTIAL		
	R-1	
	RM-LM	
	RM-M	
	RM-H	
	MHE	
	AR/R-1	
	AR/RM-LM	
	AR/RM-M	
COMMERCIAL		
	PO	
	CR	
	CN	
	AR/CN	
	CV	
	CC	
INDUSTRIAL		
	IP	
PUBLIC FACILITY		
	PF-F	
	PF-F/P	
	PF-PVS	
	PF/R-1	
	PF/VS/P	
	PF-S	
	PF-P	
	PF	
	P/OS	
	PF/VS	
OTHER		
	VS	
	PD/RM-LM	
	AR/VS	
	PD	
	PD/RM-L	
	VS/R-1	



THIS PAGE INTENTIONALLY LEFT BLANK

**From:** [jr\\_beppe](#)  
**To:** [PLANNING COMMISSION; Grunow, Rich](#)  
**Subject:** Application #14-050 comments  
**Date:** Saturday, April 19, 2014 1:22:18 PM

---

Dear Planning Commissioners and Planning Director,

Thank you for notifying me about this pending application for alcohol sales at 911B Capitola Avenue.

I have lived here for 25 years, raised my family here, and continue to do so. I live in the Capitola Terrace apartments at 912 Capitola Avenue, along with many other families, many of whom have small children.

I and many other residents around here are strongly opposed to the proposed sale of alcohol at this location.

First of all, it is generally a lousy place for a commercial establishment - smack in the middle of a residential district. Capitola Avenue in this area is a primary route for pedestrians and bicyclists, many of whom are children going to and from school. It is already heavily impacted by auto traffic that tend to drive too fast.

Adding more traffic due to increased commercial activities just increases these dangers, and especially if the sale and consumption of alcohol by drivers is added into the mix.

Secondly, we do not need another place that sells alcohol, and contributes to impaired drivers posing additional hazards to us residents and our children in this area. I believe that the city of Capitola already has one of the highest number of places that sell alcohol per capita.

Thirdly, what is the end game here with this business? I recently read a news article about the recent opening of this "english tea room" style of restaurant.

Now they want to sell alcohol there? What does the sale of alcohol have to do with "english tea" service? Absolutely nothing! Is the intention here to create an "english pub"/bar next? It certainly sounds like it. The last thing that we Capitola residents need in the middle of our neighborhood is a bar-type commercial enterprise. There is already way too much of that going on in the village, and it is certainly completely inappropriate in our residential setting.

My family and our neighbors urge the Planning Commission to deny this application for alcohol sales in this location, due to it being inappropriate in this dense residential setting, and since it would pose a significant hazard to the numerous pedestrians and bicyclists, many of whom are our children, that utilize Capitola Avenue as a way to get to and from school. Having a bar-type commercial establishment that adds drinking drivers to our neighborhood is a very bad idea.

Thank you.

THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 1, 2013

SUBJECT: **Stockton Ave/ Esplanade Intersection Improvements #14-057 APN: n/a**  
Coastal Development Permit for intersection improvements at Esplanade and Stockton Avenue in the CV (Central Village) Zoning District. These improvements combine two crosswalks across Stockton Avenue into a single crosswalk, construct a median island, construct a raised bulb-out, and add street lighting to the intersection. In addition, approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced.

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.  
Environmental Determination: Categorical Exemption  
Property Owner: City of Capitola  
Representative: Steve Jesberg, filed 4/14/2014

### **BACKGROUND**

On February 27, 2014, the City Council approved plans for improvements to the Esplanade and Stockton Avenue intersection. The improvements include combining two crosswalks across Stockton Avenue into a single crosswalk, constructing a median island within Stockton Avenue and a raised bulb-out at the south-west corner of the intersection, and adding street lighting to the intersection. In addition, approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced. On April 10, 2014, the City Council reviewed updated plans which enhanced the original plans to separate the ADA ramps at the curbs and add an in-ground planter along the bulb-out.

### **DISCUSSION**

The City is proposing right-of-way modifications to improve the safety of the Esplanade and Stockton Avenue intersection for pedestrians. Detailed plans of the intersection improvements are included as Attachment A. A coastal permit is required for the right-of-way improvements.

#### **Coastal Permit**

The proposed crosswalk and sidewalk expansion is located in the Coastal Exclusion Zone B appealable area as identified in the Capitola "Permit and Appeal Jurisdiction" Map. Capitola's Local Coastal Plan requires the issuance of a coastal permit for the enlargement of the sidewalk area because it does not qualify for the following exemption:

## Item #: 4.D. Intersection Esplanade and Stockton Staff Report.pdf

*“§17.46.050.B(3)(d): repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, not including extraordinary methods of repair and maintenance per subsection (A)(3) of this section”*

The City is enlarging the sidewalk and modifying the crosswalk to create a safer route for pedestrians. The two parallel crosswalks across Stockton Avenue create confusion for cars and an increased risk for pedestrians. The City is proposing one sidewalk and a larger bulb-out to decrease confusion and risk. A median will be built within the intersection along Stockton Avenue. In addition, approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced. The proposed modifications to the site layout comply with the required findings of a coastal permit. Attachment B includes each finding followed by staff comments. The proposed sidewalk and crosswalk create a safer means for the public to access the coast and recreational opportunities from the Capitola Village, consistent with the purpose of the Local Coastal Plan. The proposed bulb-out will replace a temporary bulb-out that was created by placing movable planters on the street. The creation of this bulb-out resulted in the creation of three new diagonal parking spaces along the Esplanade. The proposed widening of the sidewalk along Stockton Avenue will require removal of a single parking space. The net effect of the project will be the permanent addition of two parking spaces. Due to the location of the project and impacts on local merchants and visitors, the project may be built in phases and timed to minimize these impacts.

### Environmental Review

Section 15301 of the CEQA Guidelines exempts existing facilities. Specifically, 15301(c) exempts “existing sidewalks and pedestrian trails including road grading for the purpose of safety.” No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** application #14-057 based on the following Conditions and Findings for Approval.

### CONDITIONS

1. The project approval consists of a coastal development permit to combine two crosswalks across Stockton Avenue into a single crosswalk, construct a median island within Stockton Avenue and a raised bulb-out at the south-west corner of the intersection, and add street lighting to the intersection. In addition, approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced.
2. All work shall be completed per submitted plan reviewed and approved by the Planning Commission on May 1, 2014.
3. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project. The coastal permit for the right of way improvements conform to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

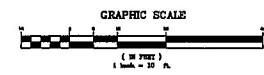
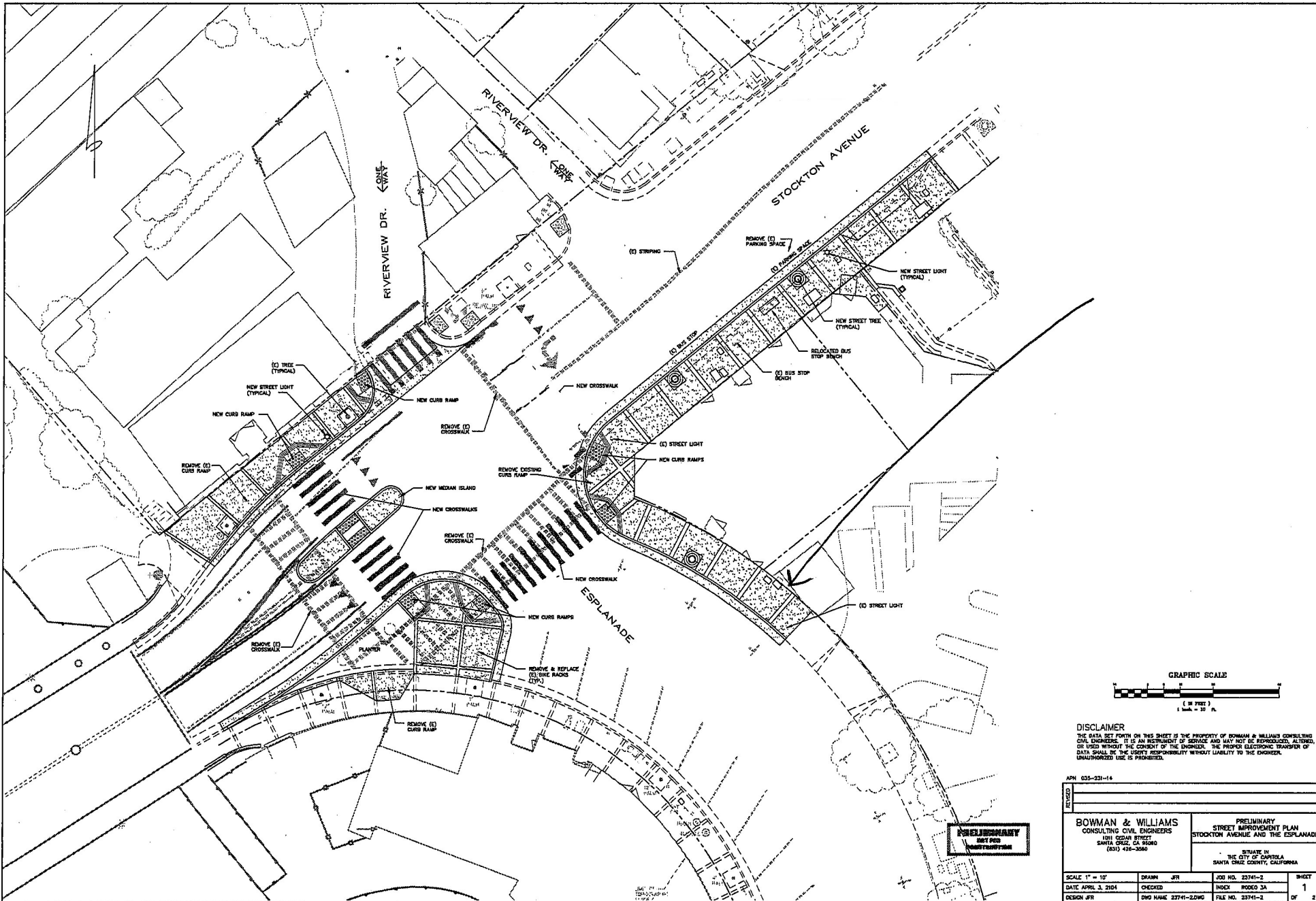
Section 15301 of the CEQA Guidelines exempts existing facilities. Specifically, 15301(c) exempts “existing sidewalks and pedestrian trails including road grading for the purpose of safety.” No adverse environmental impacts were discovered during review of the proposed project. No adverse environmental impacts were discovered during review of the proposed project.

**Report Prepared By:** Katie Cattan  
Senior Planner

Attachment A –Project Plans  
Attachment B – Coastal Findings

THIS PAGE INTENTIONALLY LEFT BLANK





**DISCLAIMER**  
 THE DATA SET FORTH ON THIS SHEET IS THE PROPERTY OF BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS. IT IS AN INSTRUMENT OF SERVICE AND MAY NOT BE REPRODUCED, ALTERED, OR USED WITHOUT THE CONSENT OF THE ENGINEER. THE PROPER ELECTRONIC TRANSFER OF DATA SHALL BE THE USER'S RESPONSIBILITY WITHOUT LIABILITY TO THE ENGINEER. UNAUTHORIZED USE IS PROHIBITED.

APN 635-231-14			
REVISIONS			
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1811 SOGAN STREET SANTA CRUZ, CA 95060 (831) 426-2080		PRELIMINARY STREET IMPROVEMENT PLAN STOCKTON AVENUE AND THE ESPLANADE SQUARE IN THE CITY OF CHARLETA SANTA CRUZ COUNTY, CALIFORNIA	
SCALE 1" = 10'	DRAWN JFR	JOB NO. 23741-2	SHEET
DATE APRIL 3, 2014	CHECKED	INDEX R0060 3A	1
DESIGN JFR	DWG NAME 23741-2DWG	FILE NO. 23741-2	OF 2

Item #: 4.D. Project Plans.pdf

THIS PAGE INTENTIONALLY LEFT BLANK

**PROJECT APPLICATION #14-057  
INTERSECTION OF ESPLANADE AND STOCKTON AVE, CAPITOLA  
IMPROVEMENTS TO INTERSECTION**

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 intersection improvements conform 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 intersection improvements are located at the intersection of Esplanade and Stockton Avenue in the Capitola Village. The proposed modifications to the right of way will improve pedestrian safety to coastal access. The project will not have an impact on demand for access or recreation.

***(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;***

- 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 a history of public use within the intersection by automobiles, pedestrians, and cyclists. The intersection as currently designed is unsafe. The City is modifying the layout of the intersection to increase safety of pedestrians and slow down traffic. There are no adverse impacts on public use.

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

- The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

***(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 intersection improvements are located at the intersection of Esplanade and Stockton Avenue in the Capitola Village. The proposed modifications to the right of way will improve pedestrian safety to coastal access. The proposed project 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 within an existing right-of-way that does not have sensitive habitat areas.

***b. Topographic constraints of the development site;***

- The project is located on a flat are of land.

***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 right-of-wave improvements within an existing road way. **SEC. 30223**

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

- The project involves right-of-wave improvements within an existing road way.

***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 right-of-wave improvements within an existing road way.

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

- The 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 does not require 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 Central Fire District. Water is available at the location.

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

- n/a

***(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;***

- The project is located in an existing improved right-of-way.

***(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;***

- The project is located in an existing improved right-of-way.

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

- The project is located in an existing improved right-of-way.

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

- The proposed project is not located along a shoreline.

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

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

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

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

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

- The modifications to the right-of-way do not impact the Capitola parking permit program.





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 1, 2014

SUBJECT: **1649 41<sup>st</sup> Ave.** **#14-017** **APN: 031-151-09**  
Conditional Use Permit and Design Permit application for the addition of a propane tank to an existing service station (Shell) that is located in the CC (Community Commercial) zoning district.  
This project does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: Peninsula Petroleum LLC  
Representative: Hillary McClurg, submitted 2/3/2014

### **APPLICANT PROPOSAL**

The applicant is proposing a 500 gallon propane tank to be located at the Shell service station at 1649 41<sup>st</sup> Avenue. A conditional use permit and design permit are required for the expansion of an existing service station.

### **BACKGROUND**

The existing Shell service station underwent an extensive remodel in 1993. The site layout was modified to its current configuration with a central food mart, one gas pump canopy on each side of the food mart, and a carwash along the rear property line. The frontage along Capitola Road was reduced from two to one entrance to allow for a larger landscaping area. In 2008, the Shell service station received a building permit for the existing vapor extractor tank along Capitola Road. The Planning Commission has not reviewed any planning applications for the site since the 1993 remodel.

On February 13, 2014, the Architectural and Site Review Committee reviewed the application.

- City Architect Derek Van Alstine reviewed the application and requested that screening be included in front of the proposed tank. Mr. Van Alstine also suggested that the City consider conditioning ongoing maintenance of the screening and a landscape bond.
- City Landscape Architect position was vacant.
- City Public Works Director Steve Jesberg expressed concern for visibility along the 41<sup>st</sup> corridor and suggested screening.
- City Building Inspector Brian Van Son suggested the use of bollards along Capitola Road for safety.

The applicant modified the original plans to include bollards and a landscape plan for vegetative screening of the tank.

## **DISCUSSION**

The applicant is proposing a 500 gallon propane tank at the Shell station located at the corner of 41<sup>st</sup> Avenue and Capitola Road. The tank complies with the 15 foot setback requirement from the Capitola Road. The tank location is exactly 15 feet from the property line. The proposed tank will allow customers to refill portable propane tanks at the gas station. The gas station currently has propane tanks that are available for purchase and exchange. The applicant has articulated that it has been difficult to keep up with demand.

### **Conditional Use Permit**

A service station requires a conditional use permit (CUP) within the CC (Community Commercial) zoning district. The expansion of the Shell service station to include a propane tank is a modification to the original conditional use permit and therefore must be approved by the Planning Commission.

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 service stations within the ordinance. In issuing the CUP for the propane tank, 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.

Staff has identified two impacts associated with the proposed use: safety and visibility.

*Safety.* Propane is a highly flammable gas. Typically, the preferred location for the propane tank is toward the back of a lot and away from a busy thoroughfare like Capitola Road. The site has limited options for the location of the propane tank due to necessary circulation for the existing fuel station and carwash on the site. The fire department reviewed the plans and found that all CFC/NFPA requirements have been met. The Fire Marshall requested that the following two conditions be met:

1. Provide 10 feet of clearance between the tank and the proposed landscaping and/or combustible material.
2. Provide one 18 lb. Dry Chemical fire extinguisher with a B:C rating.

The applicant modified the proposed landscaping plan to create 10 feet of clearance between the tank and the proposed landscaping. A compliant fire extinguisher will be stored within the food mart.

*Visibility.* The intersection of Capitola Road and 41<sup>st</sup> Avenue experiences high volumes of traffic. A 500 gallon tank has an industrial look that is not desirable along the busy road frontage within a popular retail district. The propane tank will be attached to 4 steel posts and measure 5 feet in height from final grade. As a point of reference, the existing vapor extractor tank located within the landscape strip is 3 feet 8 inches from final grade. The propane tank will be located on a cement pad that is flush with the paved area of the gas station, making the final grade lower than that of the existing vapor extractor tank.

The 41<sup>st</sup> Avenue Design Guidelines are applicable to the application. The following underlined guidelines are applicable to the development:

The site shall be designed to integrate the building location with parking and landscaped areas to provide a functional and aesthetic design.

Staff analysis: Staff has concern for the placement of a large propane tank on the frontage of a prominent corner lot within the retail district. The proposed tank is not compatible with the surrounding street frontages and landscape.

To minimize visual clutter and noise, mechanical and roof top equipment shall be screened and incorporated within the building and site design.

Staff analysis: A propane tank has similar qualities to mechanical equipment due to the industrial character and function. Typically, uses with such characteristics are located away from the street frontage. At the direction of the Architecture and Site Review Committee, the applicant added vegetative screening around the outer edge of the two tanks. There is ten feet of clearance between the landscaping and tanks for fire mitigation. The applicant provided photo-shopped images of the landscape screening around the tank (Attachment B). Although the landscaping is a great improvement over the existing conditions with the visible vapor extractor tank, staff does not think the appropriate solution to fix the existing eye-sore is to add a second large tank to receive mitigation for the first tank. As stated previously, this is one of the busiest intersection within the City of Capitola and a propane tank along the street frontage does not complement the City's vision of the area or the 41<sup>st</sup> Street Guidelines.

Landscaping shall establish a consistent theme and be planned as an integral part of the project.

Staff Analysis: Currently, the two perimeter landscape beds along Capitola Road are established with lawn and a single tree. The proposed plants and shrubs would enhance the existing perimeter landscape beds but come with the impact of a non-compatible use along a major street frontage. The 1993 landscape plan included 5 trees along Capitola Road; 4 new and 1 existing.

### **GENERAL PLAN**

Goal LU-9 of the proposed General Plan is "Encourage high quality development within the 41<sup>st</sup> Avenue corridor that creates an active and inviting public realm." As evidenced with the existing vapor extractor tank, the proposed use is in conflict with the proposed General Plan land use goal.

### **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 propane tank within an existing gas station on a commercial property. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

### **RECOMMENDATION**

Staff has concerns with the aesthetic impacts of the proposed use along the property frontage. If the tank were located toward the rear of the lot and screened, the application could be looked upon favorably. Staff recommends that the Planning Commission deny application #14-017, based upon the following findings:

### **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 and determined that the expansion of service station with a propane tank along the frontage of Capitola Road does not meet the intent and purpose of the 41<sup>st</sup> Avenue Guideline and the Community Commercial Zoning District.

#### **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 use and determined that the use would not maintain the character and integrity of this area of the City. An industrial 500 gallon propane tank is not compatible with the vision of the district.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act.**

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 propane tank within an existing gas station on a commercial property. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**ATTACHMENTS**

- A. Project Plans
- B. Photoshop Image of Landscaping

**Report Prepared By:           Katie Cattan  
Senior Planner**

P:\Planning Commission\2014 Meeting Packets\05-01-14 Planning Commission\14-017 1649 41<sup>st</sup> Avenue



April 2, 2014

City of Capitola  
Planning Department  
ATTN: Katie Cattan, AICP, Senior Planner  
420 Capitola Avenue  
Capitola, CA 95010  
831 475-7300

RE: APN#031-151-09, 1649 41<sup>st</sup> Ave., Capitola Shell station – Proposed propane tank

Dear Katie,

Regarding the proposed propane tank at subject site, please know that Peninsula Petroleum endeavors to exemplify the best possible commercial representation to local residents, businesses and tourists in the communities we do business in. We pride ourselves in our visual image, customer offerings, customer service and our contributions to making the communities we do business in destinations of “choice” ensuring local residents and businesses are proud to have us as members of their communities. We listen to our customers, local residents and community agencies and are sensitive to the culture and overall perception our place of business contributes to the area. That being said, here are some of the benefits we are confident this project will provide:

- Overall beautification (improvement) of landscape to subject site meeting with the spirit of the City of Capitola’s street art initiative(s)
- Meeting local customer demands/requests for expanded propane product availability
- Providing expanded services for crucial tourism traffic (RV’s, barbecues, etc.)
- Greener/Cleaner air from propane use vs. open fire use (wood, briquettes, etc.)
- Reduced water usage (less grass requiring less irrigation)
- Additional tax revenues for the City of Capitola

We ask that you carefully consider all of the very positive aspects of proposed project and are hopeful that you agree and are able to find in-favor of moving forward with your approval. In the meantime, please don’t hesitate to contact me if you have additional suggestions that would allow this project to move forward so that we may all benefit from the “win-win” that we truly believe this finalized project will ultimately result in.

Thank you,

Hillary McClurg  
Manager – Sales & Marketing  
Executive Office  
Ext. 220  
831 440.6186 (m)  
[hmclclurg@andretti1.com](mailto:hmclclurg@andretti1.com)

**Executive Office:** 1710 Industrial Road, Suite C • San Carlos, CA 94070 • **Ph:** 650 595.0864 **Fx:** 650 595.0826  
**Accounting/Administrative Office:** 1324 Fifth Street • Eureka, CA 95501 • **Ph:** 707 443.3069 **Fx:** 707 445.4433



VE SOLUTI  
Incorporated  
650 University Ave.  
Sacramento, CA 95811  
PH: (916) 505-1100  
Fax: (916) 514-1100  
E-mail: brad@vesoluti.com



Jun. 22, '14

Project  
CAPITOLA SHELL  
499 GALLON  
PROPANE TANK FNDN

1648-116 Ave.  
Capitola, CA 95006  
Sheet Title

NOTES, PLAN & SECTIONS

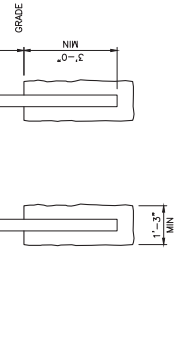
The contractor shall verify and be responsible for all dimensions and conditions shown on these drawings. The contractor shall be responsible for all dimensions and conditions shown on these drawings. The contractor shall be responsible for all dimensions and conditions shown on these drawings.

All drawings and written material submitted herein constitute the original and unaltered work of the Engineer. The Engineer assumes no responsibility for any errors or omissions in these drawings or specifications without written consent of the Engineer.

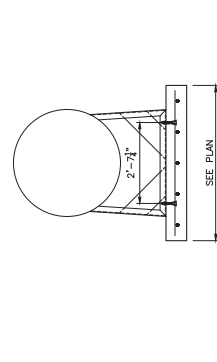
NO.	DATE	DESCRIPTION
1	1/22/2014	14006

Drawing No. 14006  
1/22/2014  
S1

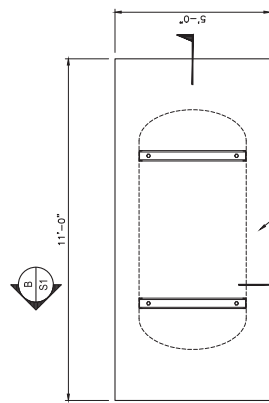
- STRUCTURAL NOTES:  
1. DESIGN CONFORMS TO 2013 CBC; CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE CODES AND REGULATIONS.  
2. SAFETY NOTE: CONTRACTORS RESPONSIBILITY TO COMPLY WITH THE REPERT REVISIONS OF THE "CONSTRUCTION SAFETY ORDERS" ISSUED BY THE STATE OF CALIFORNIA, LATEST EDITION, AND ALL OSHA REQUIREMENTS. VE SOLUTI, INC. IS NOT RESPONSIBLE NOR DO THEY ACCEPT ANY RESPONSIBILITY FOR THE CONTRACTOR'S FAILURE TO FOLLOW THESE REQUIREMENTS.  
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE CODE OF STANDARD PRACTICES.  
4. CONCRETE SHALL HAVE AN ULTIMATE COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS.  
5. GEMENT SHALL CONFORM TO ASTM C-150 TYPE I; CONCRETE AGGREGATES TO ASTM C-33.  
6. CONCRETE TO BE PLACED AT A MAXIMUM SLUMP OF FOUR INCHES.  
7. SOIL CONDITIONS: CLASS 4 PER TABLE 1806.2; ALLOWABLE FOUNDATION PRESSURE=1,500 PSF.  
8. THE CONSTRUCTION AND INSTALLATION OF THE LPG SYSTEM AND ALL ITS APPLIANCEANCES AND CONNECTED SYSTEMS SHALL FULLY COMPLY WITH THE CURRENT EDITION OF THE UNIFORM FIRE CODE, THE CALIFORNIA UNIFORM FIRE CODE, THE UNIFORM FIRE PROTECTION ASSOCIATION (NFPA) CODES AND STANDARDS.  
9. THESE DOCUMENTS ARE THE PROPERTY OF SUBURBAN PROPANE GAS CORP. AND SHALL NOT BE COPIED OR DUPLICATED WITHOUT THEIR PERMISSION.



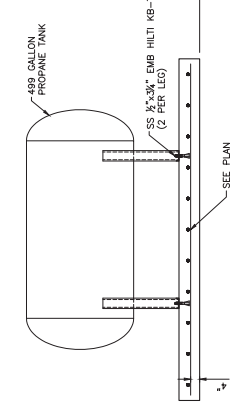
- NOTES:  
1. DIAMETER & CONCRETE FILLED.  
2. SPACED NOT MORE THAN 4 FEET BETWEEN POSTS ON  
3. SET NOT LESS THAN 3 FEET DEEP IN CONCRETE FOOTING OF NOT LESS THAN 1.5 INCHES IN DIAMETER ABOVE GRADE.  
4. TOP OF THE POSTS NOT LESS THAN 3 FEET ABOVE GRADE.  
5. BEING PROVIDED WITH LESS THAN 5 FEET FROM TANK OR OBJECT  
6. POSTS SHOULD BE PAINTED OR GALVANIZED TO PROTECT AGAINST CORROSION.  
BOLLARD DETAIL  
SCALE: 1/2"=1'-0"  
C S1



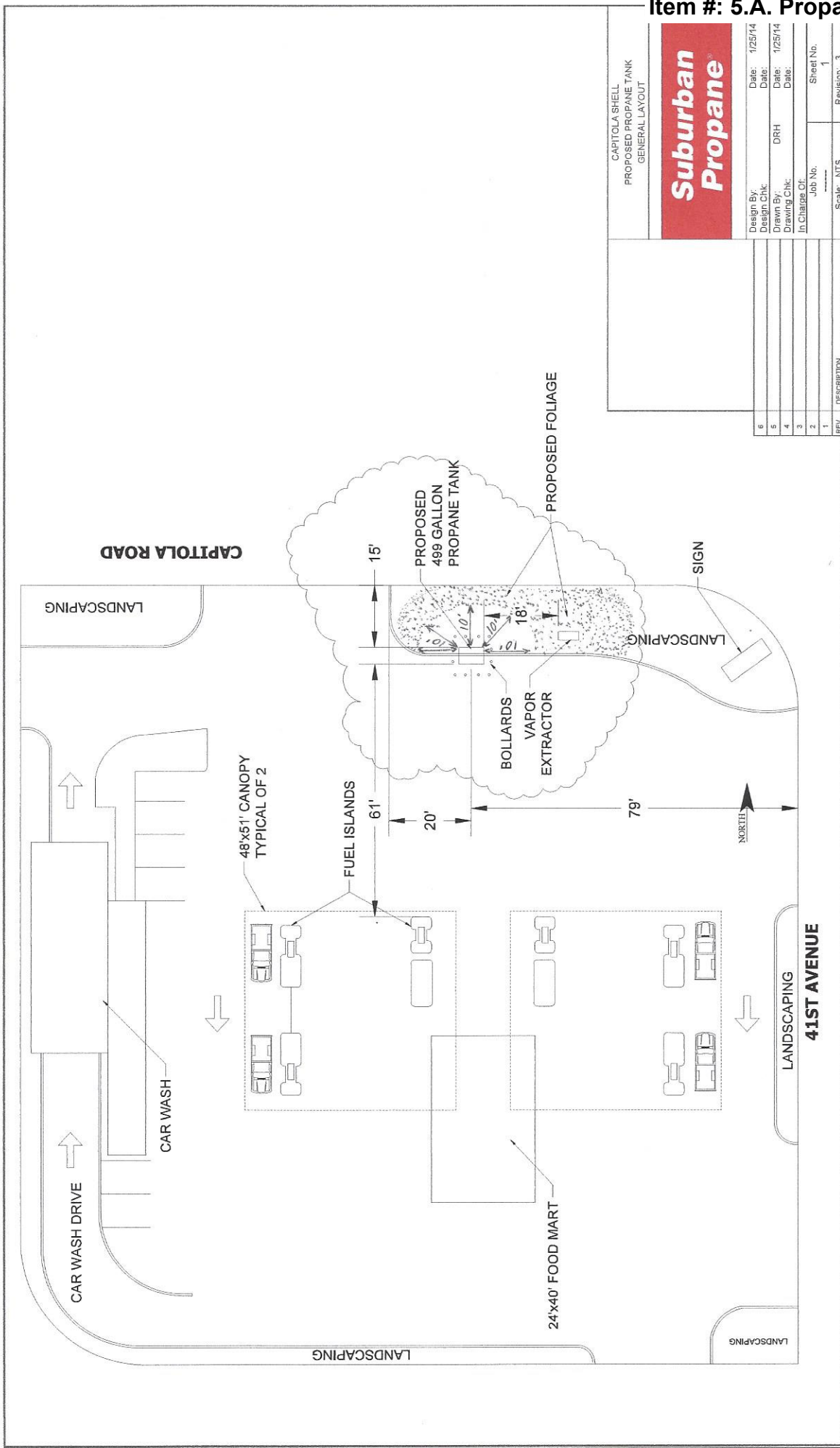
TANK SECTION  
SCALE: 1/2"=1'-0"  
B S1

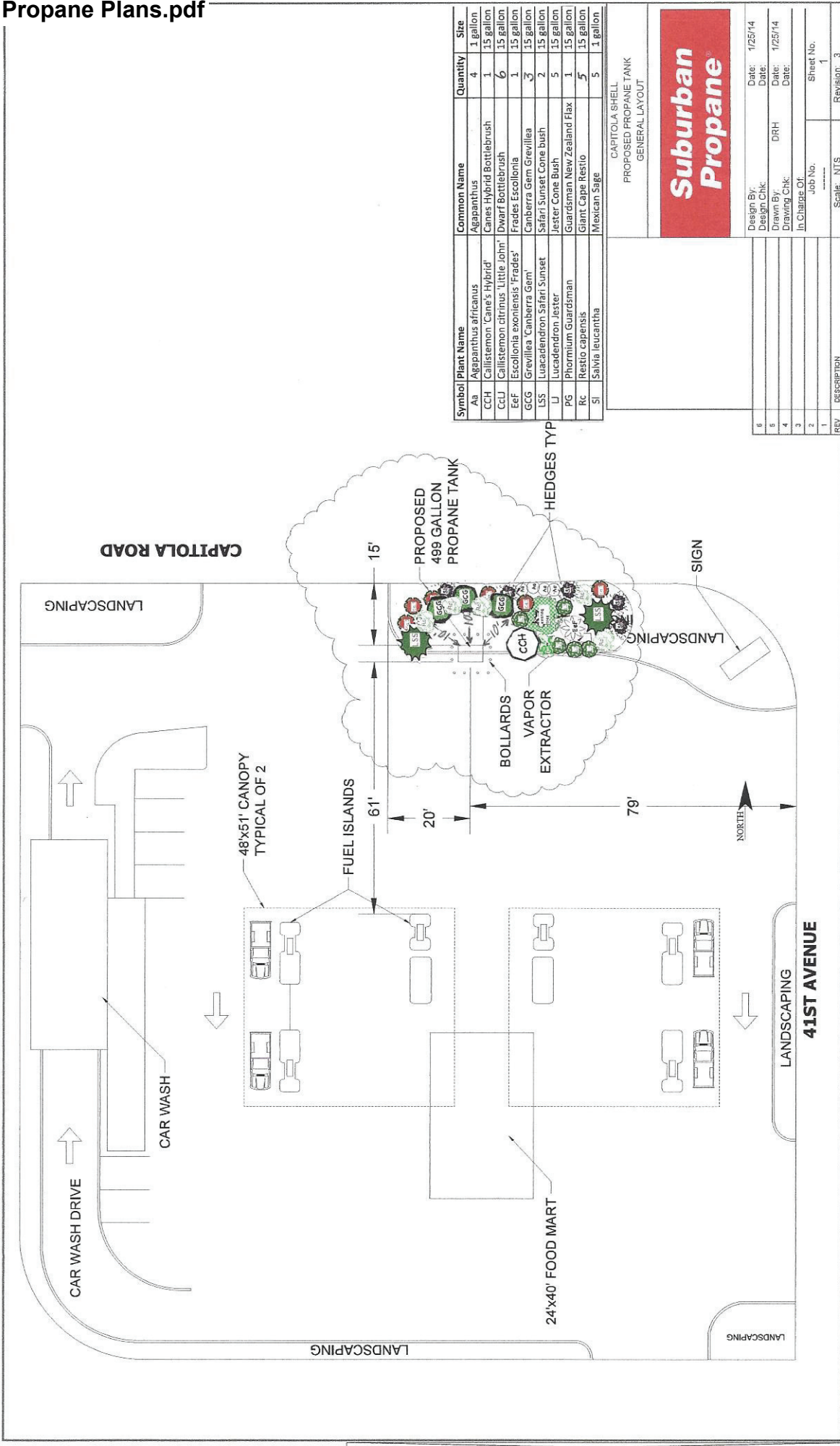


TANK FOUNDATION PLAN  
SCALE: 1/2"=1'-0"  
A S1



TANK SECTION  
SCALE: 1/2"=1'-0"  
A S1





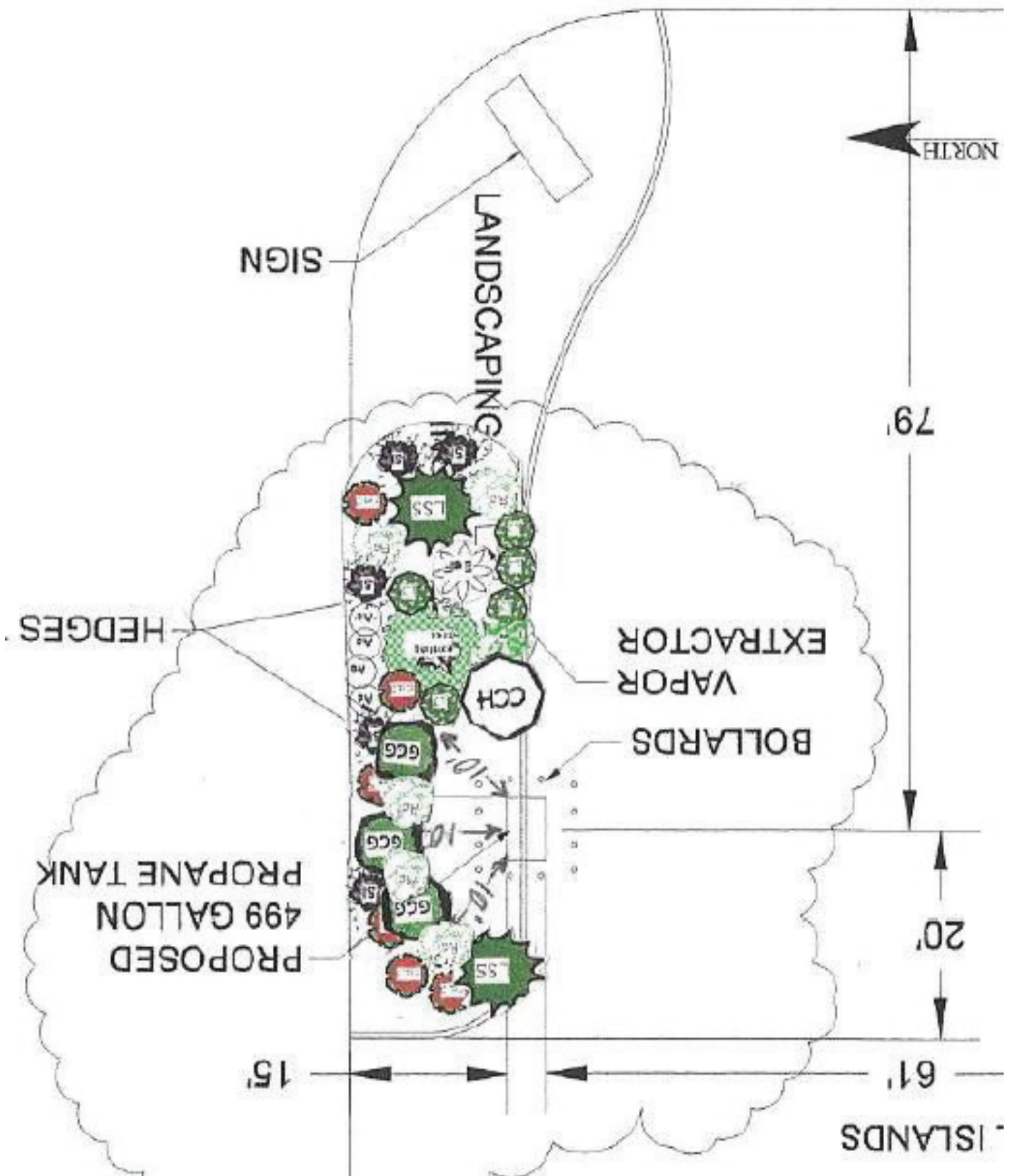
Symbol	Plant Name	Common Name	Quantity	Size
Ab	Agapanthus africanus	Agapanthus	4	1 gallon
CcH	Callistemon 'Cane's Hybrid'	Cane's Hybrid Bottlebrush	1	15 gallon
CcJ	Callistemon citrinus 'Little John'	Dwarf Bottlebrush	6	15 gallon
EeF	Escollonia exoniensis 'Frades'	Frades Escollonia	1	15 gallon
GcG	Grevillea 'Canberra Gem'	Canberra Gem Grevillea	3	15 gallon
LSS	Lucaedendron Safari Sunset	Safari Sunset Cone bush	2	15 gallon
LJ	Lucadendron Jester	Jester Cone Bush	5	15 gallon
PG	Phormium Guardsman	Guardsman New Zealand Flax	1	15 gallon
Rc	Restio capensis	Giant Cape Restio	5	15 gallon
SI	Salvia leucantha	Mexican Sage	5	1 gallon

CAPITOLA SHELL  
PROPOSED PROPANE TANK  
GENERAL LAYOUT

Design By: \_\_\_\_\_ Date: 1/25/14  
 Design Chk: \_\_\_\_\_ Date: \_\_\_\_\_  
 Drawn By: DRH Date: 1/25/14  
 Drawing Chk: \_\_\_\_\_ Date: \_\_\_\_\_  
 In Charge Of: \_\_\_\_\_  
 Job No. \_\_\_\_\_ Sheet No. 1  
 Scale: NTS Revision: 3

REV	DESCRIPTION	Scale:	NTS	Revision:	3
6					
5					
4					
3					
2					
1					





THIS PAGE INTENTIONALLY LEFT BLANK









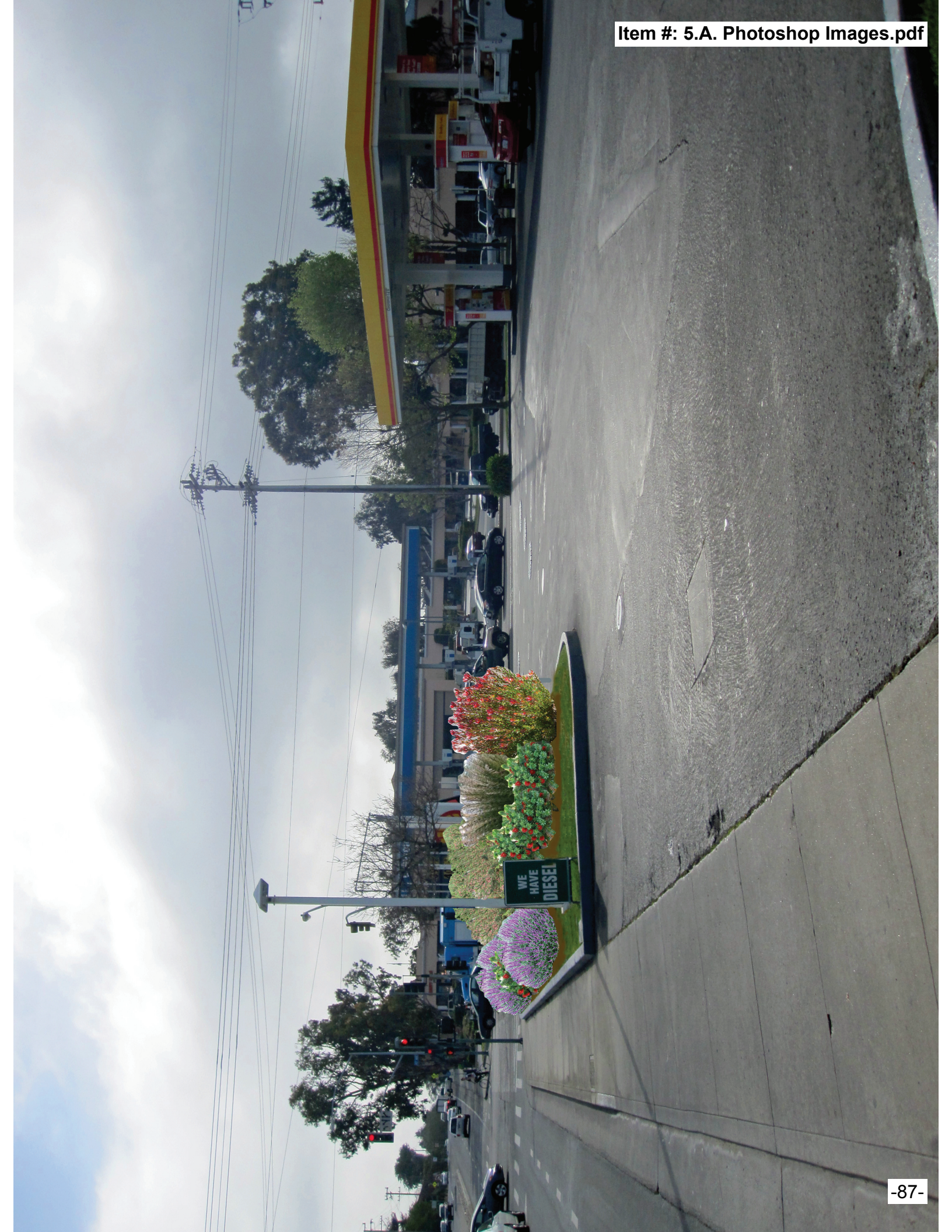












THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: May 1, 2014

SUBJECT: **712 Rosedale Ave #14-045 APN: 036-72-05**  
Design Permit for remodel of existing single-family home in the R-1 (Single-Family) Zoning District.  
This project is in the Coastal Zone but is exempt from a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Owner: Holger Schmidt  
Representative: Greg Heitzler, filed: 03/25/2014

### **APPLICANT PROPOSAL**

The applicant has submitted a Design Permit application for a 450 square-foot addition to the front of an existing single-family home located at 712 Rosedale Ave. The project is located in the R-1 (Single-Family) zoning district. The applicant is proposing to add a bedroom, entrance, kitchen addition, and a porch to the front of the home. An addition to the front façade of an existing structure requires approval of a Design Permit by the Planning Commission.

### **BACKGROUND**

On April 9, 2014, the Architectural and Site Review Committee reviewed the application.

- City Architect Representative Derek Van Alstine approved of the overall design of the addition, and added that he would like to see the existing Pepper Tree maintained and not removed.
- City Landscape Architect Craig Waltz reviewed the application and did not request any modifications, except that he agreed with Derek to preserve the Pepper Tree.
- City Public Works Official Danielle Uharriet stated that the applicant needs to provide a calculation of existing and proposed impervious surfaces. In addition, she advised that the project be conditioned for a drainage and erosion control plan.
- City Building Official Mark Wheeler reviewed the plans and did not request any changes.

The applicant submitted a Tree Removal Application on April 23, 2014 for the removal of the Pepper Tree. The Pepper Tree has invasive roots, which will make it difficult to preserve during the remodel. The applicant will replace the removed tree with two Maple Trees.

**Site and Structural Data**

The project conforms with all R-1 (Single Family) zoning standards, except for the existing non-conforming garage front setback, as follows:

<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>		6,914 sq. ft.
<b>Maximum FAR Allowed</b>	48%	3,319 sq. ft.
<b>Proposed FAR</b>	32%	2,216 sq. ft.
<b>Proposed Square Footage</b>		
<b>Existing House</b>		1,342 sq. ft.
<b>Existing Garage</b>		424 sq. ft.
<b>House addition</b>		450 sq. ft.
<b>Total Living Area</b>		1,792 sq. ft.
	<b>Floor Area</b>	2,216 sq. ft.
<b>Set Back</b>		
	R-1 District	Proposed
<b>Front</b>	15'	15.2'
<b>Front Garage*</b>	20'	14.3' (existing)
<b>Rear</b>	20% depth of lot: 12'	13.7'
<b>Side Yard</b>	10% width of lot: 9'	19.8'(L) + 20.3'(R)
<b>Building Height</b>		
	R-1 District	Proposed
<b>Residential</b>	25'-0"	13'-8"
<b>Parking</b>		
	Required	Proposed
<b>Residential (2,001 sq. ft. – 2,600 sq. ft.)</b>	3 spaces total: 1 covered 2 uncovered	3 spaces total: 1 covered 2 uncovered

\* Designates a legal existing nonconformity

**DISCUSSION**

The applicant is proposing a 450 square foot addition to the front facade of the existing home. The proposal consists of a new 244 square foot bedroom, a 128 square foot front kitchen addition, and a new 78 square foot entrance. The plan also calls for a 40 square foot covered front porch, which is not calculated as a part of the floor area due to the fact that is less than thirty inches in height (§17.15.100.C.5). The proposal conforms to all setback requirements, except for the existing single-car garage. The front yard setback requirement for a garage in the R-1 district is 20 feet, and the existing garage is only set back 14 feet 3 inches. Due to the non-conforming nature of the existing garage, the applicant will have to show that his/her remodel will not exceed 80% of the total existing value of the property. (§17.72.070)

**Municipal Code 17.72.070:**

*Structural alterations of nonconforming structures, as defined in Section 17.03.640, shall be limited as follows: at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping costs and architectural costs. If that cost, added to the costs (similarly calculated) of other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made. (Attachment B)*

The exterior of the residence currently contains vertically oriented board and batten siding that is painted light-yellow. The applicant is proposing to use 6" horizontal lap siding painted light-grey for the exterior of the residence. On the existing garage's wall and proposed front addition area, there will be new white-painted gables and new light-grey shingle-shake siding within the gable end. The roof pitch above the existing garage will stay at a 4:12 slope, and the roof pitch above the bedroom addition will become a slope of 5:12. The proposal includes 2 new windows on the front façade, as well as one replacement window on the west elevation. The windows are white Milgard Tuscan series sliders, which is similar to the existing windows. The new front porch will include two 8"x8" white columns on both sides of the entrance, and will use dry stack stone veneer at the column's base. A new front door will also be included in the remodel and painted blue (Behr "infinite deep sea") (Attachment A)

### Parking

The proposed 450 square foot addition is greater than 10% of the gross floor area of the existing home (1,766 square feet). Per Capitola Municipal Code Section 17.15.130.E, "no additional square footage exceeding 10 percent of the existing gross floor area may be added to an existing single-family residential unit, unless minimum parking requirements are met." Three off-street parking spaces are required for the proposed 2,216 square foot home, including 1 interior space and 2 exterior spaces. Interior parking spaces are required to be a minimum of 10 feet wide by 20 feet deep. The application complies with the parking requirements with 1 interior space provided in the existing 424 square foot single car garage and 2 exterior parking spaces are proposed in front of the garage, in the north-east corner of the property. The existing driveway is 20 feet wide by 14 feet deep. To bring the exterior parking into compliance the applicant is proposing two parking spots oriented parallel to the sidewalk. One of the parking spots will be located on the existing driveway and the second spot will be located next to the driveway parking spot. The proposed configuration of the two outdoor spots will be cramped and difficult to access. Due to this, the applicant is requesting an exemption to the 20 foot parking length requirement for the two exterior spaces so they may be parked perpendicular to the street within the existing 14 foot deep and 20 foot wide parking area. Planning staff feels that two 14 feet deep exterior space and one full sized interior space will satisfy the residence's parking needs. (Attachment A)

### Landscaping

The applicant is proposing minor landscaping alterations to the front of the property. The proposal plans to remove one 10" diameter Pepper tree, located in front of the addition area. They plan to replace the one removed tree with two 15 gallon Liquid Amber Maple trees, with one in the northwest corner and one in the northeast corner of the site. The proposal will also introduce a new fescue lawn area in the northeast corner of the site, where the second outdoor parking spot is proposed. The new lawn area will use paver strips for the parking spot. The site will maintain most of its existing landscaping along the front and side (along Rosedale Ave) of the site. (Attachment A)

### CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves a 450 square foot addition to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #14-045 based on the following Conditions and Findings for Approval.

**CONDITIONS**

1. The project approval consists of construction of a 450 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 6,914 square foot property is 48% (3,319 square feet). The total FAR of the home with new addition is 32% with a total of 2,216 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 1, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #14-045 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.



12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

## **FINDINGS**

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

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

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

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

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

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

**ATTACHMENTS**

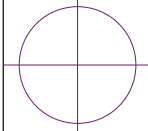
- A. Project Plans
- B. Construction Cost Breakdown

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





NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



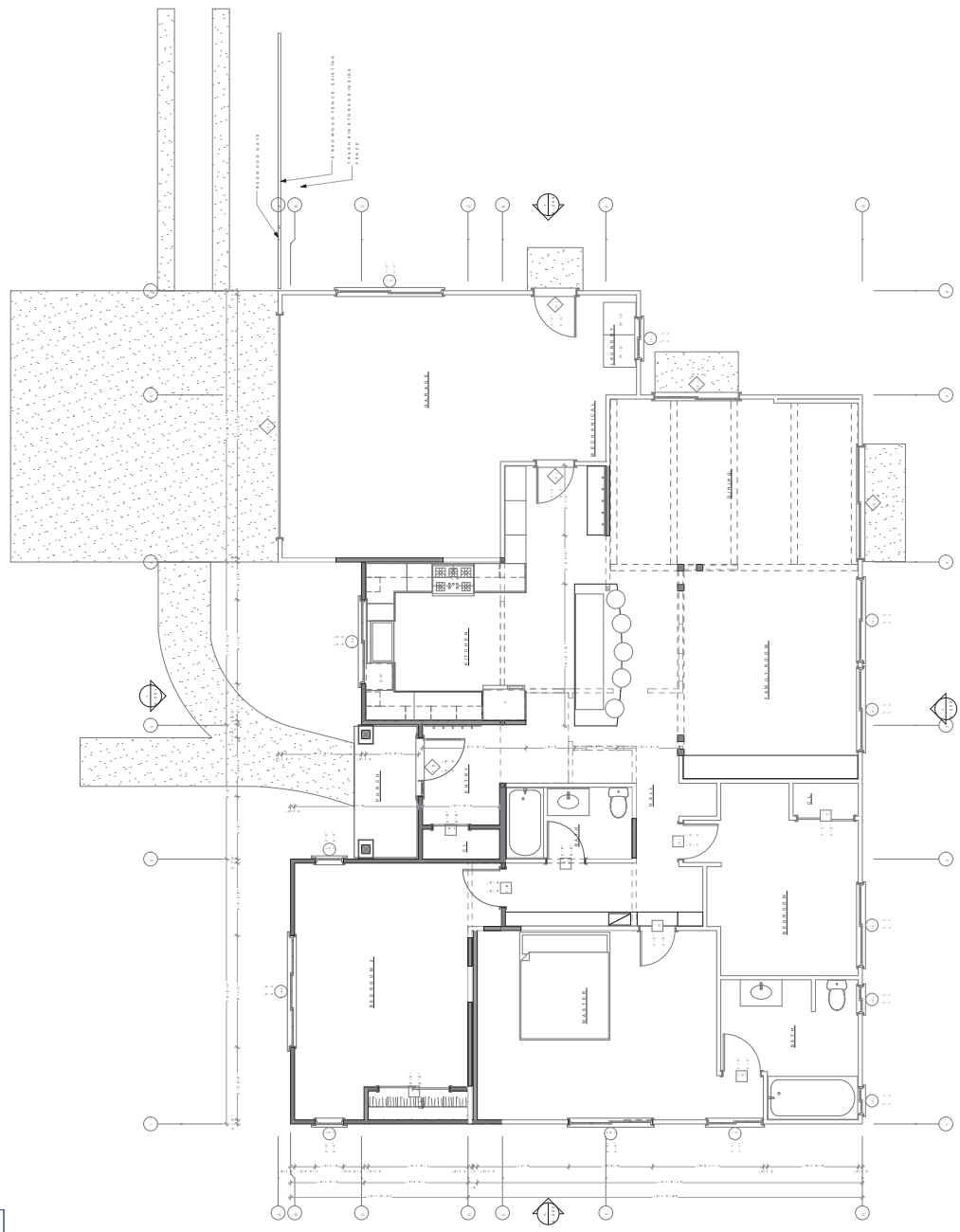
PROJECT NO. 016-072-05  
 CONTRACTOR: BOJISSE & JIM RICHMOND  
 111 ROSDALE AVENUE  
 EASTONIA, GA 30122

712 ROSDALE AVENUE  
 REMODEL & ADDITION  
 712 ROSDALE AVENUE  
 EASTONIA, GA 30122

GREGORY HEITLER DESIGN  
 831-421-9594  
 2000 GREGORY HEITLER DRIVE, SUITE 100  
 EASTONIA, GA 30122

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

1



WALL SCHEDULE

1	EXTERIOR WALL TO REMAIN
2	EXTERIOR WALL TO REMOVE
3	PERFORATED WALL
4	EXTERIOR WALL TO REMAIN

NO.	SYMBOL	DESCRIPTION	DETAIL
1	[Symbol]	EXTERIOR WALL TO REMAIN	[Detail]
2	[Symbol]	EXTERIOR WALL TO REMOVE	[Detail]
3	[Symbol]	PERFORATED WALL	[Detail]
4	[Symbol]	EXTERIOR WALL TO REMAIN	[Detail]

GREGORY HEITZLER DESIGN

831-421-9594

712 ROSEDALE AVENUE  
REMODEL & ADDITION

712 ROSEDALE AVENUE  
CAPITOLA, CA 95018

S.P.N. 036-072-05

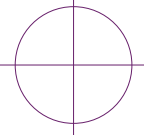
UNIVERSITY AVENUE

ROSEDALE JIM SCHMIDT

712 ROSEDALE AVENUE

CAPITOLA, CA

95018



DATE: 07/20/14

PROJECT: 036-072-05

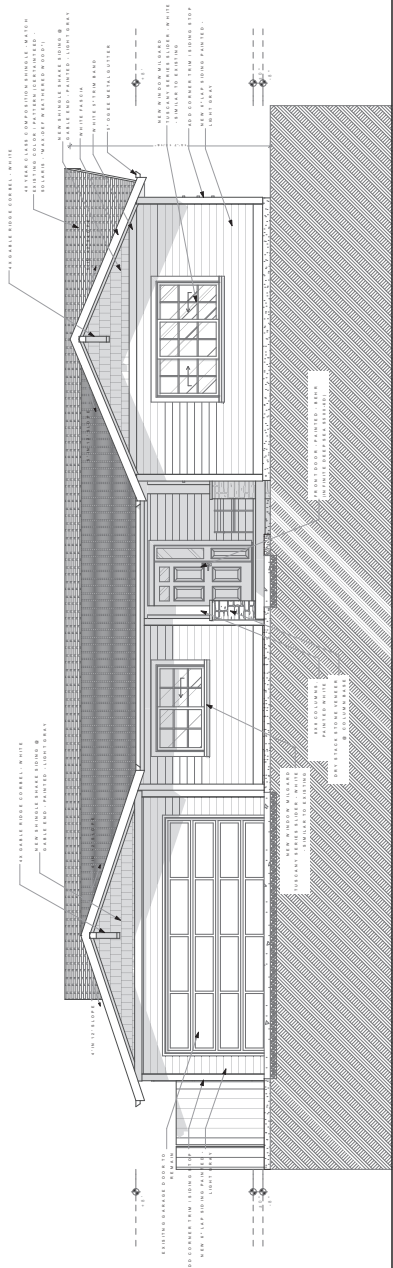
NO.	DATE	DESCRIPTION
1		PROPOSED
2		EXISTING

ELEVATIONS

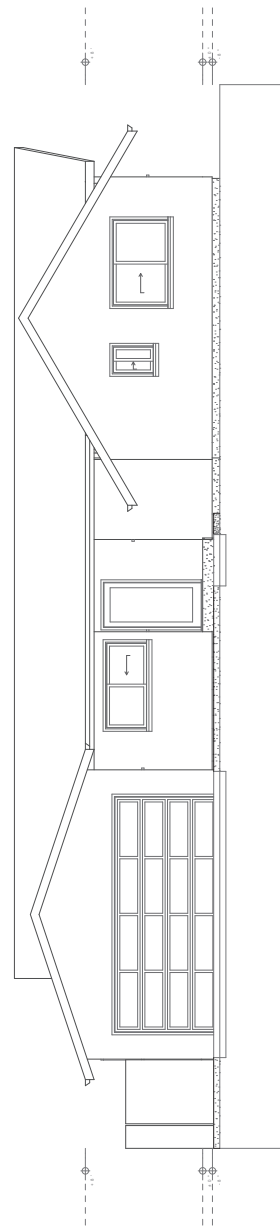
A-201

018

PROPOSED N ELEVATION  
SCALE: 1/4" = 1'-0"



EXISTING N ELEVATION  
SCALE: 1/4" = 1'-0"





GREGORY HEITZLER DESIGN

831-421-9594

712 ROSEDALE AVENUE  
 REMODEL & ADDITION

712 ROSEDALE AVENUE  
 CARPENTERS, CA 95018

DATE: 09-16-07

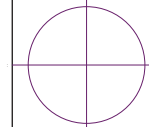
PROJECT NO: 09-16-07-03

OWNER: JIM SCHMIDT

712 ROSEDALE AVENUE

CARPENTERS, CA

95018



DATE: 09-16-07

PROJECT NO: 09-16-07-03

OWNER: JIM SCHMIDT

712 ROSEDALE AVENUE

CARPENTERS, CA

95018

DATE: 09-16-07

PROJECT NO: 09-16-07-03

OWNER: JIM SCHMIDT

712 ROSEDALE AVENUE

CARPENTERS, CA

95018

DATE: 09-16-07

PROJECT NO: 09-16-07-03

OWNER: JIM SCHMIDT

712 ROSEDALE AVENUE

CARPENTERS, CA

95018

DATE: 09-16-07

PROJECT NO: 09-16-07-03

OWNER: JIM SCHMIDT

712 ROSEDALE AVENUE

CARPENTERS, CA

95018

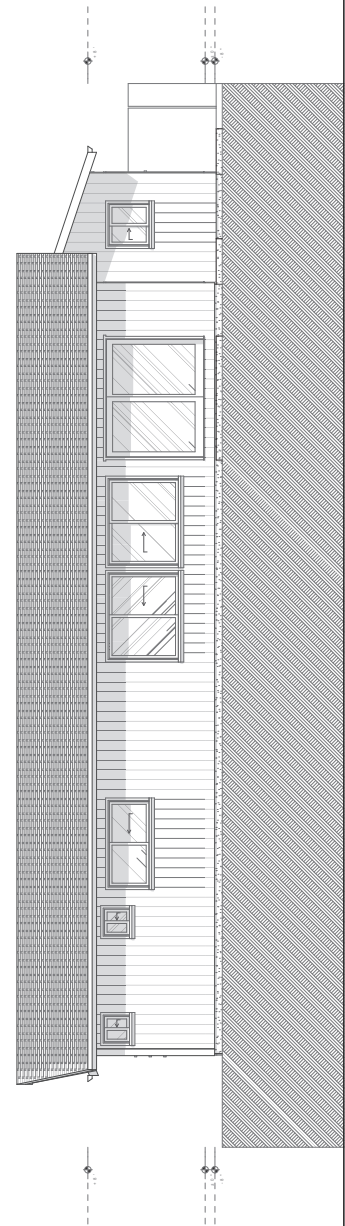
ELEVATIONS

A-203

5/18

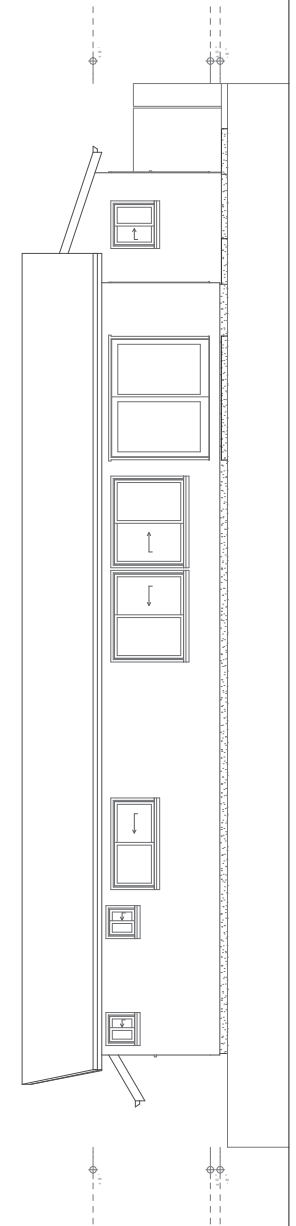
PROPOSED S ELEVATION 1

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



EXISTING S ELEVATION 2

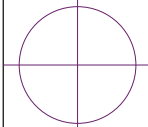
SCALE: 1/4" = 1'-0"





NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT: W. 5100



CAPITOLA, CA

712 ROSEDALE AVENUE

HOUSE & JEN REMODEL

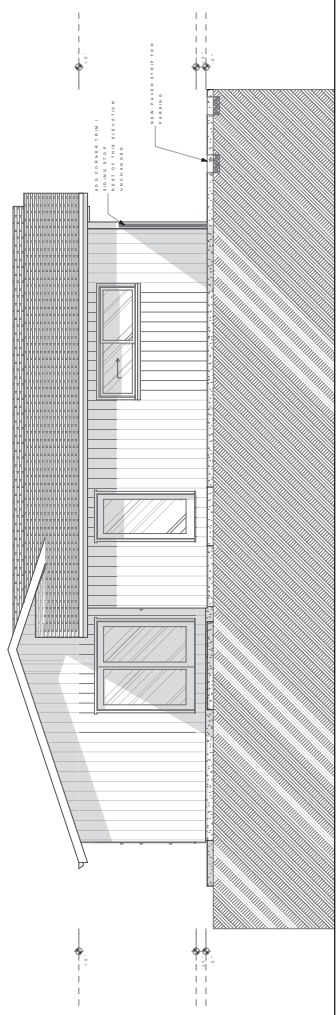
0916-072-05

712 ROSEDALE AVENUE  
 REMODEL & ADDITION  
 712 ROSEDALE AVENUE  
 CAPITOLA, CA 95018

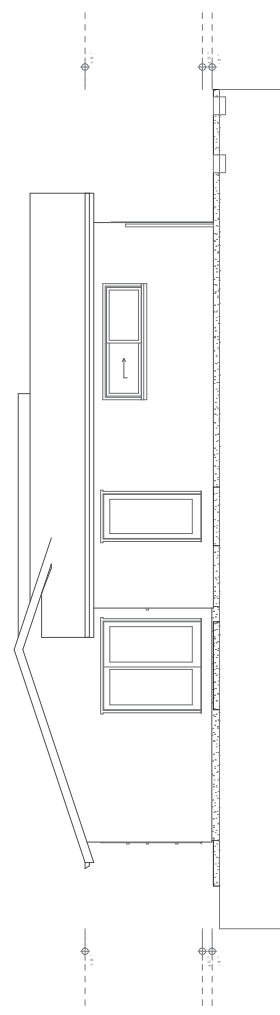
831-421-9594  
 GREGORY HEITLER DESIGN

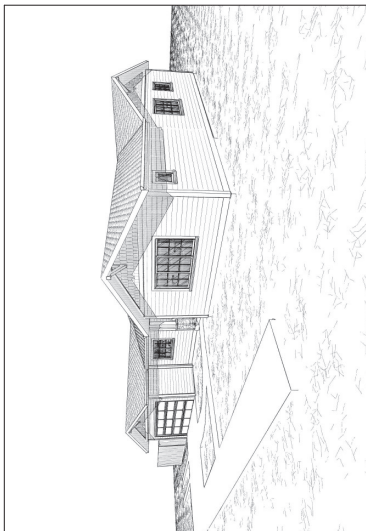
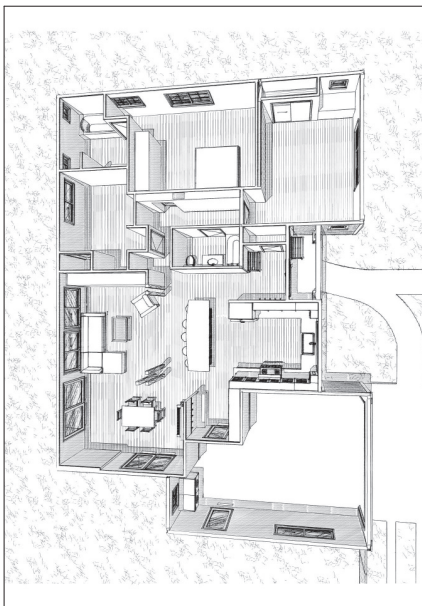
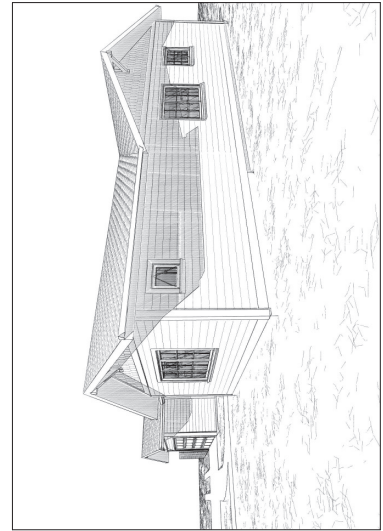
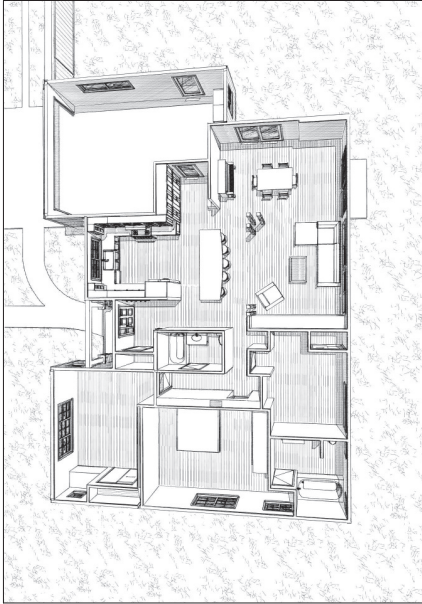
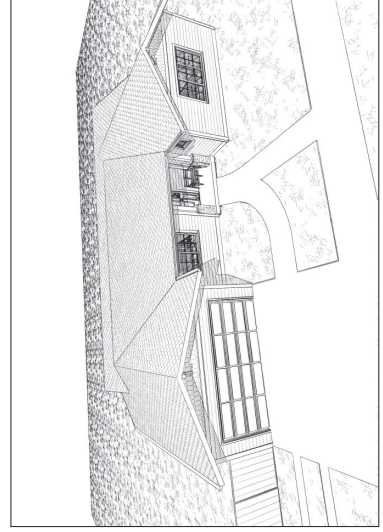
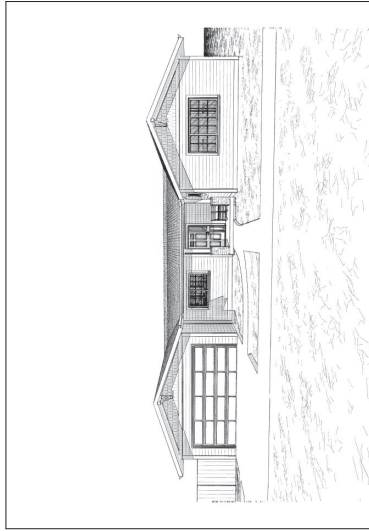
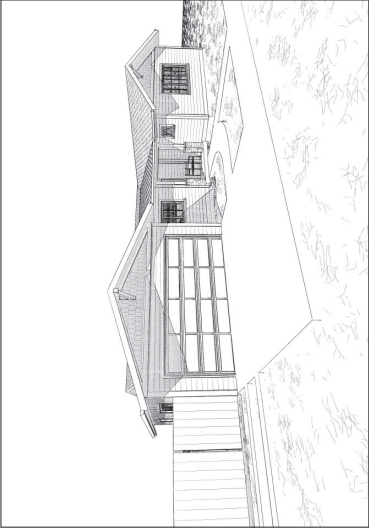


PROPOSED ELEVATION  
 SCALE: 1/4" = 1'-0"



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





ERROR: ioerror  
OFFENDING COMMAND: image

STACK:

-mark-  
-savelevel-

THIS PAGE INTENTIONALLY LEFT BLANK



**Gregory Heitzler Design, Inc.**  
 8 Comstock Lane  
 Bonny Doon, California 95060

(831) 421 9594 office  
 (831) 207-4444 fax  
 greg@gregoryheitzlerdesign.com

**CONSTRUCTION COST BREAKDOWN PER Section 17.72.070**

April 22, 2014  
 Holger & Jennifer Schmidt  
 712 Rosedale Avenue  
 Capitola, CA 95010  
 APN-036-072-05

**Existing Values:**

Existing residence: 1,342 square feet @ \$200.00/square foot	\$268,400.00
Existing garage: 424 square feet @ \$100/square foot	\$ 42,400.00
<b>Total Existing Value:</b>	<b>\$310,800.00</b>
<b>80% of Total Existing Value:</b>	<b>\$248,640.00</b>

**New Construction/Remodel Costs:**

Kitchen Remodel: 393 square feet @\$300.00 per square foot	\$117,900.00
New Construction: 450 square feet @ \$200.00 per square foot	\$ 90,000.00
New Covered Entry 40 square feet @ \$100/square foot	\$ 4,000.00
<b>Total Construction/Remodel Cost:</b>	<b>\$211,900.00 (68%)</b>

THIS PAGE INTENTIONALLY LEFT BLANK



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 1, 2014

SUBJECT: **ZONING ORDINANCE UPDATE WORK PLAN**  
Report on the Proposed Zoning Ordinance Update Work Plan

### **BACKGROUND**

The Planning Commission offered recommendations to the City Council on April 3, 2014 to adopt the General Plan Update and to certify the associated Environmental Impact Report. The City Council is scheduled to consider adoption of the General Plan Update at their May 8, 2014 meeting. Following adoption of the General Plan Update, staff intends to turn its focus toward completing a comprehensive update of the City's zoning ordinance (chapter 17 of the Capitola Municipal Code).

The City's most recent comprehensive zoning ordinance update was completed in 1975, although remnant sections dating back to 1951 are still present in the code. The zoning ordinance has been amended numerous times since the 1975 update to address various community concerns, changed circumstances, and new legal requirements.

The City's current zoning ordinance is a product of nearly 40 years of uncoordinated amendments resulting in a document which can be confusing for the public, staff, and decision makers. Consequently, the City Council directed staff in 2010 to comprehensively update the zoning ordinance in conjunction with the General Plan Update.

### **DISCUSSION**

The purpose of tonight's meeting is to present staff's proposed zoning ordinance update work plan to the Planning Commission. Staff is not requesting the Commission to take any specific action, but welcomes the Commission's input and guidance on how to best approach the work.

The objective of the zoning ordinance update is to develop a code which promotes high quality design, protects neighborhood character, satisfies current legal standards, and is easier to understand, administer, and enforce. The new ordinance will implement the General Plan Update, including zone districts which complement general plan land use designations and the goals, policies, and actions contained in each element. Sections of the current zoning ordinance which have served the City well will be retained and reinforced. Sections which have been less effective will be modified, replaced, or eliminated.

### **Proposed Zoning Ordinance Update Core Principles**

Development of the new zoning ordinance is proposed to be based on the following core principles:

#### **1. Clear, concise, and comprehensive**

A primary objective of the update process is to develop a modern code which is easier to understand, administer, and enforce. The zoning ordinance will be written in plain English with

minimal technical jargon to enable the public, decision-makers, and staff to better understand code requirements. To make the ordinance more user-friendly, staff proposes to:

- ❖ Present development standards in a table format whenever possible;
- ❖ Add diagrams and illustrations to help explain standards and communicate intent;
- ❖ Replace complex and legalistic language with concise plain English;
- ❖ Reorganize the code and provide cross-referencing and navigation aids so that information is easier to find;
- ❖ Simplify, refine, or eliminate unnecessary and obsolete regulations and procedures; and,
- ❖ Provide a more comprehensive list of definitions, use types, and standards to address a broader range of uses and issues.

**2. Consistent with General Plan and current legal standards**

The new zoning ordinance would be tailored to complement and implement the General Plan Update. The ordinance would include new zoning districts with compatible nomenclature and use regulations as the underlying general plan land use designations (e.g., properties within the Village Mixed-Use land use designation will have a Village Mixed-Use zoning classification). Provisions for sustainability, climate change adaptation, and neighborhood protections contained in the General Plan Update will be implemented by the new ordinance. In addition, the ordinance will be thoroughly reviewed and updated to ensure compliance with current legal standards.

**3. Promote high quality design**

The zoning ordinance will promote high quality design by retaining requirements for new and expanded development to undergo architecture and site design review. The new code will also provide more detailed development standards and findings to emphasize high quality design and to clarify design requirements.

**4. Protect neighborhood character**

The proposed zoning ordinance would strengthen neighborhood character protections by converting decision maker “considerations” to findings which require affirmative determinations that a development proposal would be compatible and harmonious with existing neighborhood character. The new ordinance will include standards to respect the character and scale of existing residential neighborhoods from impacts caused by infill and redevelopment projects. The ordinance would provide more specific development standards to take into account the existing scale and patterns of the built environment within specific neighborhoods instead of the current code’s “one size fits all” approach. Existing neighborhood protections, such as the residential overlay and transient rental overlay zones would be also retained in the new code.

**5. Environmental Protection and Sustainability**

The new ordinance will retain overlay zones to protect valued resources, including environmentally sensitive habitats, coastal resources, archaeological/paleontological resources, geologic hazards, and floodplains. Staff will also seek opportunities to encourage and remove obstacles to sustainable development (e.g., allowing rooftop solar systems by-right). Additional standards and procedures will be added to clarify process requirements.

**6. Historic Preservation**

The new zoning ordinance will provide more defined standards and procedures for projects which involve alteration or demolition of potentially significant historic structures and features.

**7. Support economic development**

The new ordinance will support economic development through improved clarity, predictability, and better defined development standards. Opportunities to encourage in-fill, mixed-use, and



transit oriented development will be explored, including options for incentives and development standard flexibility in exchange for tangible community benefits.

## **8. Facilitate development review**

Development review and permit processing will be more efficient and predictable with the new ordinance. Increased comprehensiveness and clarity of desired outcomes will facilitate staff reviews and will allow applicants to better understand code requirements which will reduce the time and cost necessary to process permit applications. Staff will also present the Planning Commission and City Council with options to streamline permit review, including converting some current, minor discretionary permits to ministerial, over-the-counter processes if specified development standards are met.

## **Proposed Zoning Ordinance Update Work Plan**

The proposed zoning ordinance update work plan would consist of stakeholder outreach and interviews, identification of issues and options, and a series of public workshops with the Planning Commission and City Council. A draft zoning ordinance will be prepared and released for public review and comment following authorization for the Planning Commission and City Council. Adoption hearings would occur following the public review period. The proposed work plan is outlined below:

### **1. Stakeholder Outreach**

As a first step, staff would engage stakeholders representing a broad range of interests to help identify issues, options, and opportunities to improve the zoning ordinance. To promote inclusiveness and transparency, staff would reach out to representatives of various neighborhoods and interests and solicit their participation in focus group interviews. Staff anticipates stakeholder interview sessions comprised of 3-5 representatives per group. Staff would develop a list of questions to present to each group and would invite participants to offer comments and suggestions. City staff would serve as the interview panel and would welcome member(s) of the Planning Commission and City Council to collaborate in the interview process.

Feedback received from participants would be used to develop an Issues and Options white paper which would subsequently be presented to the Planning Commission and City Council. At a minimum, staff would contact stakeholders representing the following interests:

- ❖ Merchants and Businesses
- ❖ Architects, Engineers, and Planners
- ❖ Community and Neighborhood Representatives
- ❖ Environmental Interests
- ❖ Property Owners & Developers
- ❖ Recent Applicants

Staff would also create an online survey which would be available to any interested member of the public. Staff would publicize the survey through the City website, newsletter, and by direct correspondence to members of the public who participated in the General Plan Update process. Survey results would also be used to develop the Issues and Options white paper.

Staff will continue to engage stakeholders throughout the process and would invite their comments on draft ordinance sections. Staff would also retain the [www.planncapitola.com](http://www.planncapitola.com) website to provide updates on the zoning ordinance update effort and to provide the public and stakeholders with easy access to zoning related documents.

### **2. Issues and Options Identification**

Although staff and members of the Planning Commission are aware of many of the issues with the current zoning ordinance, it is expected that stakeholder interviews and the public survey will yield

additional issues and options for consideration. Staff will compile all of the issues, ideas, and options obtained during outreach efforts and develop an Issues and Options white paper. The white paper will subsequently be presented at a Planning Commission workshop(s) to receive recommendations. Issues and Options would then be presented at a City Council workshop(s) along with the Commission's recommendations.

**3. Preparation of Preliminary Draft Zoning Ordinance**

Following completion of the Issues and Options workshops, staff will prepare a preliminary draft zoning ordinance. Sections of the preliminary draft zoning ordinance would be grouped together and presented at Planning Commission workshops for recommendations, followed by presentations at City Council workshops.

**4. Planning Commission and City Council Workshops**

Staff would schedule a number of public workshops with the Planning Commission and City Council to review draft sections of the draft zoning ordinance. Due to the volume of material to review, it is anticipated that at least four public workshops will be necessary. Each workshop would include a review of individual ordinance sections, grouped together by topic and function.

If necessary, additional workshops would be scheduled to allow adequate review of the ordinance. Because the number of public hearings will have a direct effect on the overall project schedule, staff may request the Planning Commission to hold a second meeting per month to allow focused consideration of zoning ordinance matters.

**5. Draft Zoning Ordinance and CEQA Document**

Once Planning Commission and City Council workshops have been completed, staff will request authorization to prepare the draft zoning ordinance and CEQA document and to release them for public review and comment.

**6. Adoption Hearings**

Following public review, staff will incorporate revisions into the draft documents and present them to the Planning Commission and City Council for adoption.

**7. Coastal Commission – LCP Amendment**

The zoning ordinance is part of the City's Local Coastal Program (LCP) Implementation Plan. Consequently, adoption of the new zoning ordinance will require a LCP amendment and Coastal Commission approval.

**Schedule and Budget**

The City has an existing contract with Placeworks (formerly the Planning Center/DC&E) to complete the zoning ordinance update. Staff does not propose nor anticipate additional consultant funding to complete the zoning ordinance. The update process will, however, require significant staff time and effort to complete. Staff costs will be funded through a combination of General Plan Maintenance Funds and General Fund revenue.

The project schedule will largely be driven by the number of public workshops and hearings necessary to reach consensus. Staff has prepared a process and schedule diagram (Attachment 1) which if followed would enable adoption hearings to commence in the first quarter of 2015.

**CEQA REVIEW**

The proposed work plan is not a project as defined by CEQA; therefore, CEQA review is not required.

**RECOMMENDATION**

Staff recommends the Planning Commission accept the presentation, offer comments and guidance, and provide any desired recommendations to the City Council.

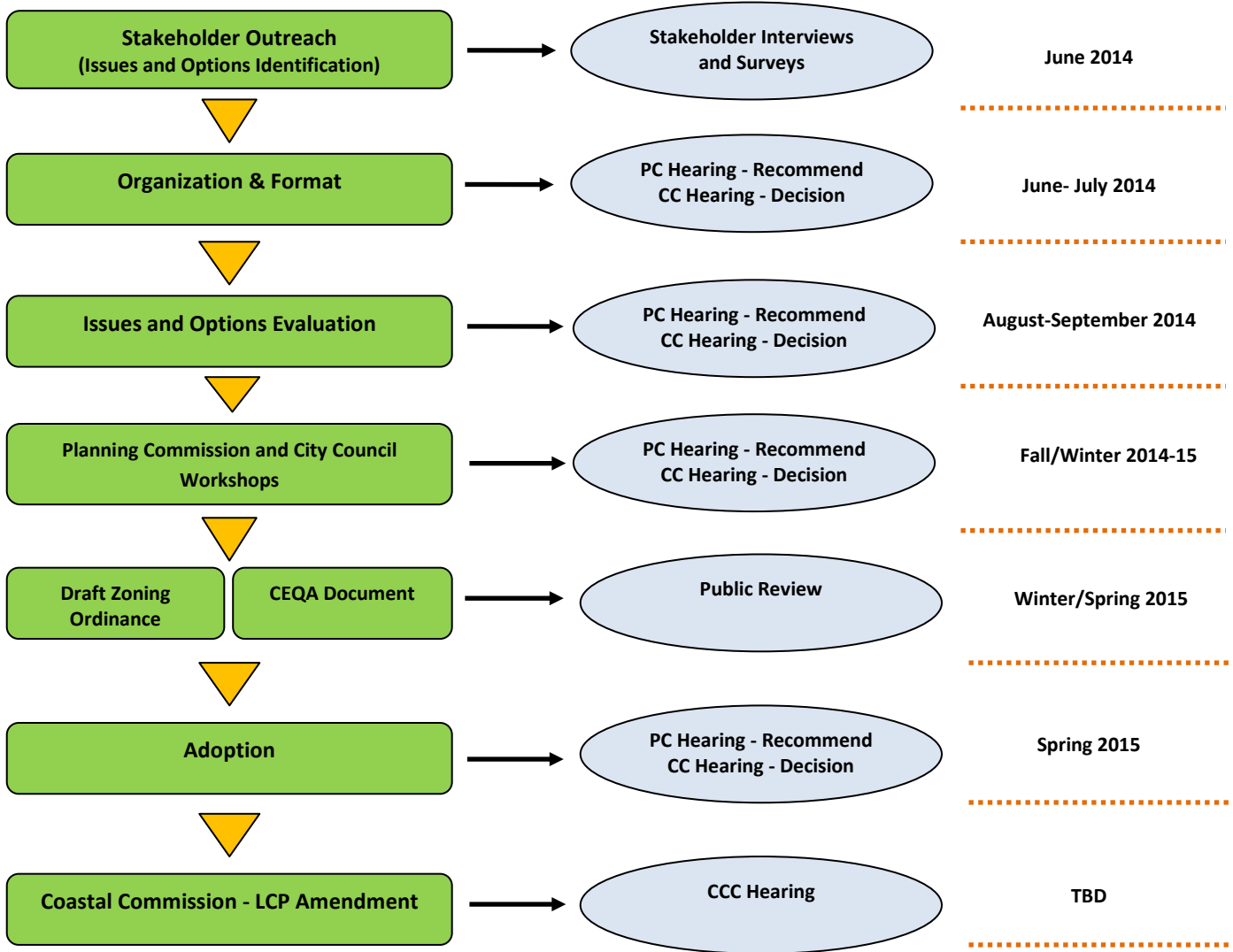
**Report Prepared By:           Richard Grunow**  
**Community Development Director**

**ATTACHMENTS**

1. Zoning Ordinance Update Process and Schedule Diagram

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF CAPITOLA - ZONING ORDINANCE UPDATE - PROCESS DIAGRAM**



THIS PAGE INTENTIONALLY LEFT BLANK