



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, June 5, 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 May 1, 2014 Planning Commission draft 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. 138 Cabrillo St #14-071 APN: 036-182-08**

Fence Permit application with request for an exception to the required 5-foot setback for a 30 inch tall fence on a corner lot located in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Austin Sherwood

Representative: Chris Chambers, filed: 5/9/14

**B. 116 Stockton Ave. #14-074 APN: 035-23-113**

Conditional Use Permit for a new market with prepared food (Restaurant) and Sale of Alcohol (beer and wine) at 116 Stockton Avenue in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Rickey Felder

Representative: Sholeh K. Westfall, filed 5/20/2014

**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. 203 Sacramento Avenue #14-064 APN: 036-125-03  
205 Sacramento Avenue #14-065 APN: 036-125-15**

Design Permit Amendment to modify exterior materials for two new single-family homes located in the R-1 (Single-Family Residential) Zoning District.

Environmental Determination: Categorical Exemption

This application does not require an amendment to the previously issued Coastal Development Permits.

Property Owner of 203 Sacramento: Anna Cierkosz

Property Owner of 205 Sacramento: Nick Cierkosz

Representative: Anna Cierkosz, filed 5/2/14

**B. 401/403 Capitola Avenue #13-082 APN: 035-131-11**

Design Permit, Variance, Sign Permit, and Coastal Development Permit to demolish the existing duplex and construct a new two-story commercial building in the CN (Neighborhood Commercial) Zoning District and Floodplain District.

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

Environmental Determination: Categorical Exemption

Property Owner: Starley Moore, filed: 6/17/13

Representative: Derek Van Alstine

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

Adjourn to the next Planning Commission on Thursday, July 17, 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).

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**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MAY 1, 2014  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

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

**2. ORAL COMMUNICATIONS**

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

Commissioner Smith noted that Open Streets Capitola is May 4 and the Historical Museum will introduce an application for touring public art and historic buildings.

- D. Staff Comments -- None

**3. APPROVAL OF MINUTES**

- A. **April 3, 2014, Draft Planning Commission Minutes**

**A motion to approve the April 3, 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. **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

Commissioner Graves noted receipt of an email about submitting paint colors. He confirmed that there is no regulation of color, but the Commission does ask for a materials and color board. He also noted Capitola is not a Charter City.

He also asked in the future for landscape plans when work is being done in the front yard.

**A motion to approve project application #14-035 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 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.

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

**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

**A motion to approve project application #14-049 for a Design Permit, Conditional Use Permit, and Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of a Coastal Development Permit, 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.

## **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);***

- 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.

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

**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

**A motion to approve project application #14-050 for a Conditional Use Permit with the following conditions and findings was made Commissioner Routh and seconded by Commissioner Welch:**

### **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 in 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.

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

**D. Improvements at the Intersection of Esplanade and Stockton Avenue #14-054  
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

Commissioner Graves noted that he found it very difficult to understand the location of improvements without a map since compass directions are somewhat off. He said he had hoped for a better design, although this is an improvement. He expressed concern about moving the crosswalk from the river walk entrance. He attributed problems at the intersection to the addition of planters and bicycle racks.

**A motion to approve project application #14-054 for a Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**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 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., 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.

## **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.

**(E) (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 area 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-way 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-way 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-way 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.

**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. 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

Senior Planner Katie Cattan presented the staff report and images of the proposed tank and landscaping. She noted that the applicant has been very cooperative in trying to find a suitable solution, but staff recommended denial based on the tank's proximity to one of the city's busiest intersections.

Commissioner Graves asked whether there is room for the tank behind the food mart and between the car wash. Staff ceded that question to the applicant.

Chairperson Ortiz opened the public hearing.

MJ Costelo and Hillary McClurg spoke on behalf of the application. Ms. McClurg said she began the process reviewing the site with the fire marshal to identify appropriate locations for a tank. That process eliminated the area behind the store. She noted the operator takes pride in both the service and appearance of the business. She emphasized the demand for propane expressed by customers and the opportunity to improve the appearance with landscaping. She said there are a small number of propane vendors in the area and noted the added benefit of reducing water demand in landscaping. She offered support from the landscape architect of appropriate plant choices.

Commissioner Smith confirmed that the fire extinguisher would in fact be kept within the filling cage rather than in the store.

She also asked if the existing vapor collector is flammable. Mr. Costello explained that the tank is there to vent any vapors from the underground tanks, which usually occurs only during filling of fuel tanks. The tank is also electronically monitored.

She also confirmed RV circulation and availability of propane.

Commissioner Graves asked how long it would take plants to grow to the size indicated. Ms. McClurg said the landscape architect indicated they could find plants at that size. He also asked the size of the cage for the nozzles and fire extinguisher. Mark Conklin responded that it is a self-contained cage about four feet tall and three feet wide.

There was no public comment, and the hearing was closed.

Commissioner Routh asked for clarification from staff on why the application does not conform to 41<sup>st</sup> Avenue design guidelines. Planner Cattan said it did not appear to meet the emphasis on improving the intersection and pedestrian appeal of the 41<sup>st</sup> Avenue since as an additional tank could be visual clutter. Commissioner Routh expressed concern about the power of guidelines over zoning ordinance.

Commissioner Welch said he struggles with the addition of another tank just because there is already one in place that is required by laws beyond local jurisdiction. He also questioned the reality of the landscaping masking the tanks, but acknowledged the application appears to meet zoning requirements.

Commissioner Smith noted as an RV user she thinks about circulation and she worries about the addition of more traffic to that area causing congestion.

Commissioner Routh said his own experience with circulation there has been positive.

Chairperson Ortiz noted this is a service business and she is weighing how much of an advantage to the community there is to this proposal. She asked if there was any concern about site lines. Community Development Director Rich Grunow said the tanks are far enough from the intersection that it does not appear to be a concern. Chairperson Ortiz suggested that raising the soil could aid the screening from the sidewalk view.

**A motion to approve project application #14-017 for a Conditional Use Permit with the following conditions findings was made by Commissioner Routh and seconded by Chairperson Ortiz:**

**CONDITIONS**

1. The project approval consists of a Conditional Use Permit for a propane tank within an existing service station located at 1649 41<sup>th</sup> Avenue. No modifications to the existing building are proposed within the application. Any significant modifications to the size or exterior appearance of the existing building require approval of a Design Permit by the Planning Commission.
2. Prior to utilization of the propane tank for sales to customers, landscaping must be installed as proposed within the landscape plans. The plants surrounding the tanks must be of sufficient size to screen the new and existing tank as viewed from Capitola Road and 41<sup>st</sup> Avenue.
3. Prior to utilization of the propane tank for sales to customers, drip irrigation must be installed to the water the landscape bed around the new and existing tank.
4. Ongoing maintenance of the propane tank is required to avoid the appearance of weathering, rust, and corrosion. Visibility and appearance of the tank are an impact of the use that must be mitigated due to the location within the front of the property on a prominent road frontage.
5. Prior to granting of utilization of the propane tank for sales to customers, the City shall collect a landscape bond in the amount of \$3000 to ensure the landscape around the tank will be maintained. The bond may be released after 3 years from the date the bond was received with evidence of the landscaping being maintained during the 3 year period and established to a sufficient size to screen the new and existing tank.
6. Prior to granting of utilization of the propane tank for sales to customers, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
7. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
8. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.

**FINDINGS**

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**  
Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed expansion of the business 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 approved the tank along the frontage of Capitola Road with the conditions that the proposed landscaping screens the existing and proposed tank. Conditions of approval have been included to carry out these objectives.



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

The proposed project involves a propane tank within an existing commercial space, the Shell Gas Station. 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.**

**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

Assistant Planner Ryan Safty presented the staff report and images of the proposed addition. He reviewed the zoning requirement for parking and the options for parallel versus perpendicular within the driveway.

Chairperson Ortiz opened the public hearing.

Representative Greg Heitzler reiterated the request to allow perpendicular parking within the existing driveway and noted the current owner/occupants do not have three vehicles.

Commissioner Graves asked about the timeline to begin work. The applicant said the family plans to pull permits immediately.

Commissioner Smith asked whether the proposed pavers would remain if the length requirement for parking was waived. The applicant indicated she would prefer to keep landscaping.

The public hearing was closed.

Commissioner Routh complimented the design and cautioned against making any exterior changes.

**A motion to approve project application #13-153 for a Design Permit with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**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. The Commission waived the parking length requirement to allow for perpendicular parking in the driveway with the requirement that the proposed adjacent pavers instead remain landscaping.

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.

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

**C. Zoning Ordinance Update Work Plan**

Director Rich Grunow presented the staff report on the history, goals, and timeline for updating the City's zoning ordinance. Following the identification of issues and options from stakeholder interviews, the proposal estimates at least four commission workshops each on a specific topic or area. These will likely require additional dedicated Commission meetings. The work plan calls for adoption as early as summer 2015, but will be impacted by the number of workshops.

Commissioner Ortiz opened the public hearing.

Cathlin Atchison, resident, asked the Commission to consider the ongoing issue of neighborhood preservation, and the harmony and compatibility of Monarch Cove within the Depot Hill neighborhood. She also noted residents have presented a proposed zoning change and asked that it be reviewed early in the process.

Chairperson Ortiz closed the public hearing.

Commissioner Routh said he supports an expedited process.

Commissioner Graves said a major concern the interpretation of what is allowed by a non-conforming use. He added the timeframe is very ambitious.

Commissioner Welch expressed confidence in the staff and added that while he supports a quick process he also wants to be certain it is thorough.

Commissioner Smith asked that general contractors be included in one of the interest groups since not all remodels involve an architect or designer.

Chairperson Ortiz said she appreciates the inclusion of Planning Commissioners and City Council members in the interviews so the community understands that leaders are genuinely listening. She said she would like to see at least one commissioner at each session, and other commissioners concurred. She also supports additional dedicated meetings.

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

**7. COMMISSION COMMUNICATIONS**

Commissioner Graves thanked staff for the regular updates on applications and asked for a bit more detail in the description. He also asked staff to look into work being done on the corner of Capitola Avenue and Beverly. Finally, he noted that the RTC regional plan update includes a roundabout at Capitola Avenue and Bay Avenue and asked if any public discussion or hearing had been held. Director Grunow replied that he believes the project is only in the preliminary state, but Commissioner Graves and Chairperson Ortiz both encouraged a public hearing sooner than later.

Chairperson Ortiz asked that more detail or descriptions about locations for applicant properties be included on agenda descriptions when possible, especially for those changing use, to make identification easier.

**8. ADJOURNMENT**

Chairperson Ortiz adjourned the meeting at 8:20 p.m. to the regular meeting of the Planning Commission to be held on Thursday, June 5, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on June 5, 2014.

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Linda Fridy, Minute Clerk

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: June 5, 2014

SUBJECT: **138 Cabrillo St** **#14-071** **APN: 036-182-08**  
Fence Permit application with request for an exception to the required 5-foot setback for a 30-inch tall fence on a corner lot located in the R-1 (Single-Family Residential) Zoning District.  
This project is in the Coastal Zone but does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Owner: Austin Sherwood  
Representative: Chris Chambers, filed: 05/09/2014

### **APPLICANT PROPOSAL**

The applicant is proposing to construct a 30-inch tall fence along the front and side property lines of a lot located at the intersection of Cabrillo Street and Sir Francis Avenue. Corner lots are required to have a 5 foot setback for any fence. The applicant is requesting an exception to the required 5 foot fence setback.

### **BACKGROUND**

The applicant received approval of an administrative fence permit on May 1, 2014 for a fence along the side property line. The approved fence is 6 feet tall with a 2 foot lattice and is located behind the front façade of the home. The fence runs parallel to Sir Francis Avenue and is setback 5 feet from the property line. (Attachment A)

The owners recently purchased the property at 138 Cabrillo Street. They have a young child and dog that they would like to protect and enclose with a front yard fence. The owners feel that the 5 foot setback for fences on corner lots would reduce much of the front yard's recreation area. Due to this, the applicant applied for the fence permit exception on May 9<sup>th</sup>, 2014.

### **ARCHITECTURAL AND SITE REVIEW COMMITTEE**

Exceptions to fence standards do not require review by the Architectural and Site Committee.

### **DISCUSSION**

The site is located on the north-east corner of the Cabrillo Street and Sir Francis Avenue intersection. The property is zoned as R-1 (Single-Family Residential), and the immediate surrounding properties are also zoned R-1. Monterey Avenue Park is situated roughly 600 feet northwest of 138 Cabrillo St. (Attachment B) The new home owners desire to construct a fence on the property line along the corner of Cabrillo Street and Sir Francis Avenue (Attachment A). Due to the property being on a corner lot, specific fence-related regulations apply:

## Item #: 4.A. 138 Cabrillo St Staff Report.pdf

Municipal Code Section 17.54:

Corner Lots: *Fencing shall be set back at least five feet from the property line on that side of the lot which has the greatest length along the street*

In terms of 138 Cabrillo Street, the side of the lot with the greatest length along the street is Sir Francis Avenue. Any fence to be constructed along Sir Francis Avenue must be set back at least 5 feet from the property line.

Public Work's regulation for intersection site distance:

Corner Lot Line of Site: *A height no greater than 30" shall extend 20' on the minor street and 30' on the major street and along the driveway extending 15' along the property line*

According to Steve Jesberg, Director of Public Works, both Cabrillo Street and Sir Francis Avenue are considered "minor" streets; therefore, a fence can be no taller than 30" for the first 20' from the corner.

### **Fence**

The applicant is requesting an exemption from the required 5 foot setback along Sir Francis Avenue. Pursuant to Municipal Code section 17.54.020-B, the Planning Commission may approve alternative locations, height, and materials for fences. The proposal is for a 30-inch high fence to be located on the south-western corner of the property. The fence will be placed adjacent to the southern side of the driveway, and will wrap around the corner of the yard along the property line. The 30" high fence will then meet up with the existing 8 foot fence, which is setback 5 feet from side property line.

(Attachment A) There are no proposed landscaping alterations for the site.

The fence will be made out of 2"x2" Redwood pickets that are separated by 4" on center. The fence will use 4"x4" pressure treated posts for the siding, 2"x4" Redwood for the top and bottom, and a 2"x6" Redwood rail cap for the top railing. (Attachment A)

The Planning Staff supports the fence setback exception due to the minimal impact that it will have on the neighborhood.

### **CEQA REVIEW**

Section 15303-E of the CEQA Guidelines exempts accessory structures including garages, carports, patios, swimming pools and fences. This project involves construction of a fence subject to R-1 (Single Family Residential) zoning code section 17.15. No adverse environmental impacts were discovered during review of the proposed project

### **RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #14-071 based on the following Conditions and Findings for Approval.

### **CONDITIONS**

1. The project approval consists of construction of a 30 inch high 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, all Planning fees associated with permit #14-071 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. 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.
8. 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**

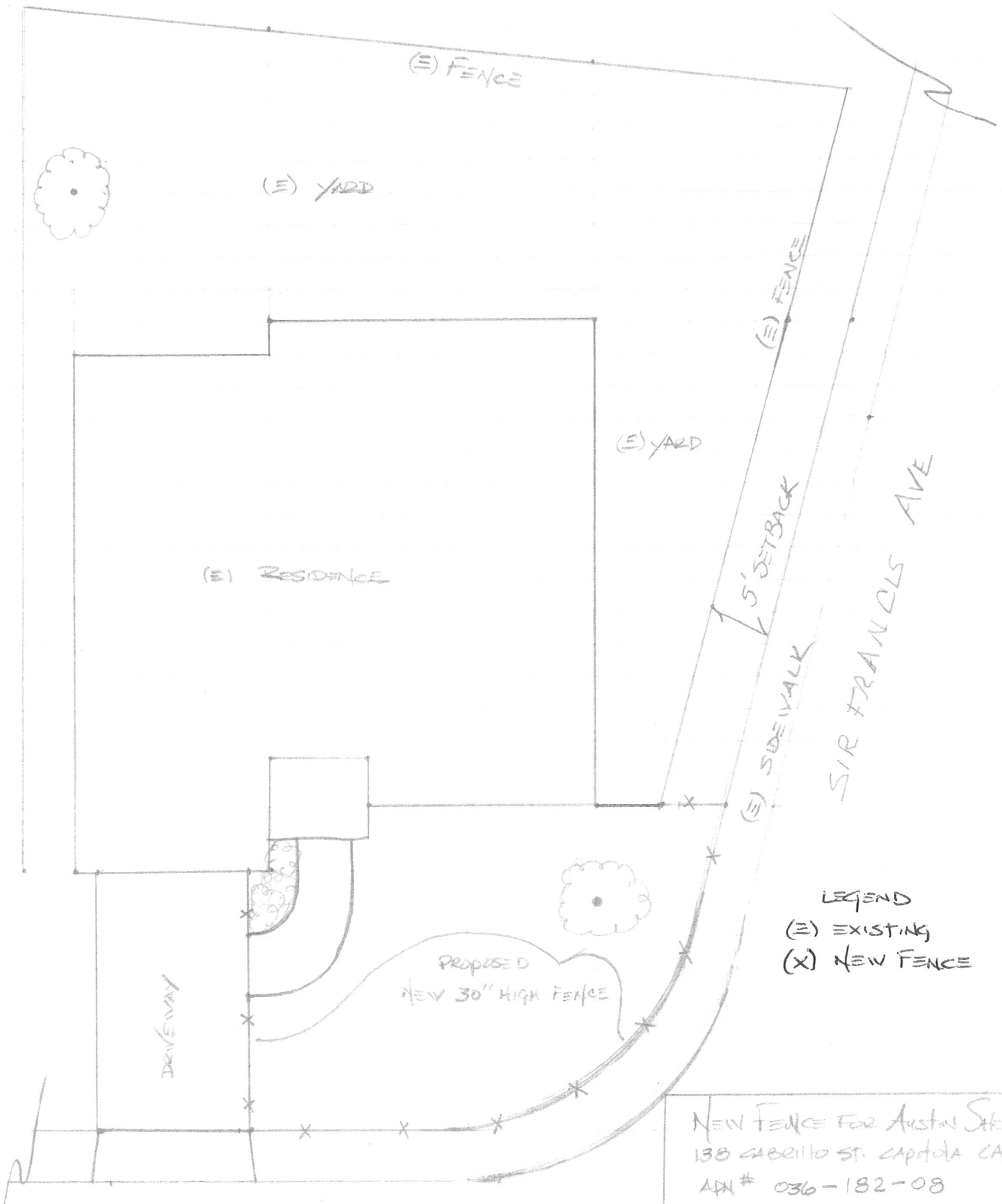
- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District. A setback 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 in the R-1(Single Family Residential) zoning district, just north of the Cabrillo Street and Sir Francis Avenue intersection. The project received a setback exception to the corner lot fence setback standard to maintain the character and integrity of the neighborhood. The proposed fence compliments the existing mix of fences in the neighborhood.
- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
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.

**ATTACHMENTS**

- A. Project Plans
- B. Location Map

**Report Prepared By:**

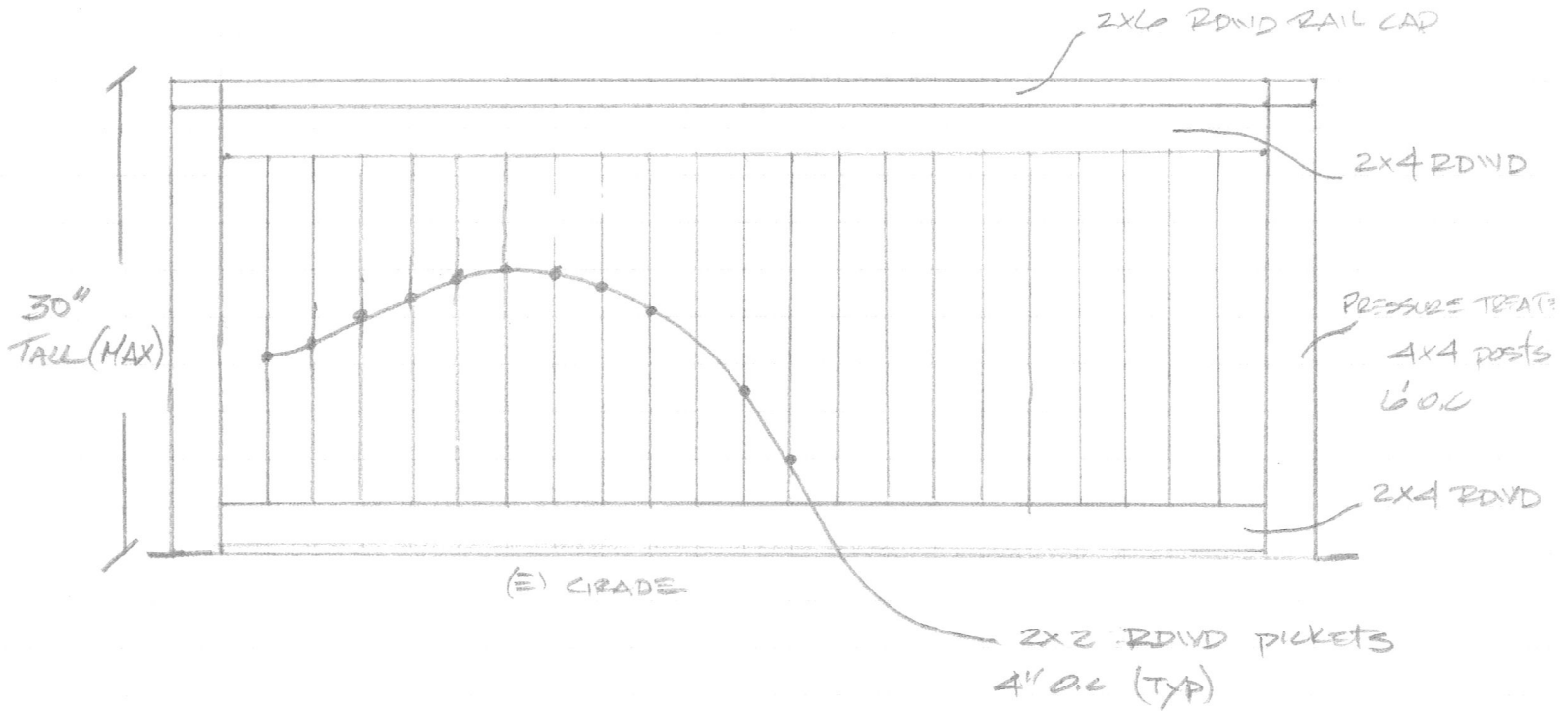
**Ryan Safty  
Assistant Planner**



LEGEND  
 (E) EXISTING  
 (X) NEW FENCE

NEW FENCE FOR Austine Street  
 138 CABRILLO ST. CAPITOLA CA  
 APN # 036-182-08  
 DRAWN BY: CHRIS CHAMBERS  
 DATE: 5/7/14

CABRILLO ST



NEW PROPOSED FENCING DETAIL @ 138 CARILLO ST

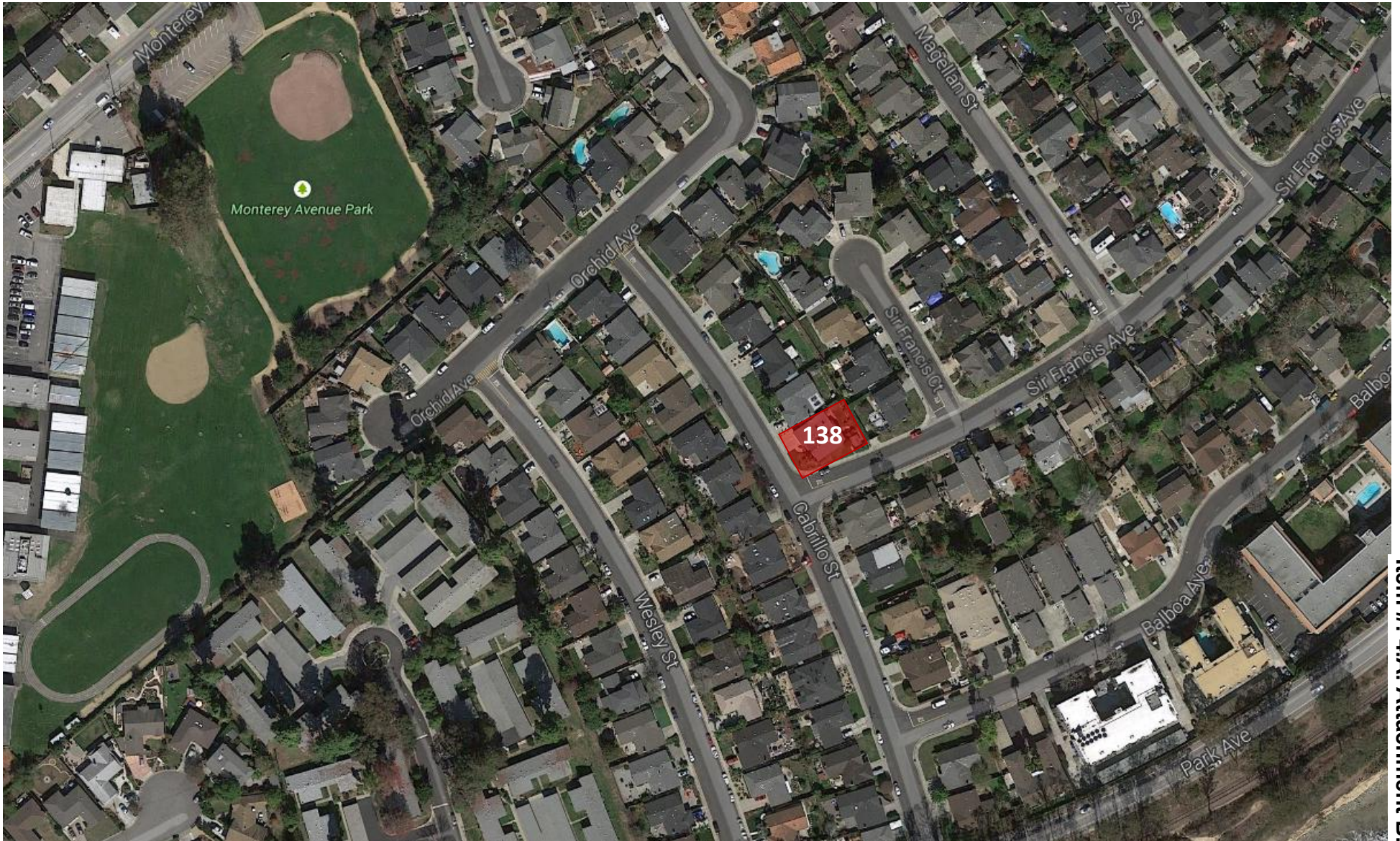
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138 Cabrillo St.

LOCATION MAP



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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JUNE 5, 2014

SUBJECT: **116 Stockton Ave. #14-074** **APN: 035-23-113**  
Conditional Use Permit for a new market with prepared food (Restaurant) and Sale of Alcohol (beer and wine) at 116 Stockton Avenue in the CV (Central Village) Zoning District.  
This project is located in the Coastal Zone but is exempt from a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: Rickey Felder  
Representative: Sholeh K. Westfall, filed 5/20/2014

### APPLICANT PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a market with sale of prepared foods (restaurant) and sale of beer and wine at the existing commercial building at 116 Stockton Avenue 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.

### DISCUSSION

The property is centrally located within the Central Village. The mixed-use building contains three commercial units on the ground floor along Capitola Avenue and one residential unit located within the second story. Stockton Avenue supports a mix of retail, restaurant, and personal service establishments.

The 975 square-foot commercial space was previously occupied by a wine tasting establishment. The proposal is for a neighborhood market that will sell food products that are made off-site, packaged, ready for purchase, and may be consumed on- or off-site. The proposed use is classified as a restaurant due to the proposed seating and ability to consume food and beverages on-site. The owner plans to have a selection of healthy foods including vegetarian options, meat and poultry sandwiches, salads, fruits, desserts, cheeses, olives, olive oils, and fresh bread. The new market will be limited to 6 seats to prevent intensification of the use. The proposed business hours are 7:00 a.m. to 7:00 p.m., seven days a week. The applicant is also seeking approval for sale of beer and wine that may be consumed onsite.

The applicant is not seeking a sign permit within this application. The applicant plans to replace the existing "It's Wine Tyme" lettering on the existing canopy with the new business name. The applicant will also place a sign in the window which will not exceed the 20% allowed by code. A sign permit is not required for window signs or replacing the lettering on the canopy.

### **Conditional Use Permit**

The applicant is requesting approval of a CUP for a restaurant 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 a restaurant 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 restaurant seating will be limited to 6 seats to ensure that the use of the site is not intensified and parking demand is not increased.

The applicant has submitted a management plan for the sale of beer and wine that may be consumed on or off site. The Chief of Police has reviewed the management plan and supports the application as presented within the plan. Additional conditions of approval have been added to ensure that the management plan is followed and the use does not evolve into a nightclub or bar. The California Department of Alcoholic Beverage Control (ABC) requires that a type 41 license of onsite sale of beer and wine must operate and maintain the licensed premises as a bona fide eating place. The applicant's proposal complies with the ABC's definition of a bona fide eating place.

### **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 restaurant use occupying an existing commercial space. No adverse environmental impacts were discovered during project review by Planning Staff.

### **RECOMMENDATION**

Staff recommends the Planning Commission approve application #14-074, subject to the following conditions and based upon the following findings:

### **CONDITIONS**

1. The project approval consists of a Conditional Use Permit to allow a market/restaurant with the sale of beer and wine within the existing commercial space located at 116 Stockton Avenue. No modifications to the exterior of the building are proposed.
2. Seating is limited to a maximum of 6 seats.
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 applicant shall receive permission from ABC prior to selling beer and wine. 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.
5. Sales and service of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m. seven days a week.
6. The sale of distilled spirits is prohibited.
7. There be no amplified audible entertainment inside the business that can be audible outside to the attached curb line in front of the business.

8. There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.
9. No dancing on the premises.
10. The applicant is required to complete and follow the Responsible Beverage Service (RBS) practices and procedures. Employees who serve alcoholic beverages are required to attend and complete L.E.A.D.S. training offered by the Capitola Police Department.
11. The establishment must maintain a valid license from the Alcohol Beverage Control.
12. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
13. Loitering will not be allowed on or in front of the premise.
14. A six month review of conditions shall be conducted. Additional conditions will be added as needed.
15. No happy hour type of reduced price alcoholic beverage promotion shall be allowed.
16. At all times when the premises are open for business the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
17. Sales, delivery and consumption of alcoholic beverages will be restricted to and within the confines of the building portion of the premises and sales or delivery of alcoholic beverages through any pass-out window is prohibited.
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
19. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
20. Trash shall not be emptied later than 8 pm. Trash collection times must be consistent with hours established for the Village.
21. The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
22. Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
23. The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects which may encourage loitering.

24. The licensee shall not sell and/or offer for sale or display any magazine, video, or other printed material which contains pictures depicting:
- Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  - Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
  - Scenes wherein a person displays the vulva or the anus or the genitals.
  - Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any other prohibited activities described above.
25. 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 business owner may be granted a conditional use permit for a market/restaurant with sale of beer and wine 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 new grocery/restaurant with the sale of beer and wine. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

## **ATTACHMENTS**

- A. Management Plan
- B. Building Floor Plan

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

# APPROXIMATE SITE PLAT/PLAN

File No 11-0306

Case No N/A

Property Address 114-118 Stockton Avenue

County Santa Cruz

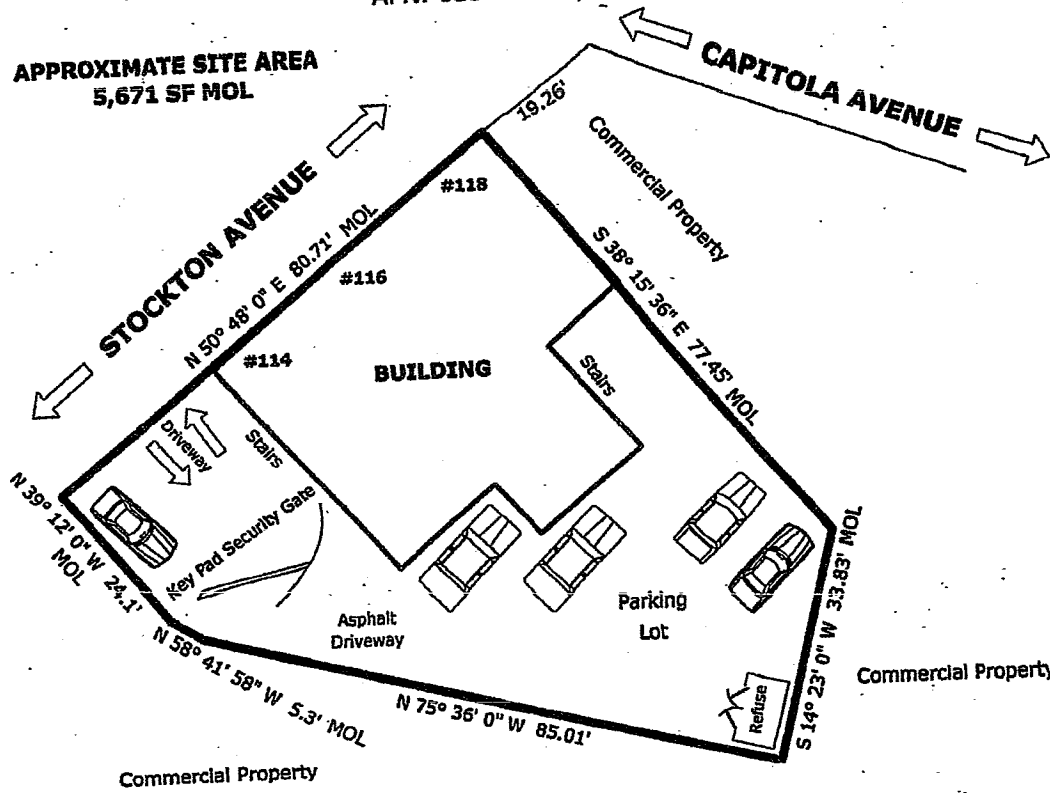
State California

Zip 95010

City Capitola

114-118 STOCKTON AVENUE, CAPITOLA, CA  
APN: 035-231-13

APPROXIMATE SITE AREA  
5,671 SF MOL



Scale: 1 = 24

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY		Net Size	Net Totals
GBAI	First Floor	2120.0	2120.0
SITE	Subject Site	5671.41	5671.41
Net BUILDING Area		(rounded)	2120
Net SITE Area		(rounded)	5671

BUILDING AREA BREAKDOWN			
First Floor			221.6
0.5 x	19.3 x	23.0	80.8
0.5 x	11.6 x	13.9	67.4
	1.4 x	46.3	315.3
	8.7 x	36.3	314.7
0.5 x	23.0 x	7.7	24.6
0.5 x	6.4 x	11.9	59.3
0.5 x	10.0 x	4.9	10.0
0.5 x	4.1 x	13.9	526.8
	38.0 x	1.7	1.2
0.5 x	1.4 x	1.4	0.9
0.5 x	1.2 x	10.3	44.9
0.5 x	8.7 x	10.3	44.9
0.5 x	8.7 x	9.1	35.0
0.5 x	7.7 x	14.2	86.3
0.5 x	11.9 x	4.9	193.5
	39.7 x	13.9	80.8
0.5 x	11.6 x	5.8	14.2
0.5 x	4.9 x		
18 Items			(rounded) 2120

PAUL D. MILLER & ASSOCIATES INC.

APEX SOFTWARE 800-858-0058

Page 1 of 2

Apr7100-w Apex Media

PAUL D. MILLER AND ASSOCIATES, INC.

# BUILDING SKETCH

File No 11-0306

Case No N/A

Property Address 114-118 Stockton Avenue

County Santa Cruz

State California

Zip 95060

City Capitola

SUBJECT

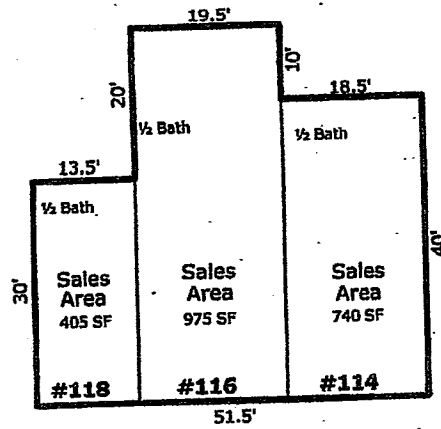
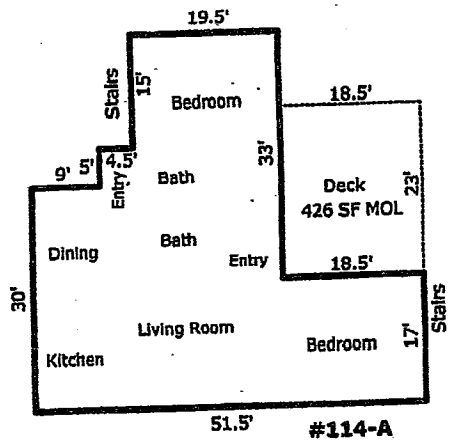
## 114-118 STOCKTON AVENUE, CAPITOLA, CA

APN: 035-231-13



**SECOND FLOOR**  
1,717 SF MOL

**FIRST FLOOR**  
2,120 SF MOL



← STOCKTON AVENUE →

Scale: 1 = 22

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	2120.0	2120.0
GBA2	Second Floor	1717.0	1717.0
P/P	Deck	425.5	425.5
OTH	#114 Retail	740.0	
	#116 Retail	975.0	
	#118 Retail	405.0	2120.0

BUILDING AREA BREAKDOWN			Area (Sq Ft)
Breakdown			
<b>First Floor</b>			
51.5	x	30.0	1545.0
10.0	x	38.0	380.0
10.0	x	19.5	195.0
<b>Second Floor</b>			
51.5	x	17.0	875.5
5.0	x	24.0	120.0
13.0	x	33.0	429.0
15.0	x	19.5	292.5

Net BUILDING Area (rounded) 3837 7 Items (rounded) 3837

**Address:** 116 Stockton Ave

**Name of Business:** Via Terra Takeaway

**Description of Business:** My idea is to sell food products that are packaged and ready to take out for a picnic on the beach, grill at a park or to eat in. A neighborhood store with healthy food options for people who care about what they eat on the go or on a relaxing weekend getaway. The food selection will be vegetarian, meat and poultry sandwiches, variety of marinated meat products, salads, fruits, deserts, assortment of cheese, olives, olive oils and bread products. The food will be prepared at a commercial kitchen facility to be sold at 116 Stockton. Think of it as a high-end specialty food store. In addition to non- alcoholic beverages I would like to sell local beers and wines.

**Hours of Operation:** 7 am to 7 pm during summer 6 days/week, Winter hours 10-7.

**Type of Alcohol License:** ABC Type 40 license for beer and wine with restaurant. On and off-site consumption

**Maximum number of Seats:** 6

**Explain how alcohol consumed on premise be monitored:** All alcohol will be located behind the counter. ID's will be checked. The staff will monitor any consumption onsite within the indoor seating.

**Are you planning to have amplified live entertainment:** No

**How will you manage noise associated with late services:** Restaurant will close at 7 pm. There is no entertainment or amplified music.

**How will you manage noise associated with recycling glass:** Last employee to leave by 8 pm. No recycling after 8 pm. I Will follow village regulations for pickup of glass.

**Alcohol Training Plan:** All employees will be trained to meet state training requirements for sale of alcohol. All necessary signs for liquor regulations will be posted.

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JUNE 5, 2014

SUBJECT: **203 Sacramento Avenue #14-064 APN: 036-125-03**  
**205 Sacramento Avenue #14-065 APN: 036-125-15**

Design Permit Amendment to modify exterior materials for two new single-family homes located in the R-1 (Single-Family Residential) Zoning District.  
Environmental Determination: Categorical Exemption  
This application does not require an amendment to the previously issued Coastal Development Permits.  
Property Owner of 203 Sacramento: Anna Cierkosz  
Property Owner of 205 Sacramento: Nick Cierkosz  
Representative: Anna Cierkosz, filed 5/2/14

### SUMMARY

The new owners of the single-family homes located at 203 and 205 Sacramento Avenue are requesting modifications to the previously approved Design Permits for a change to exterior materials. Pursuant to the original conditions of approval, any significant modifications to the exterior of the structure must be approved by the Planning Commission.

### BACKGROUND

The following timeline outlines the planning and building events for the new single-family homes located at 203 and 205 Sacramento Avenue:

August 2, 2012 Planning Commission approval of Design Permits for two single-family homes located at 203 and 205 Sacramento Avenue. (Attachment B)

November 30, 2012 Property Owner, Santa Cruz Capital, submits building plans for 203 and 205 Sacramento Avenue.

January 7, 2013 Planning staff approves building plans. The submitted building plans matched the Planning Commission approved plans.

February 20, 2013 Property Owner, Santa Cruz Capital, submits modification to building plans for 203 and 205 Sacramento Avenue. (Attachment C)

203 Sacramento Avenue modifications: Roof framing modification from hip to gable and modify window style to craftsman.

205 Sacramento Avenue modifications: Change second story exterior material from lap siding to board and batt, roof framing modification from

	hip to gable, remove rock wainscot from first story, and modify window style to craftsman.
March 5, 2013	Planning staff approves modifications to Building Plans.
July 23, 2013	Building Inspection: 203 Sacramento rough frame, mechanical, and plumbing – passed
July 31, 2013	Building Inspection: 205 Sacramento rough frame, mechanical, and plumbing – passed
August 2013	New owners purchase 203 and 205 Sacramento Avenue.
January 2014	New owner meets with planning staff to discuss process for modifying the design permit. Owner would like to remove rock wainscot on 203 Sacramento Avenue and install brick entry at 205 Sacramento Avenue. During the meeting, the new owner and staff realize that the second story siding installed at 203 Central is shingle and not the lap siding shown in the approved plans. Staff informs owner that a Design Permit Amendment must be approved by the Planning Commission to authorize requested modifications.
May 2, 2014	New owners submit complete application for desired modifications and to reflect the changes made by previous owner in field. (Attachment A)

### **DISCUSSION**

As outlined in the timeline above, the previous owner initially submitted building plans which reflected the Planning Commission approval and later received staff authorization to amend the building plans including modifications to the windows, roof, and exterior materials. The previous owner subsequently made additional, unauthorized field changes to the siding on the home at 203 Central Avenue.

The current application was submitted by the new owners of 203 and 205 Sacramento Avenue to amend the approved plans to reflect changes that were made in the field prior to their ownership and to request additional modifications for their preferred finishes. The owner of 203 Sacramento is requesting that second story shingles, as modified by the prior owner, be approved. She is also requesting authorization to remove the rock wainscot from the first story. The owner of 205 Sacramento Avenue is requesting approval of brick around the entryway of the new home.

The proposed modifications complement each of the building's form and design. The second story shingles on 203 Sacramento Avenue break up the façade and are a common exterior finish in the Depot Hill neighborhood. 203 Sacramento will have a finished look with stucco extending to the foundation on the first floor rather than the rock wainscot that was originally approved. The addition of bricks as an exterior finish at 205 Sacramento Avenue will create greater differentiation between the two homes and is a high quality material that fits within the neighborhood.

## **RECOMMENDATION**

Staff recommends approval of the exterior modifications to the design permit subject to the following conditions and findings:

## **CONDITIONS**

1. All previous conditions of approval of Design Permit #12-014 for 203 Sacramento Avenue and Design Permit #12-013 for 205 Sacramento Avenue continue to apply.
2. The applicant shall construct the single-family homes at 203 Sacramento Avenue and 205 Sacramento Avenue as approved by the Planning Commission on June 5, 2014, including any additional exterior modifications deemed necessary by the Planning Commission during the meeting. Prior to Certificate of Occupancy the Community Development Director or his designee must find that the buildings reflect the design permit, as amended by the Planning Commission on June 5, 2014.

## **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 Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. 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 Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the exterior modifications to the project. The exterior material is similar to other newer residences in the area therefore, the project's overall design will maintain the character and integrity of the neighborhood.

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

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

## **ATTACHMENTS**

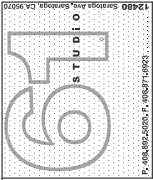
- A. 203 Sacramento Proposed Elevations
- B. 205 Sacramento Proposed Elevations
- C. 203 Sacramento August 2, 2012 Planning Commission Approved Plans
- D. 205 Sacramento August 2, 2012 Planning Commission Approved Plans
- E. 203 Sacramento March 5, 2013 Amended Building Plans
- F. 205 Sacramento March 5, 2013 Amended Building Plans

**Report Prepared By:**

**Katie Cattan, Senior Planner**

P:\Planning Commission\2014 Meeting Packets\06-05-2014\word\203 and 205 Sacramento Ave.docx

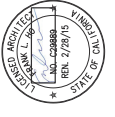
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Project:  
 Santa Cruz Capital  
 Mr. Peter Harnam  
 New Custom Homes  
 203 Sacramento Avenue  
 Capitola, CA 95010

Applicant/Owner:  
 Santa Cruz Capital  
 Mr. Peter Harnam  
 New Custom Homes  
 1860 45th Avenue  
 Capitola, CA 95010

Architect:  
 STUDIO 61 ARCHITECTS, Inc.  
 12480 Saratoga Ave.  
 Saratoga, CA 95070  
 T: (408) 882-2020  
 F: (408) 882-2020  
 Email: FRANK@STUDIO61.COM

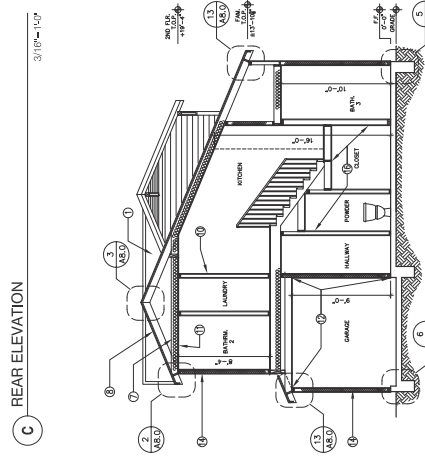
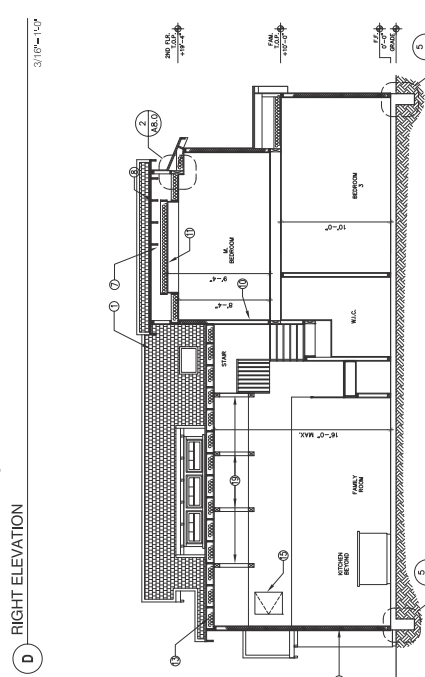
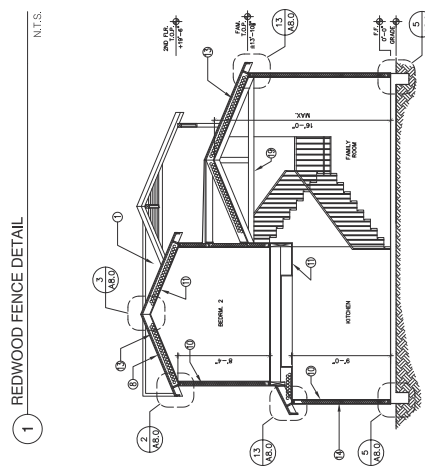
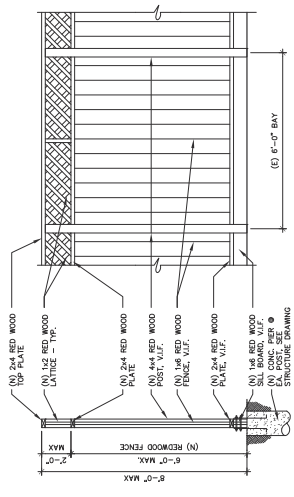
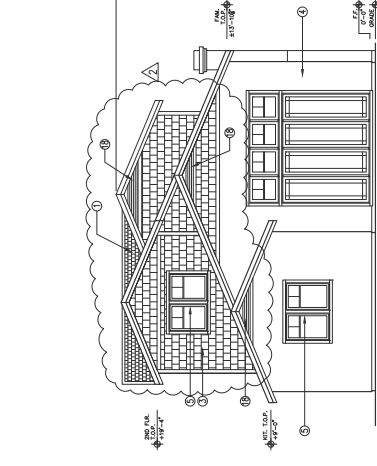
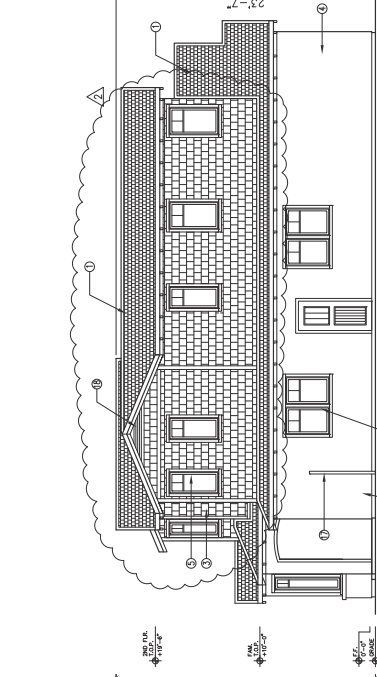
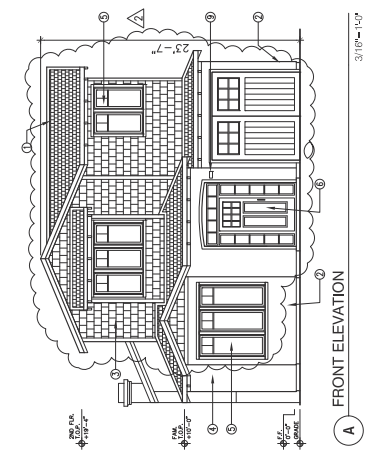
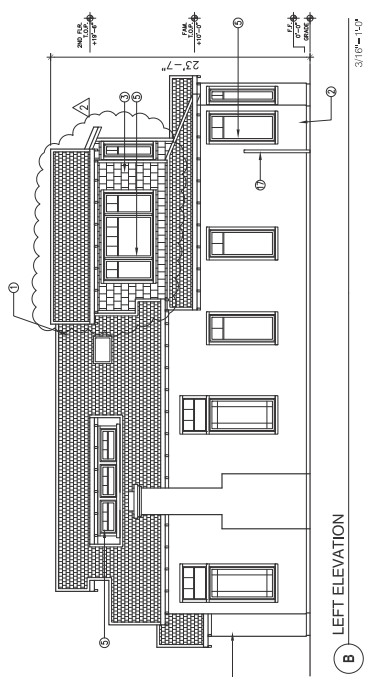


STRUCTURE ENGINEER:  
 HD DESIGN & ENGINEER  
 MORFAN HILL, CA 95037  
 T: (408) 865-8859  
 F: (408) 351-7463

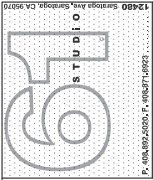
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Drawn By:	Date:
FILE:	1128A-203
Issue:	
Date:	1.26.2012
Sheet Title:	ELEVATIONS
Sheet No.:	

A3.1

- ELEVATIONS KEY NOTES:**
- ROOF TILE BY EAGLE ROOF, PRODUCT NAME CARSTRANO, COLOR SHARBE BLEND, PRODUCT No. 445
  - EXTERIOR WALL FINISH - STACCO STONE - PADOVA SPRING (NOT USED)
  - ALL SECOND FLOOR EXTERIOR FINISH ARE SIDING AND PAINTED WITH EARTH TONE COLOR.
  - DOOR EXTERIOR WALL, PAINTED WITH EARTH TONE COLOR.
  - ALL WINDOW AND PATIO DOOR SHALL BE MARGARD TUSGANT; WHITE FRAME, COLOR BROWN
  - ARCH WITH CENTER ARCH SOLIDUS; MATERIAL: OAK WOOD GRAIN FIBERGLASS
  - R-20 AT ALL ATTIC
  - COOL ROOF, PROVIDE ROOF SHEATING WITH RADIANT BARRIER
  - ALL WINDOW AND DOOR NUMBERING SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET AND CONTRAST WITH THEIR BACKGROUND.
  - SEE SEC. 205
  - R-13 AT ALL EXTERIOR WALL AND WALL BETWEEN GARAGE AND LIVING AREA.
  - SEE KEY NOTE #27 PAGE A2.1
  - ROOF TILE BY EAGLE ROOF, PRODUCT NAME CARSTRANO, COLOR SHARBE BLEND, PRODUCT No. 445
  - EXTERIOR WALL FINISH - STACCO STONE - PADOVA SPRING (NOT USED)
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  - DOOR EXTERIOR WALL, PAINTED WITH EARTH TONE COLOR.
  - ALL WINDOW AND PATIO DOOR SHALL BE MARGARD TUSGANT; WHITE FRAME, COLOR BROWN
  - ARCH WITH CENTER ARCH SOLIDUS; MATERIAL: OAK WOOD GRAIN FIBERGLASS
  - R-20 AT ALL ATTIC
  - COOL ROOF, PROVIDE ROOF SHEATING WITH RADIANT BARRIER
  - ALL WINDOW AND DOOR NUMBERING SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET AND CONTRAST WITH THEIR BACKGROUND.
  - SEE SEC. 205
  - R-13 AT ALL EXTERIOR WALL AND WALL BETWEEN GARAGE AND LIVING AREA.
  - SEE KEY NOTE #27 PAGE A2.1



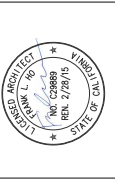
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Project:  
 Santa Cruz Capital  
 Mr. Peter Thaman  
 Mr. Hal Barron  
 New Custom Homes  
 205 Sacramento Avenue  
 Capitola, CA 95010

Applicant/Owner:  
 Santa Cruz Capital  
 Mr. Peter Thaman  
 Mr. Hal Barron  
 New Custom Homes  
 1860 45th Avenue  
 Capitola, CA 95010

Architect:  
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 12480 Saratoga Ave.  
 Saratoga, CA 95070  
 T: (408) 882-2020  
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 Email: FRANK@STUDIO67.COM

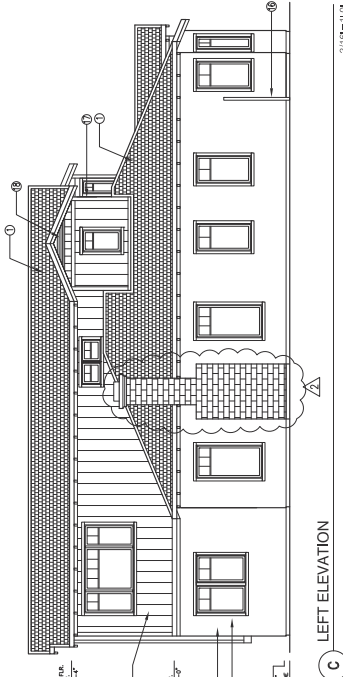


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 Morgan Hill, CA 95037  
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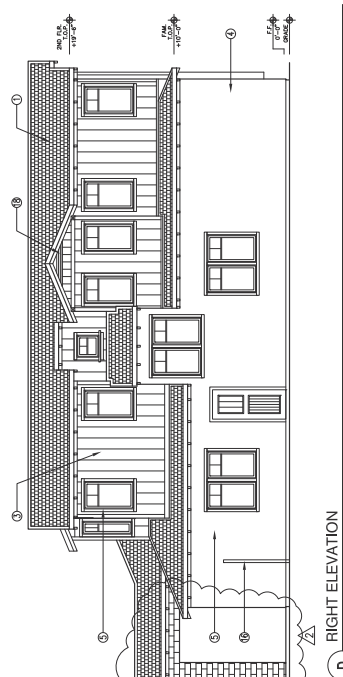
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Issue:	
Date:	1-28-2012
Sheet Title:	ELEVATIONS AND SECTION
Sheet No.:	A3.1

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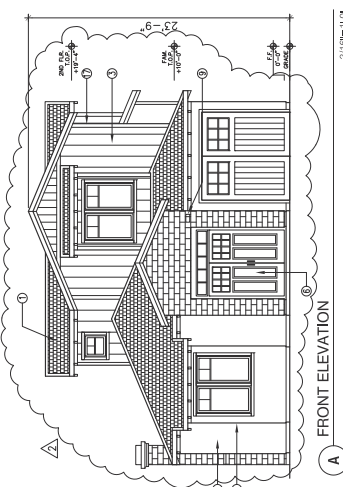
- 1 ROOF TILE BY EAGLE ROOF. PRODUCT NAME CARSTRANO, COLOR SUNRISE BLEND, PRODUCT NOT USED.
- 2 ALL SECOND FLOOR EXTERIOR FINISH ARE BOARD AND BATTEN SIDING AND PAINTED WITH STUCCO ON FIRST FLOOR EXTERIOR WALL.
- 3 ALL WINDOW AND PATIO DOORS SHALL BE BROWN LAMWOOD CENTER ARCH WITH CENTER ARCH FREERGLASS.
- 4 R-20 AT ALL ATTIC
- 5 COB. ROOF. PROVIDE ROOF SHEATHING WITH APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS AND LABEL FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CORRESPOND WITH THEIR SURROUNDING C/P SEC.
- 6 F. OYP. BR. AT ALL INTERIOR WALL
- 7 F. OYP. BR. AT ALL CEILING
- 8 TYPE 'X' OYP. BR. FROM SILL PLATE TO UNDERSIDE OF ROOF AT WALL BETWEEN ROOMS
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- 10 PROVIDE 1" TYPE 'X' OYP. BR. @ CEILING AND BETWEEN GARAGE AND LIVING AREA
- 11 PROVIDE 1" TYPE 'X' OYP. BR. @ CEILING AND BETWEEN GARAGE AND LIVING AREA
- 12 6"-12" HIGH REDWOOD FENCE
- 13 35# GABLE VENT TO PROVIDE VENTILATION FOR ROOF



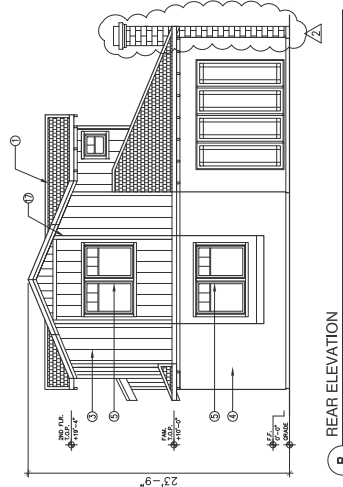
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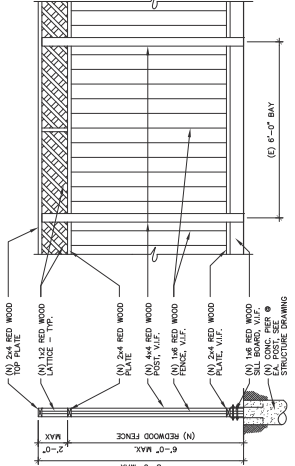
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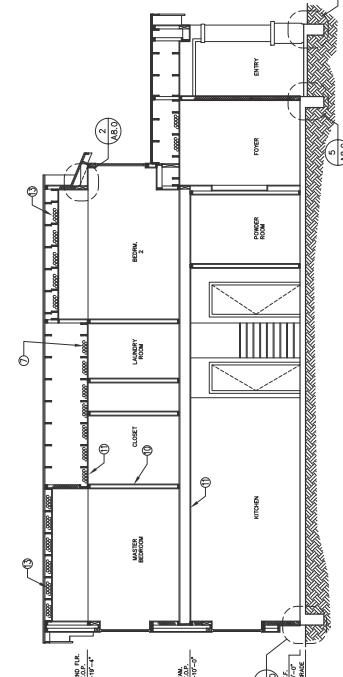
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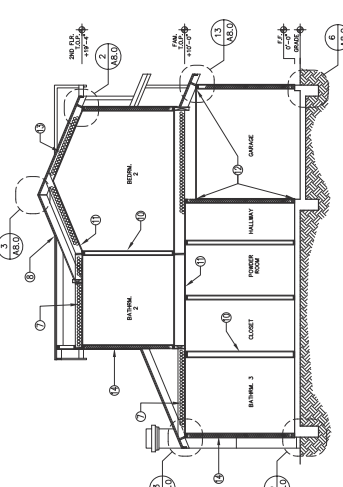
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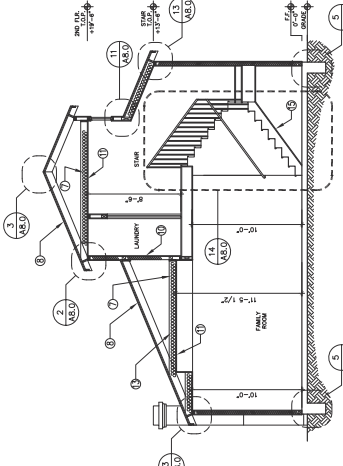
REDWOOD FENCE DETAIL



SECTION



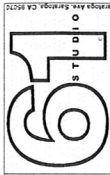
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SECTION

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P. 408.892.0265, F. 408.871.0923  
15400 Skyway, San Diego, CA 92127

Project:  
Santa Cruz Capital  
Mr. Peter Turman  
Mrs. Hui Jiang  
New Custom Homes  
Skyway at San Diego  
Capitola, CA 95010

Applicant/Owner:  
Santa Cruz Capital  
Mr. Peter Turman  
Mrs. Hui Jiang  
New Custom Homes  
1860 42nd Avenue  
Capitola, CA 95010

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15400 Skyway  
San Diego, CA 92127  
T: (408) 892-5520  
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Email: P.TURMAN@STUDIO61.COM

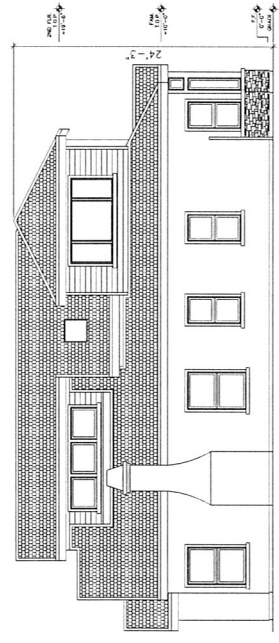
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HD DESIGN & ENGINEER  
1570 MISSION AVENUE  
MORGAN HILL, CA 95037  
F: (408) 852-7463



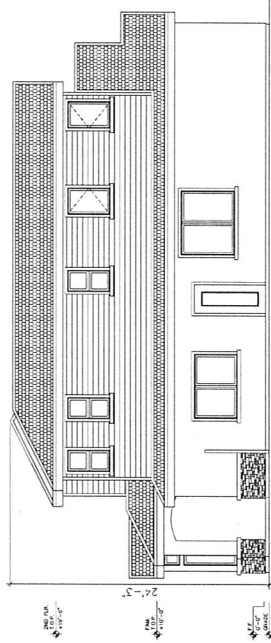
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File:	Issue:
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	Sheet Title:
	ELEVATIONS
	Sheet No.:

AS1

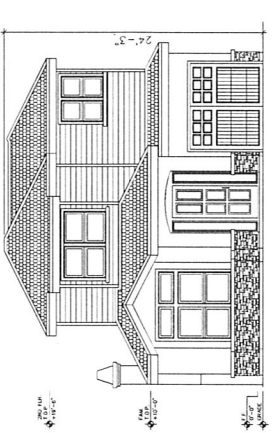
GENERAL NOTE  
1. ALL SIDING SHALL HAVE F O.P. ID.  
2. ALL CEILING SHALL HAVE F O.P. ID.  
3. ALL FIRST FLOOR EXTERIOR FINISH ARE SIDING AND PAINTED WITH...  
4. ALL SECOND FLOOR EXTERIOR FINISH ARE SIDING AND PAINTED WITH...  
5. BODY COVER WITH CERAMIC TILE...  
6. GARAGE FLOOR FINISH SHALL BE POLISHED CONCRETE...  
7. CEILING FINISH SHALL BE...  
8. ALL WINDOW AND PATIO DOOR SHALL BE MILDRED TUSCANY, WHITE...  
9. FRONT DOOR LEATHER RIVER DOORS LAKWOOD CENTERS ARCH WITH...  
10. CENTER ARCH SIDING, MATERIAL OAK WOOD GRAIN FIBERGLASS



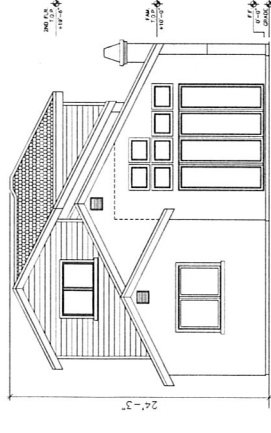
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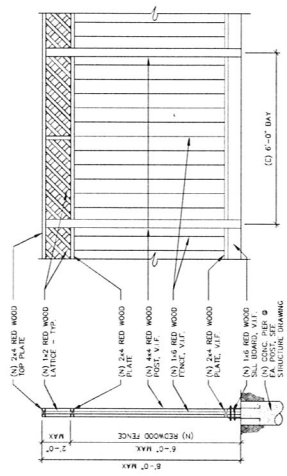
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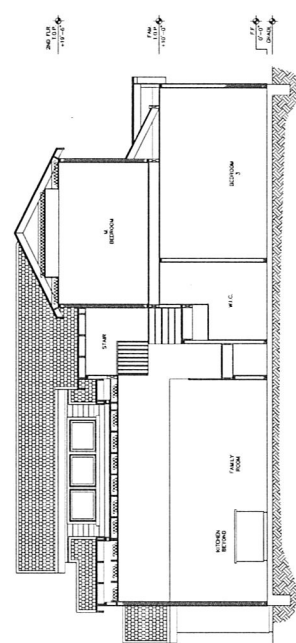
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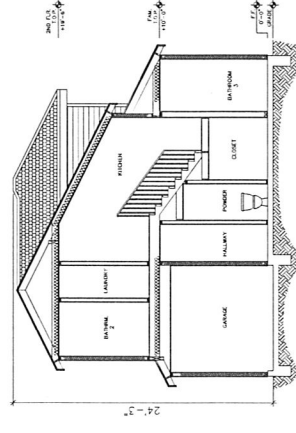
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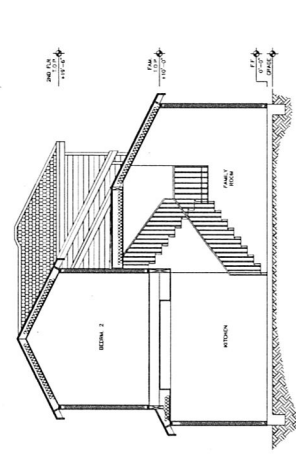
1 REDWOOD FENCE DETAIL



F SECTION



E SECTION

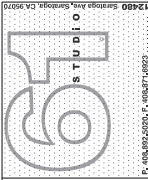


G SECTION

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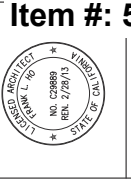
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Project:  
 Santa Cruz, Capital  
 Mr. Peter Hiltman  
 New Custom Homes  
 203 Sacramento Avenue  
 Capitola, CA 95010

Applicant/Owner:  
 Santa Cruz, Capital  
 Mr. Peter Hiltman  
 New Custom Homes  
 203 Sacramento Avenue  
 Capitola, CA 95010

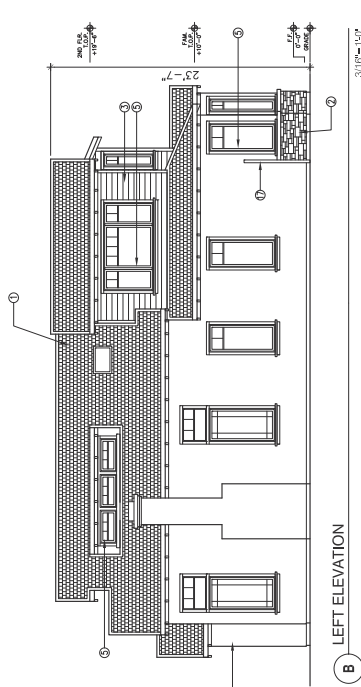
Architect:  
 STUDIO 61 ARCHITECTS, Inc.  
 12480 Saratoga Ave.  
 Saratoga, CA 95070  
 T: (408) 882-2020  
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 Email: FRANK@STUDIO61.COM



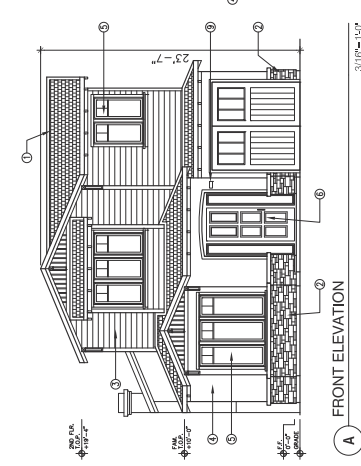
STRUCTURE ENGINEER:  
 HD DESIGN & ENGINEER  
 MORGAN HILL, CA 95037  
 T: (408) 605-8859  
 F: (408) 351-7463

NO. Revision	1
Building Comment	
Drawn By:	
Date:	
FR:	1128A-203
Issue:	
Date:	1.26.2012
Sheet Title:	ELEVATIONS
Sheet No.:	A3.1

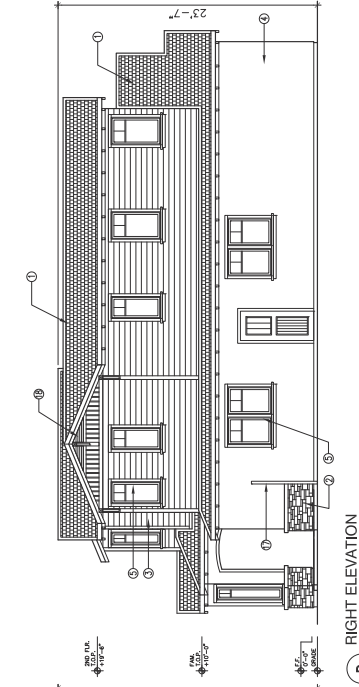
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- ROOF TILE BY EAGLE ROOF, PRODUCT NAME CARSTRANO, COLOR SHARISE BLEND, PRODUCT No. 445
  - ELDORADO STONE, STACKED STONE - PAGOOSA SPRING
  - ALL SECOND FLOOR EXTERIOR FINISH ARE SIDING AND PAINTED WITH EARTH TONE COLOR.
  - EARLY TONE COLOR.
  - ALL WINDOW AND PATIO DOOR SHALL BE MARGAD TUSGANT, WHITE FRAME, COLOR BROWN
  - ARCH WITH CENTER ARCH SOLUTES, MATERIAL: OAK WOOD GRAN FIBERGLASS
  - R-20 AT ALL ATTIC
  - COOL ROOF, PROVIDE ROOF SHEATING WITH RADIAN BARRIER
  - ALL WINDOW NUMBERS OR ADDRESS SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET
  - NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND.
  - R-13 AT ALL EXTERIOR WALL AND WALL BETWEEN GARAGE AND LIVING AREA.
  - SEE KEY NOTE #27 PAGE A2.1



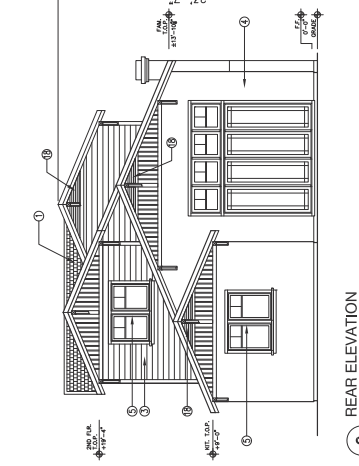
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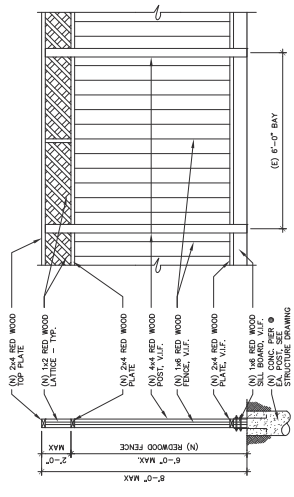
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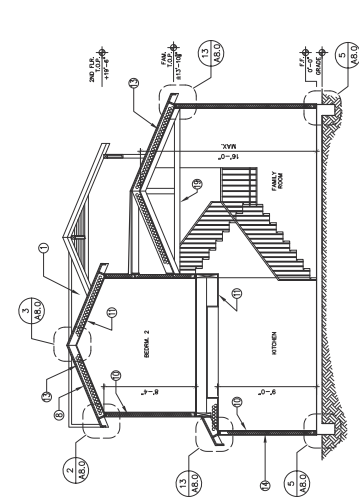
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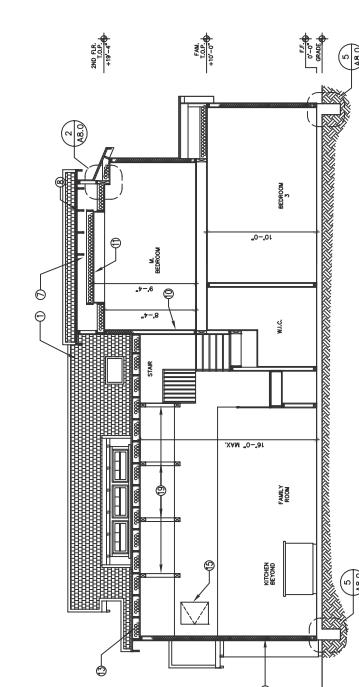
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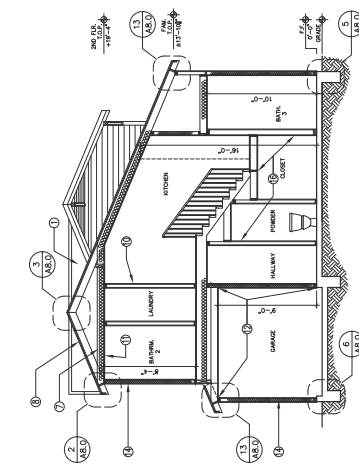
REDWOOD FENCE DETAIL



SECTION

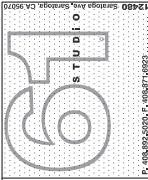


SECTION



SECTION

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Project:  
 Santa Cruz Capital  
 Mr. Peter Thaman  
 New Custom Homes  
 205 Sacramento Avenue  
 Capitola, CA 95010

Applicant/Owner:  
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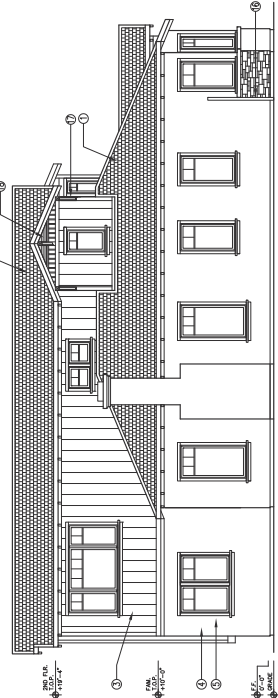


STRUCTURE ENGINEER:  
 HD DESIGN & ENGINEER  
 MORGAN HILL, CA 95037  
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A3.1

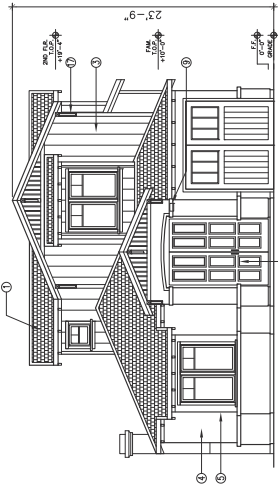
ELEVATIONS KEY NOTES:

- 1 ROOF TILE BY EAGLE ROOF. PRODUCT NAME CARISTRANO, COLOR SUNRISE BLEND, PRODUCT NOT USED.
- 2 ALL SECOND FLOOR EXTERIOR FINISH ARE BOARD AND BATTEN SIDING AND PAINTED WITH STAINED WITH EARLY TONE COLOR.
- 3 ALL WOODING AND PATIO FLOOR SHALL BE BROWN LAMWOOD CENTER ARCH WITH CENTER ARCH FREERIGLAS.
- 4 R-30 AT ALL ATTIC.
- 5 COB. ROOF. PROVIDE ROOF SHEATHING WITH APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS AND LABEL FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CORRESPOND WITH THEIR BACKGROUND. C/F SEC.
- 6 C/F OYP. BR. AT ALL INTERIOR WALL.
- 7 C/F OYP. BR. AT ALL CEILING.
- 8 TYPE 'X' OYP. BR. FROM SILL PLATE TO UNDERSIDE OF ROOF AT WALL BETWEEN ROOM AND GARAGE AND SECOND FLOOR LIVING ROOM.
- 9 TYPE 'X' OYP. BR. PROVIDE MIN. 1" AIR GAP BETWEEN INSULATION AND ROOF SHEATHING BETWEEN GARAGE AND LIVING AREA.
- 10 PROVIDE TYPE 'X' OYP. BR. CEILING AND BETWEEN GARAGE AND LIVING AREA.
- 11 TYPE 'X' OYP. OF ALL WALL OF USABLE AREA.
- 12 6"-12" HIGH REDWOOD FENCE.
- 13 35# GABLE VENT TO PROVIDE VENTILATION FOR ROOF.



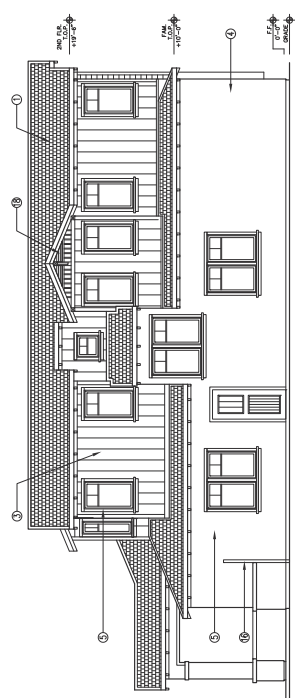
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3/16" = 1'-0"



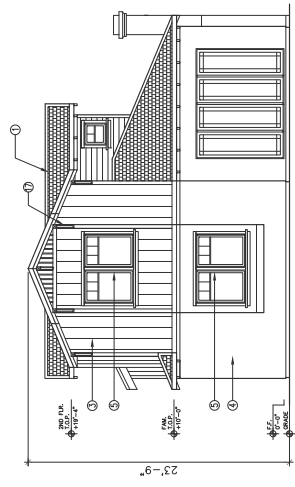
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3/16" = 1'-0"



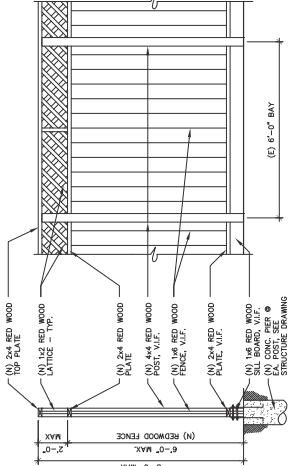
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3/16" = 1'-0"



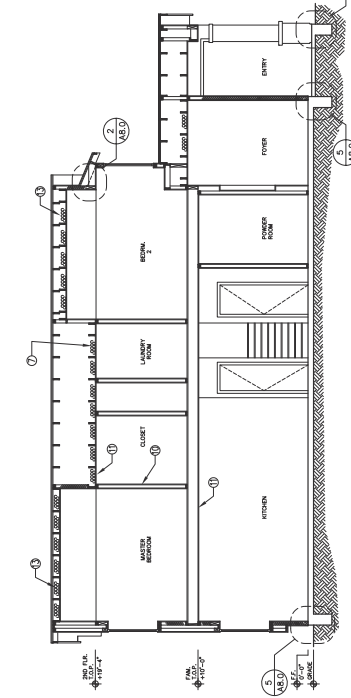
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3/16" = 1'-0"



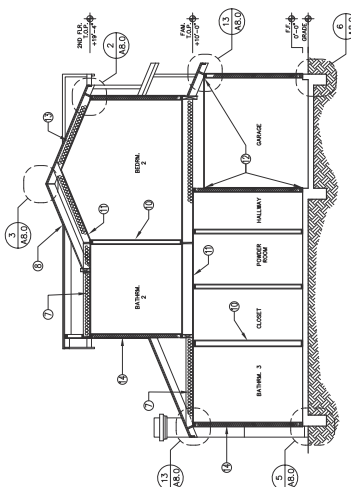
REDWOOD FENCE DETAIL

N.T.S.



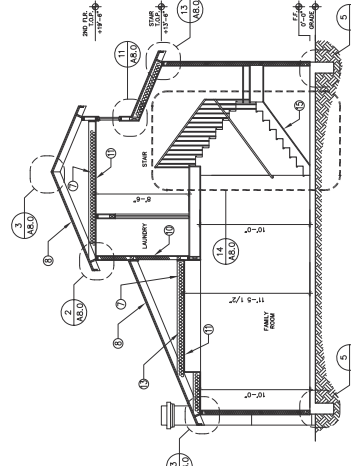
SECTION

3/16" = 1'-0"



SECTION

3/16" = 1'-0"



SECTION

3/16" = 1'-0"

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JUNE 5, 2014

SUBJECT: **401/403 Capitola Avenue #13-082 APN: 035-131-11**

Design Permit, Variance, Sign Permit, and Coastal Development Permit to demolish the existing duplex at 401/403 Capitola Avenue and construct a new two-story commercial building in the CN (Neighborhood Commercial) Zoning District and Floodplain District.

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

Environmental Determination: Categorical Exemption

Property Owner: Starley Moore, filed: 6/17/13

Representative: Derek Van Alstine

### APPLICANT PROPOSAL

The application under review is for a new commercial building at 401/403 Capitola Avenue. Charlie and Co., the local retail store currently located at 515 Capitola Avenue, will relocate into the new building. The plans include demolition of the existing duplex and construction of a new commercial building on the site. The project requires approval of a design permit, variance, sign permit, and coastal development permit by the Planning Commission. The project is located in the CN (Neighborhood Commercial) zoning district and the AE flood zone and therefore must comply with the development standards of the CN zone and the floodplain overlay district.

### BACKGROUND

The existing structure is currently in a dilapidated state due to impacts of the 2011 Noble Creek flood and a period of abandonment with lack of routine maintenance by a previous owner. Following the flood, the City Building Official condemned the structure primarily due to structural and electrical safety issues. The current owner purchased the property in its current state.

On January 8, 2014, the Architectural and Site Review Committee reviewed the application.

- City Design Representative Frank Phanton reviewed the application and stated support for a variance to achieve the proposed design.
- City Public Works Director Steve Jesberg reviewed the application and noted that locating a driveway on the site may require the existing crosswalk to be relocated. He informed the applicant that the new storm water regulations adopted by the state apply to the project. Also, any modifications to the driveway approach will require the sidewalk to be brought into compliance with ADA.
- City Building Inspector, Brian Van Son informed the applicant that further research is necessary to see if there is a code exemption to allow ADA parking requirement off-site. (Attachment E: ADA Code Exemption)

- City Historic Representative Carolyn Swift raised questions on whether or not the building is historic. She informed the applicant that the duplex was built in the 1920's and was once home of Capitola Realty. She requested that a Department of Parks and Recreation form (DPR 523) be completed to evaluate the historic significance of the property.

A historical and architectural evaluation of the property (DRP523) based on CEQA guidelines was completed by Franklin Maggi of Archives and Architecture. The purpose of the evaluation was to consider if the property meets the criteria for listing on the California Register of Historical Resources and therefore would be subject to CEQA regulations. The evaluation concluded that "the duplex potentially qualifies under Criteria 1 at the local level based on association with an important period of development, its contribution to that period within the larger urban setting, and its level of integrity to its historic period of construction which took place at least 90 years ago when Capitola was first evolving into a city." For the property to be considered a historic resource under CEQA, it must qualify for listing under Capitola's Historic Features Ordinance.

### Historic Determination

The duplex at 401/403 Capitola Avenue is listed on the Capitola Architectural Survey of 1986 but is not listed on National or State Historic Registers or the local Capitola Register of Historic Features. Any structures listed on 1986 Capitola Architectural Survey but not listed on the National or State register are potentially significant resources. Pursuant to section 17.87.010 of the zoning code, the Planning Commission may deem a feature historic if it can make any of the following findings:

- A. *That the potential historic feature evidences one or more of the following qualities:*
  1. *The proposed feature is particularly representative of a distinct historic period, type, style, or way of life,*
  2. *The proposed feature is an example of a type of building once common in Capitola but now rare,*
  3. *The proposed feature is of greater age than most other features serving the same function,*
  4. *The proposed feature is connected with a business or use which was once common but is now rare,*
  5. *The architect or builder is historically important,*
  6. *The site is the location of an important historic event,*
  7. *The proposed feature is identified with historic persons or important events in local, state, or national history,*
  8. *The architecture, the materials used in construction, or the difficulty or ingenuity of construction associated with the proposed feature are significantly unusual or remarkable,*
  9. *The proposed historic feature by its location and setting materially contributes to the historic character of the city,*
  10. *The proposed historic feature is a long established feature of the city,*
  11. *The proposed historic feature is a long established feature of the city, or is a prominent and identifying feature of the landscape and is of sufficient aesthetic importance to be preserved;*
- B. *That the designation, as an historic feature, will not deprive the owner of all reasonable use of his or her property;*
- C. *That after weighing the detriments of the designation to the owner against the value of the public interest in the designation, the designation is worthwhile. (Ord. 515 § 4 (part), 1982)*

Franklin Maggi, the historic consultant, suggested that the property "could" qualify under qualities 1,2,3,9,10, and 11, but that listing on the Register of Historic Features is a discretionary decision by the Planning Commission. If the Planning Commission makes a finding that the existing structure is not a local historic feature, the existing structure may be demolished without further CEQA review. If the Planning Commission decides that the structure is historic, the current application must be

continued and the current request for a demolition will require further CEQA analysis. Staff has included a finding within the current application that the existing structure is not a local historic feature.

The existing structure was constructed during the same period as the Old Riverview Historic District and is within the Riverview subdivision, yet is not within the historic district boundary. Also, the duplex was built during the H. Allen Rispin Era (1919-1936), but is clearly not of Spanish Colonial Revival or Mediterranean architectural themes featured by many Rispin era structures. Common architectural features of the Rispin era typically include modernized landscapes with the use of concrete, stucco, and tile within new buildings. The duplex lacks any of these characteristics. Moreover, the duplex is in severe disrepair and has been condemned since the flood in 2011.

**Site and Structural Data**

The property is located just north of the trestle and is the first property within the CN (Neighborhood Commercial) zoning district along Capitola Avenue. The area is characterized by a mix of uses including retail, offices, public facilities, and residential. The block has a mix of building forms and architectural styles. The older properties along the block are characterized by zero front and rear yard setbacks and little or no parking. There are a few structures within the block that have parking either within the first story of the home or in the front or side yard.

The following table outlines the requirements of the CN zone and how the application fits within some of the zoning requirements. The applicant is seeking a variance for parking and front and rear yard setbacks.

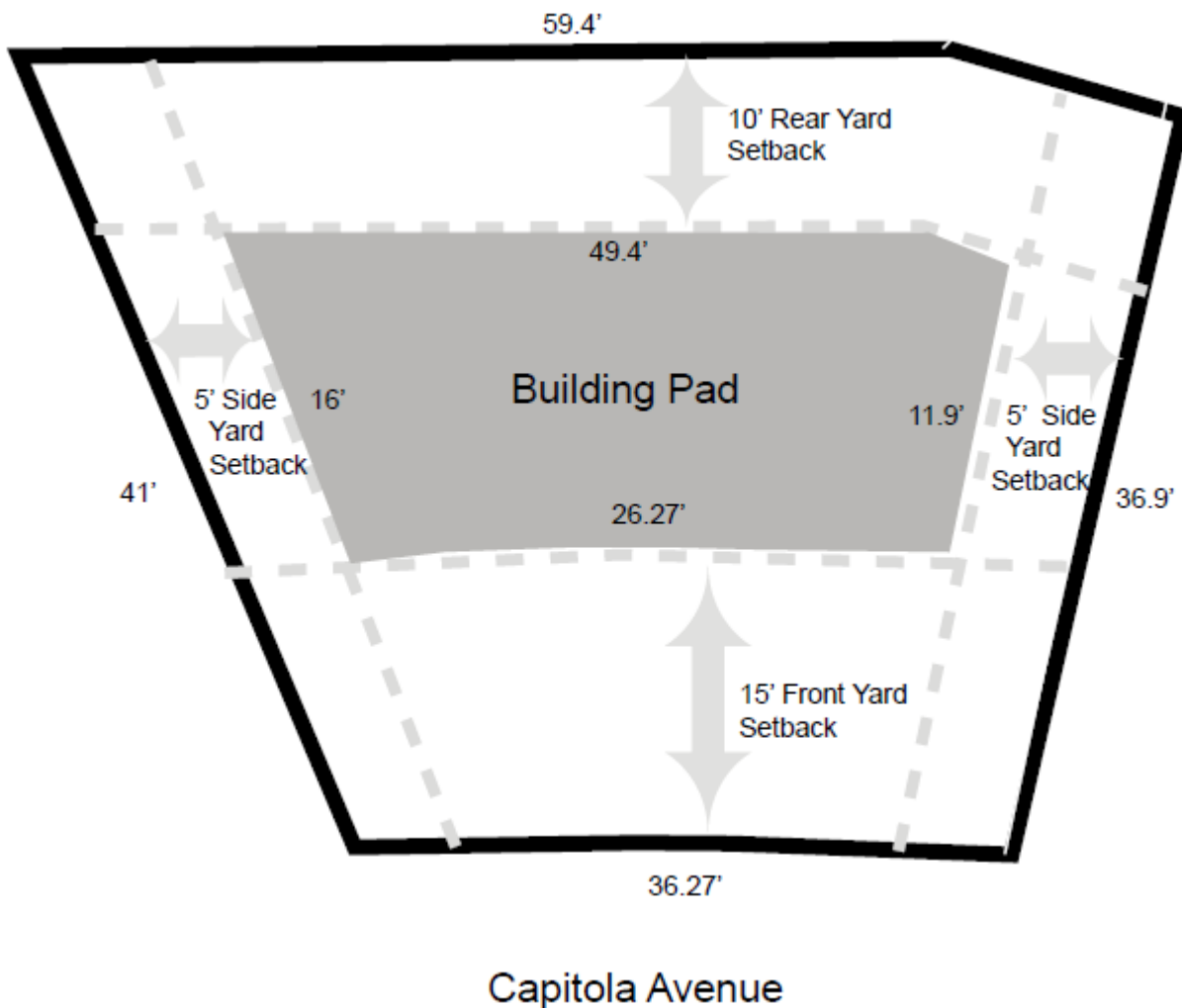
Site Specifications		Existing	Proposed
<b>Lot Area</b>			1,776 square feet
<b>Floor Area of 1<sup>st</sup> Story</b>		1,080 square feet	916 square feet
<b>Floor Area of 2<sup>nd</sup> Story</b>			199 square feet
<b>Total Floor Area</b>		1,080 square feet	1,115 square feet
<b>CN Zone Regulation</b>			
<b>Height</b>	27 feet max		
<b>Setbacks</b>			24.75 feet, complies
<b>Front yard</b>	Allow for a 15-foot landscape strip	5 feet Non-conforming	8 feet <b>Variance Requested</b>
<b>Side yard</b>	10% of the lot width for the first floor (5') and 15 % of the lot width for the second floor (8').	8 inches Non-conforming	6.66 feet on 1 <sup>st</sup> floor 8 feet on 2 <sup>nd</sup> floor <b>Complies</b>
<b>Rear yard</b>	For commercial development all rear yards adjacent to residential areas will provide a ten-foot landscape strip and solid masonry wall to protect the adjacent residential development. Rear yard for residential development shall be twenty percent of the lot depth (8').	1 foot Non-conforming	1' <b>Variance Requested</b>
<b>Parking</b>	Commercial Requirement: 3 uncovered spaces and 1 van accessible. Parking spaces shall not be in the front yard landscape area.	None Non-conforming	<b>Variance Requested for allowance of offsite parking</b>

**Design Permit**

The applicant is proposing a new Commercial Building at 401/403 Capitola Avenue which requires approval of a design permit by the Planning Commission. The new building has a front gable with a rear tower element in the north-west corner. The front façade has a full width front porch oriented toward Capitola Avenue. Decorative elements of the front porch include chamfered posts and ornate bracing. French doors are centered on the front façade with 2 large double hung windows on either side. Exterior finishes include fiber cement board lap siding, wood trim, aluminum clad windows, and a galvanized metal roofing. The building is sited differently than the existing zero front yard duplex. The new commercial building will be setback from the sidewalk to accommodate planters and the front porch.

**Variance**

Along Capitola Avenue, the CN zoning district extends from the trestle to Pine Street. Between 401 and 431 Capitola Avenue the lot depths vary tremendously, as shown in Attachment C. The lots within this block range from 20 feet to 87 feet in depth. The lots further north on Capitola Avenue within the CN district remain consistent with depths of 90 feet or greater. The lot at 401/403 Capitola Avenue has an average depth of approximately 38 feet and a frontage width of 40 feet. The rear property line is approximately 59 feet in width due to a triangular wedge located adjacent to the trestle. The lack of depth within the lot creates challenges for setbacks and parking.



### *Setbacks*

The applicant is requesting a variance for the required front and rear yard setbacks. The zoning ordinance requires a 15 foot landscape strip in the front yard. A rear yard with a ten-foot landscape strip and solid masonry wall is required for commercial development adjacent to residential. The applicant is requesting a front yard setback of 8 feet and a rear yard setback of 1 foot.

### *Parking*

Parking is also a challenge due to the shallow lot depth and no parking allowed in the front yard. The design requires 4 parking spaces on the site. To accommodate the parking, the first story would be a garage with the commercial building on the second story. This design would be inconsistent with the existing streetscape and the City's desire to enhance the pedestrian experience along Capitola Avenue.

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

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

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

- 1. The property is located in the 400 block of Capitola Avenue. This block lacks the typical depth of a Neighborhood Commercial lot of approximately 100 feet. The lot has an average depth of 38 feet. Requiring strict adherence to setback and on-site parking requirements would deprive the property owner of a privilege enjoyed by the majority of properties within the vicinity.
- 2. The site has never had onsite parking. Strict adherence to on-site parking requirements would require a first-story garage with second-story commercial. A two-story design with a ground level garage would not be in keeping with the character of the 400 block of Capitola Avenue.
- 3. The proposed project would not result in an increased parking demand from existing conditions.. The existing duplex requires 4 parking spaces, 2 uncovered and 2 covered. The proposed commercial building would also require 4 spaces.

### **SIGN PERMIT**

The application also includes a wood sign centered on top of the porch roof above the entryway. The sign is 1 ½ feet tall by 8 ½ feet long. Three goose necks lights will be attached to the roof above the sign to direct light onto the sign.

### **FLOODPLAIN DISTRICT**

The site is located in a Special Flood Hazard Area (SFHA) which is classified as an AE Flood Zone by FEMA. A no rise study letter was conducted by a certified engineer which found that the new structure would not impact the flood way. (Attachment D) The flood way is the channel of a stream plus any adjacent floodplain area that must be kept free of encroachment so that a 100 year flood event (1% annual chance) can be carried without substantial increase in flood height.

### **COASTAL PERMIT**

Within the issuance of a Coastal Permit, the following finding is required:

*§17.46.090(D)23(h): No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.*

The new use will not increase the required parking. The project does not result in additional parking demand.

### **CEQA REVIEW**

Section 15303(c) of the CEQA Guidelines exempts the construction of a commercial building within an urbanized area under 10,000 sf. This project involves construction of a new commercial building within the CN (Neighborhood Commercial) 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 new 1,115 square-foot commercial building. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 5, 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. 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 #13-082 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 plans for the new commercial building. The project conforms to the development standards of the CN (Neighborhood Commercial) Zoning Districts with the granting of a variance for setbacks and parking. 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 application for the new commercial building. The Planning Commission has granted a variance for setbacks and height to maintain the character and integrity of 400 block of Capitola Avenue within the CN Zoning District. This block is defined by commercial and residential properties with limited parking and setbacks. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed design compliments the existing streetscape in the neighborhood in use, mass and scale, materials, height, and architecture. The Planning Commission finds that the existing structure at 401/403 Capitola Avenue is not a local historic feature and may be demolished.

**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 15303(c) of the CEQA Guidelines exempts the construction of a commercial building within an urbanized area under 10,000 sf. This project involves construction of a new commercial building within the CN (Neighborhood Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

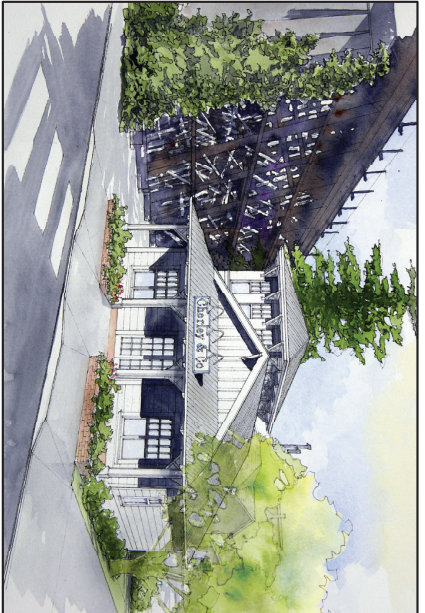
**ATTACHMENTS**

- A. Project Plans
- B. DPR523
- C. Aerial of lot depths along Capitola Avenue
- D. No Rise Letter
- E. ADA Letter
- F. Coastal Findings

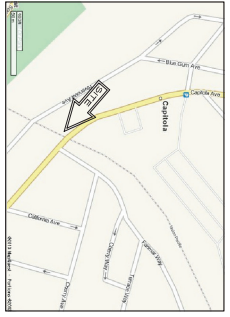
**Report Prepared By:           Katie Cattan  
Senior Planner**



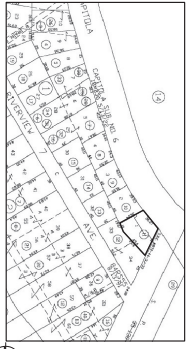
# CHARLEY & COMPANY



VICINITY MAP



PARCEL MAP



**BUILDING INFORMATION SUMMARY**

**PROJECT DESCRIPTION:** DEMOLITION OF EXISTING SINGLE STORY BUILDING WITH NO PARKING ON SITE. CONSTRUCTION OF A NEW TWO-STORY COMMERCIAL RETAIL BUILDING WITH FOUR PARKING SPACES ON SITE.

**PROJECT ADDRESS:** 401 CAPITOLA AVENUE, CAPITOLA, CA 95010

**PARCEL NUMBER:** 035-181-1-1

**ZONING DESIGNATION:** M

**OCCUPANCY CLASSIFICATION:** TPE-V-B

**CONSTRUCTION TYPE:** 1-776 SQ.FT.

**SETBACK INFORMATION:** FRONT YARD 1-776 SQ.FT. SIDE YARD 6'-0" / 8'-0" REAR YARD 1'-0"

**REQUIRED: PROPOSED:** 91.6 SQ. FT. 199 SQ. FT.

**PROPOSED FLOOR AREA:** 1,115 SQ.FT.

**FIRST FLOOR AREA:** 63%  
**SECOND FLOOR AREA:** 51.5% (91.6 / 1.776)

**TOTAL FLOOR AREA:** 27'-0"

**FLOOR AREA RATIO:** 24'-0"

**LOT COVERAGE (PROPOSED):** 3 UNCOVERED  
 1 VAN ACCESSIBLE  
 0 PARKING PROVIDED

**MAXIMUM BUILDING HEIGHT PERMITTED:** 24'-0"

**MAXIMUM BUILDING HEIGHT PROPOSED:** 24'-0"

**PARKING (PROVIDED OFF-SITE):** 0 PARKING PROVIDED

**CODE NOTE:** THESE PLANS CONFORM TO THE 2013 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND FIRE (C) CODE STRUCTURAL ENGINEERING SHALL CONFORM TO AMENDMENT BY THE STATE OF CALIFORNIA.

**CONTACTS**

**OWNER:** STAVERT YACHTS  
 1100 MAIN STREET, SUITE A  
 CAPITOLA, CA 95010  
 PH: (831) 724-5989

**PROJECT DESIGNER:** DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.  
 716 SOQUEL AVENUE, SUITE A  
 SANTA CRUZ, CA 95062  
 PH: (831) 426-6446  
 FAX: (831) 426-6446

**STRUCTURAL ENGINEERS:** ELLEN COOPER & ASSOCIATES  
 512 WINDSOR STREET  
 FELTON, CA 95019  
 PH: (831) 426-6245  
 FAX: (831) 426-6245

**LANDSCAPE ARCHITECT:** ELLEN COOPER & ASSOCIATES  
 512 WINDSOR STREET  
 FELTON, CA 95019  
 PH: (831) 426-6245  
 FAX: (831) 426-6245

**ENERGY COMPLIANCE:** AREA TITLE 24  
 VINETTE SERRIUS  
 1000 MAIN STREET, SUITE A  
 CAPITOLA, CA 95010  
 PH: (831) 335-7446  
 FAX: (831) 335-7446

**SUPERVISOR / CIVIL ENGINEER:** LUIGI BEALUZ  
 2225 VINTAGE ST #3  
 FELTON, CA 95019  
 PH: (831) 472-8625  
 FAX: (831) 472-8625

**GEOTECHNICAL ENGINEER:** ROCK EARTH ENGINEERING  
 1000 MAIN STREET, SUITE A  
 CAPITOLA, CA 95010  
 PH: (831) 724-5989

**DRAWING INDEX**

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A4	SECTIONS
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<b>STRUCTURAL DRAWINGS</b>	
301	STRUCTURAL NOTES
302	FOUNDATION PLAN
303	FLOOR FRAMING PLAN & ROOFING PLAN
304	STRUCTURAL DETAILS
305	STRUCTURAL DETAILS

**DVRD**  
 DESIGN VERIFICATION & REVIEW DIVISION  
 PROFESSIONAL SEAL

**DEREK VAN ALSTINE**  
 RESIDENTIAL DESIGN INC.  
 716 SOQUEL AVENUE, SUITE A, SANTA CRUZ, CALIFORNIA  
 (831) 426-6443 PHONE (831) 426-6446 FAX

**CHARLEY & CO.**  
 401 CAPITOLA AVE.  
 CAPITOLA, CA. 95010



321 331

**STREET ANALYSIS**  
SETBACKS & OCCUPANCY  
BY ADDRESS



421 425 427 429

1 STREETSCAPE - SOUTH  
SCALE NONE

331 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 30 SPACES  
FRONT SETBACK: 0'-0" / 27'-4"  
SIDE SETBACKS: 0'-0" / 27'-4"  
REAR SETBACK: 5'-0"

401 CAPITOLA AVE. MULTI-FAMILY RESIDENTIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 5'-4"  
SIDE SETBACKS: 0'-0" / 5'-4"  
REAR SETBACK: 0'-0" / 11'-6"

403 & 405 CAPITOLA AVE. FIRE STATION  
OCCUPANCY: 2 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

407 CAPITOLA AVE. SINGLE FAMILY RESIDENTIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 22'-0" / 22'-0"  
SIDE SETBACKS: 2'-0" / 2'-0"

409 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 3 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 2'-3" / 2'-0"  
REAR SETBACK: 0'-0"

411 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 4'-0"  
SIDE SETBACKS: 0'-0" / 4'-0"  
REAR SETBACK: 0'-0"

413 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 23 SPACES  
FRONT SETBACK: 0'-0" / 2'-0"  
SIDE SETBACKS: 0'-0" / 2'-0"  
REAR SETBACK: 0'-0"

415 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 3 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

417 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

421 CAPITOLA AVE. HOSPITAL  
OCCUPANCY: 2 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

425 CAPITOLA AVE. TRANSITION/BUILDING  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

427 CAPITOLA AVE. MIXED USE  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

429 CAPITOLA AVE. MIXED USE  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"



409 411 413 415 417 419 421

409 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

411 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
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413 CAPITOLA AVE. COMMERCIAL  
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FRONT SETBACK: 0'-0" / 2'-0"  
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415 CAPITOLA AVE. COMMERCIAL  
OCCUPANCY: 3 SPACES  
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417 CAPITOLA AVE. COMMERCIAL  
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FRONT SETBACK: 0'-0" / 0'-0"  
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421 CAPITOLA AVE. HOSPITAL  
OCCUPANCY: 2 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
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REAR SETBACK: 0'-0"

425 CAPITOLA AVE. TRANSITION/BUILDING  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

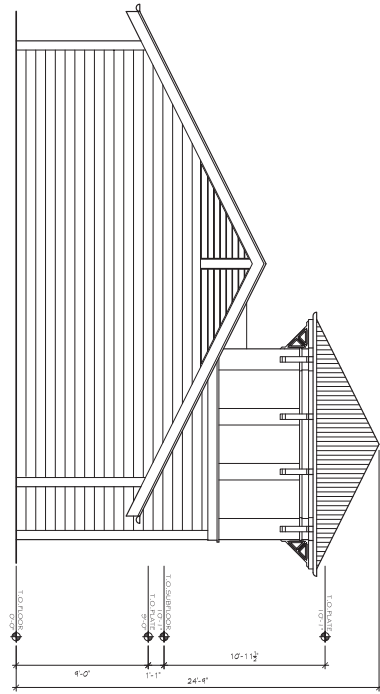
427 CAPITOLA AVE. MIXED USE  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

429 CAPITOLA AVE. MIXED USE  
OCCUPANCY: 0 SPACES  
FRONT SETBACK: 0'-0" / 0'-0"  
SIDE SETBACKS: 0'-0" / 0'-0"  
REAR SETBACK: 0'-0"

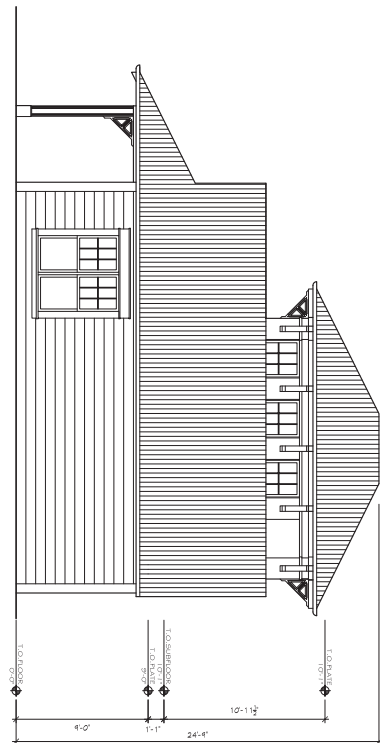
<p>DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA (831) 426-9943 PHONE (831) 426-9945 FAX</p>	<p>DVRD REGISTERED ARCHITECT 1000 N. ZEPHYRUS AVENUE SANTA CRUZ, CA 95060</p>	<p>CHARLEY &amp; CO. 401 CAPITOLA AVE. CAPITOLA, CA. 95010</p>	<p>ISSUE: 14313-11 DATE: 05/23/14 DRAWN: JLD CHECKED: JLD DATE: 05/23/14 PROJECT: 14313-11 SHEET: 14313-11</p>
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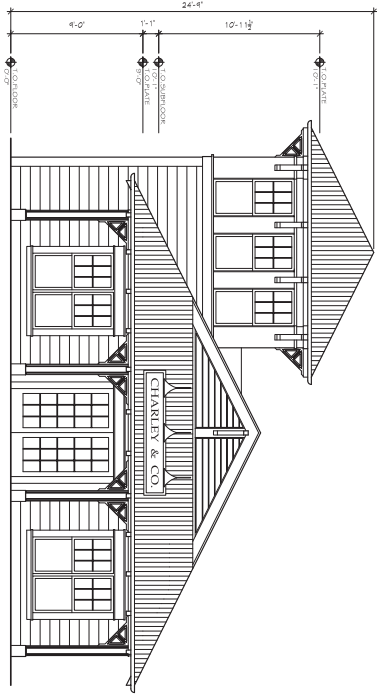
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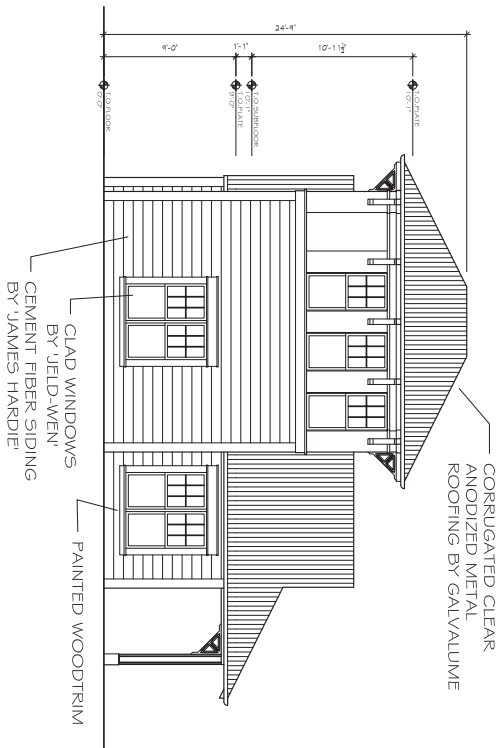
2 SOUTH ELEVATION  
SCALE 1/8"=1'-0"



1 WEST ELEVATION  
SCALE 1/8"=1'-0"



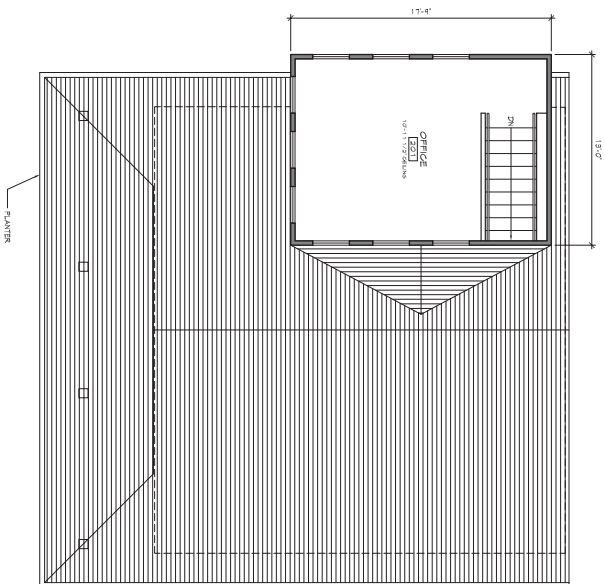
4 NORTH ELEVATION  
SCALE 1/8"=1'-0"



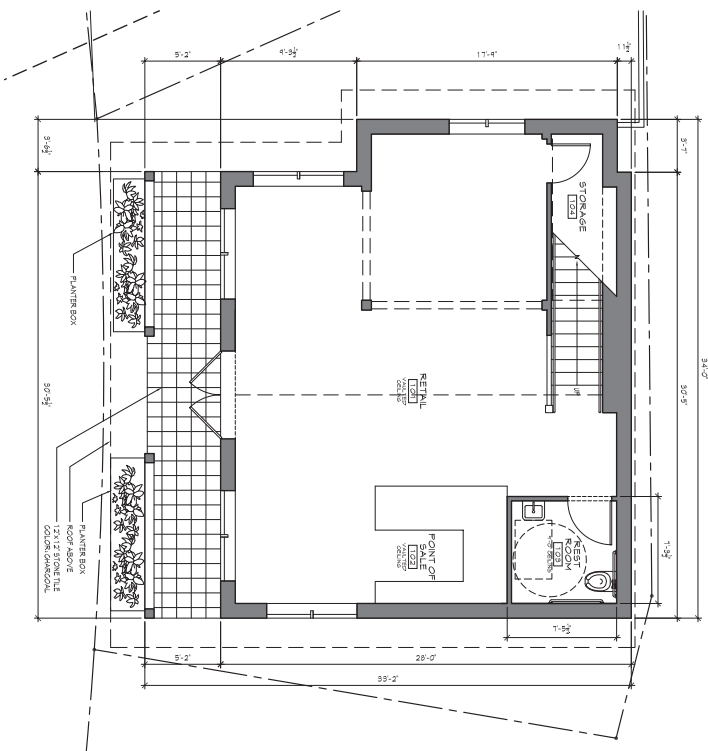
3 EAST ELEVATION  
SCALE 1/8"=1'-0"

5/24/2014 3:54 PM

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



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



A3  
FLOOR PLAN

ISSUE DESCRIPTION	DATE
REVISIONS	
DESIGN DEVELOPMENT	10/20/12
PERMITS	11/20/12
CONSTRUCTION	02/20/13
FINISHES	06/17/14
REVISIONS	

CHARLEY & CO.  
401 CAPITOLA AVE.  
CAPITOLA, CA. 95010

DVRD  
DESIGN  
ARCHITECTS

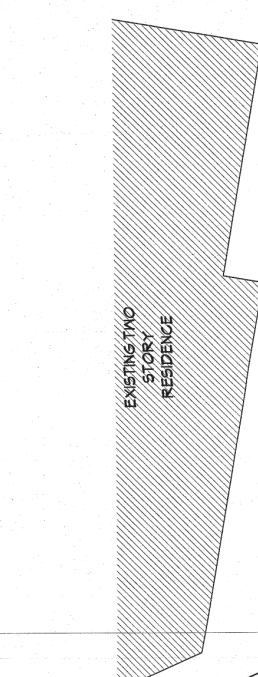
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA  
(831) 426-8443 PHONE (831) 426-8446 FAX

DATE	09-19-11
ISSUE DESCRIPTION	
SCHEMATIC DESIGN	MAY-2011
DESIGN DEVELOPMENT	
PLANNING PERMIT	JUNE-14-11
BUILDING PERMIT	
REVISIONS	

SHEET PLAN  
L1

Planting Notes

- PLANTING AREA PREPARATION**
1. Remove sodas soil amendments and ensure positive drainage away from all structures.
  2. Cultivate all planting areas to a minimum of 8".
  3. All planting and underground construction, all planting areas shall be fully protected from positive drainage. For existing topography or to drainage swales or structures.
  4. Existing plants to be saved shall be protected from injury.
  5. All plants to be saved shall be located within the drip line of any existing tree to be saved.
- QUALITY OF PLANT MATERIALS**
1. All plant material shall be nursery grown, healthy and free from disease and insect damage.
  2. Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no cost to the owner.
  3. Plants shall be protected from drying out, wind burn and injury during handling and storage.
- INSTALLATION**
1. Planting holes shall be as deep as the root ball and 3 times the width of the root ball.
  2. Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, aged chicken manure or other approved material.
  3. All trees shall be staked with 1" x 2" x 10' lodge pole pine tree stakes placed outside the root ball and secured with rubber tree ties.



Legend

Common Name	Size	Quan
Red-leaved Peppermint Tree	15GC	2
Purple-leaved Smoke Bush	5GC	1
Variegated Pines	5GC	2
Salmon Dwarf Oleander	5GC	2
Pink Australian Fuchsia	5GC	3
Red-leaved Fringe Flower	5GC	3
Victoria Room	1GC	10
White Fern	1GC	10
Purple Star Flower	1GC	10
Meyer's Asparagus Fern	1GC	10
White Carpet Rose	25C	5
Purple Striped Bell Flower	1GC	4
Berkeley Sage	1GC	7
Hen and Chicks	1GC	10

Sym Botanical Name	
T1 Agrostis flexuosa	
S1 Cotinus coggygria 'Royal Purple'	
S2 Pteris 'Flaming Silver'	
S3 Nerium oleander 'Pete's Salmon'	
S4 Correa puchiana 'Pink Eye'	
S5 Lycopodium 'Pum Dangle'	
P1 Anemone 'Carmen's Grey'	
P2 Phlox subulata 'Holla Lovelace'	
P3 Phlox subulata 'Holla Lovelace'	
P4 Asparagus myosotis	
G1 Rosa 'White Flower Carpet'	
G2 Campanula poscharskyana	
G3 Carex tenuifolia	
G4 Echeveria elegans	

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

8/24/2014 9:12 PM

**IRRIGATION LEGEND**

- WATER METER
- HUNTER PRO 2 CONTROLLER WITH HUNTER SOLAR SENSITIVE SYSTEM WITH AUTOMATIC RAIN SHUT OFF DEVICE
- POINT OF CONNECTION (IRRIGATION MAIN TO WATER MAIN)
- FIBCO 925V REDUCED PRESSURE BACKFLOW PREVENTER PER MANUFACTURER'S SPECIFICATION
- IRRIGATION MAIN - SCHEDULE 40 PVC MIN. 1.5 BARS
- MAIN GATE VALVE
- HUNTER G5V ANGLE VALVE WITH ASSURER PRESSURE REGULATOR AND AN AG PRODUCTIONS WETTER IN VALVE BOX TOP OF BOX AT GRADE
- IRRIGATION LATERAL - SCHEDULE 40 PVC MIN. 1.2 BARS
- SCHEDULE 40 PVC 1/4" (ON THE DIAMETER OF THE PIPE), 117°C CONDUIT FOR CONTROLLER WIRES
- POLYETHYLENE PIPE (WITH 1/4" LINE ENTRIES (USING 1/4" HOLES) TIGHTEN WHEN NECESSARY)
- MILGARD SERIES 800 PRESSURE REGULATOR AFTER WATER METER (IF THE PRESSURE OVERLIES ON THE GUY WATER MAIN) RAINBOW QUICK COUPLER WITH LOCKING COVER

**IRRIGATION LEGEND**

THE LANDSCAPE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS, WATER PRESSURE AND THE LOCATION OF THE POINT OF CONNECTION FOR THE IRRIGATION MAIN FROM ANY DISCREPANCIES.

THE LANDSCAPE CONTRACTOR SHALL INSURE COMPLETE COVERAGE AND SHALL ADJUST ALL HEADS FOR PROPER PERFORMANCE AND UNIFORM COVERAGE.

THE LANDSCAPE CONTRACTOR SHALL INSTALL THE REGULATION CONTROLLER OVER THE JUNCTION BOX AND CONNECT TO ELECTRICAL SERVICE. THE CONTROLLER SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. BACKFLOW PREVENTION DEVICES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.

REMOTE CONTROL VALVES SHALL BE INSTALLED IN PLASTIC BOXES 1" ABOVE FINISHED GRADE WITH LOCKING LIDS MARKED IRRIGATION CONTROL VALVE LOCATED 12" ABOVE FINISHED GRADE. THE VALVE SHALL BE INSTALLED IN GRAVE OR DIRT AREAS WHENEVER POSSIBLE.

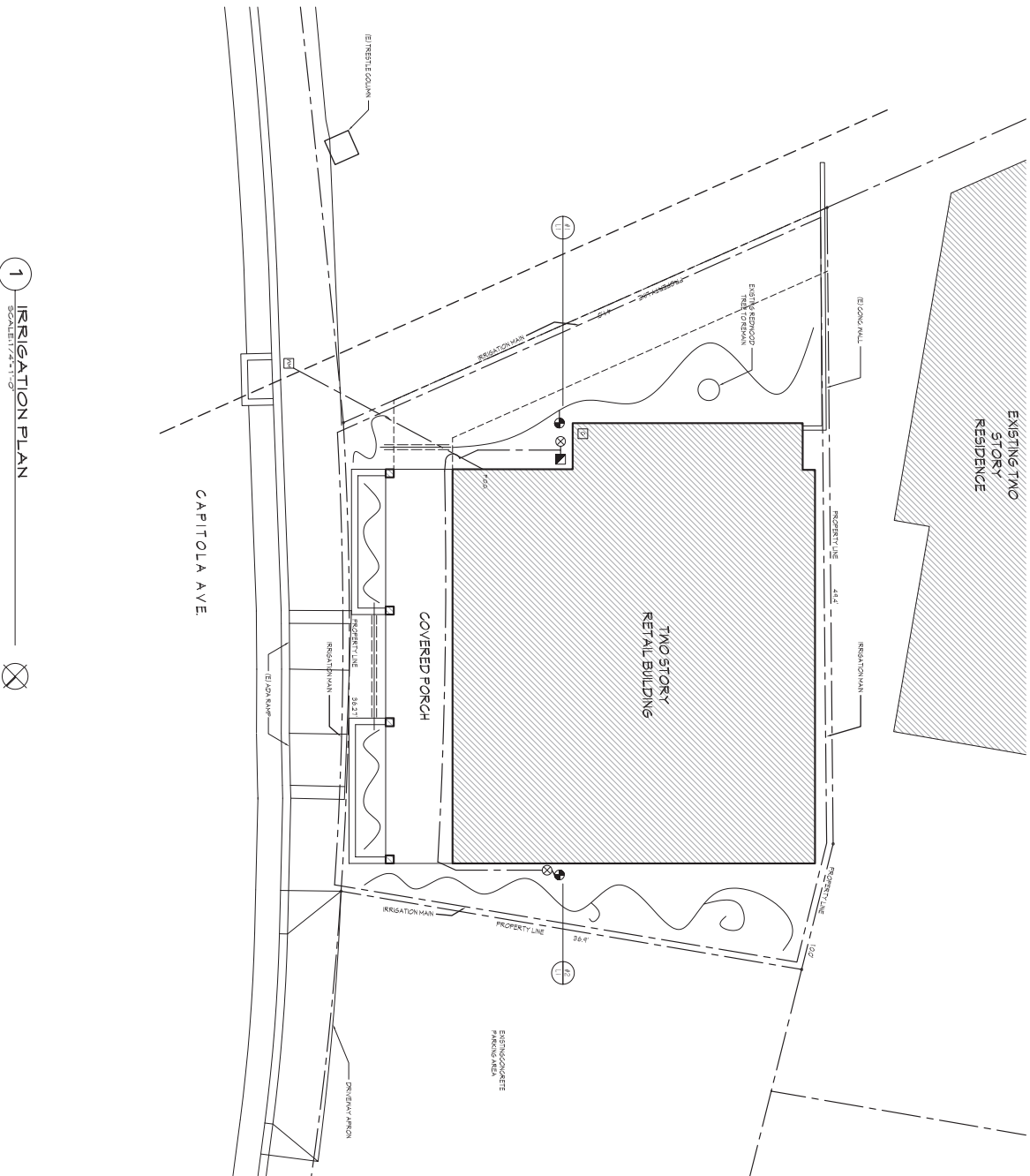
THE PIPING DIAGRAM SHALL BE CONSIDERED DIMENSIONAL ONLY. ALL ABOVE GROUND PIPING AND FITTINGS SHALL BE GALVANIZED.

DRAIN PRESSURE REGULATOR AND GUY FILTER SHALL BE INSTALLED IN RECTANGULAR PLASTIC BOXES 1" ABOVE GRADE.

THE ENTIRE DRAIN SYSTEM SHALL BE FINISHED PRIOR TO THE INSTALLATION OF ENTRIES. INSTALL DRAIN ENTRIES IN LINE (OR ON 1/4" TUBING AS NECESSARY) AT EACH PLANT AREA. FOLLOWING SCHEDULE DRAIN LINES SHALL BE BURNED 2" BELOW FINAL GRADE. STAKE DRAIN TUBES WITH V-SHAPED SPACES AT 4'-0" OC. INSTALL MANUAL FLUSH VALVES AT EVERY ENTRY.

**ENTRIES SCHEDULE:**  
 1/2 GALLON BENTERS 3 GALLON PLANT 2 - 1 GALLON ENTRIES  
 1/2 GALLON PLANT 3 - 2 GALLON BENTERS 2 GALLON PLANT 4 - 2 GALLON ENTRIES

**HYDROZONES:**  
 ZONE A LOW WATER USE FULL SUN  
 ZONE B LOW WATER USE PART SHAD  
 ZONE C LOW WATER USE PART SHAD  
 ZONE D MED WATER USE LAWN



1 IRRIGATION PLAN  
SCALE: 1/2" = 1'-0"

<p><b>CHARLEY &amp; CO.</b>                  401 CAPITOLA AVE.                  CAPITOLA, CA. 95010</p>	<p><b>DVRD</b>                  DESIGN VERIFICATION                  2025-10-14</p>	<p><b>DEREK VAN ALSTINE</b>                  RESIDENTIAL DESIGN INC.                  716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA                  (831) 426-8840 PHONE (831) 426-8848 FAX</p>
		<p>ISSUE DESCRIPTION                  2025-10-14-11</p>
		<p>DESIGNER                  2025-10-13</p> <p>CHECKER                  2025-10-13</p> <p>PLANNING/PERMITTING                  2025-10-13</p> <p>REVISIONS</p>

IRRIGATION PLAN

**L2**

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PO Box 1332  
San Jose CA 95109-1332  
408.297.2684 Office  
408.228.0762 FAX  
www.archivesandarchitecture.com

February 26, 2014

City of Capitola  
Community Development Department  
420 Capitola Avenue  
Capitola, CA 95010

RE: 401 Capitola Ave., Capitola  
APN #035-13-111

Attn: Katie Cattan, Senior Planner

Please find attached completed historic property recordation DPR523 forms prepared for the property located at 401 Capitola Ave., Capitola, California. The forms were prepared for the City's use in conjunction with a request for entitlements for this two-unit residential property.

This letter and the attached forms and sheets constitute an historical and architectural evaluation of the property, based on the significance statement made within the above referenced DPR523 forms, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) – Preliminary Review of Projects and Conduct of Initial Study, to determine the significance of impacts to potential historical resources according to section 15064.5 of the California Code of Regulations.

For the purposes of CEQA, our evaluation considers historical significance if a property meets the criteria for listing on the California Register of Historical Resources. Generally, properties that are at least 50 years old are considered historic and require some level of evaluation by the agency.

The attached DPR523 forms dated February 26, 2014, which we prepared, document the historic and architectural aspects of the property at 401 Capitola Ave. We reviewed both the historical context and property background of this property in the forms. Although historical research for the *ca.* 1925 time period does not confirm the build date for the duplex on this property, the use of historic maps and date recordation of the subdivision, combined with the character-defining features of the building itself, make it reasonable to assume that the duplex was built at that time.

The building does have integrity of original form and materials. The residential duplex was built during an important historic period of Capitola called the Rispin Era (1919-1940); the property is associated with that period in a thematic way. Known personages associated with the property however are not considered to be historically significant.

The property was previously surveyed as a part of the *1986 City of Capitola Architectural Survey*, and identified at that time as representative of traditional architectural styles within the Capitola Village area. It has not been recorded on any state or national registers. The City of

Capitola has developed and adopted a historic context statement that is used today as a part of the evaluation of historic properties within the planning program.

We indicated in the DPR523 forms that the property may qualify for listing on the California Register under Criterion 1 (Patterns and Events), as it represents the Rispin Era in a way that contributes to the larger historic context of Capitola and its development history during an important transitional period from its early founding as Camp Capitola.

Within the City of Capitola's adopted historic context statement, significant buildings are those that are directly related to Capitola's architectural chronology. Generally, properties constructed prior to World War II are considered to be contributors to the architectural character of the community. Those reflecting Capitola's eclectic style or character are considered to merit historical status, given a reasonable level of physical integrity to their original construction.

The residential duplex at 401 Capitola Ave., originally a part of residential development in the early to mid-twentieth century, is now in what is known as the Riverview Terrace neighborhood. As stated in the Draft Capitola General Plan, "The neighborhood contains a high concentration of historic homes, including many smaller cottages and bungalows. Many homes occupy small lots, with minimal setbacks and structures in close proximity to one another and the street. Narrow streets with on-street parking and no sidewalk contribute to a compact and intimate feel." The property at 401 Capitola Ave. has maintained integrity of its original character as an early building in the Riverview Terrace neighborhood, even though recently damaged by flooding.

The City of Capitola's Historic Features Ordinance (adopted in 1982) defines criteria for consideration of properties for the Register of Historic Features. The ordinance provides eleven possible qualities to be considered in making findings for such a determination:

1. The proposed feature is particularly representative of a distinct historic period, type, style, or way of life,
2. The proposed feature is an example of a type of building once common in Capitola but now rare,
3. The proposed feature is of greater age than most other features serving the same function,
4. The proposed feature is connected with a business or use which was once common but is now rare,
5. The architect or builder is historically important,
6. The site is the location of an important historic event,
7. The proposed feature is identified with historic persons or important events in local, state, or national history,
8. The architecture, the materials used in construction, or the difficulty or ingenuity of construction associated with the proposed feature are significantly unusual or remarkable,
9. The proposed historic feature by its location and setting materially contributes to the historic character of the city,
10. The proposed historic feature is a long established feature of the city,
11. The proposed historic feature is a long established feature of the city, or is a prominent and identifying feature of the landscape and is of sufficient aesthetic importance to be preserved.

An evaluation performed, according to the City of Capitola Historic Features Ordinance, indicates that the property could be considered a feature under the ordinance, based on qualities 1, 2, 3, 9, 10, and 11. Listing on the Register of Historic Features is a discretionary decision of the Capitola City Council.

Please let us know if you have any questions or receive comments that require our response.

Sincerely:

A handwritten signature in blue ink, appearing to read 'Franklin Maggi', is written in a cursive style.

Franklin Maggi, Architectural Historian

Attachments: DPR523 series forms

State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 12 \*Resource Name or #: (Assigned by recorder) 401 Capitola Avenue

P1. Other Identifier: 401-403 Capitola Ave., Capitola Realty Building

\*P2. Location:  Not for Publication  Unrestricted \*a. County Santa Cruz  
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Soquel Date 1954 photorevised 1994 T11S; R1W; Mount Diablo B.M.

c. Address 401 Capitola Ave. City Capitola Zip 95062

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 593155mE/ 4092490mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 035-131-11,  
 west side of Capitola Avenue, northwest of railroad trestle.

\*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This one-story duplex is an early Capitola residential rental property, built in the 1920s when the Village was first making the transition from Camp Capitola. The design is very modest, and represents in form and detailing Neoclassical influences applied to an otherwise vernacular building. The materials and ornament are consistent with early to mid-1920s construction. Neoclassical design for residences became popular during the first decade of the twentieth century, evolving parallel with Craftsman bungalows. Buildings associated with this style tend to feature classical details and more refined trim than their Craftsman counterparts, but they shared many materials in common. Following World War I, Neoclassical design influences in architectural detailing continued for some time, applied to both vernacular Craftsman houses and some of the Revival styles that became prevalent in communities throughout the United States during the 1920s (Continued on page 2, DPR523L)

\*P3b. Resource Attributes: (List attributes and codes) HP3. Multiple family property

\*P4 Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #)

View facing southwest, January 2014.

\*P6. Date Constructed/Age & Sources:  Historic  Prehistoric  Both

Ca. 1925/89 years old, Sanborn Fire Insurance Maps.

\*P7. Owner and Address:

Timothy L.  
 and Stanley B. Moore

\*P8. Recorded by: (Name, affiliation, and address)

L. Dill, F. Maggi & S. Winder  
 Archives & Architecture  
 PO Box 1332  
 San Jose CA 95109-1332

\*P9. Date Recorded: 2/26/2014

\*P10. Survey Type: (Describe)  
 Intensive

\*P11. Report Citation: (Cite survey report and other sources, or enter "none".)

None.

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling State Record  Rock Art Record  Artifact Record  Photograph Record  Other (List)

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 2 of 12

\*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update

*(Continued from page 1, DPR523a, P3a Description)*

Typical of a Neoclassical design, this residential building includes boxed eaves with classical corbels, gabled pediments over the entrances, and French doors. Historic materials include the lap siding, trefoil corner beads, and wood casement windows, doors, and trim.

The building faces nominally east (northeast) toward Capitola Avenue. It is set in a shallow, somewhat wedge-shaped parcel and borders the public sidewalk along the front façade. The building has narrow rear and north-side setbacks and a small yard planted with shrubs to the south side adjacent to the railroad trestle that looms high above, a landmark in the city. It has a low, compact mass with a generally square footprint. The moderately sloped roof is a full-depth side-gabled form with two small, gabled porticos that cantilever slightly, located above the symmetrical duplex entrances. The house rests at grade on what appears to be a concrete foundation, visible at the side elevations. The structure is single-wall, with battens visible on the interior.

As common for a building with Neoclassical influences, the eaves are moderate in depth and boxed with shallow eave returns at the corners and at the pediments. The eaves feature flat-board soffits and a narrow ogee border at the wall plane. Each of the front porticos features a segmented arch supported on ornamented corbels. The corbels step up into a boxed form beneath the eave returns. The walls are clad in wood lap siding that meets at a trefoil corner bead. The siding continues up into the gable ends and within the front porticos. The base of the residence is wrapped in a shallow wood watercourse. A recent brick wainscoting veneer was added to the northeast corner of the building. The roof is covered with non-original composite shingles.

Front entry to the units is through paired wood French doors symmetrically placed on the street façade. A centered 3x2-lite wood window accents the front composition. Each side elevation is not symmetrical, although each mirrors the other side. The lower levels of the two sides include side doors set slightly off-center; they are wood with high viewing lites above a single panel. Each side elevation also includes three paired 2x4-lite casement units; one to the front and two to the rear of the side doors. The windows on the north side have been boarded up; two of the windows on the south side have replacement windows.

The south side gable end features a paired casement window with 2x3-lite sash; this window opens to a small finished attic space. The north side has a smaller boarded up opening that most likely vented the north half of the attic. The rear elevation includes additional wood window units. Commensurate with the age of the residence, the window and door trim consists of flat-board side moldings and aprons.

INTEGRITY AND CHARACTER-DEFINING FEATURES:

After a recent flood, the building was "red tagged" by the City of Capitola as being structurally unsafe. The structural condition or potential rehabilitation of this building is not evaluated in this report; only the visual and historical integrity has been taken into account, and this remains generally intact. Within the context of historical analysis, the property maintains its integrity per the National Register's seven aspects of integrity. It maintains its original location in this mixed residential/commercial neighborhood of Capitola, near the center core (Village) of the city and adjacent to the historic trestle. It is surrounded by a mixed use setting, including surrounding houses or house conversions of similar scale and size; although many new buildings and second-story additions have been built in the neighborhood. The house retains its early-twentieth-century residential scale and feeling and continues, through its form and detailing, to illustrate its associations with identified historical patterns of vernacular development in the areas in and surrounding Capitola Village. The building has integrity with its vernacular Neoclassical design, including its symmetrical massing, boxed eaves, arched entry pediments, and casement windows. Other houses of this era have more elaborate representations of trim and workmanship; however, original character-defining materials have been preserved, including siding, windows, doors, and eaves.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
LOCATION MAP

Primary #  
HRI #  
Trinomial

Page 3 of 12

\*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Map Name: USGS Soquel 7.5 minute quadrangle \*Scale: n.t.s. \*Date of Map: 1994 photorevised



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

Primary #  
 HRI #

Page 4 of 12

\*NRHP Status Code 3CS

\*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

B1. Historic Name: None

B2. Common Name: 401-403 Capitola Ave.

B3. Original use: Two-family residential B4. Present Use: Mixed single-family residential/office

\*B5. Architectural Style: Neoclassical

\*B6. Construction History: (Construction date, alterations, and date of alterations)

Original construction ca. 1925.

\*B7. Moved?  No  Yes  Unknown Date: n/a Original Location: n/a

\*B8. Related Features:

None.

B9a Architect: Unknown

b. Builder: Unknown

\*B10. Significance: Theme Architectural Development Area Riverview Terrace neighborhood

Period of Significance 1925 Property Type Residential Applicable Criteria 1

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The residential duplex at 401-403 Capitola Ave., now vacant, was constructed sometime around 1925. Prior to this (during the first decade of the twentieth century and possibly later), the subject site was occupied by the large John Collins Livery Stable, which likely served visitors during the Camp Capitola period. The extant building that now sits on the subject site was likely constructed shortly following the subdivision of the surrounding area in May of 1922, and can first be seen on the 1927 Sanborn Fire Insurance Map. This area, to the west of Camp Capitola, developed with residential uses during the first half of the twentieth century.

Camp Capitola was founded in 1869 by Frederick Hihn on land that was formerly part of Rancho Soquel, 1,668 acres granted to Martina Castro Lodge in 1834. Hihn himself had little involvement in Camp Capitola until 1882, when he forced out lessees of the camp. The first subdivision maps were drawn in 1882; and by 1884, the seaside resort included a dance hall, shooting gallery, bowling alley and skating rink. Much of the beach and southern bluff had also been subdivided for home sites.

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) None

\*B12. References:

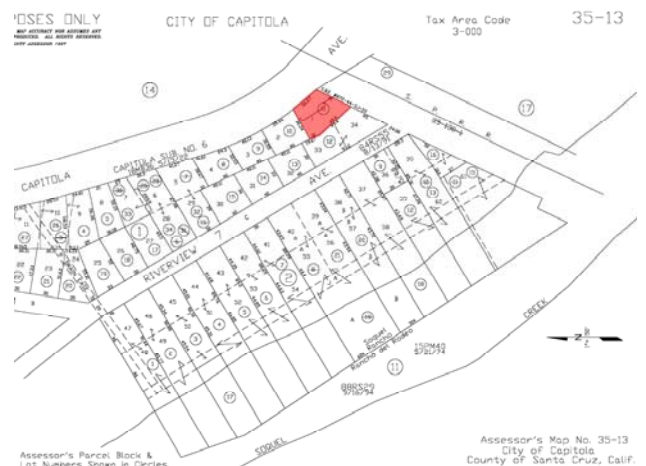
- Polk. R. L. Santa Cruz County Directory, 1902-1972.
- Sanborn Fire Insurance Maps, 1905, 1917, 1927, 1933.
- U.S. Federal Census, 1880-1940.
- Rowe & Associates. Capitola Architectural Survey, 1986.
- Santa Cruz County Clerk-Recorder, Deeds and Maps.
- Swift, C. Historic Context Statement for the City of Capitola, 2004.

B13. Remarks: Proposed demolition

\*B14. Evaluator: Franklin Maggi

\*Date of Evaluation: 2/26/2014

(This space reserved for official comments.)



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 5 of 12

\*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update

*(Continued from previous page, DPR523b, B10 Significance)*

Hihn opened a large three-story Capitola Hotel in 1895, and Capitola was called "one of the most popular seaside resorts in California." In 1904, Fred Swanton's Santa Cruz Capitola and Watsonville Railway brought electric rail service to Capitola, which made the resort even more accessible and popular with tourists. In 1913, F. A. Hihn died, leaving his Capitola property to his daughter Katherine Henderson. In 1919, Katherine sold Hihn's interests to Henry Allen Rispin who immediately made plans to further develop Capitola as a year-round resort. Rispin's plan was to sell lots to wealthy and influential businessmen who would be attracted by exclusive clubs, concrete hotels, and beautifully landscaped golf courses. Rispin's land company, Bay Head Land Company, began selling off some of the company-owned lands in the early 1920s. His plans ended with his bankruptcy in 1929. Fires during these years also changed the landscape of Capitola, the Hotel Capitola burned in 1929, and most of the commercial district burned in 1933. The village was rebuilt and in 1949 was incorporated into the City of Capitola.

Located adjacent to the subject property, the narrow gauge railroad trestle built in 1874 over Soquel Creek was originally a 105-foot-long Howe truss bridge. In 1883, the narrow gauge railroad had been broad-gauged, facilitating the arrival of tourists and new homeowners, especially from the Santa Clara Valley, to the seaside resort. Portions of the early bridge were replaced in 1886 with a new, 166-foot span that was twelve feet higher than the first one. The top of the trestle was closed-in for a number of years after 1890 to protect it from the elements. Since then, repairs have been ongoing; the road under the trestle was widened with concrete supports in the mid-1970s. Along with the wharf, the trestle is Capitola's oldest landmark, one that dates to the year of the resort's founding.

Santa Cruz County added the streets to the county system in 1937, and household street numbers were assigned in 1940. Prior to that time, city directories list full time residents, and only sometimes associate them with properties. This practice continued into the 1950s until street addresses were included in directory listings.

By 1905, the area southwest of Capitola Avenue, southeast of the railroad trestle, was used by the Hihn Company as an area of two and three-room rental cottages. The main street of this cluster of cottages was named Huana Place, and the rows of cottages fronted both sides of this street. By 1922, the larger Riverview Terrace area northwest of the trestle had been subdivided into small lots, and houses had been built on the properties adjacent Soquel Creek as well as a scattering of houses north of the intersection of Riverview Avenue Bluegum at the time the subject residential duplex was constructed. It is possible the duplex was built slightly before this time when the subdivision was still in planning stages, but based on its design and character, it was likely constructed after World War I.

The subject property is Lot 1, Block 7 of the Capitola Subdivision No.6, recorded on May 13, 1922 (Santa Cruz County Maps 18:36). This subdivision continued the pattern of development along the creek northwest of the trestle. News articles at the time reported that the "Riverview tract affords home sites with a slight removal from the ocean front with many sites covered with trees and with views which will please the most exacting in such matters."

Property research did not reveal at this time the original owners of the property, although a more intense title search would clarify the sequence of owners during the first half of the twentieth century. Often, during this period, subdivision transactions were not recorded at the time of sale if they were financed by the developer of the tract until years later when the note was paid off. The property appeared to be used as a residential rental during these early years, until partially occupied by a construction company office and then Capitola Realty after World War II. At that time the property was owned by George and Jean De Alvarez. During the second half of the twentieth century, the property moved through a number owners, including, Delta Fields, and Elmour and Maxine Viola.

The property was purchased by the current owner in early 2013. Prior to this, the building sat vacant following damage due to flooding in the Spring of 2011, which led to the building being red-tagged by the City of Capitola.

*(Continued on next page)*



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 CONTINUATION SHEET

Primary #  
 HRI #  
 Trinomial

Page 6 of 12

\*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update

*(Continued from previous page)*

**EVALUATION**

The subject property, addressed as 401-403 Capitola Ave., was previously surveyed as a part of the City of Capitola Architectural Survey in 1986 by Rowe & Associates for the City of Capitola. This survey stated that this vernacular duplex was constructed ca. 1910. The property is not formally designated on any local, state, or federal registers of historic resources.

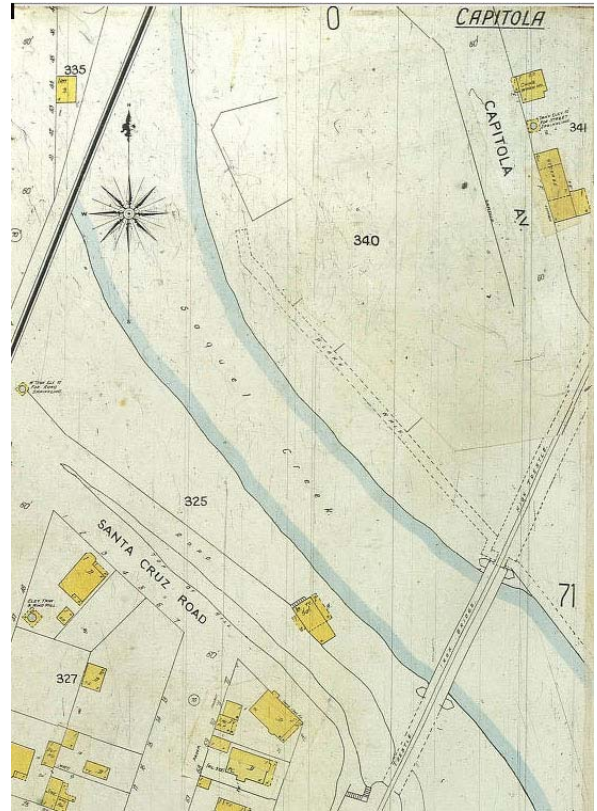
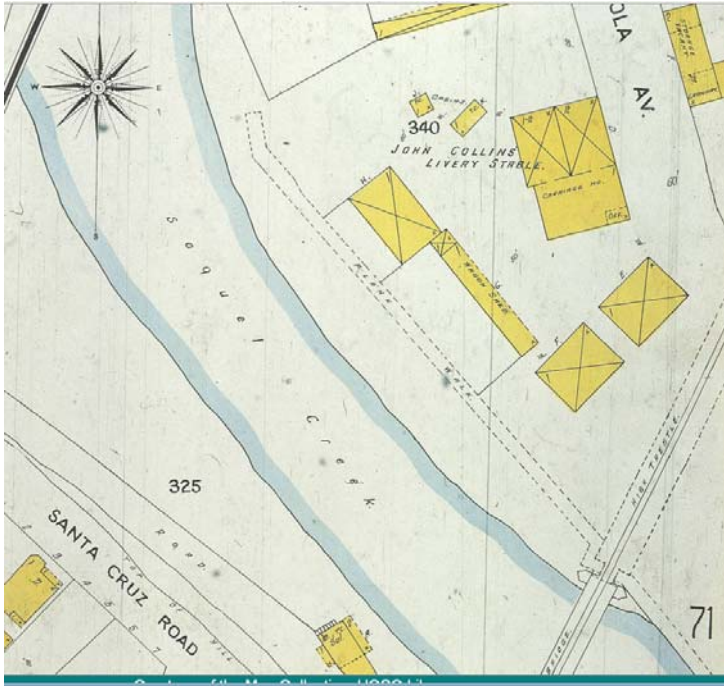
The residential duplex at 401-403 Capitola Ave. was part of early development of the Riverview Terrace neighborhood, where a livery stable had previously existed that served Camp Capitola. The current building was constructed sometime shortly before or after the area was subdivided, and can be seen on the 1927 Sanborn Fire Insurance Map. The subject property is part of the early residential development within the Riverview Terrace neighborhood. Although the design of the subject house is consistent with construction during the early Interwar period, today it sits in a neighborhood of mixed single and multi-family residential development. The surrounding neighborhood evolved slowly until World War II, as did much of Capitola. After the war, the area experienced a modest population boom with an influx of former soldiers and retirees that led to its incorporation as a city in 1949.

The Neoclassical style of the building is consistent with residential and mixed-use development during the Interwar period of the mid-twentieth century. Residential-resort uses during this period of Capitola residential development is characterized by housing that was vernacular in design, with features associated with the Craftsman and Revival styles that were popular during this period. Within the City of Capitola's adopted Historic Context Statement, significant residences are defined as those that are directly related to Capitola's architectural chronology. Generally, properties constructed prior to World War II are considered to be contributors to the architectural character of the community. Those reflecting Capitola's eclectic style or character are considered to merit historical status, given a reasonable level of physical integrity to their original construction.

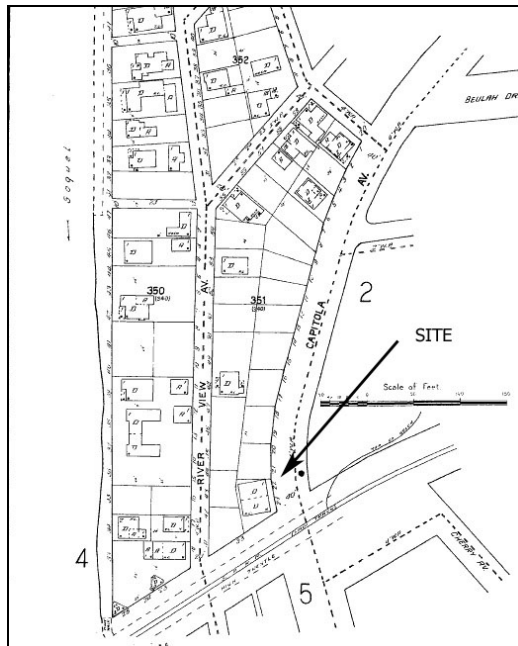
Buildings associated with this period of development are potentially significant from an historical viewpoint if they represent an important aspect of the development of the town, but also are representative of broad cultural patterns during the early twentieth century relating to the region. Potentially qualifying under Criteria 1, buildings of this era would be eligible for the California Register based on their association with "events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California". The period of significance that this particular structure is associated with would range from about 1919-1940, the Rispin Era. The period of significance is 1922, the most likely date of construction.

The original and early owners of this property, beginning most likely about 1925, remains unknown at this time. The property has not previously been identified with any historic personage of Capitola or elsewhere, although during the mid-century it was briefly the first home of Capitola Realty. The property does not therefore appear to be significant due to any association related to historic personages, and therefore would not be eligible to the California Register under Criterion 2.

The building was also evaluated for significance based on architectural value and integrity to its original design and construction. The building meets the threshold of 50 years of the California Register. The building has a high level of integrity to its original form and materials, although recently damaged by flooding. Although the building is directly related to Capitola's architectural chronology, having an eclectic style and visual character, it is not a distinctive architectural work that would enable eligibility to the California Register under Criterion 3.



1905 and 1917 Sanborn Fire Insurance maps, show site with early livery stable use, then vacant prior to development of the Riverview Terrace area.



1927 Sanborn Fire Insurance map with subject building.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 8 of 12 \*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update



Street façade along Capitola Avenue, viewed facing southeast.



Detailed view of door hood, viewed facing south.



Left side elevation, viewed facing northwest.



Detailed view of left side entry, viewed facing northwest.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
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Primary #  
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Page 10 of 12 \*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update



Right side elevation, viewed facing southwest.



Detailed view of window at right side, viewed facing southeast.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 11 of 12 \*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi, & Sarah Winder \*Date 2/26/2014  Continuation  Update



Detailed view of eave, viewed facing southwest.



Rear of property beyond shrubs, viewed from Riverview Avenue, facing east.

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

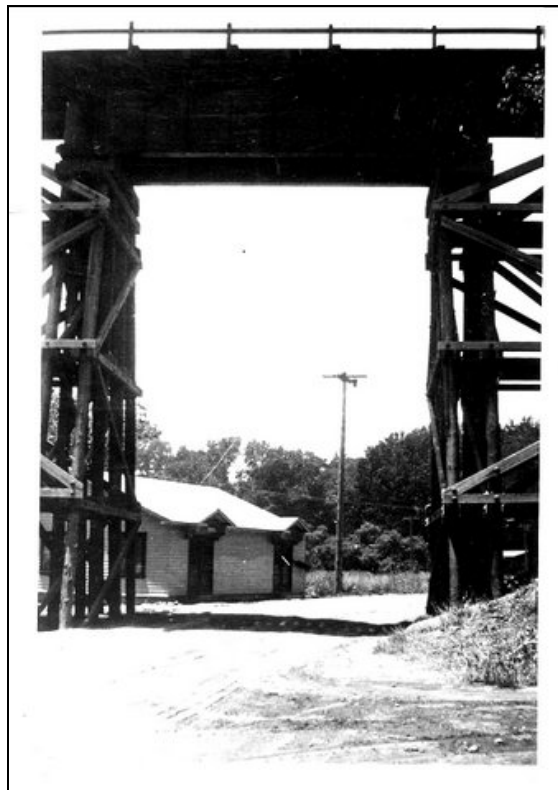
Primary #  
HRI #  
Trinomial

Page 12 of 12 \*Resource Name or # (Assigned by recorder) 401 Capitola Avenue

\*Recorded by Leslie Dill, Franklin Maggi & Sarah Winder \*Date 2/26/2014  Continuation  Update



Interior of residential unit (left unit from street), viewed facing south.



Historic view through trestle, ca. 1920s, courtesy Capitola Historical Museum.

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**Lot Depth**

31 - 40 Feet



41 - 60 Feet



**N**

85 - 100 Feet



**401**

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Project No. SC10692  
29 May 2014

Derek Van Alstine Residential Design Inc.  
Attn: Derek Van Alstine  
716 Soquel Ave., Suite A  
Santa Cruz, CA 95062

Subject: Flood Level Review

Reference: 401 Capitola Ave., Capitola CA 95010  
APN 035-131-11

Dear Mr. Van Alstine:

We have reviewed the proposed development at 401 Capitola Ave in Capitola California (Santa Cruz County APN 035-131-11). Specifically we have reviewed Plan Sheets T1, A1, A2 and A3 of the plan set dated 4/17/2014 by Derek Van Alstine Residential Design Inc.

At the site, demolition of an existing single story duplex and construction of a new two story commercial retail building is proposed. Public records indicate that the existing one story residence is 1080 SF. The proposed building has 916 SF of first floor area and 199 SF of second floor area. The existing residence extends 36 feet from Capitola Avenue towards Soquel Creek and the proposed building extends 34 feet from Capitola Avenue towards Soquel Creek. The rear property line is approximately 170 feet from the edge of Soquel Creek. Riverview Avenue, with rows of homes on each side, is between the property and the creek.

We have reviewed FEMA Flood Insurance Rate Map #06087C0352E dated 5/16/2012. The proposed development is in Flood Zone AE with a Base Flood Elevation of 20 Feet NAVD88. The elevation of the site varies between 9.4 Feet and 11.2 Feet NGVD 29 (approximately 12.1 to 13.8 Feet NAVD88). The boundary of the Soquel Creek Floodway runs along the southwest property boundary of 401 Capitola Avenue, with Riverview Avenue and the homes on each side of it being within the Floodway and 401 Capitola Avenue being within the Floodplain.

The proposed development has a smaller footprint than the existing development and does not extend as close to Soquel Creek. In our opinion, the proposed development will not result in any increase in flood levels during the occurrence of the base flood discharge, provided that:

**Item #: 5.B. 401 Capitola Ave Flood Level Review.pdf**

Derek Van Alstein  
Project No. SC10692  
401 Capitola Ave.  
29 May 2014

1) The proposed building is floodproofed, together with attendant utility and sanitary facilities, below the base flood elevation, so the structure is watertight with walls substantially impermeable to the passage of water;

2) The proposed building has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;


or

3) The proposed building is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. This is usually accomplished by providing a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed subfloor area subject to flooding. We understand that the proposed building foundation consists of a slab on grade, so no subfloor area is being proposed.

We appreciate this opportunity to be of service on this project. Please call if you have any questions.

Respectfully submitted,

**HARO, KASUNICH AND ASSOCIATES, INC.**



John E. Kasunich  
GE 455

MF/JEK/dk

Attachment: FEMA Firmette Map

Copies: 2 to Addressee  
1 to File

ANCE Program at 1-800-638-6620.



MAP SCALE 1" = 500'



NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0352E

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**SANTA CRUZ COUNTY,**  
**CALIFORNIA**  
**AND INCORPORATED AREAS**

PANEL 352 OF 470

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CAPITOLA, CITY OF	060354	0352	E
SANTA CRUZ COUNTY	060353	0352	E

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 06087C0352E  
 MAP REVISED  
 MAY 16, 2012



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



JOINS PANEL 0354

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## ACCESS COMPLIANCE SERVICES



**ADA Site Surveys   Consultation   Design Solutions**

1721 Seabright Ave - Santa Cruz, CA 95062  
 CASP Accessibility Specialist Cert. # 003  
[www.accesscomplianceservices.net](http://www.accesscomplianceservices.net)

19 May 2014

Derek Van Alstine  
 Residential Design, Inc.  
 716 Soquel Ave., Ste. A  
 Santa Cruz, CA 95062

RE: Site Development/Parking - - - Code Commentary, 401 Capitola Avenue, Capitola, CA

Dear Mr. Van Alstine:

Jonathan Adler, CASp #003 of Access Compliance Services was asked by Derek Van Alstine to analyze whether the site development of a proposed commercial building at 401 Capitola Avenue in Capitola would be required to provide accessible parking for persons with disabilities. Based on the information provided to me I conclude that providing accessible parking is not a requirement of the project under the following applicable regulations for disability access.

- 2013 CA Title-24, Part 2, Volume 1 (also called CA Building Code / CBC)
- 2010 ADA Standards for public accommodations and commercial facilities, which consist of the Title III regulations at 28 CFR part 36, subpart D, and the 2004 ADAAG at 36 CFR part 1191, appendices B and D (also called ADA Accessibility Standards / ADA)

The supporting reasons for my conclusion are as follows:

1. The proposed project does not plan to provide onsite parking, of any kind, accessible or not. The applicable regulations require accessible parking spaces only when parking spaces are in fact provided. If a site provides no parking of any kind, which is not unusual in urban areas, accessible parking is not required. If parking is provided pursuant to requirements other than the CBC or ADA, such as under a city ordinance, a portion of the parking that is provided must be accessible.

*(2013 CBC) 11B-208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with Section 11B-208.*

*(2013 CBC) 11B-208.2 Minimum number. Parking spaces complying with Section 11B-502 shall be provided in accordance with Table 11B-208.2 except as required by Sections 11B-*

*(2013 CBC) 208.2.1, 11B-208.2.2, and 11B-208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.*

2. There are conditions in which the regulations do require accessible parking even when parking in general was not otherwise planned. These conditions do not apply to 401 Capitola.

For example, if the only means of access to a building were the roadway leading to it, such as a hilltop winery in a rural location, vehicular access may be provided in lieu of providing an accessible pedestrian route from the public streets and sidewalks. Of course, an accessible parking space would also be required.

*(2013 CBC) 11B-206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible.*

**EXCEPTIONS:**

*2. An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.*

Also, at housing facilities where topographic constraints prevent providing an accessible pedestrian route to a building from the public way, or between buildings, a vehicular route to a proposed building may serve as an equivalent means of providing access, provided that an accessible parking space is also provided.


*(2013 CBC) 1110A.1 If the slope of the finished grade between covered multifamily dwellings and a public use or common use facility (including parking) exceeds 1 unit vertical in 12 units horizontal (8.33-percent slope), or where other physical barriers (natural or artificial) or legal restrictions, all of which are outside the control of the owner, prevent the installation of an accessible route, an acceptable alternative is to provide access by a vehicular route, provided:*

*1. There is accessible parking on an accessible route for at least 2 percent of the covered multifamily dwelling units, and*

Unlike the examples above, the existing site at 401 Capitola does not contain steep slopes. The entrance to any new building that is constructed on the very small, flat parcel could only be on a short, accessible pedestrian route from the public sidewalk.

We expect that the information we have provided answers the specific question you posed, however, please feel free to contact us with any questions that arise. Thank you for the opportunity to work with you on this project. We look forward to answering questions and helping to solve problems related to disability access that you or your associates encounter.

Respectfully,



Jonathan Adler, Principal  
CA Certified Accessibility Specialist – CASp #003  
ICC Accessibility Inspector/Plans Examiner # 0886919-21



**PROJECT APPLICATION #13-082  
401/403 CAPITOLA AVE, 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 401/403 Capitola Avenue. The business is not located in an area with coastal access. The business 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 401/403 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 401/403 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);**

- 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 neighborhood commercial zone.

**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 neighborhood 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 neighborhood 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 neighborhood 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 standards established by the Municipal Code with the granting of a variance from the Planning Commission.

***(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 neighborhood 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;***

- 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;***

- The project will comply with drainage and erosion and control measures as conditions.

***(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 not located in a geologically unstable area.

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

- 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 neighborhood commercial 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 with the granting of a variance by the Planning Commission.

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

- The parking demand is not increased through this application.