



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, June 7, 2018 – 7:00 PM

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Apr 5, 2018 7:00 PM
2. Planning Commission - Regular Meeting - May 3, 2018 7:00 PM

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. 734 Orchid Avenue #18-0136 APN: 036-181-03

Design Permit for an addition to a single-family home, 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: Nora Seaman

Representative: Derek Van Alstine, Designer, Filed: 03.27.2018

B. 4795 Garnet Street #18-0154 APN: 034-037-16

Design Permit to add new roofs to an existing nonconforming duplex and detached garage 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: CBP Enterprises
Representative: Heidi Anderson Spicer, Architect, Filed: 04.04.2018

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. 620 Monterey Avenue #18-041 APN: 036-101-38

Coastal Development Permit to demolish one classroom building and 12 existing portable buildings onsite and construct four new buildings for classrooms, art/woodshop rooms, physical education, and locker rooms at New Brighton Middle School.

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

Environmental Determination: Categorical Exemption

Property Owner: Soquel Union Elementary School District

Representative: Madi Architecture and Planning

B. 105 Stockton Avenue #18-0170 APN: 035-171-21

Amendment to the Master Sign Program at 103/105 Stockton Avenue to allow an additional wall sign in the C-V (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Hubback

Representative: Vahan Tchakerian, Filed: 04.17.2018

C. Retail Marijuana Sales in Regional Commercial Zoning District

Amendment to Regional Commercial Zoning District to allow a new conditional use for a limited number of retail cannabis establishments, subject to regulations and review criteria, in compliance with state law. The proposed ordinance shall only go into effect if a ballot measure for a cannabis tax is passed by Capitola voters in November 2018.

This zoning amendment will not impact properties in the Coastal Zone and therefore does not require Coastal Commission adoption.

Environmental Determination: Categorical Exemption

Property Owner: All properties in the Regional Commercial zone

Representative: Katie Herlihy, Community Development Director

D. 4015 Capitola Road #17-019 APN: 034-261-40

Design Permit to renovate the existing SEARS into three tenant spaces (Sears, TJ Maxx/Homegoods, and PetSmart) with remodeled exterior facades, two 4,000 square foot building pads for a future development phase, and a Master Sign Program located for the three tenants within the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption, Section 15270 of the CEQA guidelines

Property Owner: Seritage SRC Finance LLC

Representative: Mark Rone, Cypress Equities

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

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

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

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

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

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

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

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



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, APRIL 5, 2018
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner Newman: Present; Commissioner Smith: Present; Chairperson Storey: Present; Commissioner Welch: Present; and Commissioner Westman: Present.

2. NEW BUSINESS – NONE

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – None

B. Public Comments – None

C. Commission Comments

Chairperson Storey thanked Community Development Director Rich Grunow and announced that after five years with the City of Capitola, Director Grunow will be moving on to the City of Coronado at the end of the month. Chairperson Storey also congratulated Senior Planner Katie Herlihy, who will be taking over as Community Development Director.

Commissioner Welch expressed his appreciation to Director Grunow for his work with the City of Capitola. Commissioner Smith added her congratulations to Senior Planner Herlihy.

D. Staff Comments

Director Grunow expressed his gratitude to each of the Planning Commissioner and thanked them for their kind words. He was confident that Senior Planner Herlihy will do a great job as the new Community Development Director and will help keep the continuity in the department.

4. APPROVAL OF MINUTES

A. Approval of draft March 1, 2018, Planning Commission minutes

1. Planning Commission - Regular Meeting - March 1, 2018 7:00 PM

Commissioner Westman abstained due to her absence at the meeting of March 1.

MOTION: Accept minutes of March 1, 2018.

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Smith, Newman, Welch, Storey
ABSTAIN:	Westman

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

5. CONSENT CALENDAR

A. 110 Hollister Avenue #18-0085 APN: 036-144-10

Design Permit to demolish an existing, one-story single-family residence and construct a new two-story single-family residence in the R-1 Single-Family Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Lisa and Mark Garrigues

Representative: Clark E Shultes

Chairperson Storey and Commissioner Welch recused themselves due to proximity and the meeting was turned over to Vice Chair Westman.

MOTION: Approve Design Permit and Coastal Development Permit with the following conditions:

CONDITIONS OF APPROVAL

1. The project approval consists of demolition of the existing home and construction of a new 2,152-square-foot single-family residence. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,154 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, 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 #18-0085 shall be paid in full.

8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the

applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

COASTAL FINDINGS

D. Findings Required.

1. **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:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - 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:
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.**
 - 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 buildout. 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 110 Hollister. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Hollister Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Hollister 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.

- 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.
3. **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 accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
4. **Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the 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.
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.
6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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.
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.
11. **Provisions of minimum water flow rates and fire response times;**
 - The project is located several blocks from the Capitola fire department. Water is available at the location.
12. **Project complies with water and energy conservation standards;**
 - The project is for a single-family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
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.
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.
15. **Project complies with natural resource, habitat, and archaeological protection policies;**
 - Conditions of approval have been included to ensure compliance with established policies.
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.
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.

- 18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
- The proposed project is not located along a shoreline.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
- This use is an allowed use consistent with the Single-Family zoning district.
- 22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- 23. Project complies with the Capitola parking permit program as follows:**
- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.

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

RESULT:	APPROVED [3 TO 0]
MOVER:	Edward Newman, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Newman, Westman
RECUSED:	Welch, Storey

6. PUBLIC HEARINGS

A. 1098 38th Avenue #18-0052 APN: 034-172-01

Fence exception to permit a six-foot high fence in the front yard along the side property line and an eight-foot high solid fence on the side property line extending to the rear property line. This project is located in the RM-M (Multi-Family Medium Density) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
 Property Owner: Central California Alliance for Health

Senior Planner Herlihy gave the presentation. Commissioner Newman recused himself and left the dais due to a financial relationship with the applicant.

Christopher Barlow with Wald Ruhnke & Dost Architects spoke as the representative of the Central California Alliance for Health and confirmed that his client agrees with the staff recommendations. The Alliance is the owner of the property and currently in negotiations to bring in a tenant who will serve as the operator for the facility to provide needed senior care services to the community. Chairperson Storey asked about the reason for requesting an exception not to have the lattice on the top of the eight-foot fence and Mr. Barlow responded that it was due to security concerns.

MOTION: Approve fence exception with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of a new fence on the north and south property lines of 1098 38th Avenue. The fence on the north property line may extend 30-inches in height for the first 30-feet, then extend to six feet of height to the front façade of the main building, and then extend 8-feet in height, with no required lattice, to the rear property line. Along the south property line, the fence may extend 42-inches in height to the front façade of the first mobile home on the adjacent property, then extend to six feet of height to the front façade of the main building on 1098 38th Avenue, and then extend to 8-feet in height, with no required lattice, to the rear property line. A fence permit with an exception to the height and material requirements has been approved within this application.

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

2. 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.
3. Prior to issuance of building permit, all Planning fees associated with permit #18-052 shall be paid in full.
4. This permit shall expire 24 months from the date of issuance. The applicant shall have 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.
5. 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, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, and the Planning Commission have all reviewed the proposed fence exceptions. The fence conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Welch, Westman, Storey
RECUSED:	Newman

B. 1725 48th Avenue #17-0403 APN: 034-022-41

Design Permit and Conditional Use Permit to convert an existing historic barn into an Accessory Dwelling Unit and build a new single car garage in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption
Property Owner: Michael and Elizabeth Adams
Representative: Dennis Norton Filed: 10/10/17

Assistant Planner Orbach gave the presentation.

Representative Dennis Norton reviewed the project proposal and responded to the questions from the Planning Commissioners.

The commissioners discussed amendments and additional language to the conditions, historical context, and short-term rental restrictions.

MOTION: Approve Design Permit, Conditional Use Permit, and Coastal Development Permit with the following amended conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage. The maximum Floor Area Ratio for the 8,000-square foot property is 60% (4,800 square feet) with the addition of the accessory dwelling unit. The total FAR of the project is 45% with a total of 3,631 square feet, compliant with the maximum FAR within the zone. The staircase and loft will be removed to comply with the secondary dwelling unit single story limit and 640 square feet maximum floor area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 5, 2018, 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 #17-0403 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.

19. The floor area for secondary dwelling unit shall not exceed 580 square feet as approved by the Planning Commission.
20. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
21. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The secondary dwelling unit shall not be sold separately;
 - b. The unit is restricted to the approved size and no loft will be permitted;
 - c. The administrative review or the design permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
 - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
 - e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.
 - f. The secondary dwelling unit shall not be rented for less than 30 days.
22. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
 - a. Prior to disassembly of the barn, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be disassembled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weather proof area.
 - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
 - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

FINDINGS

- A. **The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage complies with the development standards of the R-1 (Single-Family) District. Specifically, all of the requirements of Capitola Municipal Code §17.99.050 have been met. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
- B. **The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car

garage. The design of the garage, with its bead board siding and composite shingle roof, will fit in nicely with the historic house and barn and the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

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

Section 15303(e) of the CEQA Guidelines exempts accessory structures including garages. This project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage within the R-1 (Single-Family) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Coastal Findings

D. Findings Required

- 1. 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:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - 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:

- 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.**
 - 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 buildout. 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 1725 48th Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 48th Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property on 48th 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.
- 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.
- 3. 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 accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;

- The project does not impact the 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.
- 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.
- 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 the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.

SEC. 30223

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

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.
- c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**
- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential lot of record.
- 7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential 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.
- 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.
- 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.
- 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.
- 11. Provisions of minimum water flow rates and fire response times;**
- The project is located a short distance from the Capitola fire department. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
- The project is for the conversion of an existing historic barn into an Accessory Dwelling Unit and construction of a new single-car garage on a residential 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.
- 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.
- 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.

- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
 - Conditions of approval have been included to ensure compliance with established policies.
- 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.
- 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.
- 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 seismic areas, geologically unstable areas, or coastal bluffs. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
 - Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
 - The proposed project is not located along a shoreline.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
 - This use is an allowed use consistent with the Single-Family zoning district.
- 22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
 - The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- 23. Project complies with the Capitola parking permit program as follows:**

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - 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 project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Smith, Newman, Welch, Westman, Storey

C. 4201 Capitola Road #17-0441 APN: 034-121-36 & 37

Tentative Map for a three-lot subdivision, Design Permit for three new single-family homes, Variance request to allow encroachments into side yard setbacks, and demolition of two existing structures located at 4201 Capitola Road within the CN (Neighborhood Commercial) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Property Owner: Magnolia Tree Investments

Representative: Matthew Thompson, Architect. Filed: 11.09.2017

Assistant Planner Orbach provided the presentation. He noted that an alternative set of plans that would not require the variance to the setback encroachments were submitted earlier in the day.

Minutes Acceptance: Minutes of Apr 5, 2018 7:00 PM (Approval of Minutes)

Representative Matthew Thompson of Thacher & Thompson Architects addressed the Planning Commission and provided the background on the proposed project.

Commissioner Smith stated that she thought that this was the wrong project for the location.

Chairperson Storey requested a roll call vote.

MOTION: Approve a Design Permit and Coastal Development Permit for the alternate plans submitted on April 5, 2018, and deny the variance, with the following amended conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of a design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision located at 4201 Capitola Road. The proposed project is approved as indicated on the final alternative plans submitted, reviewed, and approved by the Planning Commission on April 5, 2018, except as modified through conditions imposed by the Planning Commission during the hearing. The request for a variance for encroachments into the side yard setbacks was denied.
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 #17-0441 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species, and planted on the site as shown on the approved plans.
17. 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.
18. 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.

19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. Applicant shall have prepared a final parcel map by a licensed surveyor and shall submit the final map for review, approval, and recording by the City's surveyor and the Public Works Department.
23. All plans and profiles of improvements shall be approved by the Director of Public Works prior to the filing of the final map, and the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
24. Prior to the recordation of the parcel map, the applicant shall submit new legal descriptions for the three lots for review by the Community Development Director.
25. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
26. During construction, applicant shall follow the required procedures for tree protection in the Tree Resource Analysis/Construction Impact Assessment/Tree Protection Plan by James P. Allen & Associates, including: tree protection structures, demolition, backhoe operating requirements, site stabilization, preconstruction root exploration, preconstruction root pruning, necessary tree removal, tree canopy clearance pruning, required tree replacement, and supplemental irrigation. Also, to ensure the survivability and proper growth of replacement trees, applicant shall implement the success criteria found in the maintenance and monitoring program criteria section:
 - a. A qualified professional will monitor the newly planted trees at one (1) month intervals for the first year of growth and every 3 months thereafter for an additional 4-year period
 - b. Tree health and growth rates will be assessed
 - c. Trees suffering poor growth rates or declining health will be identified
 - d. Invigoration treatments will be provided
 - e. Dead trees or trees in an irreversible state of decline will be replaced
 - f. At the end of the five-year period the status of the new plantings will be assessed to make certain that success criteria have been met and all replacement trees planted are performing well

FINDINGS

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision comply with the development standards

of the CN (Neighborhood Commercial) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the design permit for three new single-family homes, including demolition of one existing home, and tentative parcel map for a three-lot subdivision. The design of the homes, with three different siding types, open rafters in the eaves, timber detailing for porch work, klinker brick bases on the porch columns, and clad wood windows, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

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

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone, and in urbanized areas, up to three single-family residences may be constructed under this exemption. This project involves a design permit for three new single-family homes, including demolition of one existing home, and a tentative parcel map for a three-lot subdivision within the CN (Neighborhood Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

D. Findings Required.

24. 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:

- a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
- b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
- c. A description of the legitimate governmental interest furthered by any access conditioned required;
- d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.

- 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:

25. 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.

- 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 buildout. 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 4201 Capitola Road. The homes are not located in an area with coastal access. The homes will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
 - The proposed project is located along Capitola Road and 42nd Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse

impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not a history of public use on the subject lot.
- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Capitola Road. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- 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.

26. 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 accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.

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

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

- The project is located in a commercial/residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
- The project is located on a flat lot.
- c. Recreational needs of the public;
- The project does not impact the 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.
- 28. 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.

29. 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 single-family homes on residential lots of record.

SEC. 30223

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

- The project involves single-family homes on residential lots of record.

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

- The project involves single-family homes on residential lots of record.

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

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

31. 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.

32. 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.

33. Demonstrated availability and adequacy of water and sewer services;

- The project is located on legal lots of record with available water and sewer services.

34. Provisions of minimum water flow rates and fire response times;

- The project is located a short distance from the Capitola Fire Department. Water is available at the location.

35. Project complies with water and energy conservation standards;

- The project is for three single-family homes. 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.

36. 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.

37. 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.

38. Project complies with natural resource, habitat, and archaeological protection policies;

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

39. 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.

40. 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.

41. 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 in a seismic area, geologically unstable area, or coastal bluffs. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

42. All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

43. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

44. 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.

45. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and

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

46. Project complies with the Capitola parking permit program as follows:

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.

- c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - 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 project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED AS AMENDED [4 TO 1]
MOVER:	Edward Newman, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Newman, Welch, Westman, Storey
NAYS:	Smith

7. DIRECTOR'S REPORT

Director Grunow reported that at the next City Council meeting of April 12, 2018, the City Council will discuss a marijuana ordinance and seek direction on a framework for a future ordinance, including consideration of ballot initiative this November to assess a tax should the Council decide to allow retail sales of marijuana in the city.

8. COMMISSION COMMUNICATIONS

None.

9. ADJOURNMENT



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MAY 3, 2018
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner Newman: Present; Commissioner Smith: Present; Chairperson Storey: Present; Commissioner Welch: Present; Commissioner Westman: Present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – None

B. Public Comments – None

C. Commission Comments – None

D. Staff Comments – None

3. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Apr 5, 2018 7:00 PM

MOTION: Continue minutes approval to a date in the future.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

4. CONSENT CALENDAR

A. 110 Capitola Avenue Suite 1 #18-128 APN: 035-185-25

Sign Permit for a new sign for Mia Bella Adonic, a new boutique located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: GI 110 Capitola Ave, LLC

Representative: Kayla & Dee Dee Wilson Filed: 03.23.2018

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

CONDITIONS

1. The project approval consists of an 81 inch wide by 25 inch tall wall sign at the Mia Bella – Adonic at 110 Capitola Avenue Suite #1. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3rd, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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.

Minutes Acceptance: Minutes of May 3, 2018 7:00 PM (Approval of Minutes)

3. Prior to issuance of building permit, all Planning fees associated with permit #18-0128 shall be paid in full.
4. 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.
5. 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
6. 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.
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 and General Plan.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed signs will secure the purpose of 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 signs and determined that the signs maintain the character and integrity of the Central Village.
- 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 signs are proposed on an existing commercial building in the Central Village. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

5. PUBLIC HEARINGS

A. 1350 49th Avenue #18-0050 APN: 034-068-14

Design Permit for a 670-square foot addition to an existing single-family residence with a variance for an encroachment into the side yard setback located at 1350 49th Avenue within the R-1 (Single-Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rick Aberle

Representative: Stephen Lang, Filed: 01.26.2018

The project was presented by Assistant Planner Orbach. Commissioner Smith acknowledged receipt of a letter sent to the Planning Commission from Matt Arthur, Mr. Aberle's neighbor, in support of the project. John Hofacre, spoke in support of the project as both neighbor and project architect.

MOTION: Approve Design Permit, Coastal Development Permit, and variance for an encroachment into the side yard setback, with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of a 666-square foot addition that includes a new 226 square foot one-car garage, a 379-square foot second story living space above the garage, and a 61-square foot addition to the first story to accommodate a hallway and the stairwell to the second story with a variance for the side yard setback at 1350 49th Avenue within the R-1 (Single-Family Residential) zoning district. The maximum Floor Area Ratio for the 3,216-square foot property is 57% (1,833 square feet). The total FAR of the project is 57% with a total of 1,833 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 3, 2018, 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 #18-0050 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for

Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

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

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed construction of a 666-square foot addition with a variance for the side yard setback and the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The project would comply with all other development standards of the Single-Family Residential Zoning District.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the construction of a 666-square foot addition with a variance for the side yard setback. The new residence will blend in with the adjacent structures while maintaining the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development meeting the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The project involves a 666-square foot addition to an existing 1,167 square foot, one-story, single-family residence in the R-1 (Single Family) zoning district. The project meets all of

the criteria listed above and no adverse environmental impacts were discovered during review of the proposed project.

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

The special circumstance applicable to the property is that the subject property is the irregular shape of the lot that prohibits the owner from being able to provide a 10 foot by 20 foot covered parking space within the required setbacks.

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

The grant of a variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Most properties in the vicinity and zone in which the property is located are able to accommodate the required 10 foot by 20 foot covered parking space due to the fact that they are regularly shaped. Granting the variance will allow the applicant to enjoy the same privilege as those properties.

COASTAL FINDINGS

D. Findings Required.

1. **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:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - 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:
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.**

- 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 buildout. 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 1350 49th Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 49th Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.

- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 49th 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.
- 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.
- 3. 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 accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;

- The project does not impact the 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.
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.

6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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.

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.

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.

11. Provisions of minimum water flow rates and fire response times;

- The project is located a short distance from the Capitola fire department. Water is available at the location.

12. Project complies with water and energy conservation standards;

- The project is for an addition to a single-family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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.

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.

15. Project complies with natural resource, habitat, and archaeological protection policies;

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

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.

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.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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

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

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

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

23. Project complies with the Capitola parking permit program as follows:

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- 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 project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

B. 318 Riverview Avenue #18-0045 APN: 035-172-18

Design Permit for demolition of an existing two-story single-family residence and construction of a new three-story single-family residence, which includes a variance request for parking standards and open space located within the C-V (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: JDT Capital LLC

Representative: Derek Van Alstine, Filed: 01.24.2018

Commissioner Newman recused himself due to owning property within 500 feet, and Chairperson Storey also recused himself to avoid potential conflict due to proximity of his workplace. The meeting was turned over to Vice Chair Westman.

Assistant Planner Orbach reviewed the project.

Commissioner Smith requested clarification of the previous variances allowed on Riverview Avenue that were described in the staff report parking analysis as “to better serve the zoning ordinance.” Assistant Planner Orbach confirmed that the full findings from those variances read “The variance to parking will better serve the intent of the zoning ordinance and residential development guidelines than will the literal enforcement of the requirements of the ordinance.”

Project representative Derek Van Alstine had several comments regarding the project timeline and the parking on Riverview, in response to some of the concerns contained in the letters sent by the neighbors. Mr. Van Alstine urged the Commission’s approval with flood certification, as requested.

Lars Sandberg, stated he lives across the street from the project and stated his concerns regarding parking, density, and the character of the buildings.

Nelson and Leslie Vineyard, neighbors at 320 Riverview Avenue, reviewed the letter that they sent to the Planning Commissioners late this afternoon that outlined their concerns and their issue with the impact of construction to Mr. Vineyard’s health diagnosis.

Additional issues discussed included concerns about demolition, variances, parking, and landscaping. Mr. Van Alstine responded to Commissioner Westman’s question regarding the neighbor’s request for a wall modification, scheduling, and noticing during

construction. Commissioner Westman requested that construction hours be restricted to end by 6 p.m. due to the proximity of the neighbors.

Commissioner Smith requested that the minutes reflect the representative's agreement to working with the neighbors on the noise.

MOTION: Approve Design Permit, Coastal Development Permit, and variances for parking space dimensions and open space and a maximum floor area of 2,000 square feet, and deny the variance request for the required number of parking spaces, with final design approval by staff, and the following amended conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of the demolition of an existing two-story single-family residence and construction of a new 2,164 2,000 square foot three-story single-family residence with a variance for the required parking, parking dimensions, and required open space at 318 Riverview Avenue within the C-V (Central Village) zoning district. The Planning Commission denied the variance request for the third parking space. Prior to building permit submittal, the applicant must provide revised plans to the Community Development department that comply with the maximum floor area ratio of 2,000 square feet, the maximum allowable for residential structures with two parking spaces. The revised plans are subject to approval by the Community Development Director. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 3, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The parking spaces within the garage shall be utilized for parking two vehicles onsite.
3. Construction shall comply with the noise regulations of Chapter 9.12 with the additional requirement that construction is prohibited after six p.m. Monday through Friday and after four p.m. on Saturdays.
4. Adjacent neighbors shall be provided with regular updates regarding construction schedules and activities and notified at least twenty-four hours in advance of any construction activities that will result in road closures or other significant neighborhood impacts such as excessive noise or dust.
5. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a "No Rise Study", performed by a licensed engineer, in which verification of the structure's impact on the floodplain or floodway is provided.
6. 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
7. 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.

8. 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.
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. 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.
11. Prior to issuance of building permit, all Planning fees associated with permit #18-0045 shall be paid in full.
12. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
13. 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.
14. 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.
15. 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).
16. 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.
17. 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.
18. 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
19. 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.

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

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed construction of a new ~~2,464~~ 2,000 square foot three-story single-family residence with a variance for ~~required parking,~~ parking dimensions, and required open space, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The project would comply with all other development standards of the Central Village Zoning District.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the construction of a new ~~2,464~~ 2,000 square foot three-story single-family residence with a variance for ~~required parking,~~ parking dimensions, and required open space. The new residence will blend in seamlessly with the adjacent structures while maintaining the character and integrity of the Riverview Avenue neighborhood.

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

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. The project involves a new ~~2,464~~ 2,000 square foot three-story single-family residence in the Riverview Avenue Residential

Overlay District in the C-V (Central Village) zoning district. Staff has not identified any possible environmental impacts associated with the project.

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

The special circumstance applicable to the property is that the subject property is a small lot.

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

The grant of a variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Multiple properties in the vicinity and zone in which the property is located have been granted variances to the parking dimensions and open space requirements. Granting the variance will allow the applicant to enjoy the same privilege as those properties.

COASTAL FINDINGS

D. Findings Required.

- 1. 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:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - 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:
- 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.**

- 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 buildout. 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 318 Riverview Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. **Shoreline Processes.** Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Riverview Avenue. No portion of the project is located along the shoreline or beach.
- c. **Historic Public Use.** Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.

- d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Riverview Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- 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.
- 3. 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 accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;

- The project does not impact the 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.
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.

6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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.

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.

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.

11. Provisions of minimum water flow rates and fire response times;

- The project is located several blocks from the Capitola fire department. Water is available at the location.

12. Project complies with water and energy conservation standards;

- The project is for a single-family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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.

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.

15. Project complies with natural resource, habitat, and archaeological protection policies;

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

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.

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.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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.

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

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

23. Project complies with the Capitola parking permit program as follows:

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- 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 project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED AS AMENDED [3 TO 0]
MOVER:	TJ Welch, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Welch, Westman
RECUSED:	Newman, Storey

C. 2205 Wharf Road #18-0108 APN: 034-141-34

Minor land division to create two lots of record and design permit for a new single-family residence for the property located at 2205 Wharf Road in the RM-LM (Residential Multi-Family – Low-Medium Density) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Christopher Wright

Representative: Dennis Norton, filed: 3/7/2018

Director Herlihy presented the project noting the additional CEQA exemption, and reminding the Commissioners that this was a project that was previously approved last year in a different form, prior to being withdrawn. The new application's Tentative Map was redesigned so that the two lots will now be oriented towards Wharf Road, and is now subject to the newly-adopted standards for subdivisions that were recently approved by the City Council, in addition to the new zoning code.

Dennis Norton, project representative, confirmed that this project conforms to every applicable zoning and land use law.

Christopher Wright, property owner, responded to questions regarding the project and confirmed that there is an easement for driveway access for Lot B to use the parking even though it is on Lot A.

Miles Dolinger, attorney for Mr. Wright, commented on the exclusive parking easement for parcel B.

Peter Taylor, resident of 2225 Wharf Road, stated he continues to be concerned about parking, safety, and so many people sharing a one-lane driveway.

Mr. Taylor spoke about his concerns that Wharf Road is a dangerous road, and noted that while he appreciates the positive intent behind Mr. Wright putting in a no right turn sign, there were other options including putting in a two-lane driveway for improved visibility.

Mr. Taylor wants it on the record that he has done everything he could to stop this and make it safe. He is not against Mr. Wright developing this property but there were other choices.

In response to Mr. Taylor's comment regarding other options for relocation of the driveway, Mr. Dolinger explained that existing gas and sewer lines, in addition to grading issues, prevented the use of the right side of the driveway.

MOTION: Approve Minor Land Division, and Design Permit, as amended with the additional CEQA Exemption, and the following conditions and findings:

CEQA

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning. No adverse environmental impacts were discovered during review of the proposed project.

CEQA exemption §15183. Projects Consistent with a Community Plan, General Plan, or Zoning. The project qualifies for an exemption under CEQA §15183 because it is consistent with the development standards of the City's 2014 General Plan. There is nothing peculiar about the parcel or the project which may result in a new or more severe environmental impact that was not anticipated under the General Plan EIR. The project would also not result in any new or more severe cumulative impacts, nor is there any new substantial information which was not known at the time the General Plan EIR was certified.

CONDITIONS

1. The project approval consists of design permit for a new single-family home and a minor land division at 2205 Wharf Road. The new single-family home in the RM-L zone is reviewed for compliance with the R-1 (single family) zoning district development standards. The maximum Floor Area Ratio for the 6,567 square-foot property is 48% (3,152 square feet). The total FAR of the project is 2,544 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 3, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project consists of the subdivision of a 19,854 square foot lot into two lots. The minor land division will create two lots with shared driveway access. The tentative map identifies the front lot as Parcel B and the rear lot as Parcel A. Parcel A will be 13,299 square feet and Parcel B 6,554 square feet.
3. Prior to recordation of the final parcel map, a maintenance agreement and access easement for the shared driveway shall be recorded and referenced on the parcel map. The access easement must be reviewed and approved by the City attorney prior to recordation.
4. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities for the new single-family home on Parcel B shall be underground to the nearest utility pole.
5. 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.
6. 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.
7. 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.

8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
9. Prior to issuance of building permit, all Planning fees associated with permit #16-041 shall be paid in full.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan (BMPs), 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 13.16.100 Construction Site Storm Water Runoff Control. All improvements shall be installed prior to the start of construction and shall be maintained throughout project duration.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
15. 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), e.g. installing a rain barrel, disconnecting downspouts and directing drainage into landscaping, utilizing pervious paving materials.
16. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan.
17. The Applicant shall prepare and submit a parcel map showing the original parcel and the parcels being created by the subdivision, with pertinent supporting data, said map shall be filed with the Public Works Department with the appropriate review fees for review. Said parcel map shall be prepared by a licensed land surveyor or a registered civil engineer who shall be responsible for responding to comments until the map is acceptable to the Department of Public Works.

18. All plans and profiles of improvements shall be approved by the Director of Public Works prior to the filing of the final map, and the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
19. Prior to final recording of the final parcel map, either all street and utility improvements, as required by the Public Works Department (i.e. curbs, gutters, sidewalks, paving, etc.) shall be completed or a bond shall be posted with the Public Works Department to secure construction of such street and utility improvements.
20. Prior to the recordation of the parcel map, the applicant shall submit new legal descriptions for the three lots for review by the Community Development Director.
21. 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
22. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
23. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
24. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
25. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
26. Install a “No Right Turn” (Caltrans Manual on Uniform Traffic Control Devices (CAMUTCD) Standard R3-1) sign on the driveway to prohibit right turn exits. The exact placement should be determined in consultation with the Capitola Public Works Department.
27. Replace the existing two-foot diameter convex mirror with a three-foot diameter convex mirror.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project. The minor land division, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan. The new single-family home complies with requirements of the zoning district

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

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

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

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

D. 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 design of the single-family home. The structures fit within the built environment of the neighborhood. The neighborhood is characterized by a mix of residential densities including single family homes, secondary structures, multi-family homes, apartments, and mobile homes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

6. DIRECTOR'S REPORT

1. Retail Marijuana Sales in Regional Commercial Zoning District

Future amendment to the Capitola Zoning Code (Municipal Code Chapter 17) to allow retail cannabis sales within the Regional Commercial Zoning District with a Conditional Use Permit.

The Regional Commercial Zoning District is outside the Coastal Zone and therefore is not subject to Local Coastal Program Certification by the Coastal Commission.

Environmental Determination: Exempt

Property: All property within the Regional Commercial Zone within the City of Capitola

Representative: Katie Herlihy, Community Development Director, City of Capitola

Director Herlihy provided an overview of a report on the anticipated ordinance and timeline that was previously provided to the City Council, and which would be contingent on a ballot initiative for a local cannabis tax.

RESULT: RECEIVED REPORT

7. COMMISSION COMMUNICATIONS

The Commissioners joined Commissioner Welch in welcoming Director Herlihy in her new position as Community Development Director.

8. ADJOURNMENT

Minutes Acceptance: Minutes of May 3, 2018 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **734 Orchid Avenue #18-0136 APN: 036-181-03**

Design Permit for an addition to a single-family home, 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: Nora Seaman
 Representative: Derek Van Alstine, Designer, Filed: 03.27.2018

APPLICANT PROPOSAL

The applicant is proposing to add 136 square-feet of interior living space to an existing single-family residence in the R-1 (Single-Family Residential) zoning district.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on April 25th, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: pointed out that the maximum floor area shown on the cover page was incorrect. The maximum floor area ratio for lots over 6,000 square-feet is 48%, which is 2,970 square-feet. Ms. Uharriet also requested that the applicant show where the downspouts flow.

Building Department Representative, Nelson Membreno: asked about the plan for the exterior addition to the rear of the house and the addition in the master bedroom, neither of which were internally or externally accessible. Mr. Membreno explained that the building department would need to have access in order to perform inspections and suggested that the applicant remove the addition in the master bedroom and provide a small door to access the rear addition.

Local Architect, Frank Phanton: was impressed with the changes to the front elevation, pointing out that several small changes had resulted in a large aesthetic improvement.

Assistant Planner, Matt Orbach: had no comments.

Within the original submittal, the rear addition and a small area in the corner of the master bedroom did not include interior or exterior access because the applicant wished to use the space for a new master bathroom that would be part of a subsequent building permit at a later

date. At the direction of the building department, the applicant modified the plans by removing the rear addition and the area in the corner of the master bedroom.

DEVELOPMENT STANDARDS

The following table outlines the zoning code requirements for development in the R-1 (Single-Family Residential) Zoning District relative to the application.

R-1 (Single Family Residential) Zoning District

Development Standards			
Building Height	R-1 Regulation		Proposed
	25 ft.		14 ft. - 7.5 in.
Floor Area Ratio (FAR)			
Lot Size	6187 sq. ft.		
Maximum Floor Area Ratio	48% (Max 2,970 sq. ft.)		
First Story Floor Area	2,122 sq. ft.		
TOTAL FAR	34% sq. ft. (2,122 sq. ft.)		
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation		Proposed
Front Yard 1st Story	15 ft.		20 ft. from right-of-way
Front Yard 2nd Story & Garage	20 ft.		20 ft. from right-of-way
Side Yard 1st Story	10% lot width	Lot width: 60 ft. 6 ft. min.	6 ft. (South) 7ft. 3in. (North)
Rear Yard 1st Story	20% of lot depth	Lot depth 100 ft. 20 ft. min.	25 ft.
Parking			
	Required		Proposed
Residential (from 2,001 up to 2,600 sq. ft.)	3 spaces total 1 covered 2 uncovered		3 spaces total 1 covered 2 uncovered
Garage and Accessory Bldg.	Complies with Standards?		Complies
Garage	Yes		No change
Underground Utilities: required with 25% increase in area			Not Required

DISCUSSION

The existing residence at 734 Orchid Avenue is a single-family home with an attached garage. The structure currently has a mix of stucco and vertical siding. This existing structure matches the design of the neighboring single-story single-family residences along Orchid Avenue. Single-story single-family homes make up the vast majority of homes in the surrounding neighborhood.

The applicant is proposing to create a new look on the front façade of the home that compliments the neighboring structures while creating differentiation in the design. The addition at the front of the house will bring the front door closer to the street, introduce a new gabled roof, and increase the size of the deck at the front entryway. Additional features of the updated design on the front of the home include new board and batten siding, a new trellis, and double French doors. The existing stucco on the rear and side elevations will remain. The proposed project will add a total of 136 square-feet of living space to the existing habitable space.

The proposed project also includes the removal of two palm trees in the front yard. The two palm trees will be replaced with three fruitless olive trees in the front yard and one Meyer lemon tree in the back yard.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures that will not result in an increase of more than 50 percent of the floor area. This project involves a 136 square-foot addition to a single-family home within the R-1 (Single-Family Residence) zoning district that will increase the floor area by less than seven percent. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and approve project application #18-0136.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a 136 square-foot addition to the interior living space. The maximum Floor Area Ratio for the 2,137 square-foot property is 48% (2,970 square-feet). The total FAR of the project is 34% with a total of 2,122 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 June 7th, 2018, 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 #18-0136 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. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species, and planted on the site as shown on the approved plans. The replacement tree located in the back yard shall be a Meyer lemon tree.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

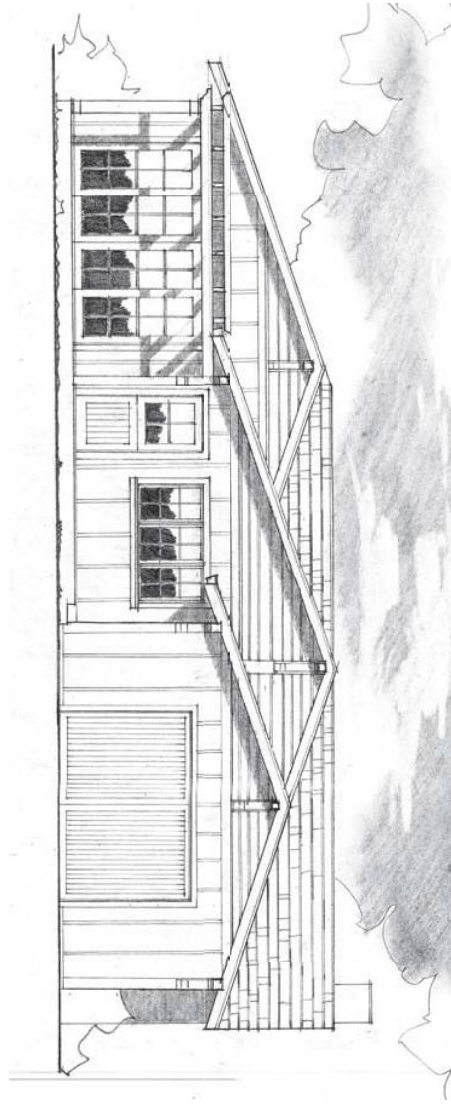
- A. **The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The 136 square-foot interior addition, new roofing, patio extension, siding, windows, doors, and trellis comply with the development standards of the R-1 (Single-Family Residential) Zoning District.
- B. **The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the 136 square-foot addition. The design of the home, with a new gabled roof, front addition, patio extension, new board and batten siding, and new trellis, in combination with existing stucco features, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15301 (e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures that will not result in an increase of more than 50 percent of the floor area. This project involves a 136 square-foot addition to a single-family home within the R-1 (Single-Family Residence) zoning district that will increase the floor area by less than seven percent. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 734 Orchid Avenue - Full Plan Set.pdf

Prepared By: Matt Orbach
Assistant Planner

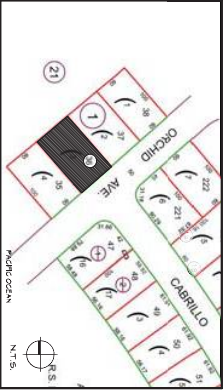
SEAMAN RESIDENCE



VICINITY MAP



PARCEL MAP



STRUCTURAL DATA

SETBACKS	REQUIRED	PROPOSED
FRONT YARD		
GARAGE	20'	EXISTING: 20'
1st STORY	15'	-
2nd STORY	-	-
REAR YARD		
1st STORY	20'	-
2nd STORY	-	-
SIDE YARD	5' (1.4 S/N)	EXISTING: 5' (1.1) + 7' (S/N)
SIDE YARD	5' (1.4 S/N)	EXISTING: 5' (1.1) + 7' (S/N)
HEIGHT	25'	14.2'

BUILDING INFORMATION

PROJECT DESCRIPTION: TO PERFORM 1.5% OF 3.9% SEA QUAKE PARENT BUILDING INTERIOR REWORK, REPAIRS, AND NEW STAIRS, POOR, AND WINDOWS AT 734 ORCHID AVENUE, CAPITOLA, CA 95010

PROJECT ADDRESS: 734 ORCHID AVENUE, CAPITOLA, CA 95010

PARCEL NUMBER: 026-01-003

ZONING DESIGNATION: R-3

OCCUPANCY CLASSIFICATION: R-3

CONTACTS

OWNER:
 SEAMAN
 734 ORCHID AVENUE
 CAPITOLA, CA 95010
 (831) 426-8446

PROJECT DESIGNER:
 DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
 1535 SEABRIGHT AVENUE SUITE 200
 SANTA CRUZ, CA 95062
 (831) 426-8446
 dvan@dvadrd.com

CIVIL ENGINEER:
 HIGHLAND SERVICES
 41705 CA 91003-1576 SUITE 100A
 PM (831) 429-1417

LANDSCAPE ARCHITECT:
 TILLY COOPER & ASSOCIATES
 512 WOODBINE STREET
 SANTA CRUZ, CA 95062
 (831) 426-4415

DRAWING INDEX

BUILDING DESIGN
T1 TITLE SHEET
T2 GENERAL NOTES
T3 BEST MANAGEMENT PRACTICES
A1.0 EXISTING SITE PLAN
A1.1 PROPOSED SITE PLAN
A2 EXISTING FLOOR PLAN
A3 EXISTING FLOOR PLAN
A4 EXISTING ELEVATIONS
A5 PROPOSED FLOOR PLAN
A6 PROPOSED FLOOR PLAN
A7 PROPOSED FLOOR PLAN
L1 LANDSCAPE PLAN

· THERE IS A CREDIT OF 1,567 sq.ft. FOR FIRST FLOOR COVERED PORCHES.

FLOOR AREA RATIO	LOT SIZE	MAX. (CALIF.)	PROPOSED (S/N)
MAXIMUM FLOOR SPACE COVERED DECK	61,097 sq.ft.	23,700 sq.ft.	21,122 sq.ft.
EXISTING RESIDENCE	1,531 sq.ft.	NA	453 sq.ft.
PROPOSED RESIDENCE	1,627 sq.ft.	NA	453 sq.ft.
TOTAL CHANGE	136 sq.ft.	< 51 sq.ft. (> 0)	136 sq.ft.

PARKING

REQUIRED	PROPOSED
3 SPACES, ONE OF WHICH MUST BE ACCESSIBLE	1 COVERED SPACE
3 SPACES	3 SPACES

CONSTRUCTION TYPE: TYPE V-B UNSPRINKLED

CODE NOTE: THESE PLANS CONFORM TO THE 2015 CALIFORNIA RESIDENTIAL BUILDING CODE, INCORPORATING ALL AMENDMENTS TO THE 2015 CALIFORNIA RESIDENTIAL BUILDING CODE, AS AMENDED BY THE STATE OF CALIFORNIA.

OWNER:
 SEAMAN
 734 ORCHID AVENUE
 CAPITOLA, CA 95010
 (831) 426-8446

PROJECT DESIGNER:
 DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
 1535 SEABRIGHT AVENUE SUITE 200
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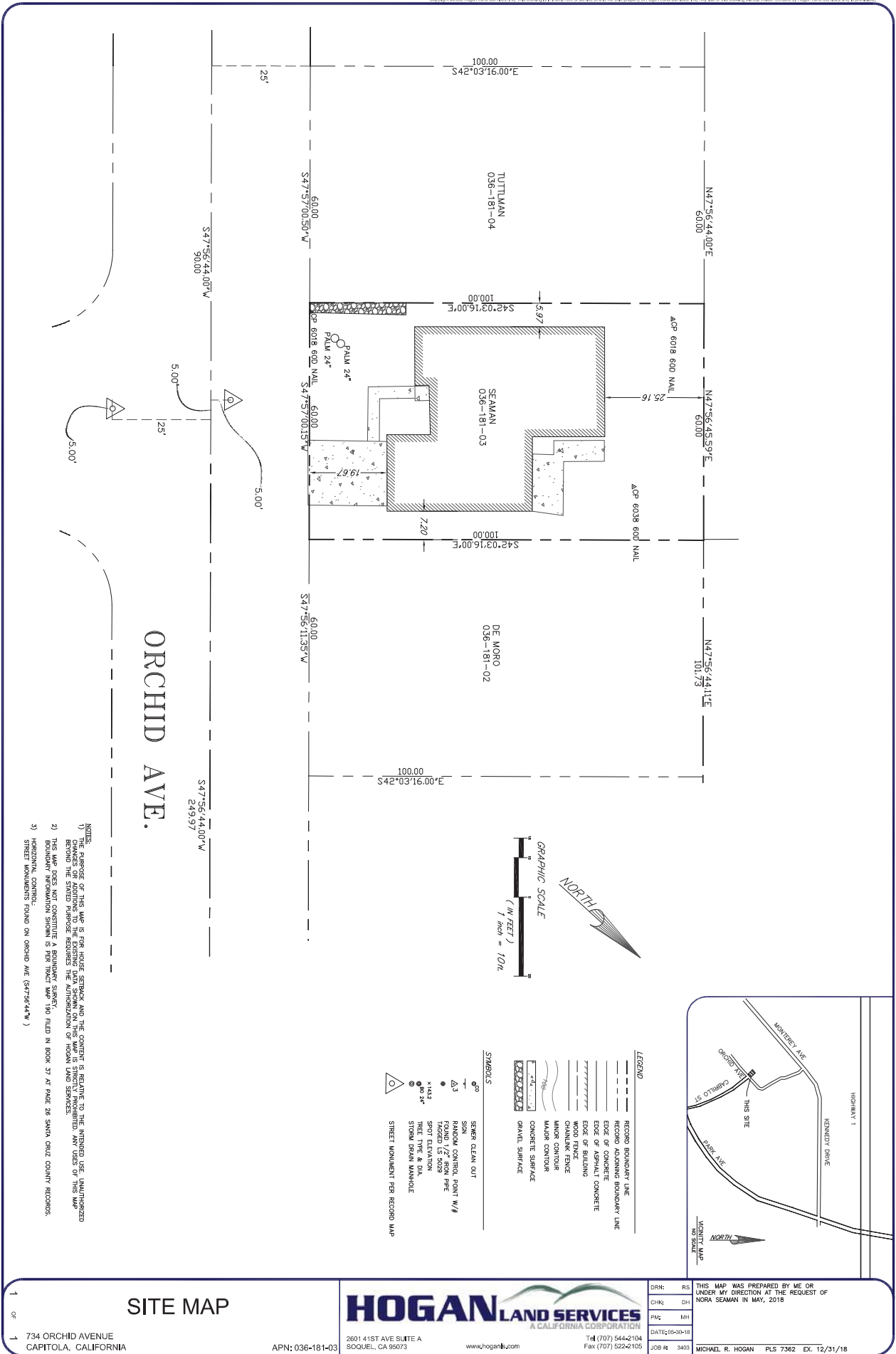
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A3 EXISTING FLOOR PLAN
A4 EXISTING ELEVATIONS
A5 PROPOSED FLOOR PLAN
A6 PROPOSED FLOOR PLAN
A7 PROPOSED FLOOR PLAN
L1 LANDSCAPE PLAN

SEAMAN RESIDENCE 734 ORCHID AVENUE CAPITOLA, CA 95010		DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. <small>1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA (831) 426-8400 PHONE (831) 426-8446 FAX</small>
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T1 TITLE SHEET



Attachment: 734 Orchid Avenue - Full Plan Set.pdf (734 Orchid Avenue)

SITE MAP

734 ORCHID AVENUE
CAPITOLA, CALIFORNIA

APN: 036-181-03



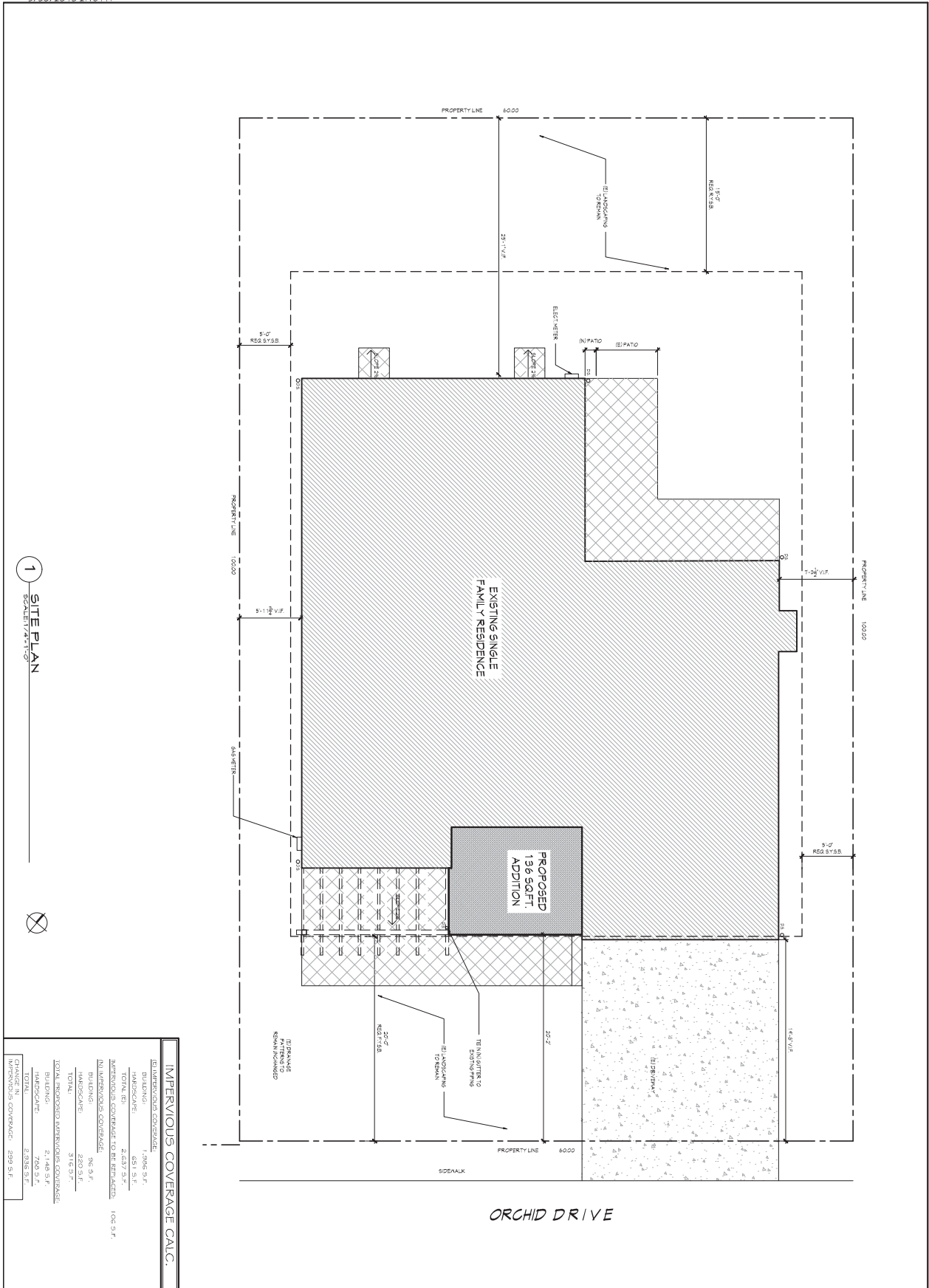
2601 41ST AVE SUITE A
SQUOEL, CA 95073

www.hoganls.com

Tel (707) 544-2104
Fax (707) 522-2105

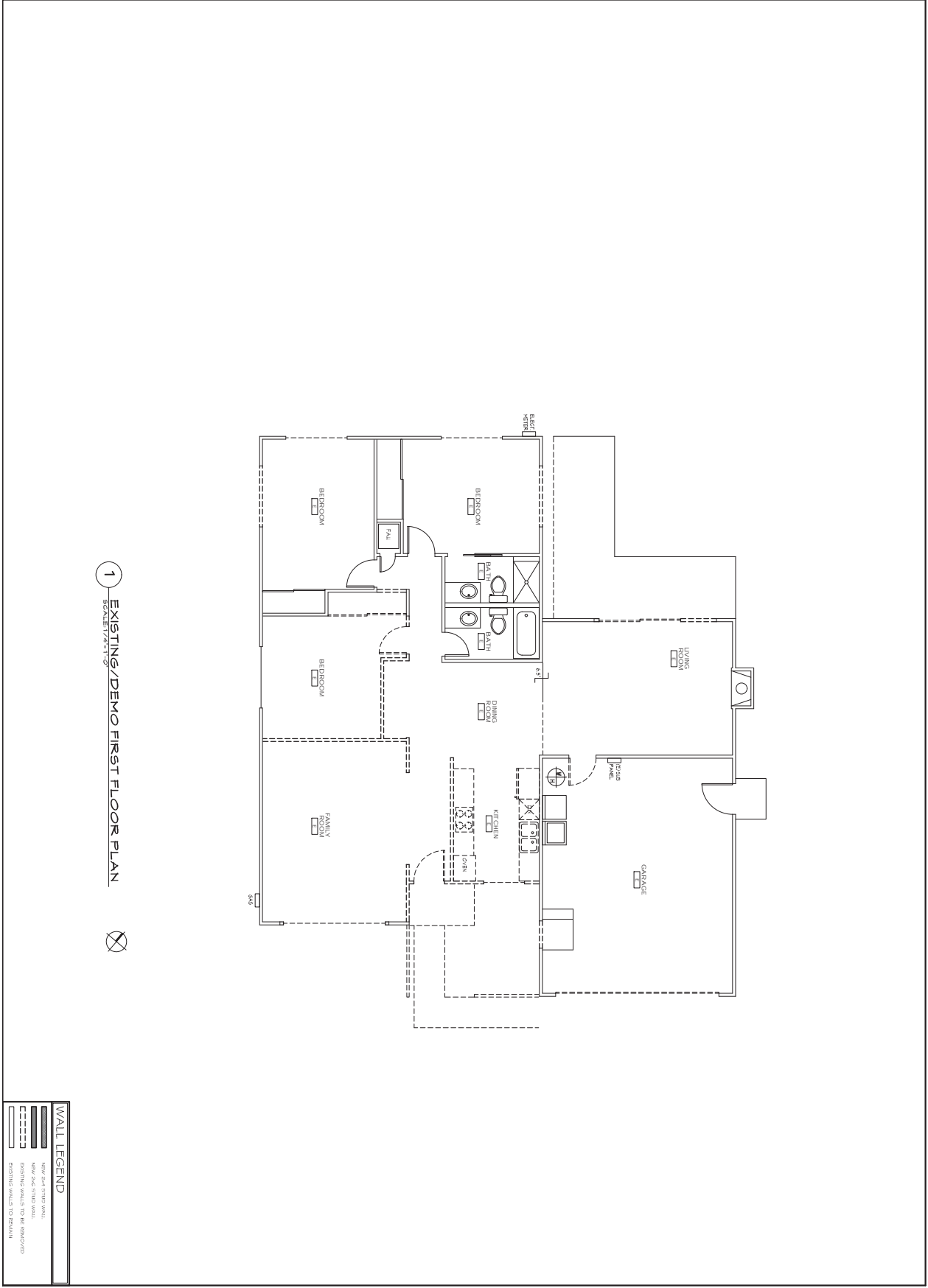
DRK	RS	THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF NORA SEMAN IN MAY, 2018
CHR	DH	
PMC	MH	
DATE	15-09-18	
JOB #	3403	MICHAEL R. HOGAN PLS 7342 EX. 12/31/18

5/30/2018 2:16 PM



<p>A1.1</p> <p>SITE PLAN</p>	<p>SEAMAN RESIDENCE 734 ORCHID AVENUE CAPITOLA, CA 95010</p>	<p>DVRD DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA (831) 426-8400 PHONE (831) 426-8446 FAX</p>
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1 EXISTING/DEMO FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

WALL LEGEND

	NEW 5/8" STYRE WALL
	NEW 5/8" STYRE WALL
	EXISTING WALLS TO BE REMOVED
	EXISTING WALLS TO REMAIN

A2
EXISTING/DEMO
FIRST FLOOR PLAN

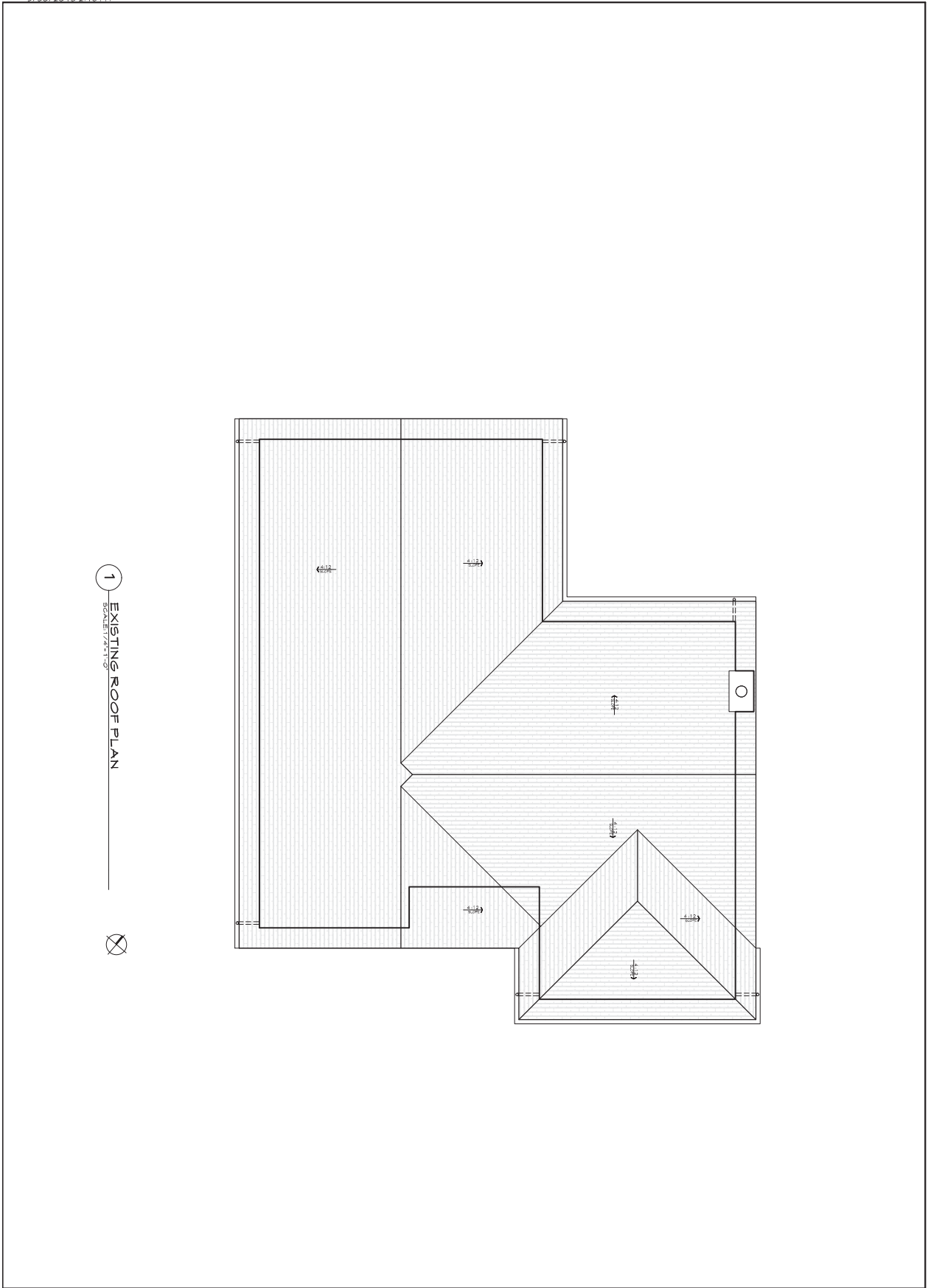
DATE: 05.03.18
ISSUE DESCRIPTION:
1. EXISTING/DEMO
2. DEMO
3. DEMO
4. DEMO
5. DEMO
6. DEMO
7. DEMO
8. DEMO
9. DEMO
10. DEMO
11. DEMO
12. DEMO
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15. DEMO
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50. DEMO

SEAMAN RESIDENCE
734 ORCHID AVENUE
CAPITOLA, CA 95010

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA
(831) 426-8400 PHONE (831) 426-8446 FAX

DEREK VAN ALSTINE
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1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA
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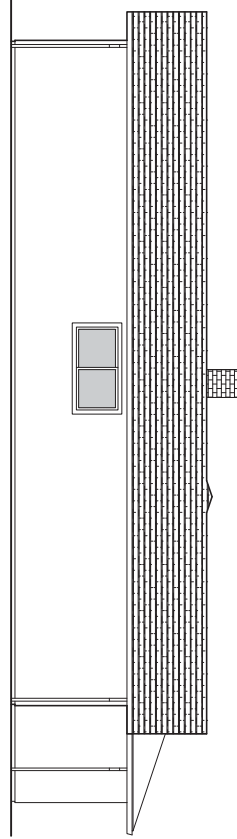
1 EXISTING ROOF PLAN
SCALE: 7/8" = 1'-0"



Attachment: 734 Orchid Avenue - Full Plan Set.pdf (734 Orchid Avenue)

A3	EXISTING ROOF PLAN	DVRD DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA (831) 426-8400 PHONE (831) 426-8446 FAX	SEAMAN RESIDENCE 734 ORCHID AVENUE CAPITOLA, CA 95010	DATE: 05.30.18	BY: DVA
	SYSTEMS DESIGN DESIGN DEVELOPMENT PERMIT SET MARKET 1.1, 2018 PLANNING/CONTRACTING MAY 30, 2018 BILL DAVIS/SUBMITTALS REVISIONS			TITLE: SEAMAN RESIDENCE PROJECT NO.: 18-001 SHEET NO.: 13	

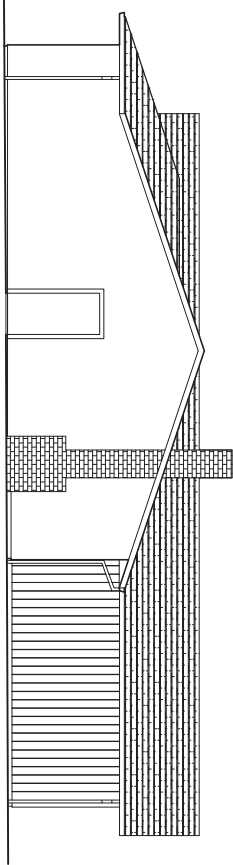
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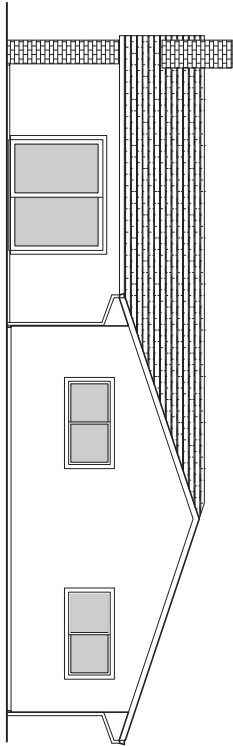
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SCALE: 1/2"=1'-0"



1 EXISTING SOUTH ELEVATION
SCALE: 1/2"=1'-0"



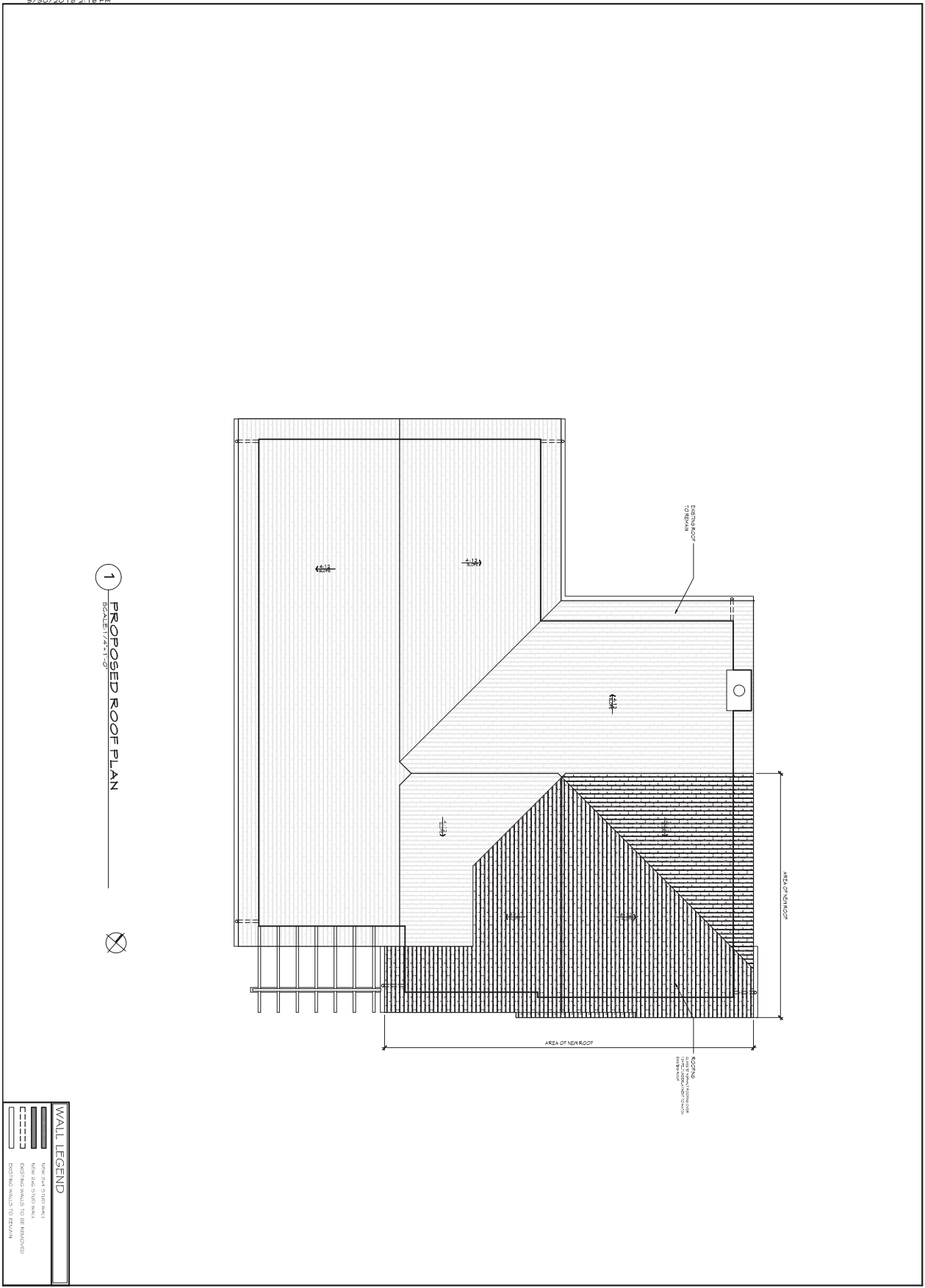
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SCALE: 1/2"=1'-0"



3 EXISTING NORTH ELEVATION
SCALE: 1/2"=1'-0"

A4	EXISTING EXTERIOR ELEVATIONS	DATE: 05.18.18	PROJECT: SEAMAN RESIDENCE	SCALE: 1/2"=1'-0"	DVRD DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA (831) 426-8400 PHONE (831) 426-8446 FAX
		DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number] SHEET NO: [Number]	DATE: 05.18.18 PROJECT: SEAMAN RESIDENCE SCALE: 1/2"=1'-0"	DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number] SHEET NO: [Number]	

5/30/2018 2:16 PM



1 PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"

WALL LEGEND

	NEW 5/8" STUB WALL
	EXISTING WALLS TO BE REMOVED
	EXISTING WALLS TO REMAIN

A6
PROPOSED ROOF PLAN

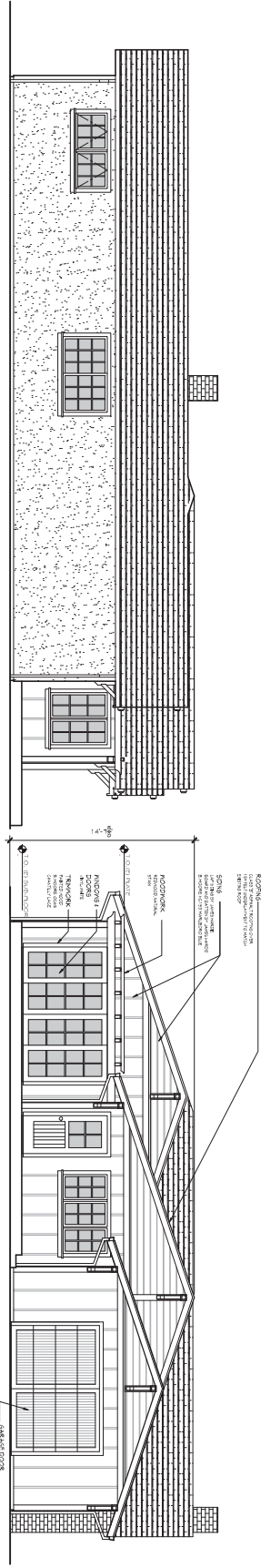
DATE: 05.03.18
PROJECT: SEAMAN RESIDENCE
OWNER: DEREK VAN ALSTINE
DESIGNER: DEREK VAN ALSTINE
DATE: 05.03.18
SCALE: 1/8" = 1'-0"
PROJECT: SEAMAN RESIDENCE
OWNER: DEREK VAN ALSTINE
DESIGNER: DEREK VAN ALSTINE
DATE: 05.03.18
SCALE: 1/8" = 1'-0"
PROJECT: SEAMAN RESIDENCE
OWNER: DEREK VAN ALSTINE
DESIGNER: DEREK VAN ALSTINE
DATE: 05.03.18
SCALE: 1/8" = 1'-0"

SEAMAN RESIDENCE
734 ORCHID AVENUE
CAPITOLA, CA 95010

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.

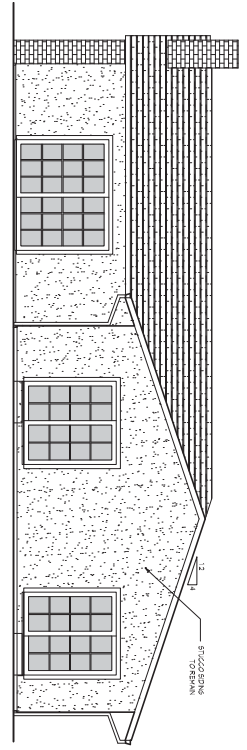
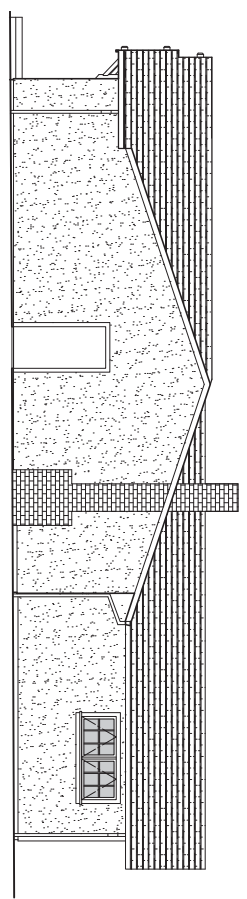
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA
(831) 426-8400 PHONE (831) 426-8446 FAX

5/30/2018 2:16 PM



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

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



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

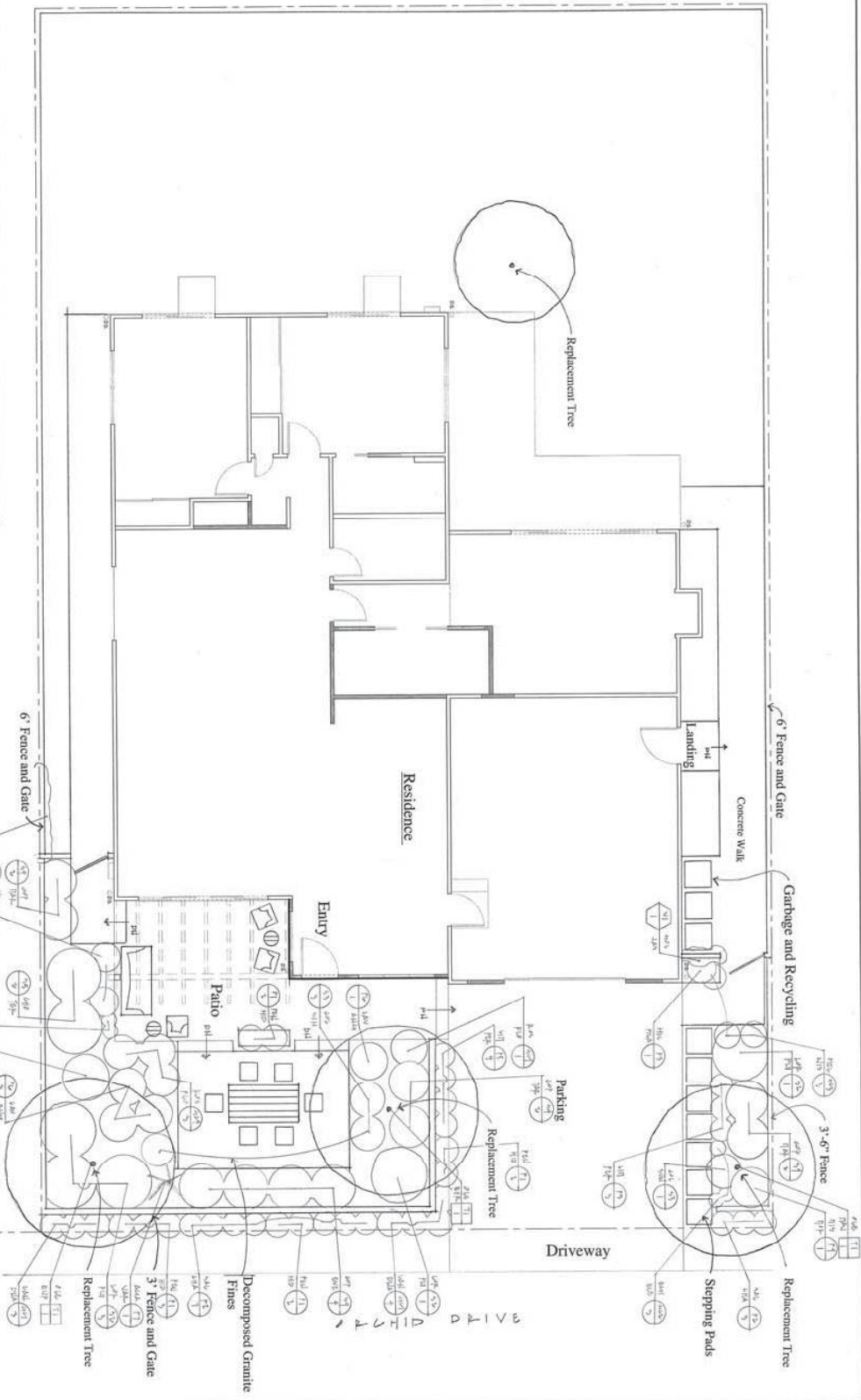
3 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

<p>DEREK VAN ALSTINE RESIDENTIAL DESIGN INC.</p> <p>1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA (831) 426-8400 PHONE (831) 426-8446 FAX</p>	<p>DVRD DEREK VAN ALSTINE RESIDENTIAL DESIGN INC.</p>	<p>SEAMAN RESIDENCE 734 ORCHID AVENUE CAPITOLA, CA 95010</p>	<p>DATE: 05.30.18 SCALE: 1/4" = 1'-0"</p>
	<p>PROJECT NO: 18-001 DRAWN BY: DVA CHECKED BY: DVA DATE: MAY 30, 2018 DRAWN BY: DVA DATE: MAY 30, 2018 DRAWN BY: DVA DATE: MAY 30, 2018</p>	<p>REVISIONS</p>	<p>DATE: 05.30.18 SCALE: 1/4" = 1'-0"</p>

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Legend

Symbol	Reference Name	Common Name	Size	Quantity
T1	Orchid	Orchid	150C	3
S1	Spirea	Spirea	150C	4
S2	Campanula	Campanula	150C	5
S3	Coronilla	Coronilla	150C	3
S4	Chrysan	Chrysan	150C	6
S5	Chrysan	Chrysan	150C	2
S6	Chrysan	Chrysan	150C	4
S7	Chrysan	Chrysan	150C	10
S8	Chrysan	Chrysan	150C	3
S9	Chrysan	Chrysan	150C	2
S10	Chrysan	Chrysan	150C	7
S11	Chrysan	Chrysan	150C	4
S12	Chrysan	Chrysan	150C	10
S13	Chrysan	Chrysan	150C	3
S14	Chrysan	Chrysan	150C	2
S15	Chrysan	Chrysan	150C	7
S16	Chrysan	Chrysan	150C	4
S17	Chrysan	Chrysan	150C	1



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

Planting Notes

1. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

2. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

3. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

4. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

5. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

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16. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

17. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

18. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

19. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

20. All plants shall be installed in accordance with the manufacturer's instructions and the following notes.

<p>SEAMAN RESIDENCE 734 ORCHID AVENUE CAPITOLA, CA 95010</p>	<p>Ellen Cooper Landscape Architect Ca. Lic. #2937</p>
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STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **4795 Garnet Street #18-0154 APN: 034-037-16**

Design Permit to add new roofs to an existing nonconforming duplex and detached garage 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: CBP Enterprises

Representative: Heidi Anderson Spicer, Architect, Filed: 04.04.2018

APPLICANT PROPOSAL

The applicant is proposing to add gable roofs to an existing nonconforming duplex and detached garage and update the siding on both buildings in the R-1 (Single-Family Residential) zoning district.

BACKGROUND

The Architectural and Site Review Committee reviewed the application on April 11th, 2018, and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: asked for clarification on what parts of the lot are being repaved. Ms. Uharriet informed the applicant that a stormwater plan will be required and that Public Works can condition the building permit. Ms. Uharriet also asked where the downspouts lead, informed the applicant that stormwater retention would be required on-site, and described multiple management and retention options.

Building Department Representative, Fred Cullum: asked for clarification on the design of the railing on the stairway leading to the second story. The design met code requirements.

Local Architect, Frank Phanton: liked the design and commended the architect.

Assistant Planner, Matt Orbach: described the changes the applicant had made based on Staff comments in relation to the size of the eaves and material details.

Following the Architectural and Site Review hearing, the applicant submitted revised plans which addressed the committee's comments, adding the required stormwater management information to the plans.

DEVELOPMENT STANDARDS**R-1 (Single-Family Residential) Zoning District**

Use		
Existing Use		Residential – Duplex Existing Nonconforming
Proposed Use		Residential – Duplex Existing Nonconforming
Building Height - Existing	R-1 Regulation	Proposed
19 ft. 10 in.	25 ft.	24 ft. 11.5 in.
Floor Area Ratio (FAR)		
Lot Size		3,360 sq. ft.
Maximum Floor Area Ratio		56% (Max 1,882 sq. ft.)
First Story Floor Area		720 sq. ft.
Detached Garage Floor Area (minus 100 sq. ft. ancillary area)		540 sq. ft.
Second Story Floor Area		720 sq. ft.
TOTAL FAR		1,980 sq. ft. Existing Nonconforming
Yards (setbacks are measured from the edge of the public right-of-way)		
	R-1 Regulation	Proposed
Front Yard 1st Story	15 ft.	51 ft. from right-of-way
Front Yard 2nd Story	20 ft.	51 ft. from right-of-way
Side Yard 1st Story	10% lot width Lot width: 42 ft. 4 ft. 2 in. min.	5 ft. & 7 ft. from property line
Side Yard 2nd Story	15% of width Lot width 42 ft. 6 ft. 4 in. min	5 ft. & 7 ft. from property line Existing Nonconforming
Rear Yard 1st Story	20% of lot depth Lot depth: 80 ft. 16 ft. min.	5 ft. from property line Existing Nonconforming
Rear Yard 2nd Story	20% of lot depth Lot depth: 80 ft. 16 ft. min.	5 ft. from property line Existing Nonconforming
Detached Garage	Front/Rear/Side	Existing
	40 ft./8 ft./3 ft.	11 ft./31 ft. 10 in./5 ft. Existing Nonconforming
Parking		
	Required	Proposed
Duplex	2 spaces per unit 1 covered 1 uncovered 4 spaces total	2 spaces total 2 covered 0 uncovered Existing Nonconforming
Garage	Complies with Standards?	List non-compliance
	No	Front Setback

DISCUSSION

The existing residence at 4795 Garnet Street is a nonconforming duplex with a detached garage located in front of the duplex. The duplex has two 720 square foot two-bedroom/one-bathroom units and a 640 square foot detached garage with two garage spaces and two laundry rooms. Both structures currently have flat roofs. The lot is adjacent to a mirror image nonconforming

duplex to the west and a Soquel Creek Water District pump station to the east, and the rest of the neighborhood is made up of one- and two-story single-family homes.

The applicant is proposing a full interior and exterior remodel, including: adding gable roofs to the existing duplex and detached garage, new HardieShingle siding on the upper exterior walls and new stucco on the lower exterior walls, adding gables over the first and second story entryways, expanding the first story landing/deck, replacing some pavement, and updating the landscaping.

Non-Conforming Use

Under Capitola Municipal Code (CMC) §17.72.060(B), nonconforming duplex activities on R-1 parcels may continue indefinitely but the structures cannot be enlarged. They can, however, be structurally altered or rebuilt as allowed under Section 17.72.070 Permissible structural alterations.

The project involves a duplex located in the R-1 (Single Family Residential) zone, which is a nonconforming use, so the applicant is not allowed to add any square footage to the existing structures. No part of the proposed project enlarges the existing structures.

Non-Conforming Structure

Under Capitola Municipal Code (CMC) §17.72.070 Permissible structural alterations, the cost of structural alterations to a nonconforming structure may not exceed eighty percent of the present fair market value of the structure.

The full interior and exterior remodel that does not add any new square footage to the structures constitutes fifty percent of the present fair market value of the structures. Because the alterations do not exceed eighty percent, they are permissible.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures that are less than 50 percent of the existing floor area ratio of the structure. The project does not add any additional floor area to the existing nonconforming 1,440 square foot, two-story, duplex or the detached 640 square foot garage in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends approval of application #18-0154 to add gable roofs to an existing nonconforming duplex and detached garage based on the finding and conditions of approval.

CONDITIONS OF APPROVAL

1. The project approval consists of the addition of gable roofs to an existing nonconforming duplex and detached garage and an update of the siding on both buildings. The maximum Floor Area Ratio for the 3,360 square foot property is 56% (1,882 square feet). As a nonconforming use (duplex) in the R-1 (Single-Family Residential) zoning district, no floor area may be added to the structures. The project does not add any additional floor area to the existing nonconforming 1,440 square foot, two-story, duplex or the detached 640 square foot garage in the R-1 (Single-Family Residential) Zoning District. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 7, 2018, 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 #18-0154 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

- A. **The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings complies with the development standards of the R-1 (Single-Family Residential) Zoning District. The project does not add any additional floor area to the existing nonconforming 1,440 square foot, two-story, duplex or the detached 640 square foot garage in the R-1 (Single-Family Residential) Zoning District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan
- B. **The project will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings. The design of the home and garage, with the new gable roofs and HardieShingle siding, will improve the aesthetics of the structures and fit in nicely with

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

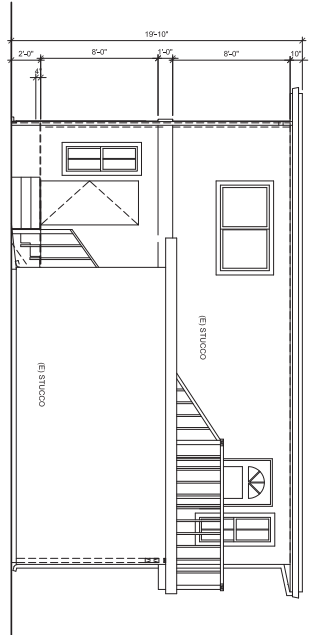
C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures that are less than 50 percent of the existing floor area ratio of the structure. This project involves the addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

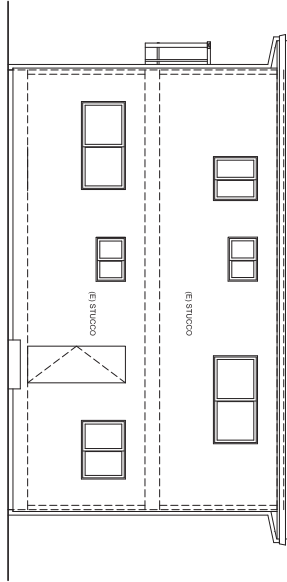
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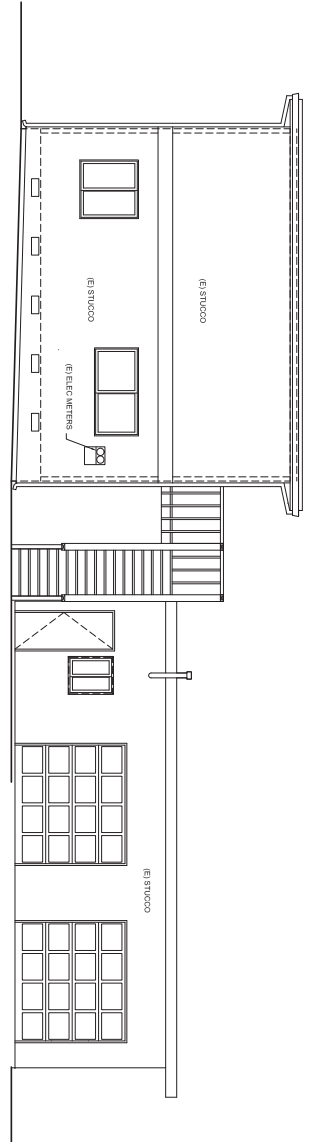
Prepared By: Matt Orbach
Assistant Planner



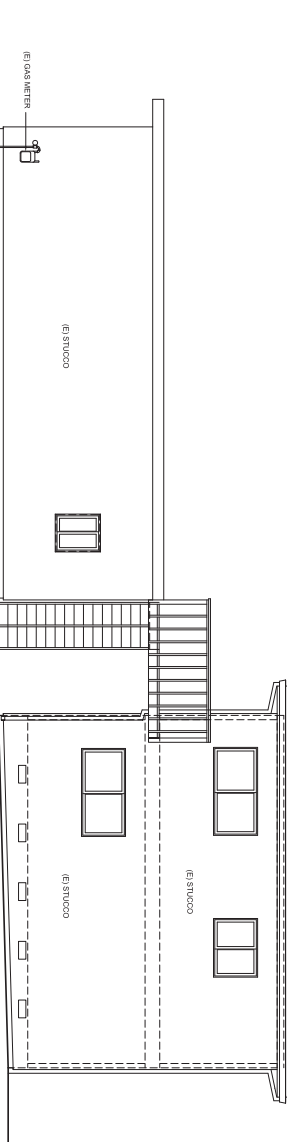
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1/4" = 1'-0"



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



EXISTING EXTERIOR ELEVATION - WEST
1/4" = 1'-0"



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

EXISTING EXTERIOR ELEVATIONS
1/4" = 1'-0"

APN 034 037 17

4795 GARNET AVE
CAPITOLA, CA 95010

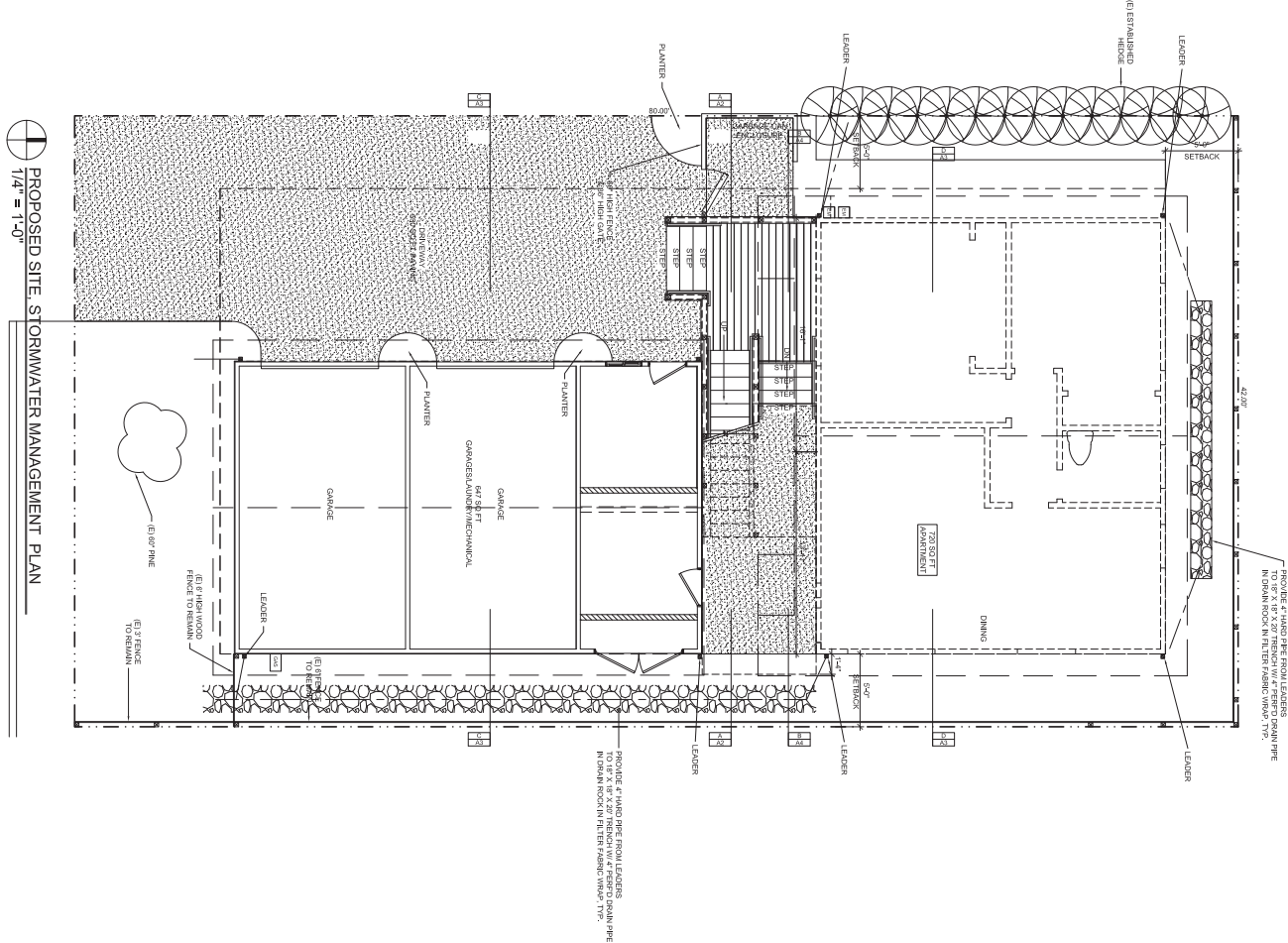
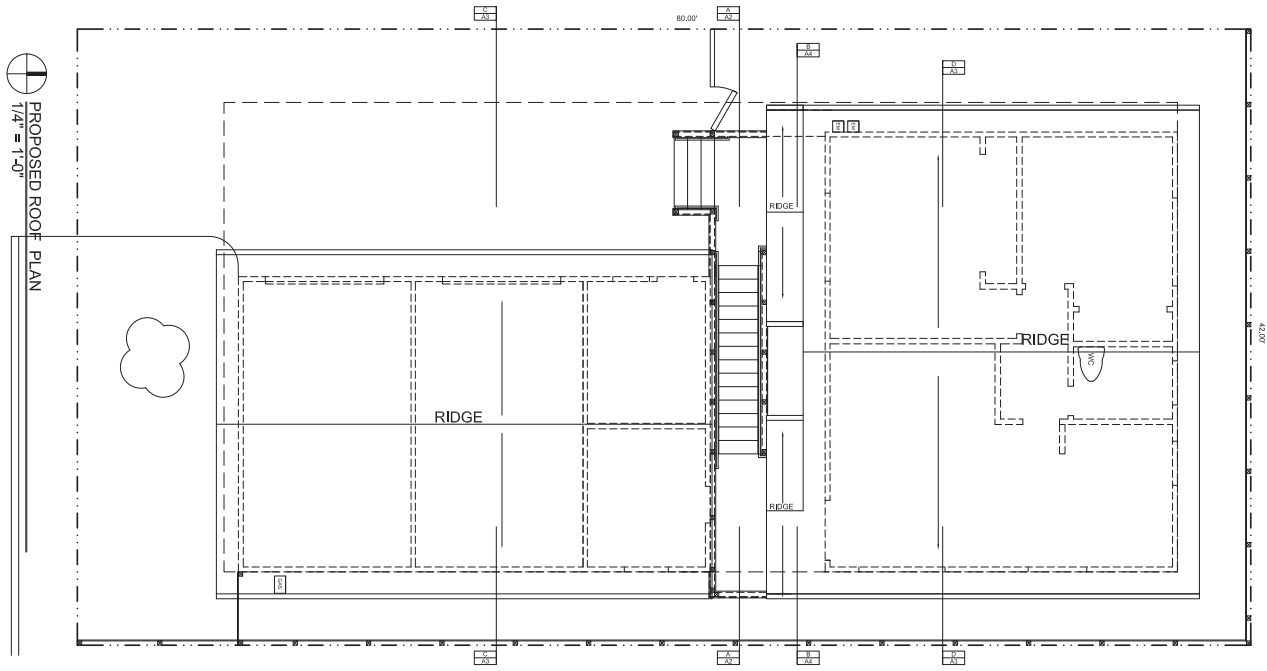
ANDERSON
SPICER
ARCHITECTS

444 Anderson Drive, Suite 100
1017 7th Ave., Suite 100
Santa Cruz, CA 95062
(831) 452-2000
info@andspic.com

EC2

DATE PLOTTED: 05/24/2018 10:58:10 AM

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



2024/12/10 DISCR APPLIC
SUBMITTALS

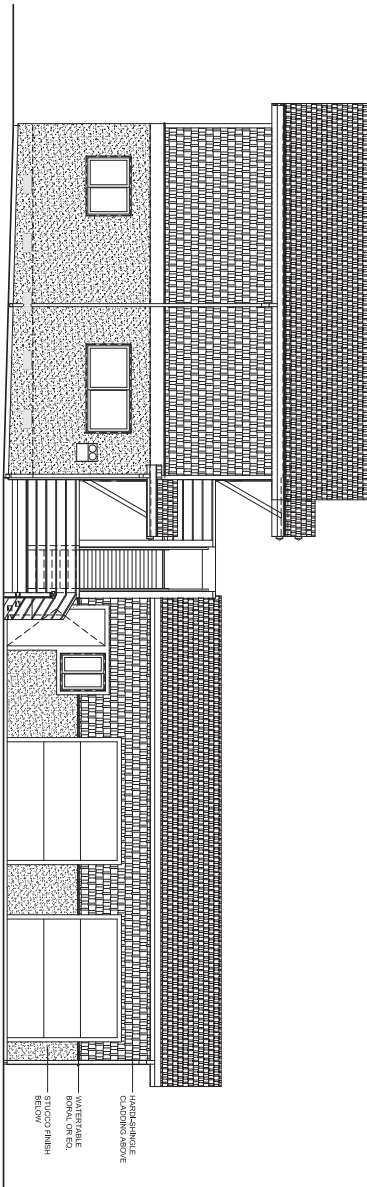
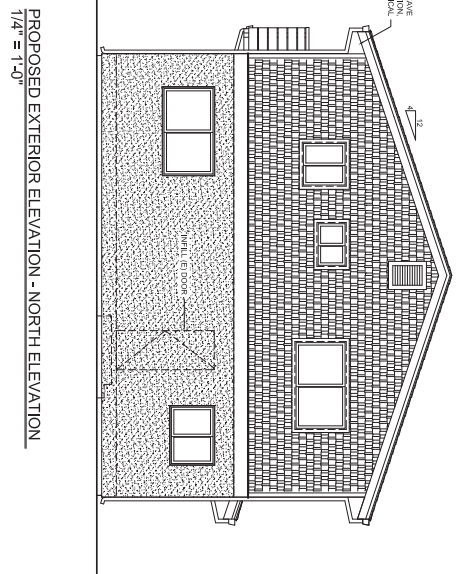
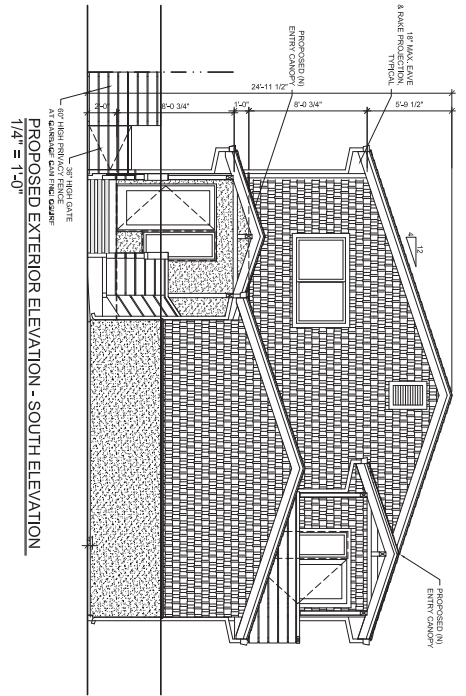
4795 GARNET AVE
CAPITOLA, CA 95010

APN 034 037 16

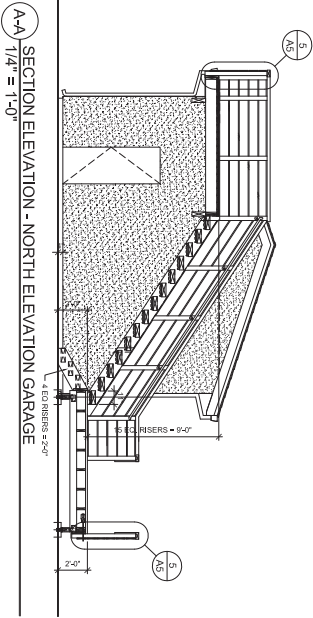
PROPOSED SITE PLAN,
STORM WATER MANAGEMENT
1/4" = 1'-0"

4795 Garnet Drive, Suite 100
Capitola, CA 95010
Tel: 831.452.2000
Fax: 831.452.2000
www.spiceranderson.com

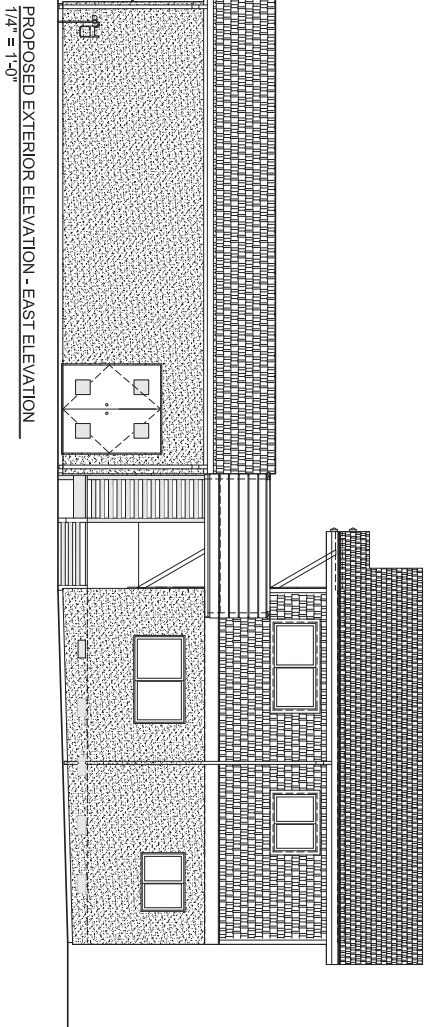
ANDERSON
SPICER
ARCHITECTS



PROPOSED EXTERIOR ELEVATION - WEST ELEVATION
1/4" = 1'-0"



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



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

HARD SHINGLE
CLAY TILE
WATERFALL
BORN ON ED.
STUCCO FINISH
BELOW

PROPOSED EXTERIOR ELEVATIONS
1/4" = 1'-0"

ANDERSON
SPICER
ARCHITECTS

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info@andersonspicer.com



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **620 Monterey Avenue #18-041 APN: 036-101-38**

Coastal Development Permit to demolish one classroom building and 12 existing portable buildings onsite and construct four new buildings for classrooms, art/woodshop rooms, physical education, and locker rooms at New Brighton Middle School.

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

Environmental Determination: Categorical Exemption

Property Owner: Soquel Union Elementary School District

Representative: Madi Architecture and Planning

APPLICANT PROPOSAL

The Soquel Union Elementary School District is requesting a Coastal Development Permit for the New Brighton Middle School Campus to construct four new buildings in place of one existing structure and twelve portable classrooms that will be demolished. The property is located in the Public Facilities (PF) zoning district. The use is consistent with the General Plan, Zoning Ordinance, and Local Coastal Plan.

BACKGROUND

The City received the Coastal Development Permit application on December 8, 2017. The Public Works Department has been working with the applicant toward compliance with stormwater regulations. The project has found to be in compliance with stormwater regulations.

DISCUSSION

The construction of public school facilities is reviewed and regulated by the State of California and is not under the jurisdiction of the City of Capitola. However, pursuant to the Coastal Zone Combining District, a Coastal Development Permit is required for any private or public development project within the City's Coastal Zone. Therefore, a review of the project for consistency with the City's Local Coastal Program and issuance of a Coastal Development Permit is required.

ANALYSIS

The proposed new buildings on the New Brighton Middle School campus are of a contemporary design with large windows and angled roofs to allow natural sunlight into the structures. Each of the buildings will be twenty feet, four inches at the tallest point. All of the buildings will be primarily finished in stucco, with some metal accent finishes on some structures. The proposed

new building located along the frontage of Monterey Avenue has the most architectural detail with large windows stepped back in the shed roof design and a decorative wave incorporated into the stucco along the front façade.

The project does not intensify the use of the school with the demolition of twelve portable classrooms and Building #3 and the introduction of four new structures. In total, 11,520 square feet of class room space will be eliminated with the demolition of the portable classrooms and 3,840 square feet for the demolition of Building #3. A new 4,800 square foot building is proposed in place of Building #3 which will accommodate three classrooms. Another 4,740 square foot structure is proposed at the north end of the campus which will contain five new classrooms. Also, two new buildings are proposed behind the gymnasium; one for a locker room and the other for dance and mat classrooms. In total, 15,360 square feet of existing floor area will be demolished and 17,740 square feet of floor area will be introduced.

Parking

There is no increase in parking demand from the proposal. The three classrooms structures are a total of 14,092 square feet. The 3,648 square foot locker room building is ancillary to the gymnasium and will not create an increased demand on parking. There is a net decrease in the floor area of the primary use of 1,268 square feet. The application increases onsite parking from 148 spaces to 150 spaces.

CEQA

This project is categorically exempt under Section 15314 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

RECOMMENDATION

Staff recommends approval of the Coastal Development permit for Application #18-041 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a Coastal Development Permit to construct four new buildings on the New Brighton Middle School campus. Three buildings will accommodate classrooms and one building will be ancillary locker rooms for the existing gymnasium. Twelve existing portable class rooms and one existing class room building will be demolished. There is no increase in required onsite parking. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 7, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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 parking of the structure shall require Planning Commission approval.

FINDINGS

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

Planning Department Staff and the Planning Commission have reviewed the project. The proposal conforms to the General Plan and Zoning Ordinance in terms of use. The project

conforms to the applicable requirements of the Local Coastal Program, including meeting the requirements for provision of public and private parking, pedestrian access, and traffic.

B. This project is categorically exempt under Section 15314 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 consists of a minor addition to an existing school within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms.

COASTAL FINDINGS

D. Findings Required.

1. 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:

- a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
- b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
- c. A description of the legitimate governmental interest furthered by any access conditioned required;
- d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.

- 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:

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.

- 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 buildout. 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 620 Monterey Avenue. The school is not located in an area with coastal access. The school will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Monterey Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot related to coastal access. The property is a public facility and utilized as a school.

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 620 Monterey 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.

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 a public school property that will not negatively 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.

3. 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 accessway on the subject land.

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

4. 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 on a public school campus without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the 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.
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.
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 school within the public facilities zone.

SEC. 30223

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

- The project involves a school within the public facilities zone.

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 school within the public facilities zone.

- 7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**
 - The project involves the construction of four school buildings. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
- 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.
- 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.
- 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.
- 11. Provisions of minimum water flow rates and fire response times;**
 - The project is located within a mile of the Capitola fire department. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
 - The project is for school classrooms and a locker room. 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.
- 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.
- 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.

15. Project complies with natural resource, habitat, and archaeological protection policies;

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

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.

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.

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 property is not located in the geological hazards zone.

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

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

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 public facilities zoning district.

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

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

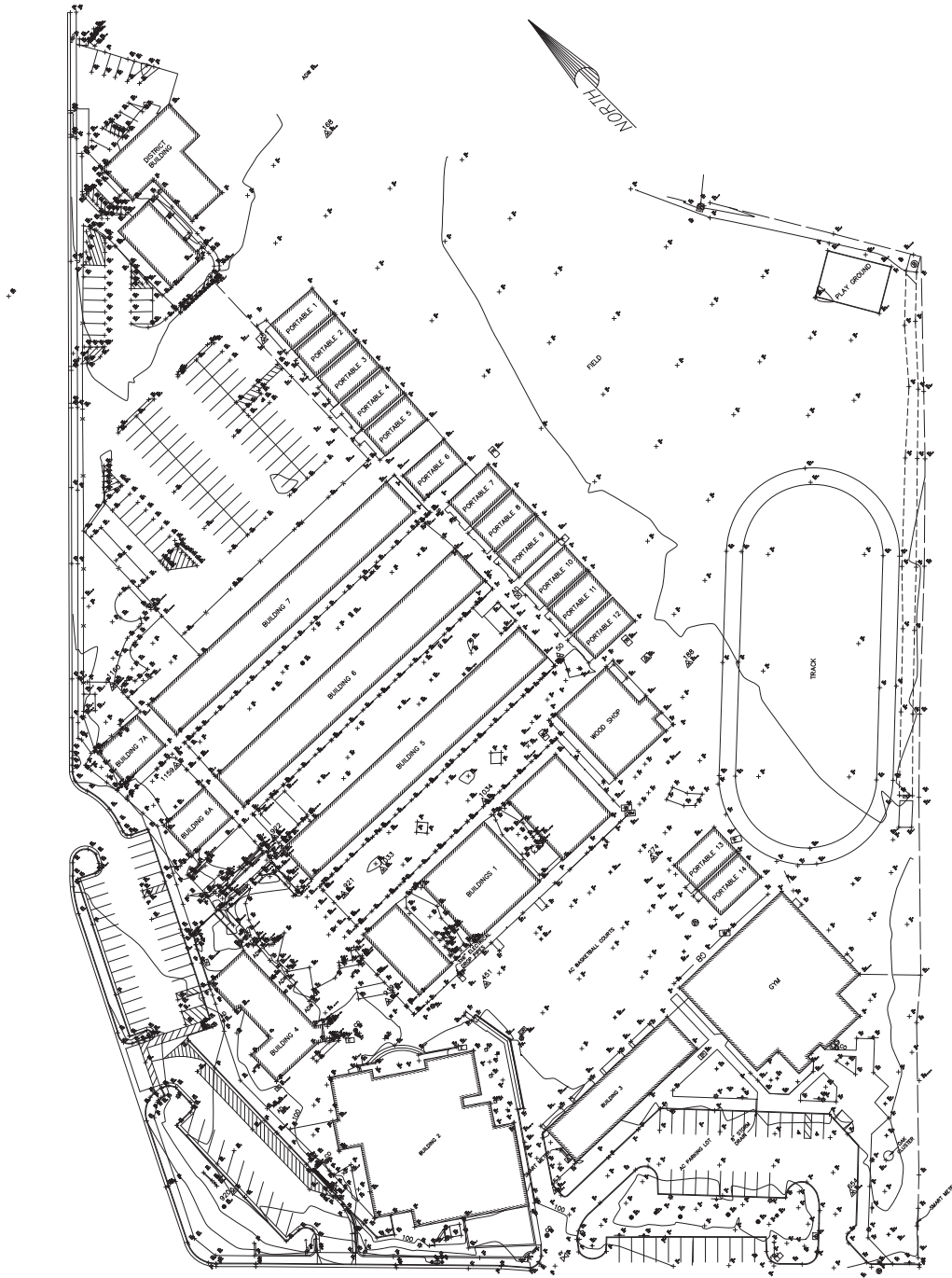
23. Project complies with the Capitola parking permit program as follows:

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- 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 project site is not located within the area of the Capitola parking permit program.

ATTACHMENTS:

1. 620 Monterey Plans

Prepared By: Katie Herlihy
Community Development Director



- NOTES:
- 1) THE PURPOSE OF THIS MAP IS FOR SITE DESIGN AND THE CONTENT IS RELATIVE TO THE INTENDED USE. UNAUTHORIZED CHANGES OR ADDITIONS TO THE EXISTING MAP SHALL BE AT THE USER'S RISK AND BEYOND THE AUTHORIZATION OF HOGAN LAND SERVICES.
 - 2) THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY. ANY BOUNDARY SURVEY FILED IN BOOK _____ AT PAGE _____ SANTA CRUZ COUNTY RECORDS.
 - 3) HORIZONTAL CONTROL: _____ BOUNDARY OF _____ (N. _____ E.)
 - 4) VERTICAL CONTROL: _____ BOUNDARY OF _____ (N. _____ E.) ELEVATION DATUM ASSUMED AT 100.00FT OVER CP 274.





OWNER
SQUEL UNION ELEMENTARY
200 MONTEREY AVE
CAPITOLA, CA 95010



CONSULTANT
NAME - LINE 1
NAME - LINE 2
CITY, STATE, ZIP
PROFESSIONAL STAMP

PROJECT
**INCREMENT 1:
SITE WORK AT
NEW BRIGHTON M.S. &
CAPITOLA E.S.**

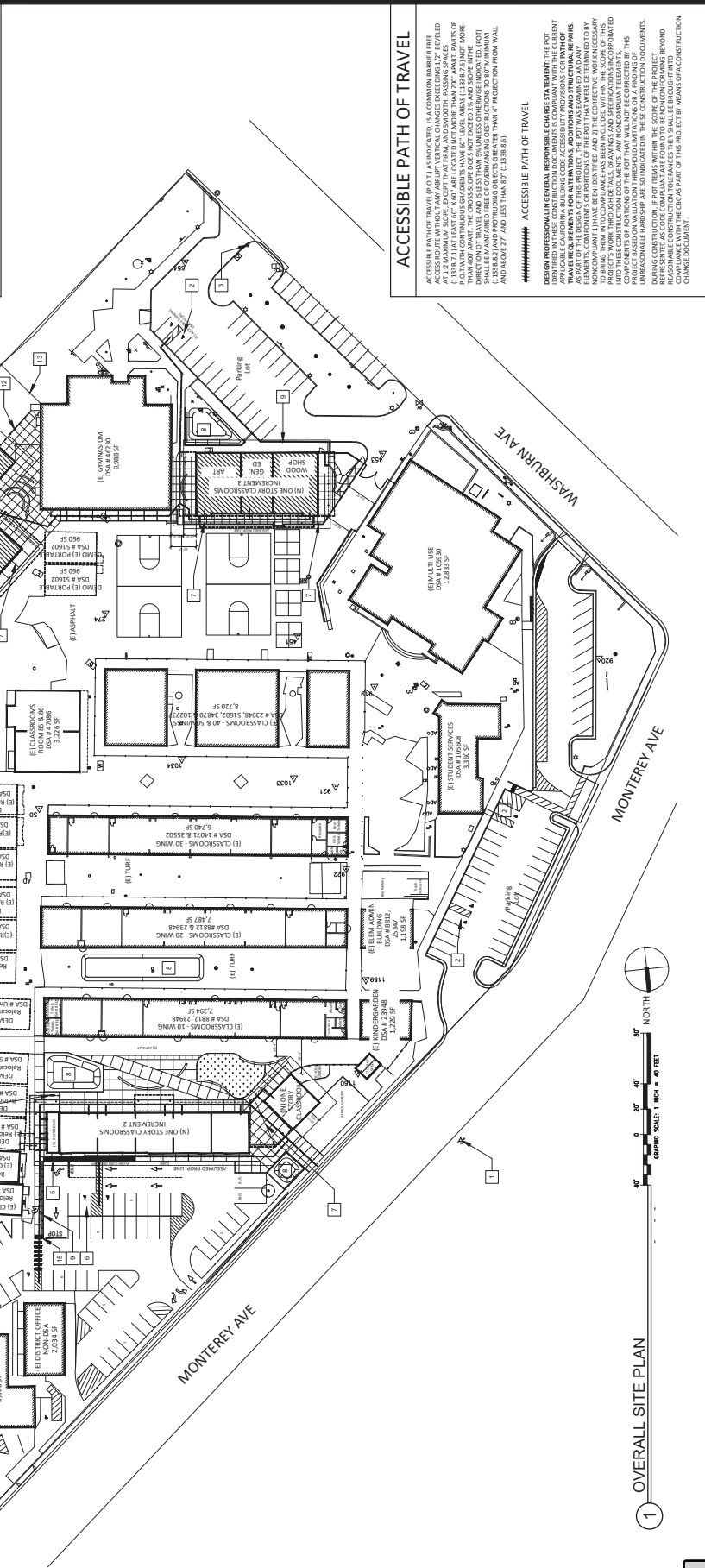
290 MONTEREY AVENUE
CAPITOLA, CA 95010

INC. 1 SITE WORK AT NEW BRIGHTON M.S. & CAPITOLA E.S. FOR SQUEL UNION ELEMENTARY SCHOOL DISTRICT

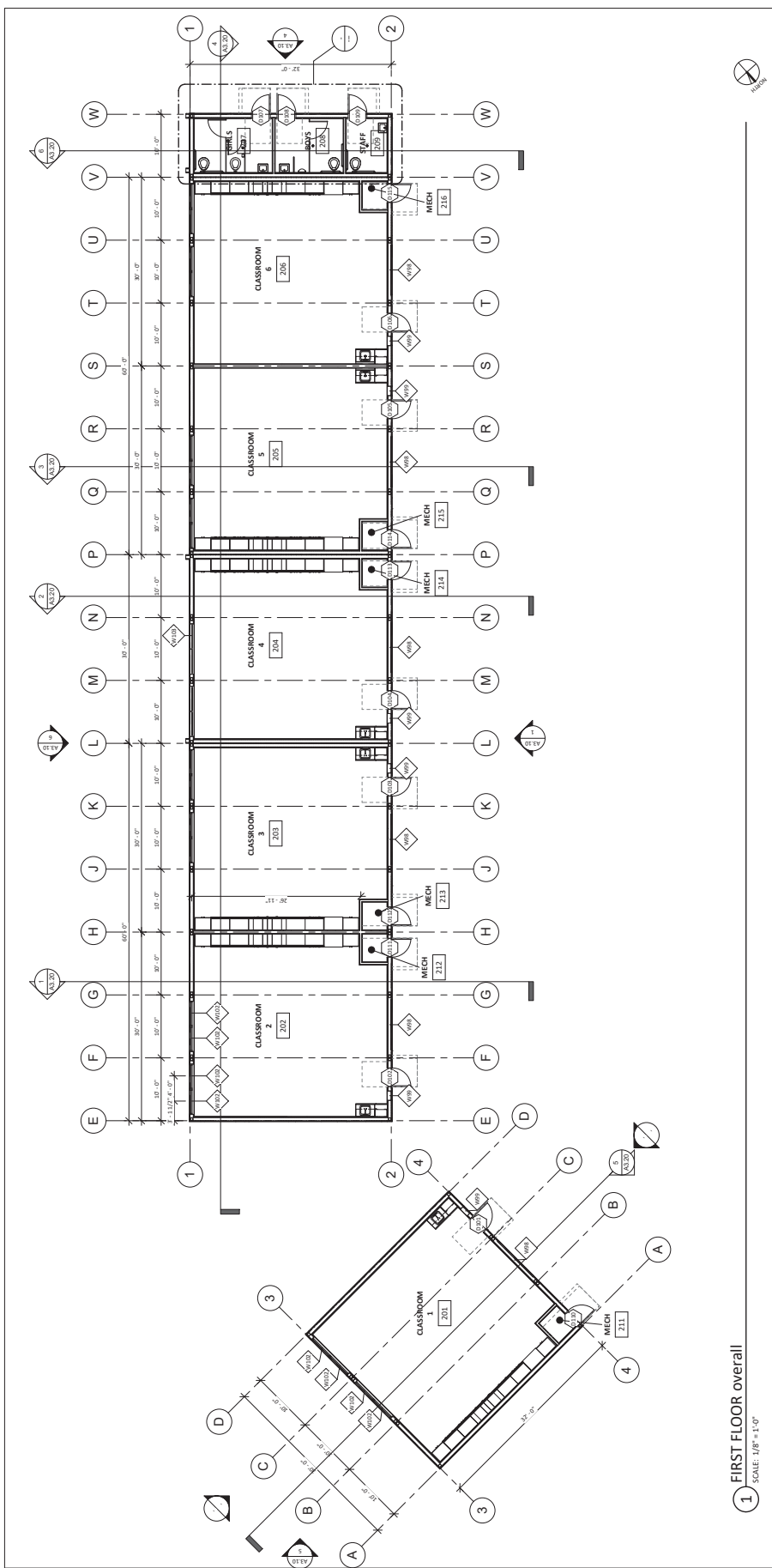
- KEYNOTES**
- 1 (E) FIRE HYDRANT
 - 2 (E) ACCESSIBLE PARKING, DSA # 46230
 - 3 (E) TOWNSHEDS, SEE DETAIL WALL 2, DSA # 0110382
 - 4 (E) ACCESSIBLE PARKING, DSA # 0110382
 - 5 (N) FULGH GROUP OFF CURB - SEE CIVIL
 - 6 (N) ACCESSIBLE PARKING - SEE DETAIL WALL 2, CIVIL
 - 7 (N) METAL SHADE STRUCTURE PER PC 04-114-87
 - 8 (N) RETENTION WALLS - SEE CIVIL
 - 9 (N) 4" TALL GUARDRAIL - SEE DETAIL WALL 3
 - 10 (N) CONE SEAT WALL, TYP - SEE DETAIL WALL 2
 - 11 (N) HYDRATION STATION - SEE DETAIL WALL 3
 - 12 (N) 6" TALL CHAIN LINK FENCE WITH PVC PRIVACY SLATS
 - 13 (E) CHAIN LINK FENCE
 - 14 (N) BILLS PARKING ONLY SIGN - SEE WALL 2
 - 15 (N) STOP SIGN - SEE WALL 2
 - 16 (N) DO NOT ENTER SIGN - SEE WALL 2

PARKING CALCULATIONS

ACCESSIBLE	REGULAR
(E) PARKING SPACES	141
DEMO PARKING SPACES	61
(N) PARKING SPACES	60
TOTAL	262
A	140
B	140



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1 FIRST FLOOR overall
SCALE: 3/8" = 1'-0"

KEYNOTES

- A. ALL EXTERIOR AND INTERIOR WALLS ARE NON-RATED UNLESS OTHERWISE NOTED. SEE A-1.501 FOR WALL TYPES.
- B. ALL EXTERIOR WALLS TO HAVE 6" MINIMUM INSULATION UNLESS OTHERWISE NOTED. SEE A-1.501 FOR WALL TYPES.
- C. SEE A-1.501 FOR SCHEDULE OF FINISHES.
- D. SEE A-1.501 FOR SCHEDULE OF FINISHES.
- E. SEE A-1.501 FOR WINDOW SCHEDULE.
- F. SEE A-1.501 FOR WINDOW SCHEDULE.
- G. SEE A-1.501 FOR WINDOW SCHEDULE.
- H. SEE A-1.501 FOR WINDOW SCHEDULE.
- I. SEE A-1.501 FOR WINDOW SCHEDULE.
- J. SEE A-1.501 FOR WINDOW SCHEDULE.

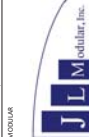
LEGEND

- 1-4 RATED WALL ASSEMBLY, SEE WALL TYPE
- WALL TYPE, SEE A-1.501
- ROOM TYPE, SEE DOOR SCHEDULE A-1.501
- WINDOW TYPE, SEE WINDOW SCHEDULE A-1.501
- MATCHLINE

ARCHITECT

MADI

ARCHITECTURE + PLANNING
 1000 MONTEREY AVENUE, SUITE 200
 MONTEREY, CALIFORNIA 93940
 WWW.MADIPLAN.COM
 TEL: (831) 385-1234



OWNER
 SOQUEL UNION ELEMENTARY
 SCHOOL DISTRICT
 650 MONTEREY AVENUE
 CAPITOLA, CA 95010

CONSULTANT

PROFESSIONAL STAMP

PROJECT

**NEW BRIGHTON
 MIDDLE SCHOOL
 INCREMENT 2:
 NEW LOCKER &
 DANCE ROOMS**
 250 WASHINGTON AVE
 CAPITOLA, CA 95010

REV	DESCRIPTION	DATE

PRODUCT CODE: SEN800
 SERIAL: 111517
 SHEET NAME: FIRST FLOOR PLAN

AGENCY APPROVAL:
 IDENTIFICATION STAMP
 BY: _____ DATE: _____
 TITLE: _____
 APPROVAL: _____
 DATE: _____

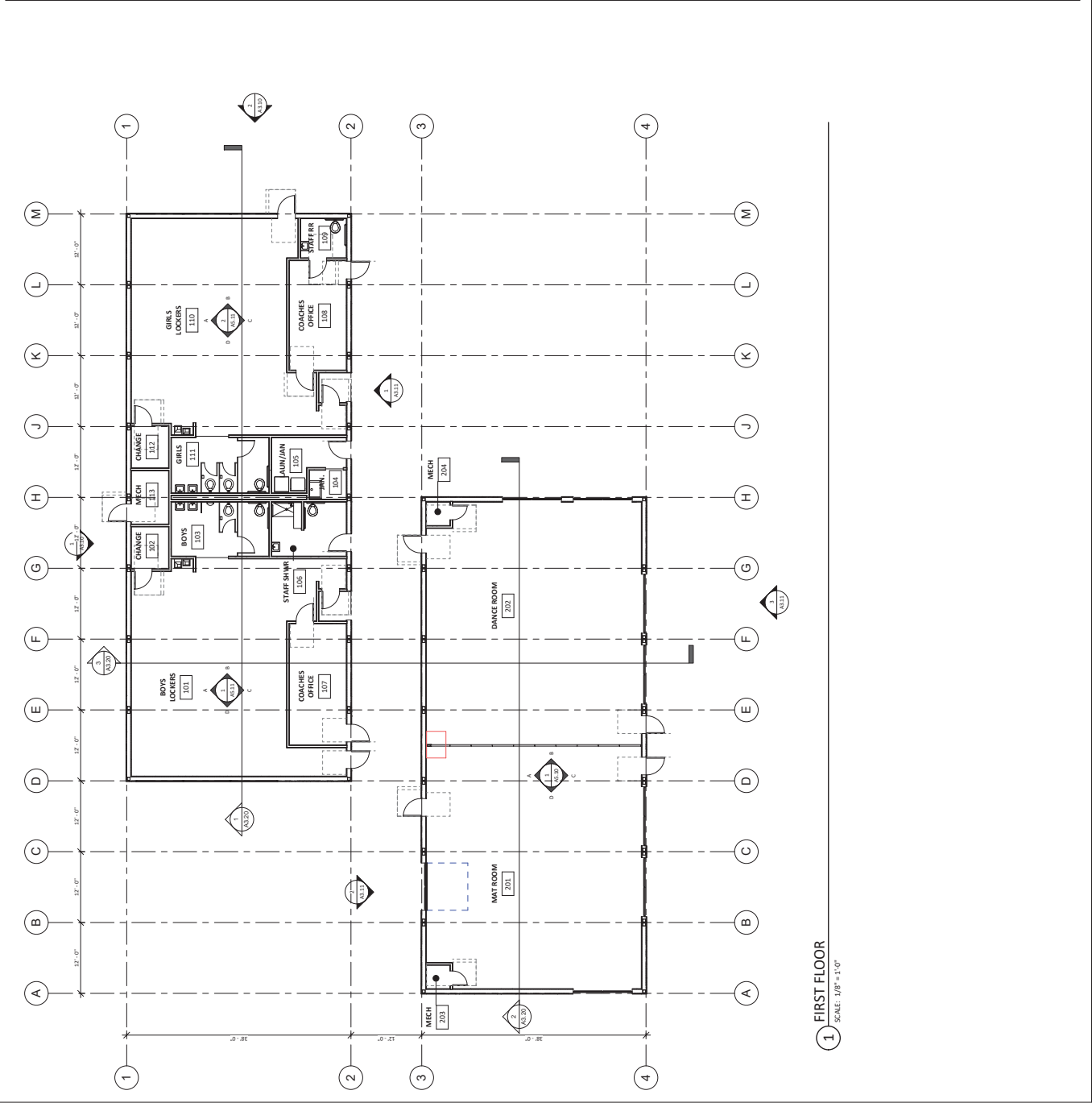
SHEET NUMBER: 2.12

5.A.a

GENERAL NOTES
 A. ALL EXTERIOR AND INTERIOR WALLS ARE NON-WATED UNLESS OTHERWISE NOTED. SEE AS FOR WALL TYPES.
 B. ALL INTERIOR WALLS ARE NON-WATED UNLESS OTHERWISE NOTED. SEE AS FOR WALL TYPES.
 C. ALL EXTERIOR WALLS TO HAVE 4" RIGID CORE, SEE STRUCTURAL DRAWINGS.
 D. SEE ALL DOOR SCHEDULES FOR FINISHES.
 E. SEE ALL WINDOW SCHEDULES FOR FINISHES.
 F. SEE AS FOR WINDOW SCHEDULES.
 G. COORDINATE WITH STRUCTURAL, ELECTRICAL, LOW VOLTAGE, MECHANICAL, PLUMBING & FIRE SUPPRESSION DRAWINGS.

KEYNOTES

LEGEND
 1-HR RATED WALL ASSEMBLY, SEE WALL TYPE
 WALL TYPE, SEE AS 103 & 103.1
 DOOR TYPE, SEE DOOR SCHEDULE A103 & A103.1
 WINDOW TYPE, SEE WINDOW SCHEDULE A103 & A103.1
 MADI LINE



1 FIRST FLOOR
 SCALE: 1/8" = 1'-0"

OUTLET CONTROL STRUCTURE SUMMARY TABLE

ROW ELEVATION	OCS-1	OCS-2	OCS-3	OCS-3B	OCS-3E	OCS-2	OCS-2B
UNDERDRAIN INVERT ELEVATION	99.00	98.80	99.25	98.00	N/A	98.80	98.50
OUTLET INVERT ELEVATION	99.16	99.33	102.00	98.27	99.13	101.66	101.25
ORIFICE SIZE (IN)	2	1-5/8	7/8	2	N/A	1-7/8	5/8

BIORETENTION DEPTH SUMMARY TABLE

BIO-SOIL MIX DEPTH (FT)	SCM-1	SCM-2	SCM-3	SCM-6	SCM-7	SCM-8
BIO-SOIL MIX DEPTH (FT)	0.50	2.00	2.00	2.00	2.00	2.00
CLASS 2 FERM WITH BRAIN DEPTH (FT)	0.50	0.50	0.50	0.50	0.50	0.50
DRAIN ROCK DEPTH BELOW BRAIN (FT)	1.28	1.45	1.45	2.12	1.71	1.00

10-YEAR ORIFICE SIZING (DMA 1)

REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8

10-YEAR ORIFICE SIZING (DMA 2)

REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8

TOTAL STORAGE VOLUME BY DMA

DMA 1	DMA 2	DMA 3	DMA 4	DMA 5	DMA 6	DMA 7	DMA 8	DMA 9
REQUIRED RETENTION VOLUME	1,016 CF	546 CF	N/A	1,547 CF	440 CF	27 CF	27 CF	N/A
REQUIRED DETENTION VOLUME	456 CF	126 CF	N/A	808 CF	348 CF	30 CF	30 CF	N/A
REQUIRED TOTAL STORAGE VOLUME	1,472 CF	1,022 CF	N/A	2,155 CF	788 CF	57 CF	57 CF	N/A
PROVIDED RETENTION VOLUME	1,016 CF	546 CF	N/A	1,547 CF	440 CF	27 CF	27 CF	N/A
PROVIDED DETENTION VOLUME	456 CF	126 CF	N/A	808 CF	348 CF	30 CF	30 CF	N/A
PROVIDED TOTAL STORAGE VOLUME	1,472 CF	1,022 CF	N/A	2,155 CF	788 CF	57 CF	57 CF	N/A

10-YEAR ORIFICE SIZING (DMA 3)

REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8

10-YEAR ORIFICE SIZING (DMA 4)

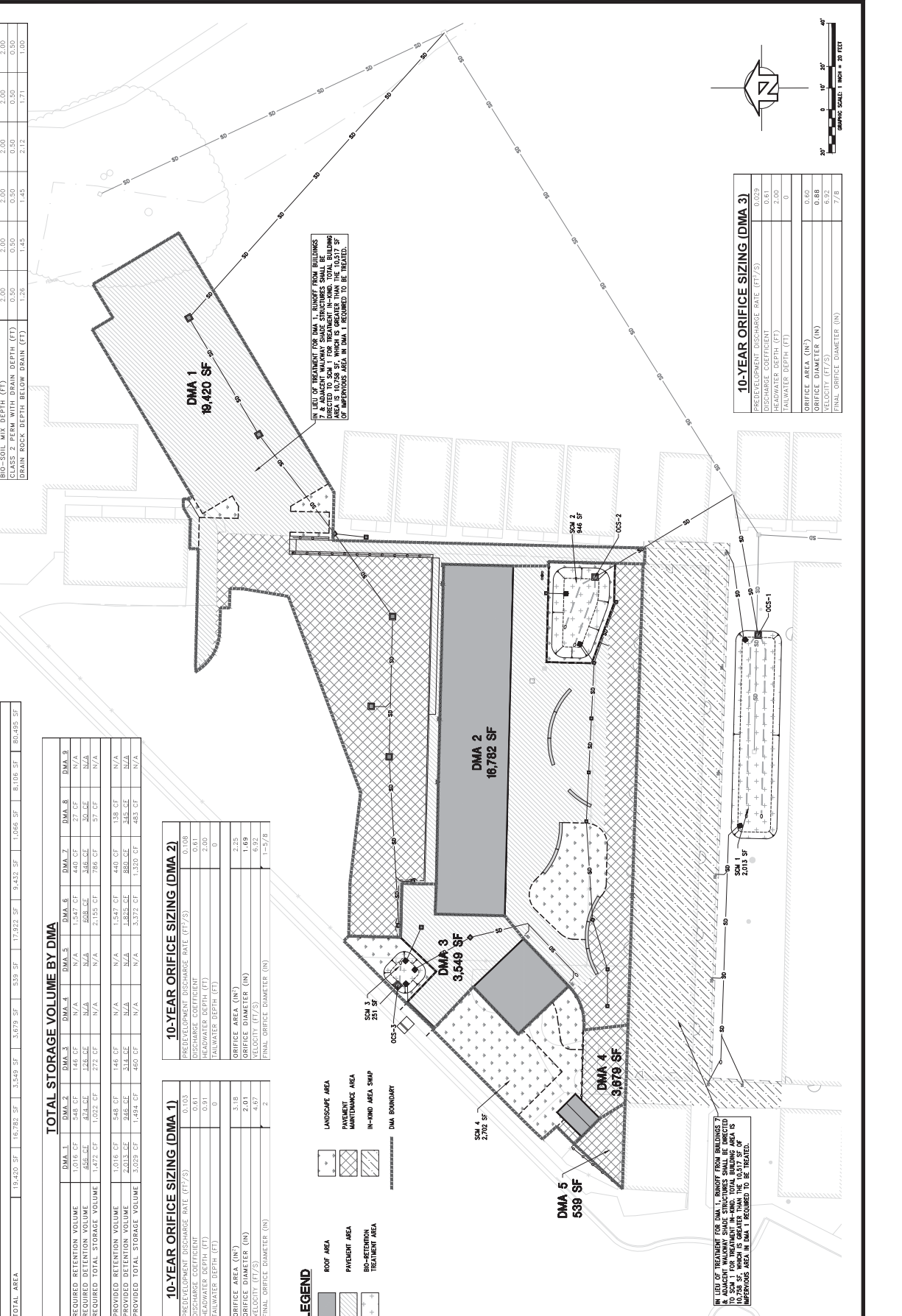
REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8

10-YEAR ORIFICE SIZING (DMA 5)

REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8

10-YEAR ORIFICE SIZING (DMA 6)

REQUIRED RETENTION VOLUME	0.03
DISCHARGE COEFFICIENT	0.60
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	2.25
ORIFICE DIAMETER (IN)	1.69
FINAL ORIFICE DIAMETER (IN)	1-5/8



LET LIST OF TREATMENT FOR DMA 1, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 1 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 19,420 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 1 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 2, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 2 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 16,782 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 2 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 3, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 3 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 3,549 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 3 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 4, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 4 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 3,878 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 4 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 5, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 5 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 539 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 5 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 6, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 6 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 19,420 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 6 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 7, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 7 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 16,782 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 7 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 8, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 8 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 3,549 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 8 REQUIRED TO BE TREATED.

LET LIST OF TREATMENT FOR DMA 9, RUNOFF FROM BUILDINGS 7 & ADJACENT WALKWAY SHADE STRUCTURES SHALL BE DIRECTED TO SCM 9 FOR TREATMENT IN-RAND. TOTAL BUILDING AREA IS 3,878 SF. PERCENTAGE OF IMPERVIOUS AREA IN DMA 9 REQUIRED TO BE TREATED.

10-YEAR ORIFICE SIZING (DMA 3)

PREDEVELOPMENT DISCHARGE RATE (FT ³ /S)	0.029
DISCHARGE COEFFICIENT	0.61
HEADWATER DEPTH (FT)	2.00
FALOWATER DEPTH (FT)	0
ORIFICE AREA (IN ²)	0.60
ORIFICE DIAMETER (IN)	0.68
VELOCITY (FT/S)	6.92
FINAL ORIFICE DIAMETER (IN)	7/8



TOTAL STORAGE VOLUME BY DMA

	DMA 1	DMA 2	DMA 3	DMA 4	DMA 5	DMA 6	DMA 7	DMA 8	DMA 9	DMA 10	TOTAL
REQUIRED RETENTION VOLUME	0 SF	5,233 SF	977 SF	192 SF	0 SF	6,840 SF	4,713 SF	0 SF	0 SF	0 SF	17,955 SF
REQUIRED DEFENTION VOLUME	10,517 SF	5,208 SF	3,235 SF	0 SF	0 SF	2,172 SF	3,658 SF	634 SF	0 SF	0 SF	29,214 SF
IMPERVIOUS AREA	10,517 SF	10,519 SF	3,912 SF	192 SF	0 SF	14,017 SF	8,339 SF	693 SF	0 SF	0 SF	47,697 SF
LANDSCAPE AREA	340 SF	1,571 SF	358 SF	0 SF	0 SF	2,668 SF	331 SF	58 SF	0 SF	0 SF	6,125 SF
TREATMENT AREA	0 SF	346 SF	254 SF	0 SF	0 SF	1,825 SF	643 SF	345 SF	0 SF	0 SF	4,053 SF
PERVIOUS AREA	340 SF	2,517 SF	637 SF	2,702 SF	0 SF	3,905 SF	1,033 SF	374 SF	2,199 SF	0 SF	13,706 SF
PAVEMENT MAINTENANCE AREA	8,563 SF	3,326 SF	539 SF	0 SF	0 SF	0 SF	0 SF	0 SF	5,507 SF	0 SF	18,120 SF
TOTAL AREA	19,420 SF	16,782 SF	3,549 SF	539 SF	539 SF	17,912 SF	9,452 SF	1,066 SF	8,106 SF	0 SF	80,495 SF

AREA SUMMARY TABLE

	DMA 1	DMA 2	DMA 3	DMA 4	DMA 5	DMA 6	DMA 7	DMA 8	DMA 9	DMA 10	TOTAL
ROOF AREA	0 SF	5,233 SF	977 SF	192 SF	0 SF	6,840 SF	4,713 SF	0 SF	0 SF	0 SF	17,955 SF
HARDSCAPE AREA	10,517 SF	5,208 SF	3,235 SF	0 SF	0 SF	2,172 SF	3,658 SF	634 SF	0 SF	0 SF	29,214 SF
IMPERVIOUS AREA	10,517 SF	10,519 SF	3,912 SF	192 SF	0 SF	14,017 SF	8,339 SF	693 SF	0 SF	0 SF	47,697 SF
LANDSCAPE AREA	340 SF	1,571 SF	358 SF	0 SF	0 SF	2,668 SF	331 SF	58 SF	0 SF	0 SF	6,125 SF
TREATMENT AREA	0 SF	346 SF	254 SF	0 SF	0 SF	1,825 SF	643 SF	345 SF	0 SF	0 SF	4,053 SF
PERVIOUS AREA	340 SF	2,517 SF	637 SF	2,702 SF	0 SF	3,905 SF	1,033 SF	374 SF	2,199 SF	0 SF	13,706 SF
PAVEMENT MAINTENANCE AREA	8,563 SF	3,326 SF	539 SF	0 SF	0 SF	0 SF	0 SF	0 SF	5,507 SF	0 SF	18,120 SF
TOTAL AREA	19,420 SF	16,782 SF	3,549 SF	539 SF	539 SF	17,912 SF	9,452 SF	1,066 SF	8,106 SF	0 SF	80,495 SF

OUTLET CONTROL STRUCTURE SUMMARY TABLE

	OCS-1	OCS-2	OCS-3	OCS-4	OCS-5	OCS-6	OCS-7	OCS-8
RIM ELEVATION	102.00	101.00	102.50	101.60	103.68	103.17	102.50	102.50
UNDERDRAIN INVERT ELEVATION	99.00	98.80	99.25	98.80	N/A	98.80	99.50	99.50
OUTLET INVERT ELEVATION	99.16	99.33	102.00	99.27	99.13	101.66	101.25	101.25
ORIFICE SIZE (IN)	2	1-5/8	7/8	2	N/A	1-5/8	5/8	5/8

10-YEAR ORIFICE SIZING (DMA 6)

REV	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	11/20/17
2	DATE REVISION	1/23/18
3	DATE REVISION	1/23/18
4	DATE REVISION	1/23/18
5	DATE REVISION	1/23/18
6	DATE REVISION	1/23/18
7	DATE REVISION	1/23/18
8	DATE REVISION	1/23/18
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97	DATE REVISION	1/23/18
98	DATE REVISION	1/23/18
99	DATE REVISION	1/23/18
100	DATE REVISION	1/23/18

10-YEAR ORIFICE SIZING (DMA 7)

REV	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	11/20/17
2	DATE REVISION	1/23/18
3	DATE REVISION	1/23/18
4	DATE REVISION	1/23/18
5	DATE REVISION	1/23/18
6	DATE REVISION	1/23/18
7	DATE REVISION	1/23/18
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100	DATE REVISION	1/23/18

10-YEAR ORIFICE SIZING (DMA 8)

REV	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	11/20/17
2	DATE REVISION	1/23/18
3	DATE REVISION	1/23/18
4	DATE REVISION	1/23/18
5	DATE REVISION	1/23/18
6	DATE REVISION	1/23/18
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21	DATE REVISION	1/23/18



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **105 Stockton Avenue #18-0170 APN: 035-171-21**

Amendment to the Master Sign Program at 103/105 Stockton Avenue to allow an additional wall sign in the C-V (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Peter Hubback

Representative: Vahan Tchakerian, Filed: 04.17.2018

APPLICANT PROPOSAL

The applicant submitted an amendment to the Master Sign Program (MSP) for the existing commercial building located at 105 Stockton Avenue in the C-V (Central Village) zoning district. The proposed amendment is to increase the maximum sign dimensions and allow an additional wall sign for the tenant at 105 Stockton Avenue on the east elevation along Riverview Avenue.

BACKGROUND

Zoning Ordinance §17.57.080 outlines the process for adopting a MSP for multi-tenant developments. A MSP establishes the allowed materials, letter style, height, color and illumination of signs for multi-tenant buildings. A MSP is approved by the Planning Commission, with subsequent approvals administered by the Community Development Director or his/her designee for signs which comply with the program. In 2002, a MSP was approved for 103 and 105 Stockton Avenue (Attachment 3).

The current application is the result of a code enforcement complaint. The applicant installed two signs at 105 Stockton Avenue without a permit. The two exterior signs are out of compliance with the master sign program. Also included in the code enforcement were two large window signs that filled the entire windows. Upon inspection, staff learned that these were large shower curtains which appear as signs from the exterior. The applicant moved the curtain one foot back from the window to be a window display.

DISCUSSION

The applicant is requesting a change to the MSP to accommodate the signs that were installed and effectively allow the tenant at 105 Stockton Avenue to increase the allowed sign area of the sign on the awning and add a second wall sign on the side along Riverview Avenue. The existing 2002 MSP is difficult to follow as it not organized well, with five requirements and

additional conditions tied to a specific approval at the Armida Winery. The basic elements of the 2002 MSP include:

- Wall signs shall be externally illuminated.
- Letter style and sign color are subject to the Community Development Director's approval.
- Sign height shall be "typical" wall signs – 10-inches (bottom side of awning).
- Illumination shall be down lighting consistent with the Central Village Design Guidelines and subject to the Community Development Director's approval.
- Signs shall be limited to the south elevation along Stockton Avenue and the west elevation along the Soquel Creek side.
- The sign area of the sign on the copper awnings in front of the business along Stockton Avenue, were designed as 27 inches tall by 10 feet long (18.5 square feet), with the capital letters being 18 inches. (Note: Constructed as 24 inches tall by 8 feet long)
- The sign area of the sign on the copper awnings on the side along the Riverview path, was designed and built as 24 inches tall by 8 feet long (13 square feet), with the capital letters being 15 inches.

The applicant is proposing the following two changes to the 2002 MSP:

1. Allow the tenant at 105 Stockton Avenue to have a second sign on the wall adjacent to Riverview Avenue
2. Increase the maximum sign dimensions allowed under the Master Sign Program to 32 inches tall by 96 inches wide

Staff supports the request for a second sign on the wall adjacent to Riverview Avenue because the applicant is on a corner parcel and allowing a second sign along Riverview Avenue is an allowance that currently exists for wall signs on corner lots. Under Capitola Municipal Code (CMC) §17.57.070(B)(1)(a), "businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign."

Staff does not support the request for larger sign dimensions. The proposed dimensions, which are illustrated by the nonconforming signs currently in place at 105 Stockton Avenue, are out of balance with the other tenant signs. Under CMC §17.57.060(A), Central Village signs should relate to their surroundings "in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other conforming signs in the area."

The previous MSP was too broad and difficult to follow, so as part of this amendment it was reformatted and expanded to include additional specifications. The updated MSP can be found in Attachment 1 and below.

Master Sign Program (MSP)

1. Each tenant is allowed two (2) wall/awning signs
2. Location of signs:
 - a. 103 Stockton Avenue
 - i. Signs may be located on the awnings on the south elevation along Stockton Avenue and the west elevation along Soquel Creek
 - b. 105 Stockton Avenue
 - i. Signs may be located on the awning on the south elevation along Stockton Avenue and on the wall on the east elevation along Riverview Avenue
3. Sign Standards:

- a. Dimensions
 - i. Signs may be up to 8 feet wide and 2 feet high
 - b. Number of lines of text
 - i. Signs may have up to two (2) lines of text
 - c. Text/Lettering size
 - i. Text/lettering in the first line of text shall be no greater than 12 inches in height
 - ii. Text/lettering in the second line of text shall be at least 2 inches smaller than the text/lettering in the first line of text
 - d. Design
 - i. Signs shall relate to their surroundings in terms of shape, color, and texture so that they are complimentary to the overall design of the building and are not in visual competition with other conforming signs in the area
 - e. Mounting
 - i. Signs on the east and south elevations shall be attached to top of the awnings
 - ii. Sign on the west elevation shall be attached to the wall
 - f. Illumination
 - i. Signs shall be externally illuminated
 - ii. Illumination shall be down directed and shielded to light the signs only and not light trespass onto adjacent properties
4. Sign applications that comply with the Master Sign Program shall be approved administratively by the Community Development Director

CEQA

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

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Master Sign Program as updated by Staff and require the applicant to decrease the size of the existing signs at 105 Stockton Avenue based on the updated Master Sign Program and the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The two existing 32 inch tall by 96 inch wide signs at 105 Stockton Avenue shall be reduced in size to 24 inches tall by 96 inches wide to conform to the amended Master Sign Program requirements.
2. All future signs at 103/105 Stockton Avenue shall comply with the updated Master Sign Program. Individual sign permits may be issued by the Community Development Director or designee.
3. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.
4. Prior to operation of a new business, the applicant shall obtain a business license from the City of Capitola.

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

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

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the amended Master Sign Program complements the building form. The MSP establishes requirements for future signs that will maintain the character and integrity of this commercial building within the City of Capitola. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS:

1. 103-105 Stockton Avenue - Master Sign Program
2. 103-105 Stockton Avenue - Proposed Sign Pictures

Prepared By: Matt Orbach
Assistant Planner

Master Sign Program - 103/105 Stockton Avenue

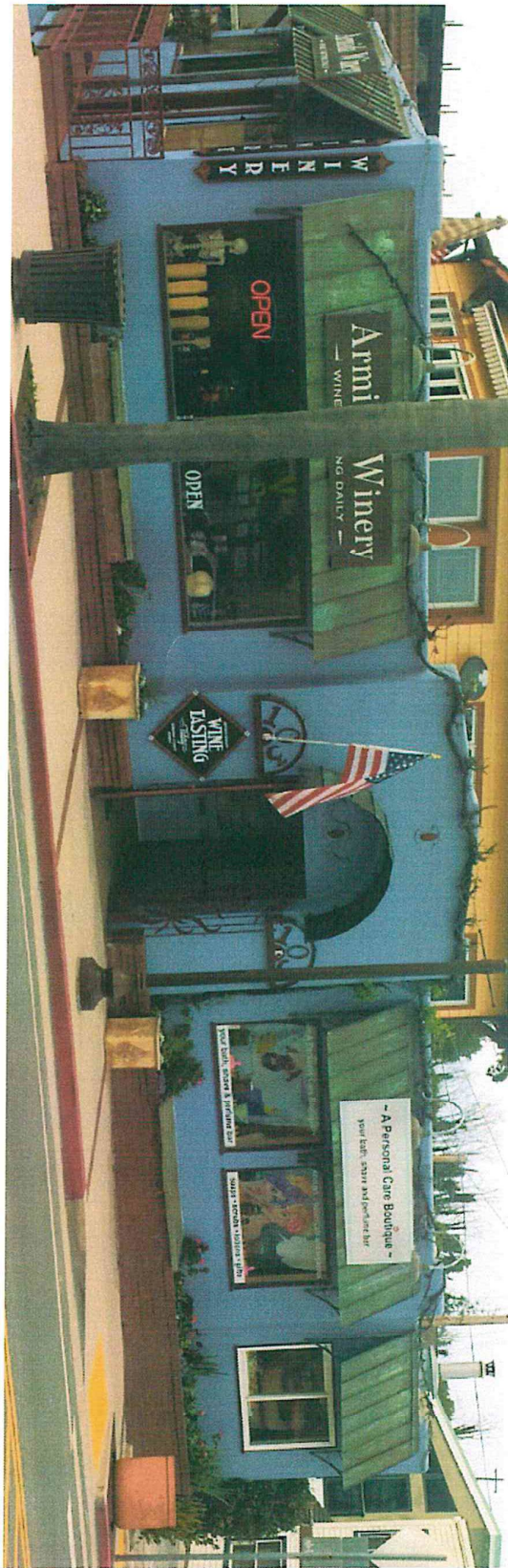
June 7, 2018

Master Sign Program (MSP):

1. Each tenant is allowed two (2) wall/awning signs
2. Location of signs:
 - a. 103 Stockton Avenue
 - i. Signs may be located on the awnings on the south elevation along Stockton Avenue and the west elevation along Soquel Creek
 - b. 105 Stockton Avenue
 - i. Signs may be located on the awning on the south elevation along Stockton Avenue and on the wall on the east elevation along Riverview Avenue
3. Sign Standards:
 - a. Dimensions
 - i. Signs may be up to 8 feet wide and 2 feet high
 - b. Number of lines of text
 - i. Signs may have up to two (2) lines of text
 - c. Text/Lettering size
 - i. Text/lettering in the first line of text shall be no greater than 12 inches in height
 - ii. Text/lettering in the second line of text shall be at least 2 inches smaller than the text/lettering in the first line of text
 - d. Design
 - i. Signs shall relate to their surroundings in terms of shape, color, and texture so that they are complimentary to the overall design of the building and are not in visual competition with other conforming signs in the area
 - e. Mounting
 - i. Signs on the east and south elevations shall be attached to top of the awnings
 - ii. Sign on the west elevation shall be attached to the wall
 - f. Illumination
 - i. Signs shall be externally illuminated
 - ii. Illumination shall be down directed and shielded to light the signs only and not light trespass onto adjacent properties
4. Sign applications that comply with the Master Sign Program shall be approved administratively by the Community Development Director

side view





103 & 105 Stockton

Attachment: 103-105 Stockton Avenue - Proposed Sign Pictures (105 Stockton Avenue)



33ft

Attachment: 103-105 Stockton Avenue - Proposed Sign Pictures (105 Stockton Avenue)



Attachment: 103-105 Stockton Avenue - Proposed Sign Pictures (105 Stockton Avenue)

existing lighting



Attachment: 103-105 Stockton Avenue - Proposed Sign Pictures (105 Stockton Avenue)

96x32x18



96x32x18

- The signs we put up are identical to what was up before for Seaside Coffee
- We asked the owners of Seaside Coffee where they got their signs, contacted the sign company for identical specifications and procured the same
- We have gone through great expense having these signs designed, manufactured and installed
- We ask the City of Capitola allow us to keep these signs up and apologize for not having known the sign permit process. Of course we will pay any permit fees required by the City

96x32x18



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JUNE 7, 2018

SUBJECT: **Retail Marijuana Sales in Regional Commercial Zoning District**

Amendment to Regional Commercial Zoning District to allow a new conditional use for a limited number of retail cannabis establishments, subject to regulations and review criteria, in compliance with state law. The proposed ordinance shall only go into effect if a ballot measure for a cannabis tax is passed by Capitola voters in November 2018.

This zoning amendment will not impact properties in the Coastal Zone and therefore does not require Coastal Commission adoption.

Environmental Determination: Categorical Exemption

Property Owner: All properties in the Regional Commercial zone

Representative: Katie Herlihy, Community Development Director

BACKGROUND

The City Council adopted Urgency Ordinance No. 989 on January 9, 2014, to prohibit commercial cultivation and processing of medical marijuana within the City of Capitola. In 2016, California voters approved Proposition 64 which decriminalized the possession, use, and sale of recreational marijuana for adults 21 or older and authorized the recreational sale of marijuana beginning on January 1, 2018.

On March 9, 2017, the City Council held a public hearing to consider the 2014 ordinance in light of Proposition 64. Citing concerns with the lack of state regulations and guidance on commercial marijuana activities, the Council ultimately adopted an amended ordinance to ban all commercial marijuana uses, except for laboratory testing facilities. The City Council also directed staff to schedule a review of the ordinance once state regulations were adopted for commercial marijuana activities.

The City Council reviewed the ordinance on February 8, 2018, and expressed support to retain current prohibitions on manufacturing, cultivation, and recreational delivery services. The Council also directed staff to return with additional information and recommendations to allow limited retail sales exclusively in the Regional Commercial zoning district.

On April 12, 2018, the City Council directed staff to move forward with drafting amended ordinances for retail cannabis sales within the Regional Commercial zoning district. The ordinance will be contingent on passage of a local cannabis tax. Staff will work with the City Attorney to craft the ordinances so they would only go into effect if a ballot measure passed in November 2018.

DISCUSSION

To allow retail marijuana sales in the City, the recently adopted zoning code must be amended to establish retail marijuana establishments as a land use type and include appropriate conditions and performance standards to minimize land use conflicts. Based on previous Council direction and a review of best practices applied by other California jurisdictions, staff drafted an ordinance to amend the Regional Commercial (CR) zoning district to add retail cannabis establishment to the land use table as a conditional use. The CR zoning district includes an approximately 2,800-foot-long area along 41st Avenue between Capitola Road and Highway 1, the Clares Street loop around the mall, and Auto Plaza Drive. The ordinance includes the following standards:

- Require a 1,000-foot minimum path of travel (buffer) distance between a retail cannabis establishments and schools/churches;
- Require a minimum 500-foot buffer distance between retail cannabis establishments;
- Require establishments to have an independent exterior entrance that is not shared with another business;
- Require retailers to maintain a current Cannabis Retail License, issued through the Police Department, as outlined below; and
- Require specific sign regulations to protect youth from marketing.

Signs

Many jurisdictions have adopted specific regulation for cannabis retail establishment signs in an effort to limit marketing to youth. For instance, Santa Cruz County Code 17.130.110(G)(12) limits signs for cannabis dispensaries to one sign stating the dispensary name, address, hours of operation, a green cross, that is limited to six square feet in area, “shall not be directly illuminated, shall not contain graphics identifying cannabis, and must comply with all existing County regulations and restrictions regarding signs.” Similarly, the City of Watsonville’s ordinance requires content “to not have reference, through language or symbol, to cannabis,” limits illumination to operating hours, and limits sign area to 15 square feet.

The proposed ordinance includes three options for sign regulations, as follows:

Option 1- Compliance with sign code. A retail cannabis establishment shall be limited to the sign regulations of Chapter 17.80 of the new zoning code applicable outside the Coastal Zone, as follows:

- Each establishment may have a mix of the sign types provided the area of all signs on the property do not exceed 1 square foot per linear foot of building frontage up to a maximum of 50 square feet;
- No limits to logo size or design;
- Illumination allowed pursuant to 17.80.070.D; and
- Signs shall otherwise be subject to a Sign Permit Application in accordance with Section 17.132.

Option 2 – Restricted marketing.

- Limited to one exterior building sign per business location to identify the business,
- Sign may include name of business and one logo.
- Sign area maximum of 20 square feet, or one square foot per linear frontage of the

business; whichever is less.

- Sign shall not contain reference in language to cannabis.
- Sign may have one graphic limited to the business logo or one green cross.
- Sign shall otherwise be subject to Planning Commission review through a Sign Permit Application in accordance with Section 17.132.

Option 3 – More restricted marketing.

- Limited to one exterior building sign per business location to identify the business as a retail cannabis establishment in compliance with the following standards:
 - Sign may include name of business only;
 - Sign area maximum of 15 square feet, or one square foot per linear frontage of the business; whichever is less;
 - Sign may not have any reference, through symbols or language, to cannabis;
 - Sign shall not be directly illuminated except during operating hours; and
 - Sign shall otherwise be subject to Planning Commission review through a Sign Permit Application in accordance with Section 17.132.

Cannabis Retail License

In conjunction with the conditional use permit, staff has drafted amendments to chapter 9.61 of the municipal code for a separate Cannabis Retail License maintained by the Police Department. The regulations for a Cannabis Retail License would be outside the zoning code; therefore, the license ordinance is not under the purview of the Planning Commission. Such licenses would require renewal on a periodic basis, and incorporate best-practice physical security and retail measures. In addition, the ordinance would:

- Establish a maximum number of Cannabis Retail licenses.
- Establish a competitive, merit-based license issuance system that accounts for legal cannabis retail experience, civil and criminal records, operations and security plans, and residency. The Council may also include criteria to promote minority- or woman-owned businesses, employee wages/benefits, or other factors.
- Licenses would not run with the property and would have requirements for transferring locations and/or operators.
- Require operators to undergo periodic review by the Police and Community Development Departments. If the retailer has serious or multiple violations, the Police Chief and/or Community Development Director may suspend or revoke the Cannabis Retail license.
- Prohibit specific products that are attractive to children or youth and products with packaging or labeling that is attractive to children or youth.
- Incorporate and require compliance with Conditional Use Permit requirements.

Next Steps

Upon recommendation by the Planning Commission, the City Council will begin review of amendments to the zoning ordinance, as well as amendments to Municipal Code Chapter 9.61 (Marijuana Sales, Processing and Cultivation) to include regulations for a Cannabis Retail License; an amendment to the fee schedule, and a ballot measure to consider the related local cannabis tax.

The first reading of the retail cannabis ordinance must occur by the June 28th City Council meeting to meet the ballot measure deadline.

CEQA

This project is categorically exempt under Section 15061 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 retail sales of cannabis in an existing regional commercial zoning district. The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possible adverse environmental impacts were discovered during ordinance review by Planning Staff as the retail use will occur in a zone where retail use has been principally permitted.

RECOMMENDATION

Staff recommends that the Planning Commission provide staff with direction on the preferred option for retail cannabis establishment signs and provide a positive recommendation to the City Council on the draft ordinance to conditionally allow retail cannabis establishments in the Regional Commercial zoning district.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CAPITOLA
AMENDING CAPITOLA MUNICIPAL CODE CHAPTER 17.24 “COMMERCIAL AND
INDUSTRIAL ZONING DISTRICTS” AT SECTION 17.24.020 TO AUTHORIZE RETAIL
CANNABIS SALES IN THE C-R – REGIONAL COMMERCIAL ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

Section 1: Section 17.24.020 of the Capitola Municipal Code is hereby amended to read as follows:

17.20.020 Land Use Regulations

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts.

TABLE 17.24-1: PERMITTED LAND USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Key	Zoning District			Additional Requirements
	C-C	C-R	I	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Residential Uses				
Single-Family Dwellings	-	-	-	
Multi-Family Dwellings	C	C [9]	-	
Residential Mixed Use	C	C [7]	-	Section 17.24.040
Public and Quasi-Public Uses				
Colleges and Trade Schools	C	C	C	
Community Assembly	C	C	-	
Cultural Institutions	C	C	-	

Day Care Centers	C	C	-	
Emergency Shelters	-	-	P	Section 17.96.030
Government Offices	See 17.24.020.C		C	
Medical Offices and Clinics	See 17.24.020.C		-	
Public Safety Facilities	C	C	C	
Commercial Uses				
Alcoholic Beverage Sales	C	C	C	
Banks	P [2]	P [2]	-	
Financial Institutions	P [2]	P [2]	-	Section 17.24.020.C
Business Services	P [2]	P [2]	P	
Commercial Entertainment and Recreation	M	M	-	
Drive-Through Facilities	-	C [4]	-	
Eating and Drinking Establishments				
Bars and Lounges	C	C	C	
Mobile Food Vendors	-	A [6]/C	A [6]/C	
Restaurants and Cafes	M [2]	M [2]	C	
Take-Out Food and Beverage	M [2]	M [2]	-	
Food Preparation	M [2]	-	P	
Gas and Service Stations	C	C	-	
Liquor Stores	C	C	-	
Lodging				
Bed and Breakfast	C	-	-	
Hotel	C	C	-	
Maintenance and Repair Services	M	C	P	
Personal Services	P [1]	P [1]	-	
Professional Offices	See 17.24.020.C		P	
Salvage and Wrecking	-	-	P	
Self-Storage	C	-	C	Section 17.96.140
Retail	P	P	-	
<u>Retail Cannabis Establishment</u>	-	<u>C [10]</u>	-	<u>Section 17.20.020.D</u>
Vehicle Repair	C	C	P	
Vehicle Sales and Rental	C [5]	C [5]	-	
Vehicle Sales Display Room [8]	P	P	-	
Wholesaling	-	M [3]	P	
Heavy Commercial and Industrial Uses				
Construction and Material Yards	-	-	P	
Custom Manufacturing	M	M	P	
Light Manufacturing	-	-	P	

Warehousing and Distribution	-	-	P	
Transportation, Communication, and Utility Uses				
Utilities, Major	-	C	C	
Utilities, Minor	P	P	P	
Recycling Collection Facilities	C	C	C	Section 17.96.130
Wireless Communications Facilities	See 17.104			
Other Uses				
Accessory Uses	See 17.52			
Home Occupations	A	A	-	Chapter 17.96.040
Permanent Outdoor Display	C	C	C	Section 17.96.100
Temporary Uses	See 17.76.180			
Urban Agriculture				
Home Garden	P	P	-	
Community Garden	M	M	-	
Urban Farm	C	C	-	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Minor Use Permit

[2] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Conditional Use Permit

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within 100 feet of a residential zoning district or residential use including residential properties outside the City limits.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location two times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an Administrative Permit in accordance with Municipal Code Chapter 9.36. Mobile food vendors in one location more than two times per year require a Conditional Use Permit.

[7] Residential uses are prohibited on the first story.

[8] Maximum 5,000 square feet.

[9] Allowed only as a part of a mixed-use project integrated with commercial structures located on the same development site.

[\[10\] Requires Cannabis Retail License \(Chapter 9.61\) and compliance with 17.20.020.D](#)

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Historic Alteration Permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a Coastal Permit pursuant to Chapter 17.32 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

C. Office Uses in the C-C and C-R Zoning Districts.

- 1. New Office Uses.** In the C-C and C-R zoning districts, permits required for new office uses and conversions of non-office space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.
- 2. Existing Office Uses.** Within office building utilized exclusively for office uses as of [effective date of Zoning Ordinance], office uses may continue to occupy ground floor tenant spaces. Within such office building, a new tenant is not subject to the permit requirements in Table 17.24-2 until such time that the building is redeveloped or all office space in the ground floor level is converted to a non-office use.

TABLE 17.24-2: PERMITTED NEW OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS

Key		
P Permitted Use		
A Administrative Permit required		
M Minor Use Permit required		
C Conditional Use Permit required		
- Use not allowed		
Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Ground floor, less than 5,000 sq. ft.	P	-
Ground floor, 5,000 sq. ft. or more	C	-
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	-

D. Retail Cannabis in the C-R Zoning District. A Retail Cannabis Establishment in the C-R zoning district must be in compliance with the following standards.

1. **Permit Requirements.**

- a. **Cannabis Retail License.** Prior to conditional use permit application, an applicant shall obtain a potential Retail Cannabis License from the City, as outlined in Chapter 9.61.
- b. **Conditional Use Permit.** A Retail Cannabis Establishment must obtain a Conditional Use Permit from the Planning Commission. The Retail Cannabis Establishment shall be in compliance with the following standards:
 - (1) **Distance from Schools and Churches.** Retail Cannabis Establishment are not permitted within a path of travel of 1,000 feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed Retail Cannabis Establishment parcel to the church or school.
 - (2) **Distance between Retail Cannabis Establishments.** A retail cannabis establishment shall not be located within a path of travel of 500 feet of another retail cannabis establishment.
 - (3) **Independent Access.** A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.
 - (4) **Signs.** [Option 1- Comply with sign code] A retail cannabis establishment shall be limited to the sign regulations of Chapter 17.80.
 - (4) **Signs.** [Option 2 - Conservative] Notwithstanding other sections of the code for signs, a retail cannabis establishment shall be limited to one exterior building sign per business location to identify the business as a retail cannabis establishment in compliance with the following standards:
 - a) Sign may include name of business and one logo.
 - b) Sign area maximum of 20 square feet, or one square foot per linear frontage of the business; whichever is less.
 - c) Sign shall not contain reference in language to cannabis.

- d) Sign may have one graphic limited to the business logo or one green cross.
 - e) Sign shall otherwise be subject to Planning Commission review through a Sign Permit Application in accordance with Section 17.132.
- (5) Signs. [Option 3 - More Conservative] Notwithstanding other sections of the code for signs, a retail cannabis establishment shall be limited to one exterior building sign per business location to identify the business as a retail cannabis establishment in compliance with the following standards:
- a) Sign may include name of business only.
 - b) Sign area maximum of 15 square feet, or one square foot per linear frontage of the business; whichever is less.
 - c) Sign may not have any reference, through symbols or language, to cannabis.
 - d) Sign shall not be directly illuminated except during operating hours
 - e) Sign shall otherwise be subject to Planning Commission review through a Sign Permit Application in accordance with Section 17.132.

Section 2. Effective Date. This ordinance shall be in full force and effect thirty (30) days from the date of its adoption by the City Council or upon the certification of the passage of a ballot measure authorizing the establishment of a tax on retail cannabis sales by voters at the November 6, 2018 general election, whichever is later.

This ordinance was introduced on the 28th day of June, 2018, and was passed and adopted by the City Council of the City of Capitola on the ____ day of July, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

 Michael Termini, Mayor

ATTEST:

 Linda Fridy, City Clerk

Prepared By: Katie Herlihy
Community Development Director



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **4015 Capitola Road #17-019** **APN: 034-261-40**

Design Permit to renovate the existing SEARS into three tenant spaces (Sears, TJ Maxx/Homegoods, and PetSmart) with remodeled exterior facades, two 4,000 square foot building pads for a future development phase, and a Master Sign Program located for the three tenants within the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption, Section 15270 of the CEQA guidelines

Property Owner: Seritage SRC Finance LLC

Representative: Mark Rone, Cypress Equities

APPLICANT PROPOSAL

The applicant submitted a design permit application to remodel the Sears building and convert the space into three separate tenant spaces with updated exterior facades. The west side of the existing Sears space would be converted into three tenant spaces to accommodate TJ Maxx/Homegoods (40,772 sf), Petco (11,478 sf), and Sears (58,741 sf). The proposal includes two new 4,000 square feet building pads; one on 41st Avenue frontage and one on Capitola Road frontage and a Master Sign Program for the three tenants. (Attachment 1: Plans; Attachment 2: Master Sign Program)

The proposed project is not in compliance with Capitola Municipal Code 13.16 Stormwater Pollution Prevention and Protection, Resolution No. R3-2013-0032 of the California Regional Water Quality Control Board for the Central Coast Region, the Capitola Zoning Code, the Capitola General Plan, and Santa Cruz County Code 7.100.060. Therefore, staff is recommending denial of the application.

BACKGROUND

On December 1, 2016, the Planning Commission provided direction on a Conceptual Review Application for the Sears building. The Planning Commission advised the applicant to improve the Sears façade, provide phased buildout information, and coordinate with the mall owner to show how the project fits within the mall redevelopment and future circulation plans.

On February 10, 2017, the City received an application for Design Permit and Master Sign Permit for the property at 4015 Capitola Road.

On March 9, 2017, the City provided the applicant with an incomplete letter which outlined outstanding items (Attachment 3). On April 19, 2018, the City provided an updated incomplete letter that separated required incomplete items from advisory items, as a follow-up from a discussion with the applicant (Attachment 4: KH email).

On December 14, 2017, the City received copies of a Phase 1 and 2 ESA from the project architect for the partial removal of joist.

On January 9, 2018, the applicant provided an updated application submittal (Attachment 1).

On February 7, 2018, city staff emailed the applicant explaining that comments were not ready. Also, staff informed the applicant that a new zoning code and zoning map had been adopted on January 25, 2018. The property zoning changed from Community Commercial to Regional Commercial. Staff explained that the new zoning and development standards would apply to the project on February 25, 2018 (Attachment 5).

On February 15, 2018, City staff informed applicant's Architect that Phase 1 and 2 ESA had been reviewed by a third party and found that facility closure work was incomplete (Attachment 6).

On February 28, 2018, City staff provided the applicant with a second incomplete letter relative to the project under the new zoning district and new development standards (Attachment 7).

On May 9, 2018, the applicant submitted a letter from their attorney, suggesting that application is "deemed complete" under the Permit Streamlining Act (PSA) and request that the application be set for public hearing at the earliest opportunity, and within 30 days at the latest. The PSA sets forth a time limit of 30 days after an application is submitted in which to inform the applicant of whether the application is complete. If the agency does not inform the applicant within the 30-day period, the application will be "deemed complete" even when the application is deficient. Upon deeming the application complete, the application must be noticed for public hearing and the placed on the Planning Commission agenda (Attachment 8: Letter). The first attachment to letter is included in the Attachment 8. It is the letter from Merlone Geier providing approval of the plans including one 2,656-square-foot pad along Capitola Road. The entire letter with attachments is voluminous with over 600 pages. In an effort to save paper, the full letter with attachments is available at City Hall for the public to review and on the City's Website on the Community Development webpage at <http://www.cityofcapitola.org/communitydevelopment>.

On May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of ten underground hydraulic lifts. The NOV noted that the ten underground lifts that were removed in 2017 were in violation of Santa Cruz County Code 7.100.060. SCCEHD directed the property owner to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed and to do so by June 29, 2018 (Attachment 9).

On May 18, 2018, the City Attorney confirms completeness determination (Attachment 10).

On May 23, 2018, the City informed the applicant that the application would be reviewed by the Planning Commission on June 7, 2018 (Attachment 11).

DISCUSSION

Sears is located on the south-east corner of the Capitola Mall with frontage on Capitola Road and 41st Avenue. The building is setback 280 feet from Capitola Road and 316 feet from 41st

Avenue with surface parking and limited landscaping within the setback area. The existing Takara restaurant building at 3775 Capitola Road is part of the same parcel as the proposed development.

The subject property is 10.5 acres in size, the second largest ownership parcel on the mall site. The Sears building was built in 1971 and has had minor renovations in its 47-years of existence. Sears was the first structure to be built on the regional shopping mall property, followed by the mall and three larger department stores. The mall site has been identified in the Capitola General Plan (2014) and the 41st Avenue/Capitola Mall Re-visioning Plan (2011) as an area prime for redevelopment.

General Plan

The 2014 Capitola General Plan outlines the vision for future development in Capitola through establishing guiding principles, goals, policies and actions. Attachment 12 includes relative excerpts from the General Plan related to the propose project and future development of the mall. The project has improved since the 2016 conceptual review, with the inclusion of two future building pads along the frontage of 41st Avenue and Capitola Road. However, the project application fails to demonstrate how the proposed project coordinates with adjacent property owner plans, and implements the General Plan goals for mall redevelopment.

As the mall evolves it is important to ensure the incremental changes within each parcel incorporate site improvements that fit within the greater vision for mall redevelopment, otherwise the General Plan goals may be missed entirely. As proposed, the project has been designed to function independently from the mall, with no pedestrian connectivity between the two new tenant spaces and the mall. It is unclear how the proposed project would fit into a larger mall redevelopment effort. The application provides no indication of cooperation between adjacent property owners toward the General Plan goal LU-8 and Policies LU-8.1 and LU-8.5, as follows:

Goal LU-8: Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Policy LU-8.1: Phased Mall Redevelopment. Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan (see Figure LU-6).

Policy LU-8.5: New Interior Street. As a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation.

The current proposal disregards the relationship of the property to the regional mall with a lack of internal connectivity. Furthermore, the only suggestion of cooperation with the mall owner, Merlone-Geier, was within a letter of support. The applicant did not submit a schematic build out or circulation plans for the mall site to understand how the proposal fits within the larger vision, as suggested by the Planning Commission during the conceptual review.

Master Sign Program

The proposed project includes a master sign program (MSP) application. (Attachment 2) A MSP establishes unified and coordinated approach to materials, size, type, placement, and general design for signs within a multi-tenant project. The Planning Commission may approve a MSP that deviates from the standards of the sign regulations relating to height, number of signs, sign area, and type of signs.

The proposed MSP includes:

- Maximum letter height - 5 feet.
- Maximum sign area - 1 square foot per linear foot of building frontage
 - Petco 75.6 square feet,
 - TJ Maxx/Homegoods 200 square feet, and
 - Sears 180 square feet east elevation and 251 square feet south elevation.
- “The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.”

When a MSP is approved by the Planning Commission, all subsequent signs proposed for a development must comply with the standards and specification included in the MSP. Signs consistent with an approved MSP are allowed with an administrative sign permit approved by staff. The proposed MSP would administratively allow signs between 75 and 251 square feet.

The new zoning code establishes a maximum cumulative sign area in the Regional Commercial zone of one square foot of sign area per one square foot of linear building frontage, up to a maximum of 50 square feet. An additional 25% increase in sign area can be approved by Planning Commission. This would allow up to 62.5 square feet of sign area per commercial establishment. The proposed MSP includes allowances of up to 251 square feet, more than four times the amount allowed by code. Staff recommends the Planning Commission deny the MSP and require approval of future signs consistent with Chapter 17.80.

Design Permit

When considering Design Permit applications, the Planning Commission is required to evaluate applications to ensure they comply with the development standards of the zoning district, conform to policies of the General Plan and other design policies and regulations adopted by the City Council. To obtain Design Permit approval, projects must satisfy the criteria of §17.120.070(A-S), as listed in Attachment 13. The following list includes the criteria in which the project is not in compliance:

- D. Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- N. Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

Staff Analysis: Per Capitola Municipal Code Chapter 2.20, the Santa Cruz County Health Services Agency (SCCHSA) serves as the City’s Health Department and its Department Head is the designated County Health Officer. To this end, the Health Officer enforces County Health Department ordinances within the City including Santa Cruz County Code Chapter 7.100 governing hazardous materials and underground storage tanks.

Per Santa Cruz County Code Section 7.100.060, no person or business may close a hazardous material storage facility or underground storage tank without first obtaining a permit from the County Health Services Agency. In order to obtain a permit, the applicant must submit a written hazardous materials management plan for SCCHSA's approval. Per Section 7.100.140, the Health Officer may request information in addition to the hazardous materials management plan deemed necessary to protect human health, safety or the environment. Per Section 7.100.160, the Health Officer has the discretion to impose reasonable permit conditions and performance standards necessary to protect human health, safety, or the environment. Section 7.100.260 pertains specifically to out-of-service storage facilities and reiterates the requirement to obtain a permit to close a storage facility assuring that the closure minimizes any threat to public safety, the possibility of water runoff from the facility and the possibility of water and soil contamination.

A portion of the Sears facility was utilized as automotive center from 1971 to 2016. To close the automotive facility, the owner is required to obtain a facility closure permit through Santa Cruz County Environmental Health Division (SCCEHD) as explained above.

On December 14, 2017, the City received copies of a Phase 1 Environmental Site Assessment (ESA) and Phase 2 ESA, for partial removal of joists, dated December 19, 2014 and April 6, 2016 respectively. The City contracted Weber-Hayes and Associates to review the submitted ESA documents. Weber-Hayes found that the environmental work was for the partial removal of onsite joists, not a full facility closure as required with the proposed change of use. On February 15, 2018, City staff informed the applicant of Weber-Hayes' finding that the facility closure work had not been completed.

On May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of ten underground hydraulic lifts. (Attachment 9) The NOV notes that the ten underground lifts that were removed in 2017 were in violation of Santa Cruz County Code 7.100.060. SCCEHD directed the property owner to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed and to do so by June 29, 2018. As noted in the letter, the SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contain Polychlorinated Biphenyls (PCBs), which are probable human carcinogens.

Drainage: A third party technical review of the stormwater plans was completed by HydroScience. (Attachment 14) HydroScience made findings that based on the documents submitted, the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. The Post Construction regulations emphasize protecting and restoring key watershed processes on site to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. The performance requirements for this project require the project to minimize impervious surfaces, minimize stormwater runoff, treat all on-site generated runoff by constructing biofiltration systems or other similar devices, retain runoff on-site, and manage peak stormwater discharges. The specific requirements of these requirements are contained in attachment 1 of the resolution.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

Staff Analysis: The two proposed tenant spaces do not include an internal connection to the mall. The proposed lack of internal connectivity is counter to the established circulation pattern of a mall. The proposed lack of connectivity will negatively impact the synergistic pedestrian relationship between the property and the established regional mall.

- I. Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
- K. Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- P. Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Staff Analysis: The proposed façade improvements of Sears create a modern look for the tenant that has an authentic design as a stand-alone retail establishment. The architectural style has a California modern look with a mix of high quality finishes including metal panels, metal louvers, brick veneer in a charcoal color, horizontal wood siding, stone veneer, and a mix of walkway finishes.

The proposed design for Petco and TJ Maxx/Homegoods is generic in style with large billboard like entryway design features added to the existing exterior finishes of the building. Other than the new entryways, the wall plane between Petco and TJ Maxx will remain straight, with minor articulation through repeated exterior finishes and landscaping. There is no defined architectural style and limited differentiation for the proposed new tenant facades. The architectural improvements for Petco and TJ Maxx/Homegoods appear to have been designed for the signs, rather than sign fitting within the context of the architecture.

- L. Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

Staff Analysis: There is a lack of pedestrian and bicycle connectivity through the property. The Public Works Director recommends that bike lanes should be added in both directions on 38th Avenue, 40th Avenue, the entrance off of 41st Avenue, and along the internal drive around the structure from Target to northern connecting to 40th Avenue. The 2040 Regional Transportation Plan project list includes separated bicycle facility through Capitola Mall parking lot to connect 38th Avenue bike lanes and 40th Avenue.

In terms of pedestrian safety, many pedestrians walk between Target and the Sears building. Staff recommends adding a new sidewalk between Target and Sears.

Also, the project does not comply with the bicycle rack regulations of zoning code §17.76.080(A-H), for short and long-term bicycle parking. Bicycle parking standards are included in the zoning code to promote sustainable transportation alternative.

The new building pads along 41st Avenue and Capitola Road will create additional trips and new circulation patterns. Traffic and circulation impacts associated with the future phases have not be evaluated and therefore the impacts are unknown.

O. Open Space and Public Places. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

Staff Analysis: Minimal improvements are incorporated into the semi-public outdoor space around the exterior of the building. Two typical wooden benches with black iron railing are proposed along the south elevation between Petco and TJ Maxx. The design incorporates reutilizing existing planters, as well as introducing trellises on the building wall for plant growth. The plan lacks efforts toward an engaging public realm. Opportunities exist to create an active/engaging public realm in the corner where the building steps back along the south elevation. During the conceptual review, the Planning Commission had identified this area as an area of opportunity to engage the public.

CEQA

Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves. More specifically, (a) CEQA does not apply to projects which a public agency rejects or disapproves; (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved; and (c) This section shall not relieve an applicant from paying the costs for an EIR or negative declaration prepared for his project prior to the lead agency's disapproval of the project after normal evaluation and processing.

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the design permit because the required findings of §17.120.070 cannot be made. Aside from the larger design issues and inconsistency with the General Plan, two technical issue prevent approval of the application. The project does not comply with environmental health regulations (CMC Chapter 2.20) and does not comply with storm water regulation (CMC 13.16). Staff also recommends denial of the master sign program.

FINDINGS

A. The proposed project is inconsistent with the General Plan, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

Community Development Staff and the Planning Commission have reviewed the project and found that the project is inconsistent with the General Plan and the 41st Avenue/Capitola Mall re-visioning plan. The project has been designed to function independently from the mall, with no pedestrian connectivity between the two new tenant spaces and the mall. It is unclear how the proposed project would fit into a larger mall redevelopment effort. The application is not consistent with General Plan goal LU-8 and Policies LU-8.1 and LU-8.5.

B. The proposed project does not comply with all applicable provisions of the

Zoning Code and Municipal Code.

The project does not comply with environmental health regulations (CMC Chapter 2.20); does not comply with stormwater regulations (CMC 13.16); and does not comply with the zoning code (CMC 17).

C. The proposed project qualifies for a CEQA exemption 15270.

Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves.

D. The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Sears Automotive Center has potential environmental impacts associated with underground hydraulic lifts. The Santa Cruz County Environmental Health Division (SCCEHD) requires permits to remove underground lifts. The SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contained Polychlorinated Biphenyls (PCBs), which are probable human carcinogens. On May 17, 2018, SCCEHD provided the applicant with a Notice of Violation (NOV) for the unpermitted deactivation and capping of ten in ground lifts at the project location. Without the SCCEHD permit insuring that the hydraulic lift closure has been completed in accordance with Santa Cruz County Chapter 7.100, summarized earlier, there is insufficient evidence in the record that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

Also, the stormwater plans have not been found in compliance with Municipal Code Chapter 13.16. A third party technical review of the stormwater plans was completed by HydroScience. HydroScience made findings that the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. Without compliance to Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and compliance with the PCRs as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013, there is insufficient evidence in the record that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

E. The proposed project does not comply with all applicable design review criteria in Section 17.120.070 (Design Review Criteria)

The proposed project does not comply with all applicable design review criteria in Section 17.120.070 as outlined within the staff report and incorporated within.

F. The proposed Master Sign Program unreasonably exceeds the sign regulations of the zoning code.

The proposed Master Sign Program includes allowances of up to 251 square feet of sign area for an individual tenant sign on one façade, more than four times the maximum permissible by code.

ATTACHMENTS:

1. 2018.01.09 4015 Capitola Road Plan Set

2. 4015 Capitola Road Master Sign Program
3. 2017.03.09 Completeness letter
4. 2017.04.19 Herlihy Email Lists Incomplete and Advisory
5. 2018.02.07 KH email to Applicant
6. 2018.02.15 KH email to Applicant
7. 2018.02.28 4015 Capitola Road Completeness Letter
8. 2018.05.09 CC&W letter to City
9. 2018.05.17 SCCEHD Notice of Violation
10. 2018.05.18 City Attorney Letter to Applicant
11. 2018.05.23 City Attorney letter to CC&N
12. Sections of General Plan
13. Design Permit Criteria of 17.120.010(A-S)
14. 2018.05.24 HydroSciene Memo

Prepared By: Katie Herlihy
Community Development Director



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2 OF 2	ALTAN'S LAND TITLE SURVEY
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C1.1	CIVIL SITE PLAN
C1.2	HARDSCAPE & LANDSCAPE REMOVAL PLAN
C1.3	PROPOSED HARDSCAPE & LANDSCAPE PLAN
C2.0	CIVIL SITE IMPROVEMENTS
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C2.2	CIVIL SITE IMPROVEMENTS
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A1.2	ENLARGED SITE PLAN
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A4.4	EXTERIOR ELEVATIONS
A4.5	PERSPECTIVE RENDERINGS
A6.0	SECTIONS
A7.0	MATERIAL BOARD
A7.1	MATERIAL BOARD - SEARS
A9.0	PHASE 2 SITE PLAN AND ELEVATIONS
A9.0	PHASE 2 SITE PHOTOGRAPHS

PROJECT TEAM

CLIENT	SERITAGE GROWTH PROPERTIES 489 FIFTH AVENUE, 18TH FLOOR NEW YORK, NY 10017 CONTACT: KACY KEYS PHONE: 212.350.1600
ARCHITECT	ARCHITECTURE DESIGN COLLABORATIVE 2333 SANTA MONICA DRIVE LAGUNA HILLS, CA 92653 CONTACT: CRAIG CHINN PHONE: 949.257.1600
CIVIL ENGINEER	PROMAS 1075 CRENSHIRE RIDGE DRIVE, SUITE 200 ROSELLE, CA 94078 PHONE: 916.788.4845 PHONE: 916.788.4845
LANDSCAPE	VERGE DESIGN 2465 THE ALAMEDA, SANTA CLARA, CA 95050 1024 IRON POINT ROAD, FOLSOM, CA 95630 3558 ROUND BARN BLVD. SANTA ROSA, CA 95403

SERITAGE - CAPITOLA
CAPITOLA, CA

PARKING CALCULATIONS

PARKING REQUIRED (PER CITY OF CAPITOLA)	
PHASE 1: EXISTING SITE	
RETAIL	110,991 SOFT
RESTAURANT	8,016 SOFT
TOTAL EXISTING SITE REQUIRED PARKING STALLS	81 STALLS
TOTAL EXISTING SITE REQUIRED SQUARE FOOTAGE	453 STALLS
PHASE 2: EXISTING SITE * PAD A (RESTAURANT W/ PATIO) * PAD B (RETAIL)	
EXISTING SITE	453 STALLS
PAD AB	60 STALLS
TOTAL PARKING STALLS	513 STALLS

REQD REA PARKING

PHASE 1: EXISTING SITE	RETAIL	446
	RESTAURANT	33
	TOTAL	479 STALLS
PHASE 2: EXISTING SITE * PAD A & B	RETAIL	446
	RESTAURANT	33
	PAD A & B	32
	TOTAL	511 STALLS

PARKING SUMMARY

EXISTING PARKING	STALLS	709
	ACCESSIBLE	9
	TOTAL	718
PHASE 1 PROVIDED PARKING	STALLS	697
	ACCESSIBLE	14
	TOTAL	711
TARGET STALLS PER REA		-91
TOTAL		620
PHASE 2 PROVIDED PARKING	STALLS INCLUDE (44 COMPACT)	632
	ACCESSIBLE	14
	TOTAL	646
TARGET STALLS PER REA		-91
TOTAL		555

PROJECT INFO

SITE ADDRESS: 4015 CAPITOLA ROAD
 SANTA CRUZ, CA 95062
 PROJECT DESCRIPTION:
 SCOPE OF WORK TO INCLUDE:
 PHASE 1:
 - DEMO AND DEMISE EXISTING SEARS SPACE TO RETAIN 45% OF EXISTING SQUARE FOOTAGE
 - DEMO (E) ROOFTOP MECHANICAL PENTHOUSE
 - NEW ROOF TOP MECHANICAL UNITS
 - NEW TRUCK DOCK, ADJACENT TO (E) DOCK, WITH NEW OVERHANG CANOPY
 - RECONFIGURATION OF (E) PARKING
 - DEMO PORTIONS OF (E) TILE ROOF CANOPY
 - NEW FACADE BUILD-OUTS
 PHASE 2:
 - RECONFIGURATION OF (E) PARKING SPACE
 - NEW PADS FOR RESTAURANT/RETAIL WITH PATIO SPACE
 APN: 034-281-40
 ZONE DISTRICT: CC (COMMUNITY COMMERCIAL)
 SITE AREA: 10.05 ACRES
 OCCUPANCY: M (MERCANTILE)
 CONSTRUCTION TYPE: TYPE V-B
 TYPE: TYPE V-B
 SPRINKLERS: NFPA 13



GENERAL NOTES

- FIRE SPRINKLERS AND FIRE ALARMS ARE REQUIRED IN BUILDING, PER CODE
- FIRE DEPARTMENT KEY BOX/ACCESSMASTER KEYS SHALL BE PROVIDED FOR PROJECT
- BUILDING SHALL BE EQUIPPED THROUGHOUT WITH ADEQUATE EMERGENCY RESPONDER RADIO COVERAGE AS REQUIRED BY THE FIRE DEPARTMENT

CODE ANALYSIS

ALLOWABLE BUILDING AREA	TYPE I/II	
TYPE OF CONDUCTION	UNLIMITED PER CBC 402.4.1.2	
ALLOWABLE AREA	1HR FIRE PARTITION PER CBC 402.4.2.1	
FIRE SEPARATION	STORAGE	28,000 S.F. / 300 ± 94 OCC
EXITING REQUIREMENT	MERCANTILE/ RETAIL	82,991 S.F. / 160 ± 1,384 OCC
	TOTAL	1,478 OCC
	REQUIRED EGRESS COUNT	4
	TOTAL EGRESS WIDTH REQ	296'
	TOTAL EGRESS WIDTH PROVIDED	366' (110) 30" DOORS

AREA SUMMARY

PARKING REQUIRED	AREA (SF)
TENANT	11,478
PETCO	40,772
T.J.X	98,741
SEARS	110,991
TOTAL AREA	110,991



architecture design collaborative
 2333 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.967.1660

ADC Project No: 160040
 Project Contact: Ban Potrus
 Email: bpotrus@adcollaborative.com
 Principal: Craig Chinn
 Project Manager: Ban Potrus

Client:

**SERITAGE
 GROWTH PROPERTIES**
 Company: Seritage Growth Properties
 Address: 488 Fifth Avenue, 18th Floor
 New York, NY 10017
 Phone No. 214-355-7800

SERITAGE-CAPITOLA

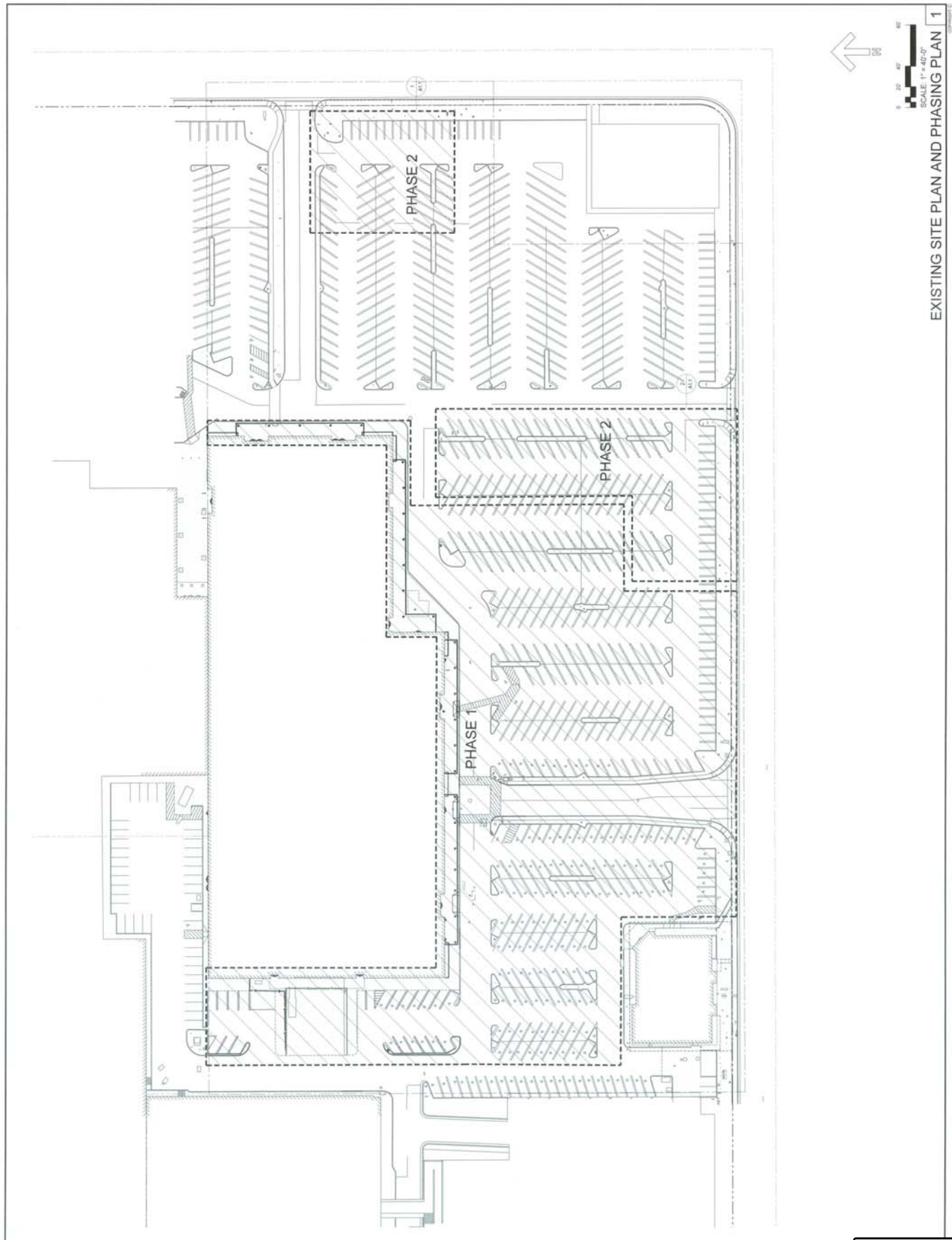
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 CAPITOLA, CA 95010

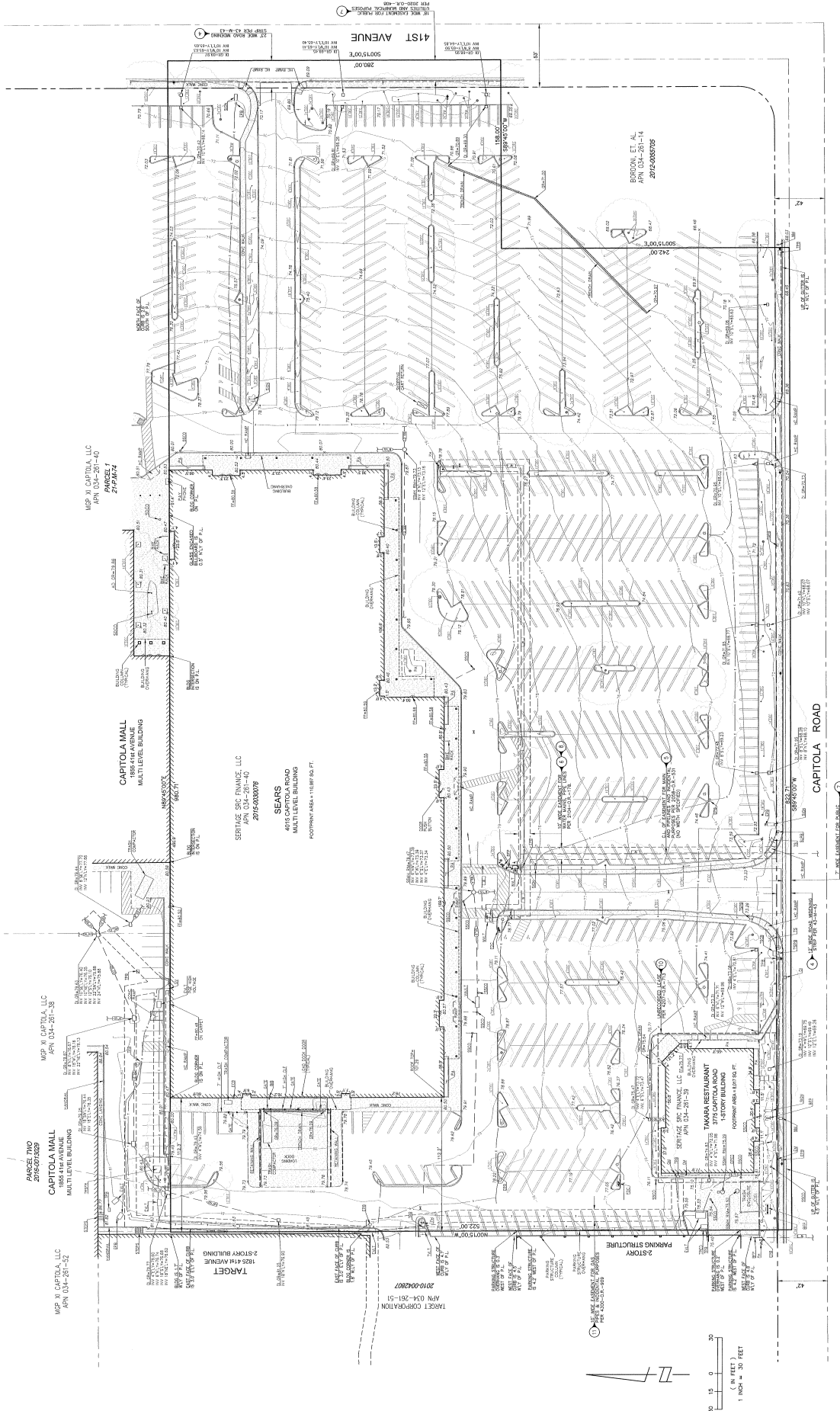
Issue Date
 12/2018 CITY RESUBMITTAL

EXISTING SITE
 PLAN AND PHASING
 PLAN

SP1

5.D.a





<p>DATE: 8/22/2018 DRAWN BY: N/A SCALE: 1"=30' SHEET: 050101010</p>		<p>ALTA/ANES LAND TITLE SURVEY FOR: SERITAGE REDEVELOPMENT AT CAPITOLA MALL 4015 CAPITOLA ROAD SANTA CRUZ COUNTY CALIFORNIA</p>																															
<p>PROJECT NO: 2018-01-09 PROJECT NAME: CAPITOLA MALL PROJECT ADDRESS: 1824 4TH AVENUE, SANTA CRUZ, CA 95060</p>		<p>P S O M A S 1075 Avenida de la Playa, Suite 200 (916) 786-8122 (PH) 786-8000 (FAX)</p>																															
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION													<p>BOOKMARKS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION												
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Attachment: 2018.01.09 4015 Capitola Road Plan Set (4015 Capitola Road)

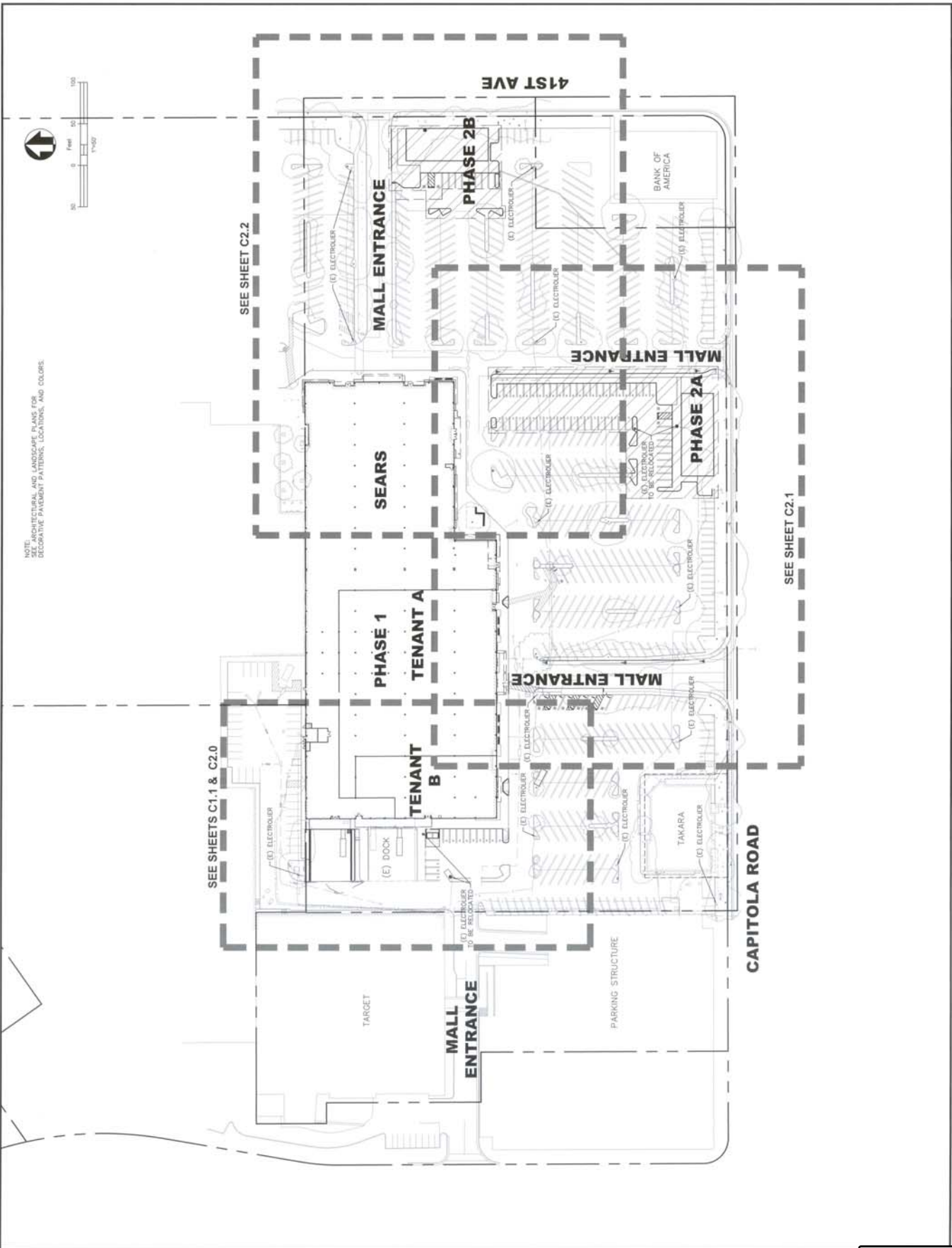
Project No: 6SER010100
 Project Contact: Carl Moore
 Email: carl.moore@psomas.com
 Designed By: CSM
 Checked By: RR
 Client:

SERITAGE
 GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 489 Fifth Ave, 18th Floor
 New York, NY 10017
 Phone No: 212-355-7800

SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Issue Date: 1/3/2018

OVERALL CIVIL
 SITE PLAN



Project No.: 6SER010100
 Project Contact: Carl Moore
 Email: carlmoore@psomas.com
 Designed By: Carl Moore
 Checked By: Carl Moore
 Client: RR

SERITAGE
 GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 488 Fifth Ave, 18th Floor
 New York, NY 10017
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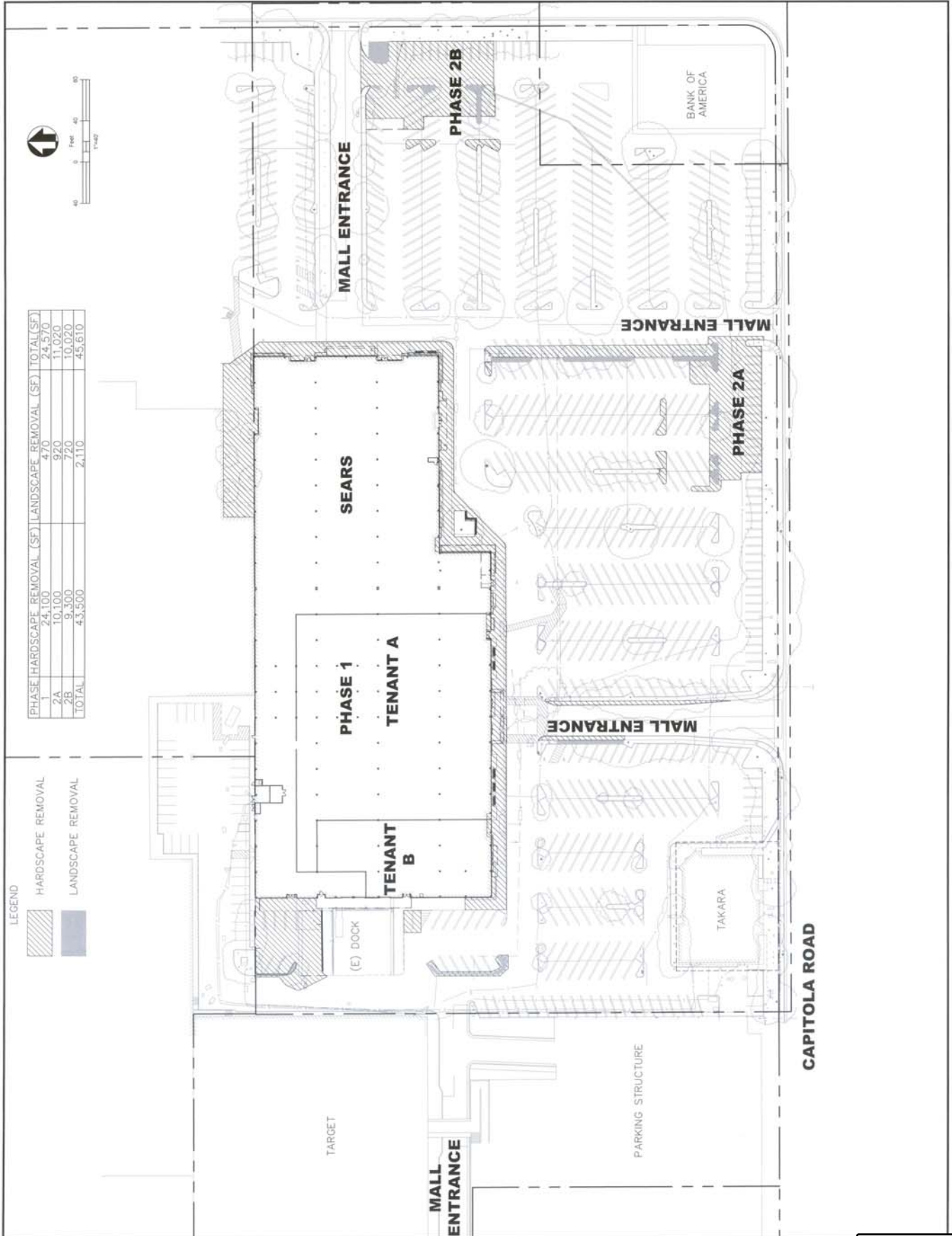
SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Issue Date: 1/3/2018

**HARDSCAPE &
 LANDSCAPE
 REMOVAL PLAN**

5.D.a

C



Project No: 6SER010100
 Project Contact: Carr Moore
 Email: carr.moore@psomas.com
 Designed By: CSJM
 Checked By: RR
 Client:

SERITAGE
 GROWTH PROPERTIES

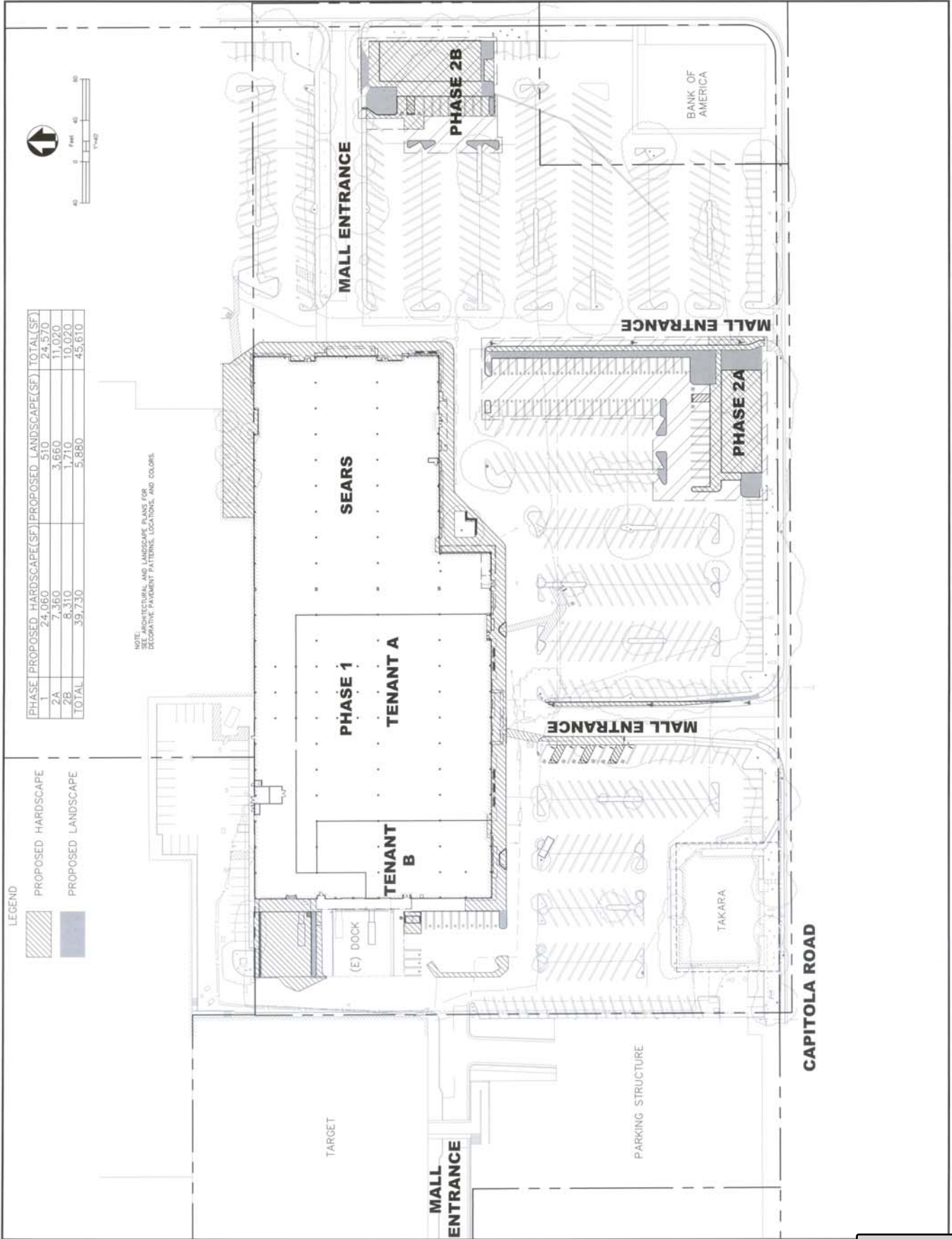
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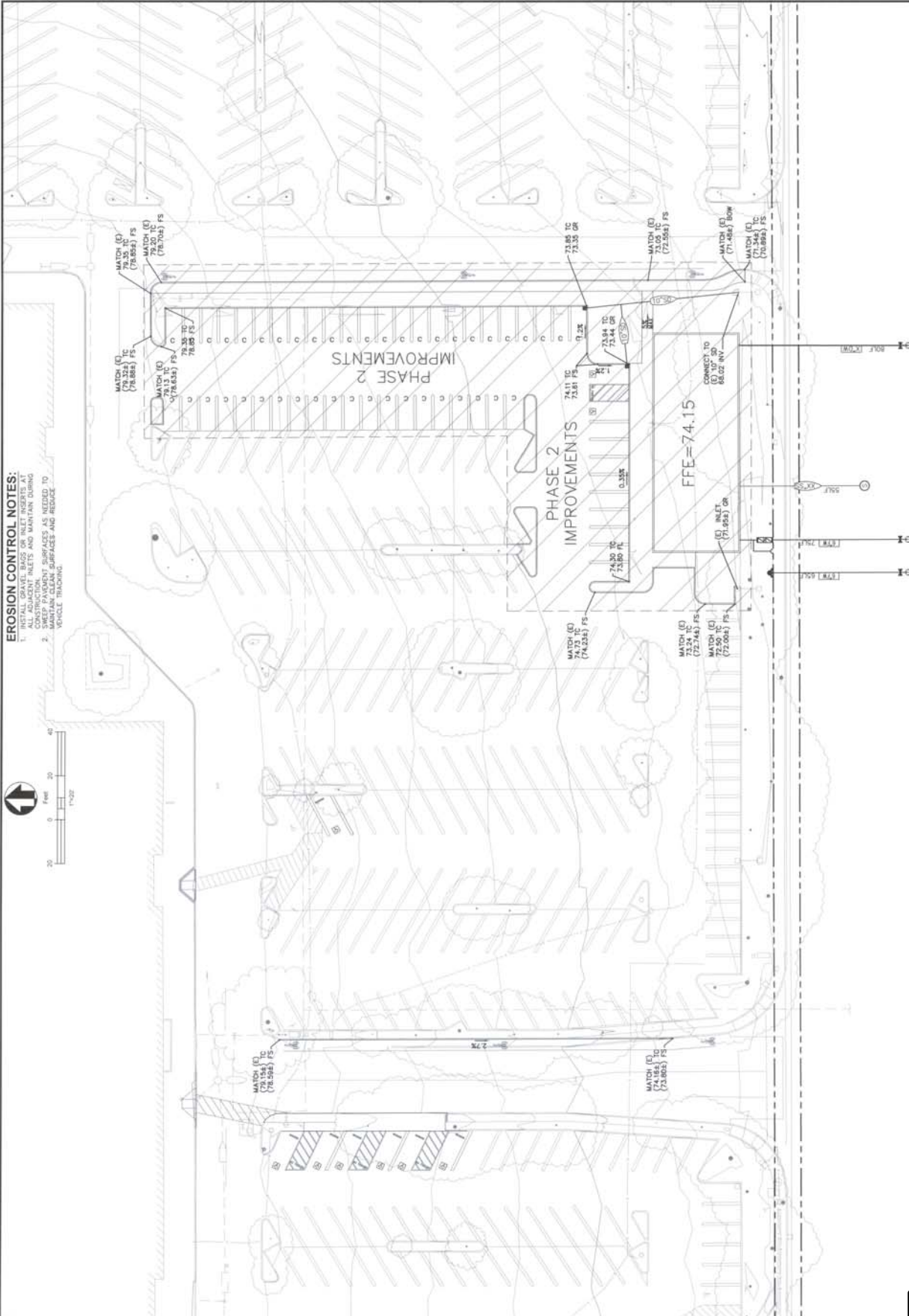
SERITAGE-CAPITOLA
 4015 CAPITOLA RD,
 SANTA CRUZ, CA 95062

Issue Date: 1/3/2018

PROPOSED
 HARDSCAPE &
 LANDSCAPE PLAN

5.D.a





PSOMAS
 1075 Overlook Drive, Suite 200
 Menlo Park, CA 94025
 (650) 798-8122 (650) 798-6600 (FAX)

Project No: 6SER010100
 Project Contact: Carl Moore
 Email: carlmoore@psomas.com
 Designed By: CSJM
 Checked By: RR
 Client:

SERITAGE GROWTH PROPERTIES
 Seritage Growth Properties
 Company: Seritage Growth Properties
 Address: 489 Fifth Ave, 18th Floor
 New York, NY 10017
 Phone No: 212-352-7800

SERITAGE-CAPITOLA
 4015 CAPITOLA RD,
 SANTA CRUZ, CA 95062

Issue Date: 1/9/2018
 CIVIL SITE IMPROVEMENTS

C2.

5.D.a

GRADING & UTILITY PLAN
 1"=20'

CIVIL SITE IMPROVEMENTS

Issue Date 1/3/2018

SERITAGE-CAPITOLA
4015 CAPITOLA RD,
SANTA CRUZ, CA 95062

Phone No. 212-355-7800

Address 488 Fifth Ave, 18th Floor
New York, NY 10017

SERITAGE
GROWTH PROPERTIES

Client

Checked By: RR

Designed By: CSM

Email: carlmoore@psomas.com

Project Contact: Carl Moore

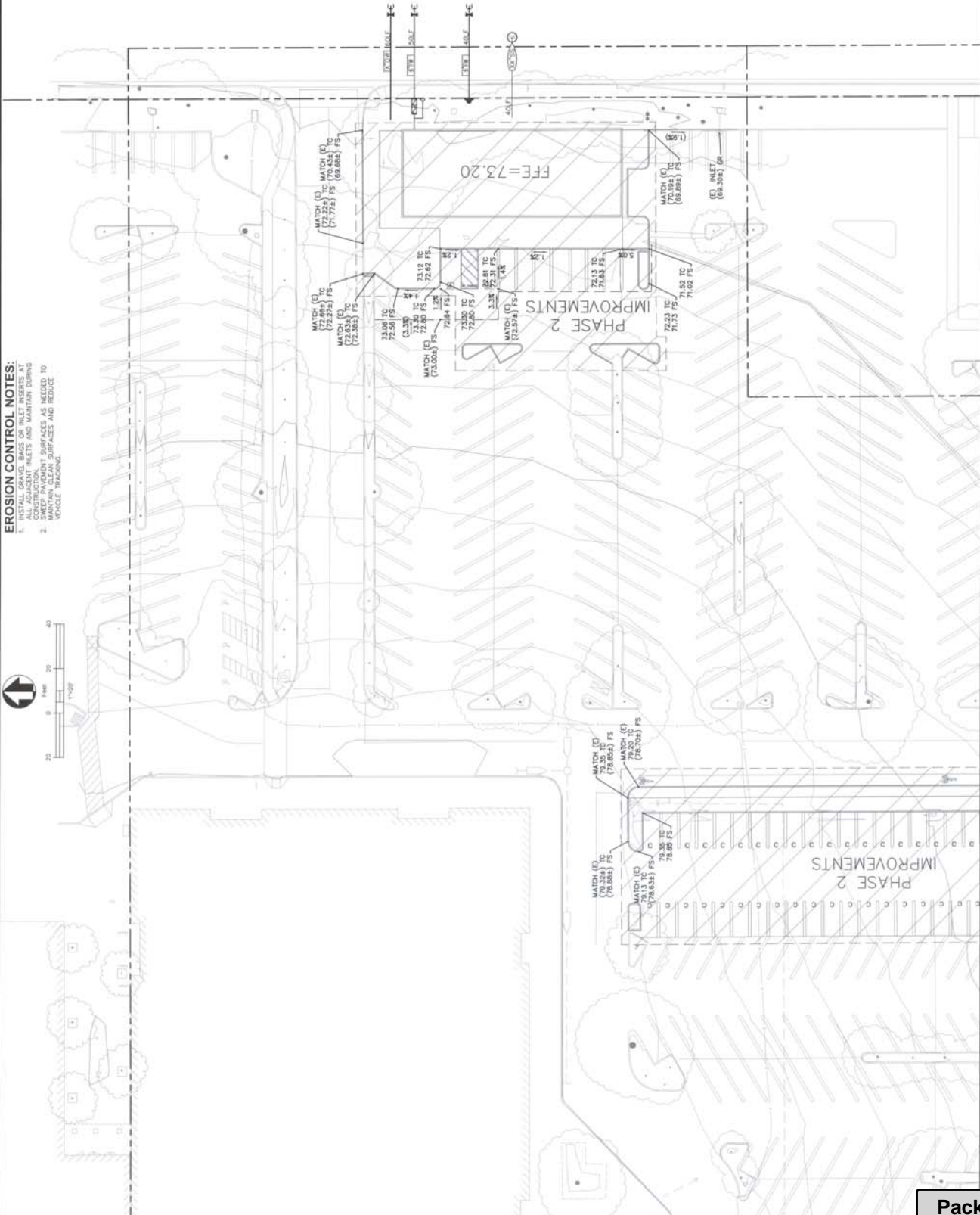
Project No: 6SER010100

PSOMAS

1075 Creekside Drive, Suite 200
Roseland, NJ 07068
(973) 788-6422 (fax) 788-6600 (FAX)

EROSION CONTROL NOTES:

1. INSTALL GRAVEL BASE OR INLET INSERTS AT CONSTRUCTION INLETS AND MAINTAIN DURING CONSTRUCTION.
2. SWEEP PAVEMENT SURFACES AS NEEDED TO REMOVE EXCESS GRAVEL FROM PAVEMENT SURFACES AND REDUCE VEHICLE TRACKING.



GRADING & UTILITY PLAN
1/3/2018

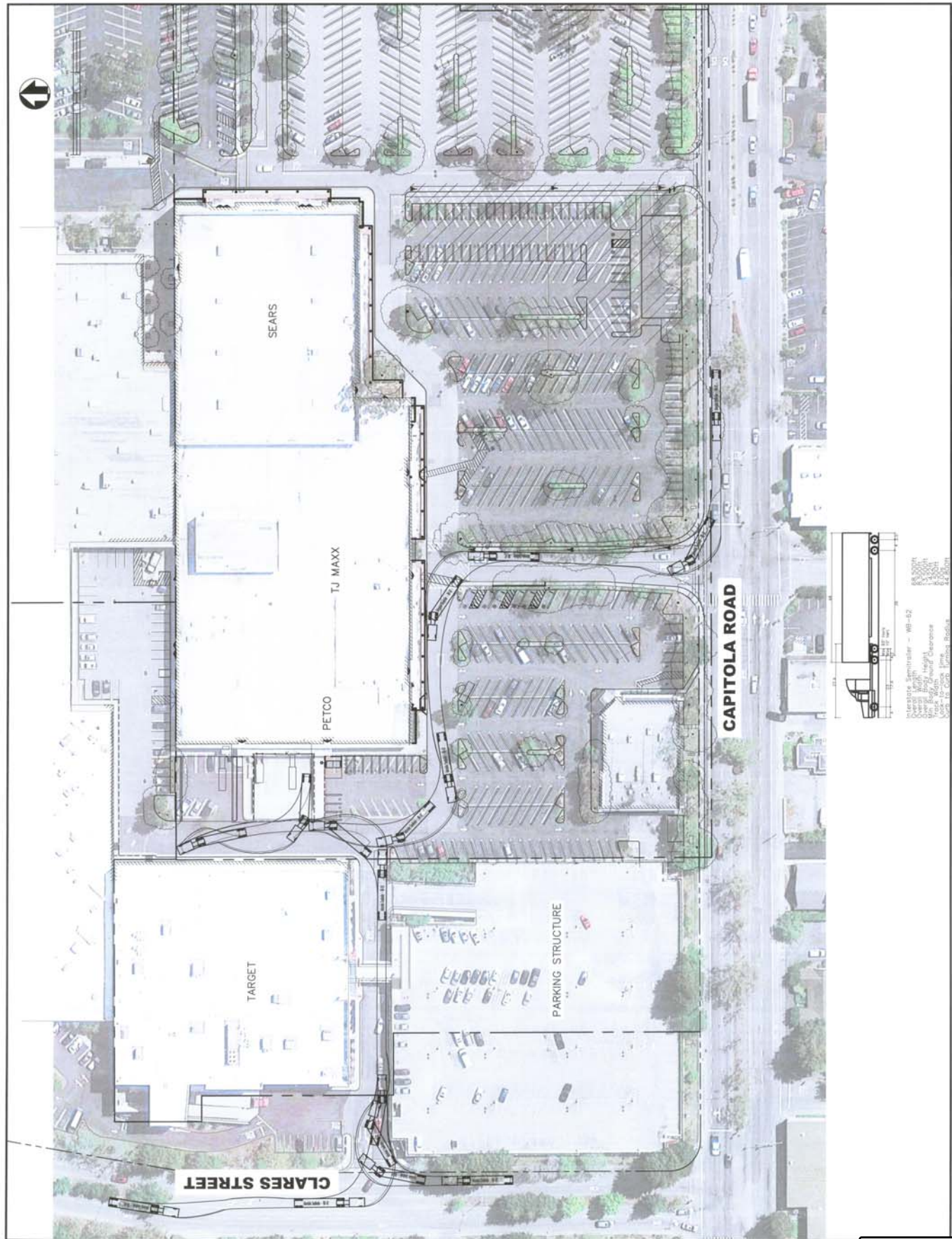
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GROWTH PROPERTIES
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 Phone No: 212-355-7800

SERITAGE-CAPITOLA
 4015 CAPITOLA RD,
 SANTA CRUZ, CA 95062

Issue Date: 1/9/2018

**PETCO TRUCK
 MOVEMENT**



SEARS TRUCK MOVEMENT

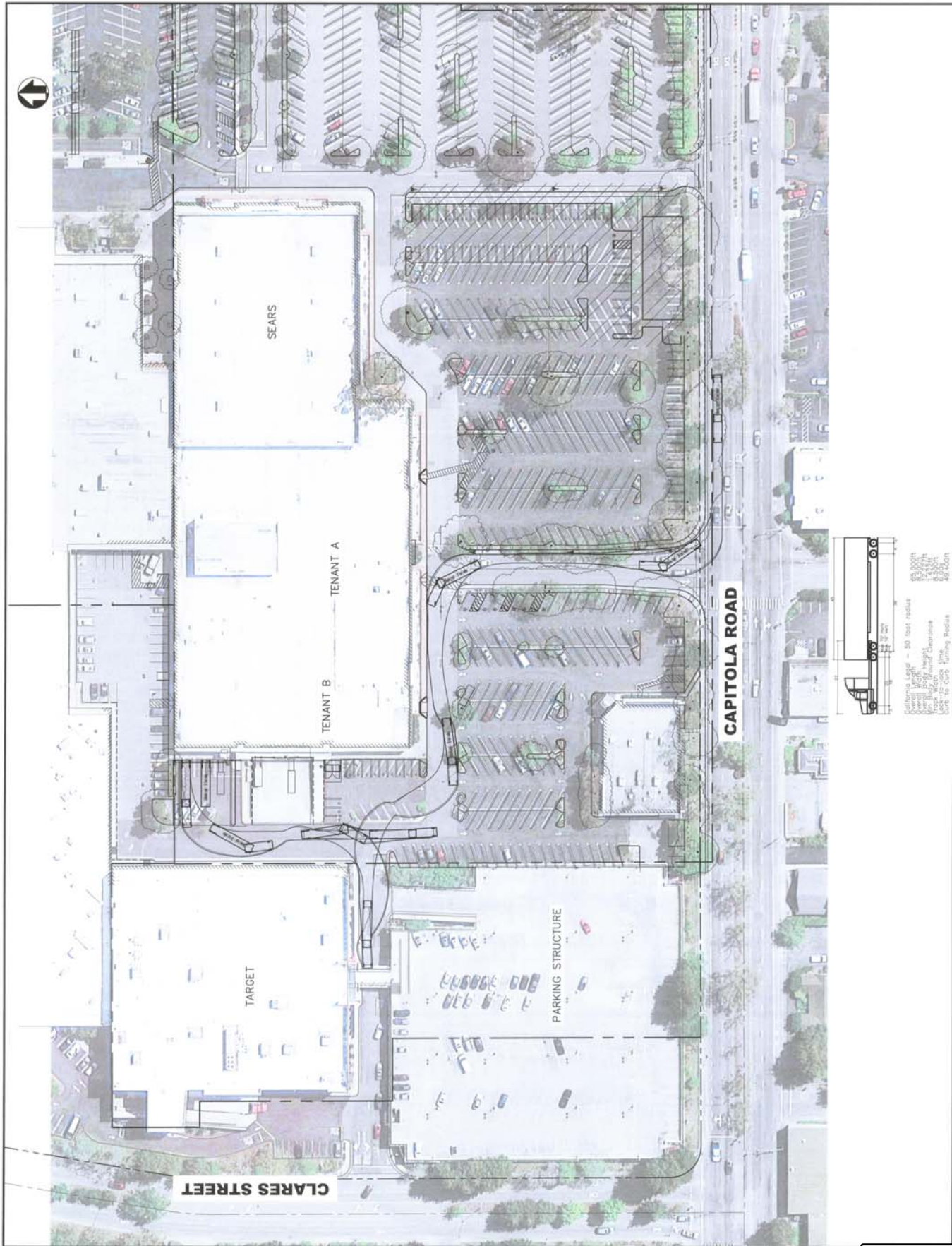
Issue Date 1/3/2018

SERITAGE-CAPITOLA
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SANTA CRUZ, CA 95062

Client
SERITAGE GROWTH PROPERTIES
Company: Seritage Growth Properties
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Phone No: 212-355-7800

Project No: 6SER010100
Project Contact: Carl Moore
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Designed By: CSM
Checked By: RR

PSOMAS
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Rossmore, CA 95070
(916) 786-9111 (916) 786-6600 (FAX)

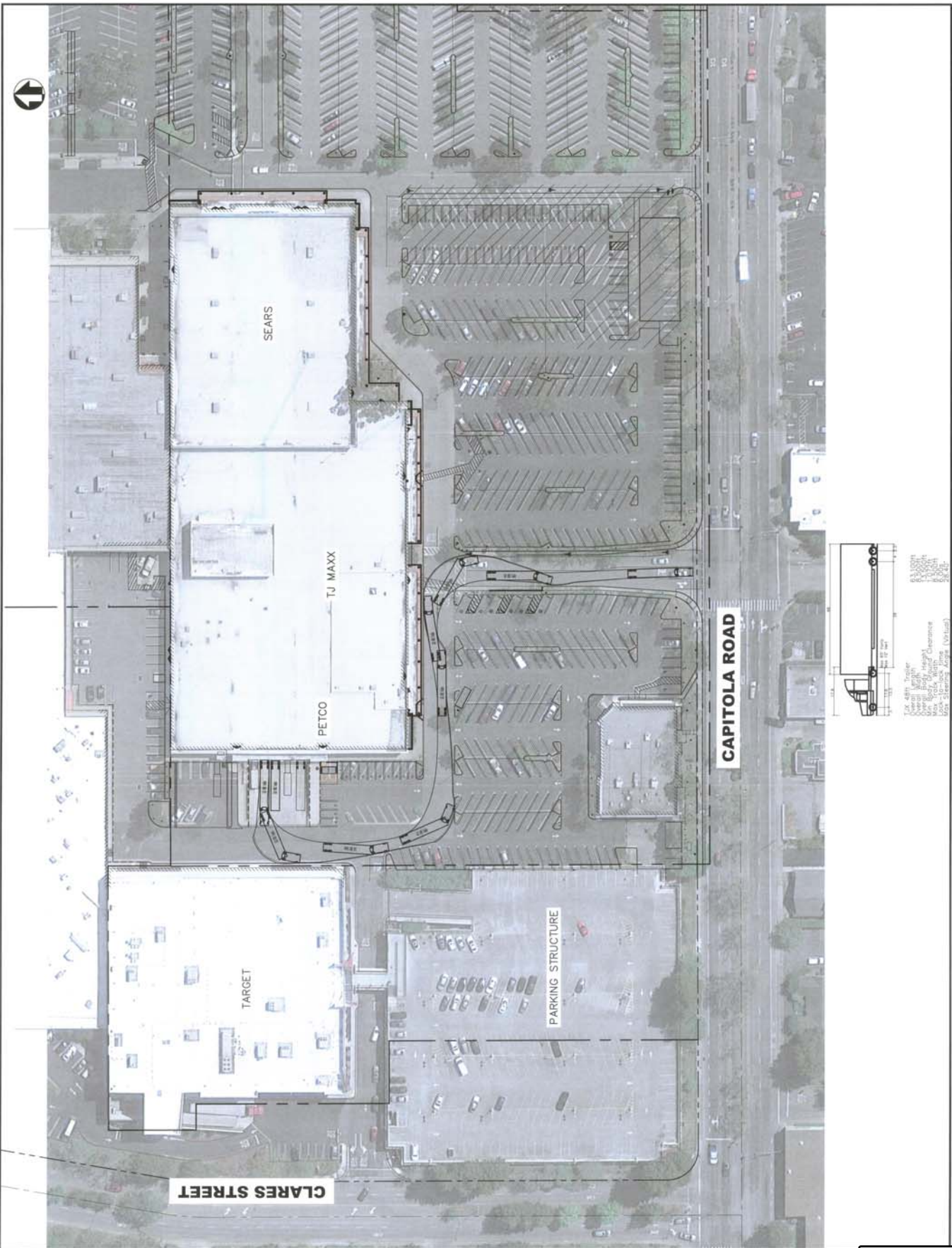


SERITAGE-CAPITOLA
 4015 CAPITOLA RD,
 SANTA CRUZ, CA 95062

Issue Date: 1/3/2018

**TJ MAXX TRUCK
 EGRESS
 MOVEMENT**

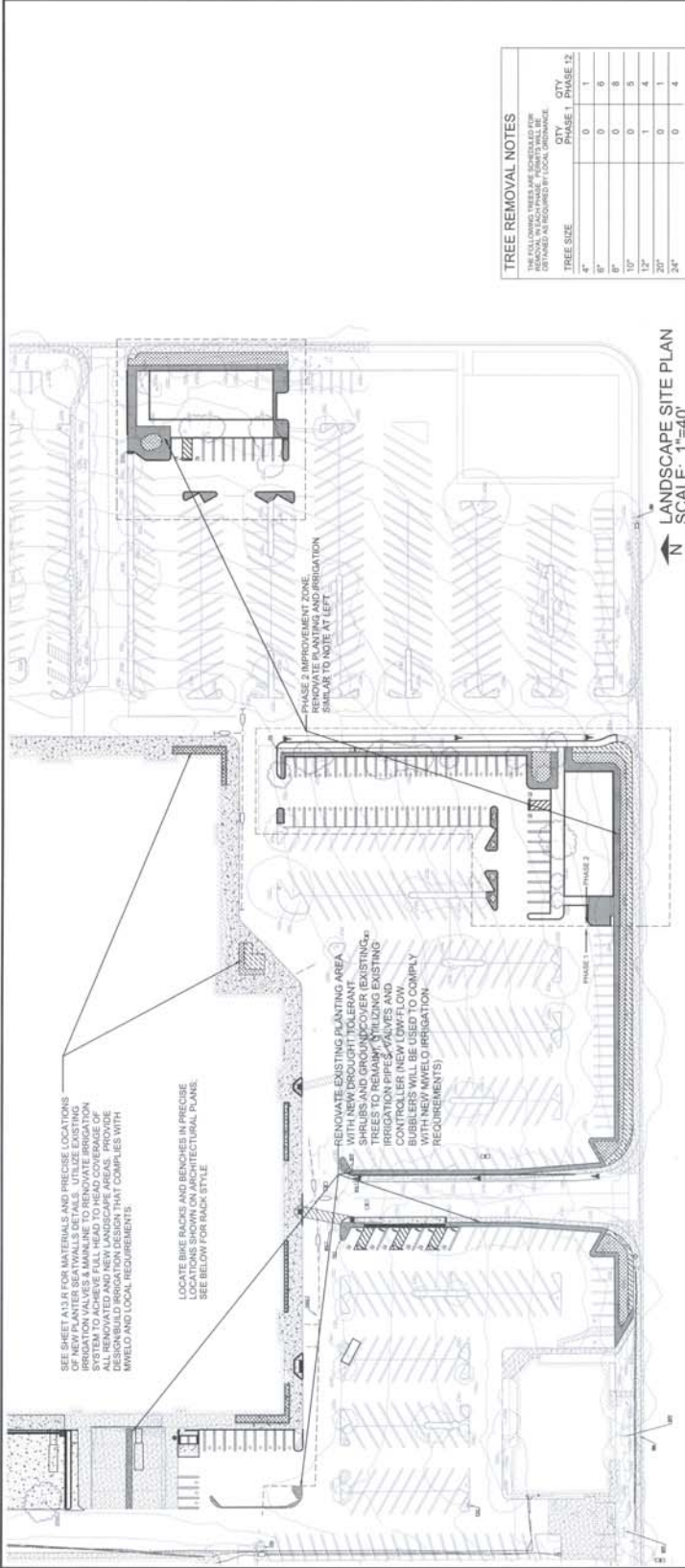
5.D.a





SERITAGE GROWTH PROPERTIES
 Seritage Growth Properties
 489 Fifth Ave, 18th Floor
 New York, NY 10017
 Phone No. 212-355-7800

SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062



TREE REMOVAL NOTES
 THE FOLLOWING TREES ARE SCHEDULED FOR REMOVAL AND MUST BE OBTAINED AS REQUIRED BY LOCAL ORDINANCE.

TREE SIZE	QTY	
	PHASE 1	PHASE 12
4"	0	1
6"	0	0
8"	0	8
10"	0	3
12"	1	4
20"	0	1
24"	0	2

PLANT MATERIALS

SYMBOL	PLANT MATERIAL NAME(S)	SIZE	PHASE 1 APPROX. QTY	PHASE 12 APPROX. QTY
[Symbol]	MALENERBIA CAPILLARIS 'PINK MUILY GRASS'	3 GAL	305	1555
[Symbol]	MALENERBIA CAPILLARIS 'PINK MUILY GRASS'	5 GAL	175	750
[Symbol]	MALENERBIA CAPILLARIS 'PINK MUILY GRASS'	3 GAL	515	345



MUHLENBERGIA RIGENS (DEER GRASS)
 BACCHARIS PULARIS 'PIGEON POINT' (DWARF COYOTE BUSH)
 MALENERBIA CAPILLARIS (PINK MUILY GRASS)
 TYPICAL BICYCLE RACK

Issue Date: 1/3/2018

LANDSCAPE CONCEPTUAL DESIGN/SCOPING DIAGRAM

L1.0



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 949.367.7660

ADC Project No: 160040
 Project Contact: Ban Potrus
 Email: bpotrus@adcollaborative.com
 Principal: Craig Chinn
 Project Manager: Ban Potrus

Client

SERITAGE GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 489 Fifth Avenue, 18th Floor
 New York, NY 10017
 Phone No. 214-355-7800

SERITAGE-CAPITOLA

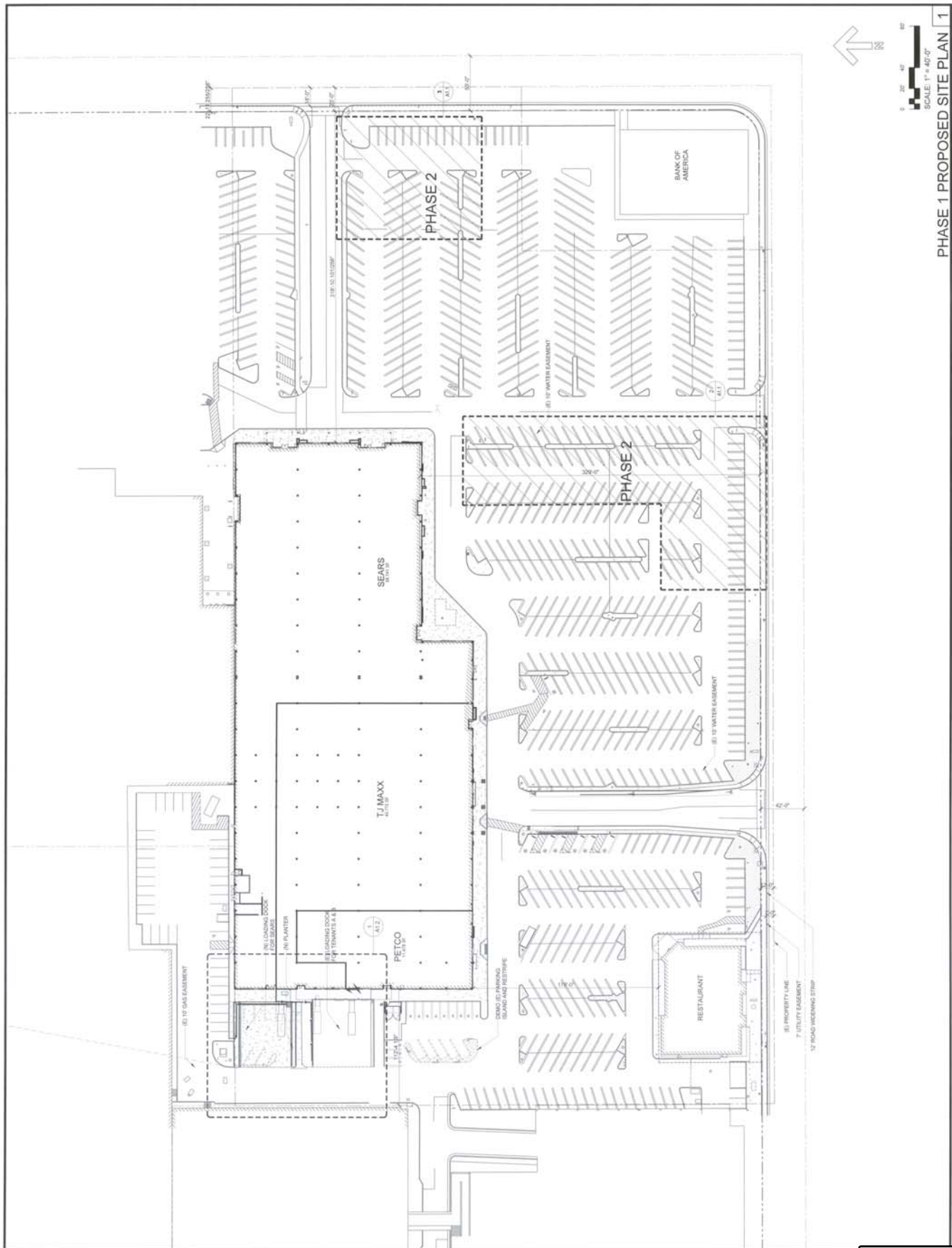
4015 CAPITOLA RD.
 CAPITOLA, CA 95010

Issue Date
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PHASE 1
 PROPOSED SITE
 PLAN

A1

5.D.a



PHASE 1 PROPOSED SITE PLAN 1

Attachment: 2018.01.09 4015 Capitola Road Plan Set (4015 Capitola Road)

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 GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 489 Fifth Avenue, 18th Floor
 New York, NY 10017
 Phone No. 214-355-7800

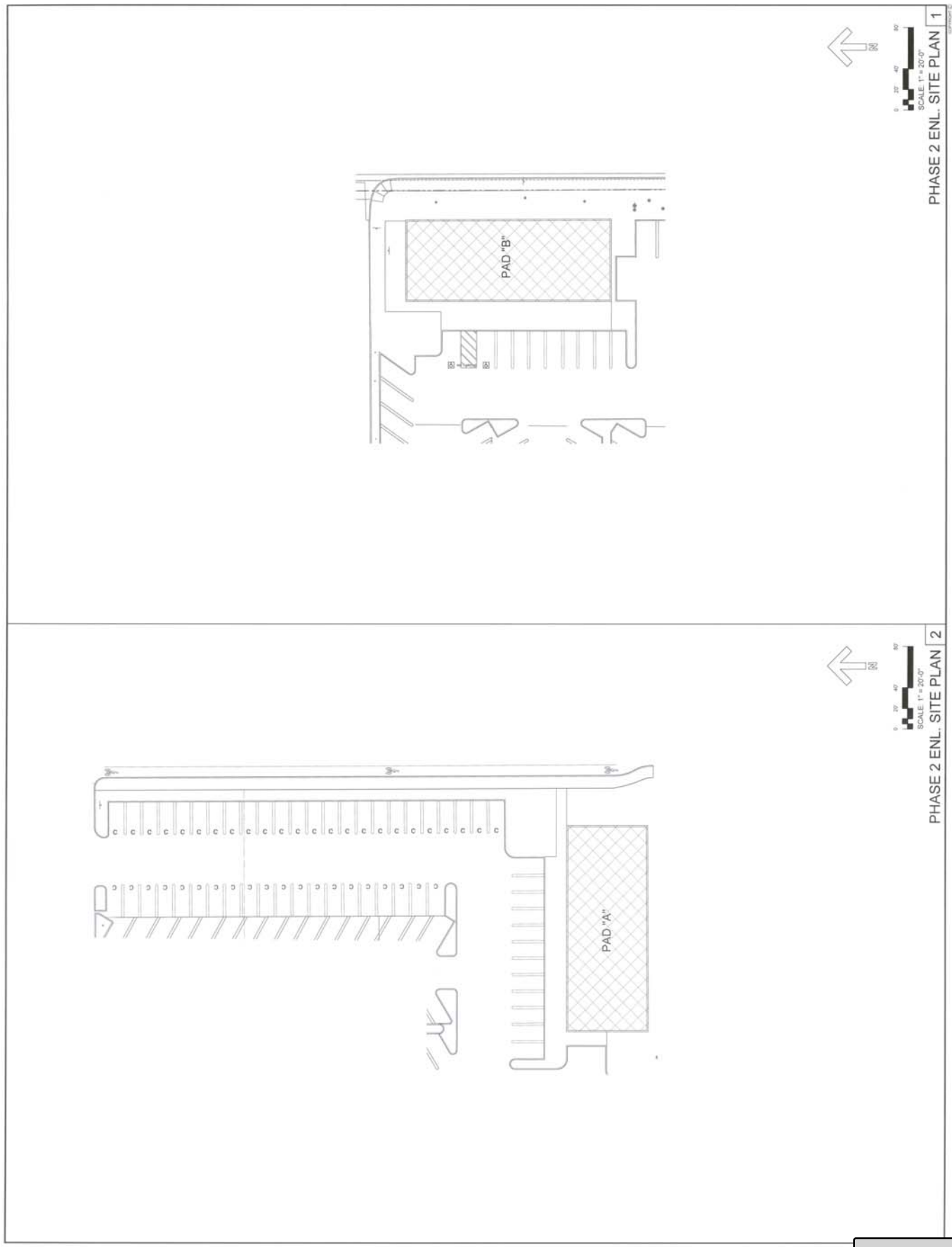
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PHASE 2 SITE
 PLAN

A1

5.D.a



PHASE 2 ENL. SITE PLAN 1

PHASE 2 ENL. SITE PLAN 2

ENLARGED SITE PLAN

Issue Date
12/2018 CITY RESUBMITTAL

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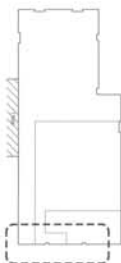
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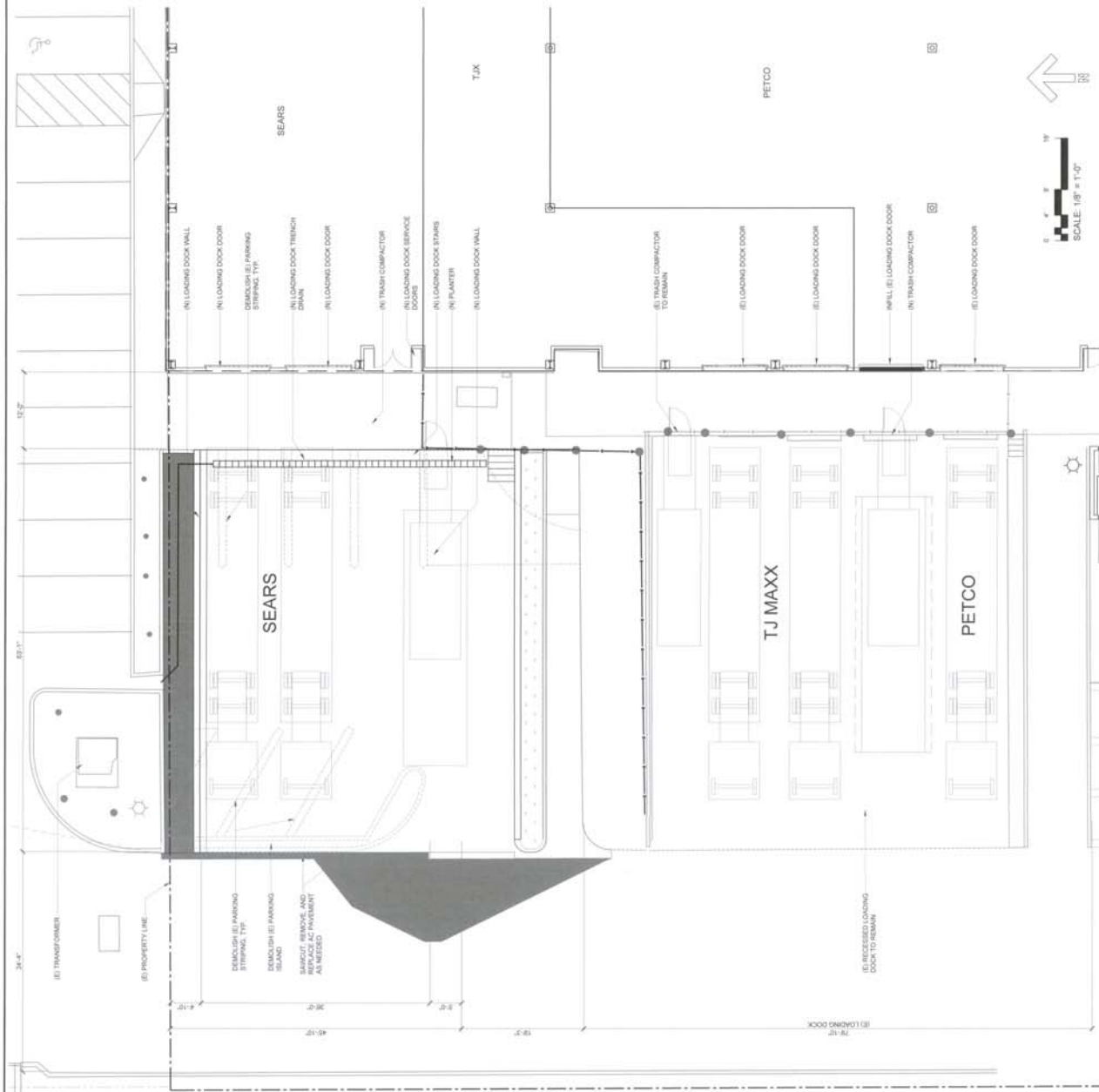
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Laguna Hills, CA 92653
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KEY PLAN



LEGEND

- PROPERTY LINE
- EASEMENT
- SETBACK
- EXISTING TO BE DEMOLISHED LANDSCAPE - REFER TO LANDSCAPE SHEETS
- HARDSCAPE
- N.A.P.



ENLARGED SITE PLAN 1

EXTERIOR ELEVATIONS

Issue Date
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Principal: Craig Chinn
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Laguna Hills, CA 92653
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949.267.1660

KEY PLAN



ELEVATION NOTES

- 1E VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETACHED BY AND COORDINATED WITH T.J. MAXX. VESTIBULE DOORS, COLUMNS CANNOT BE IN FRONT OF COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE WIDTH AS HEIGHT OF SIGN FACADE AND TOP OF SIGN TO BE AS HIGH AS OR HIGHER THAN ANY OTHER RETAILER IN THE SHOPPING CENTER. COORDINATION TO BE 6'-0" HIGH (6'S ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA TO BE COORDINATED WITH THE T.J. FOR REVIEW FOR FINAL ELEVATION APPROVAL TO BE 6'-0" DEEP MIN. SUBMIT SAMPLES TO T.J. FOR REVIEW FOR FINAL ELEVATION APPROVAL.
- 2E PROVIDE CATWALK IN CANOPY FOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
- 3E PROVIDE 3/4" PLYWOOD BEHIND SIGN FIELD.
- 4E PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

KEYNOTES

- 1 DEMO (B) BRICK PLANTER
- 2 DEMO (B) CLAY TILE CANOPY
- 3 IN METAL CANOPY
- 4 IN STOREFRONT
- 5 IN DECORATIVE METAL LOUVERS
- 6 IN ALUMINUM AWNING
- 7 IN LIGHT FEATURE
- 8 IN FABRIC AWNING
- 9 IN VENTS - SIDE ROOM
- 10 IN METAL CANOPY
- 11 IN LOADING DOOR DOOR
- 12 IN LOADING DOOR DOOR
- 13 IN SERVICE DOOR
- 14 IN FILL (B) LOADING DOOR. EP'S FINISH TO MATCH EXISTING
- 15 DEMO (B) MECHANICAL PENHOUSE
- 16 DEMO (B) STOREFRONT
- 17 IN FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

- L IN BLUE PAINTED BREAK METAL
- M IN BROWN PAINTED BRASS METAL
- N IN BRICK VENEER
- O IN WOOD Siding
- P IN SURFACE TO BE PAINTED
- Q IN ODM VENEER
- R IN PAINTED BRASS METAL
- S IN METAL LOUVERS
- T IN WHITE PAINTED STUCCO
- U IN GRAY PAINTED STUCCO
- V IN RED PAINTED STUCCO
- W IN STONE VENEER
- X IN CREAM PAINTED STUCCO

JURISDICTIONAL NOTE

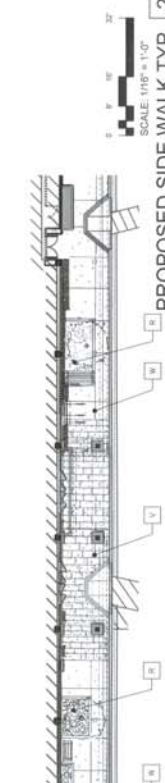
ELEVATIONS ARE SUBJECT TO CHANGE PENDING JURISDICTIONAL COMMENTS AND REVISIONS FROM PLANNING COMMISSION



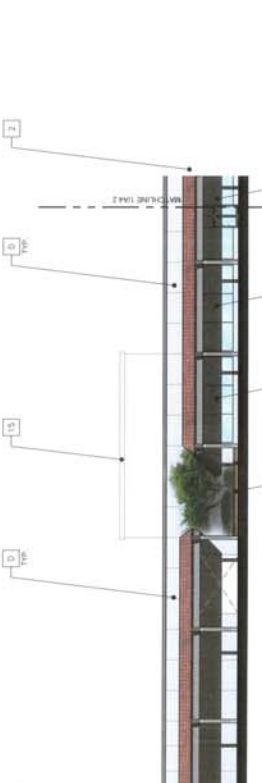
ENLARGED ELEVATION 5



ENLARGED ELEVATION 4



PROPOSED PARTIAL SOUTH ELEVATION (WEST SIDE) 3



EXISTING PARTIAL SOUTH ELEVATION (WEST SIDE) 1



PROPOSED SIDE WALK TYP. 2



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KEY PLAN



ELEVATION NOTES

- 1E VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.J.X. C-SET. COORDINATE CANOPY SUPPORT COLUMNS WITH T.J.X. VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF VESTIBULE DOORS.
- 2E COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE ON THE T.J.X. C-SET.
- 3E WIDTH AS HEIGHT OF SIGN FACADE AND TOP OF SIGN TO BE GREATER THAN ANY OTHER RETAILER IN THE SHOPPING CENTER.
- 4E STOREFRONT SIGN TO BE 6'-0" HIGH (OR ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA IS TO BE COORDINATED WITH THE T.J.X. FOR REVIEW FOR FINAL ELEVATION APPROVAL.
- 5E STOREFRONT CANOPY TO BE 8'-0" DEEP MIN. & COLOR SAMPLES TO T.J.X. FOR REVIEW FOR FINAL APPROVAL.
- 6E PROVIDE COMPLETE ELEVATIONS, SECTIONS AND MATERIAL & COLOR SAMPLES TO T.J.X. FOR REVIEW FOR FINAL APPROVAL.
- 7E PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30" X 30" UNDER CANOPY ROOF HATCH TO SIGN FIELD.
- 8E PROVIDE LOCKING ACCESS DOOR TO SIGN FIELD.
- 10E PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

KEYNOTES

- 11 DEMO (E) BRICK PLANTER
- 12 DEMO (E) CLAY TILE CANOPY
- 13 (N) METAL CANOPY
- 14 (N) STOREFRONT
- 15 (N) DECORATIVE METAL LOUVERS
- 16 (N) ALUMINUM AWNING
- 17 (E) LIGHT FIXTURE
- 18 (E) FABRIC AWNING
- 19 (E) VENTS - 1" ICE NOOM
- 20 (E) METAL CANOPY
- 21 (E) LOADING DOOR DOOR
- 22 (N) LOADING DOOR DOOR
- 23 (N) SERVICE DOOR
- 24 (E) MECHANICAL PENETRATIONS
- 25 DEMO (E) STOREFRONT
- 26 (N) FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

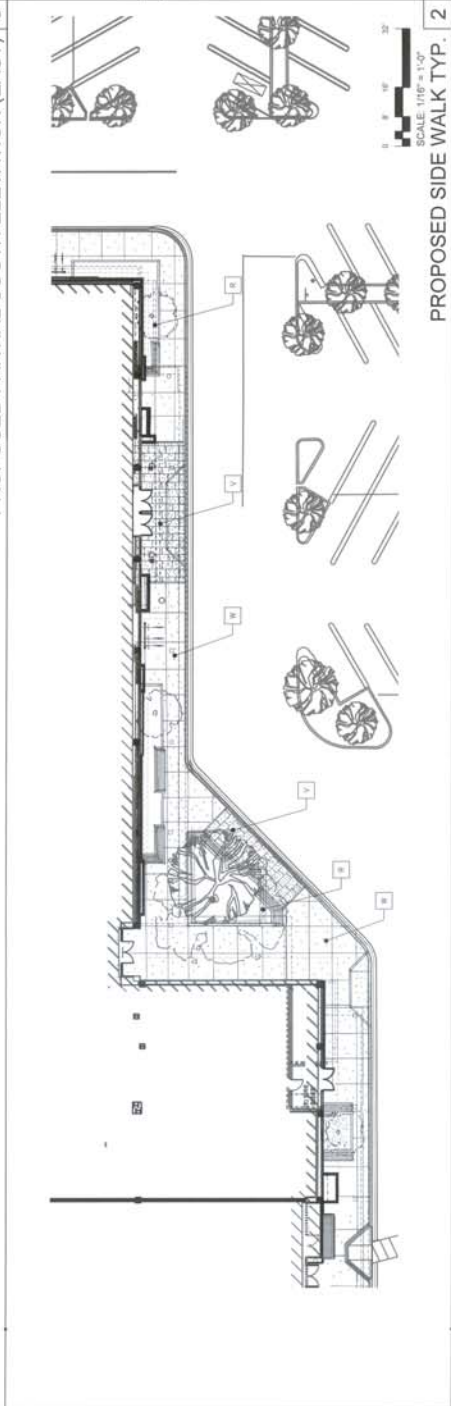
- | | | | |
|---|---------------------------|---|---|
| A | (N) METAL PANEL | L | (N) BLUE PAINTED BREAK METAL |
| B | (N) BRICK VENEER | M | (N) BROWN PAINTED BRASS METAL |
| C | (N) WOOD Siding | N | (E) BRICK VENEER |
| D | (E) SURFACE TO BE PAINTED | P | (E) COMPOSITE WOOD PLANKS |
| E | (N) CMU VENEER | Q | (E) EPS FINISH |
| F | (N) PAINTED BRASS METAL | R | PLASTER |
| G | (N) METAL LOUVERS | S | (N) BRICK VENEER PAINTED MATCH EXISTING (BRICK AND PAINT) |
| H | (N) WHITE PAINTED STUCCO | T | PAVERS |
| I | (N) GRAY PAINTED STUCCO | U | COLORLED CONCRETE |
| J | (N) RED PAINTED STUCCO | V | (N) CREAM PAINTED STUCCO |
| K | (N) STONE VENEER | | |
| L | (N) CREAM PAINTED STUCCO | | |

JURISDICTIONAL NOTE

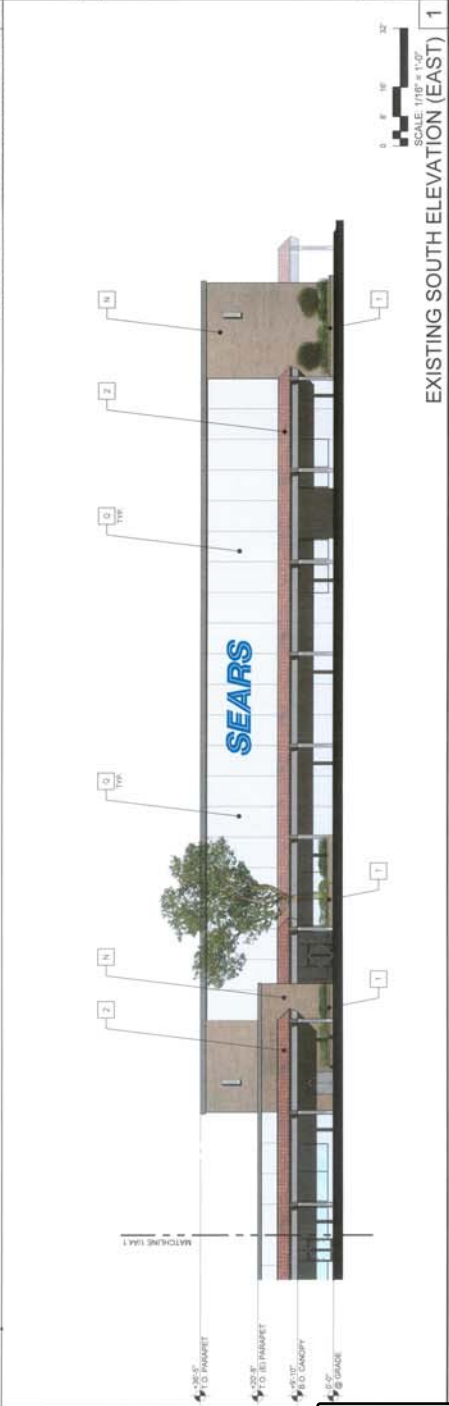
ELEVATIONS ARE SUBJECT TO CHANGE PENDING JURISDICTIONAL COMMENTS AND REVISIONS FROM PLANNING COMMISSION



PROPOSED PARTIAL SOUTH ELEVATION (EAST) 3
 SCALE: 1/16" = 1'-0"



PROPOSED SIDE WALK TYP. 2
 SCALE: 1/16" = 1'-0"



EXISTING SOUTH ELEVATION (EAST) 1
 SCALE: 1/16" = 1'-0"

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KEY PLAN



ELEVATION NOTES

- 1E VESTIBULE AND STOREFRONT SYSTEM (NEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.J.X. C-SET. COORDINATE CANOPY SUPPORT COLUMNS WITH T.J.X. VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF VESTIBULE DOORS. COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE ON THE T.J.X. C-SET.
- 2E WIDTH AS HEIGHT OF SIGN FACADE AND TOP OF SIGN TO BE 1:1. SIGN HEIGHT SHALL BE GREATER THAN ANY OTHER RETAILER IN THE SHOPPING CENTER.
- 3E STOREFRONT SIGN TO BE 6'-0" HIGH (OR ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA IS TO BE COORDINATED WITH THE T.J.X. FOR REVIEW FOR FINAL STOREFRONT CANOPY TO BE 8'-0" DEEP MIN.
- 4E SUBMIT COMPLETE ELEVATIONS, SECTIONS AND MATERIAL & COLOR SAMPLES TO T.J.X. FOR REVIEW FOR FINAL APPROVAL.
- 5E PROVIDE CATWALK IN CANOPY.
- 6E PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
- 7E PROVIDE 10' CLEARANCE AT FOOTING FIELD.
- 8E PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

KEYNOTES

- 1 (I) BRICK PLANTER
- 2 (I) CLAY TILE CANOPY
- 3 (I) METAL CANOPY
- 4 (I) STOREFRONT
- 5 (I) DECORATIVE METAL LOUVERS
- 6 (I) ALUMINUM JAWING
- 7 (I) LIGHT FIXTURE
- 8 (I) FABRIC AWNING
- 9 (I) VENTS - SIZE INCOM
- 10 (I) METAL CANOPY
- 11 (I) LOADING DOOR DOOR
- 12 (I) LOADING DOOR DOOR
- 13 (I) SERVICE DOOR
- 14 (I) MECHANICAL PENETRATION
- 15 (I) STOREFRONT
- 16 (I) FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

- 1 (I) BLUE PAINTED BREAK METAL
- 2 (I) BROWN PAINTED BRICK METAL
- 3 (I) BRICK VENEER
- 4 (I) SURFACE TO BE PAINTED
- 5 (I) CMU VENEER
- 6 (I) PAINTED BRICK METAL
- 7 (I) METAL LOUVERS
- 8 (I) WHITE PAINTED STUCCO
- 9 (I) GRAY PAINTED STUCCO
- 10 (I) RED PAINTED STUCCO
- 11 (I) CREAM PAINTED STUCCO
- 12 (I) BRICK VENEER
- 13 (I) WOOD Siding
- 14 (I) COMPOSITE WOOD PLANKS
- 15 (I) LIFE FISH
- 16 (I) PLANTER
- 17 (I) BRICK VENEER PAINTED (MATCH EXISTING BRICK AND PAINT)
- 18 (I) PAVERS
- 19 (I) COLORED CONCRETE

JURISDICTIONAL NOTE

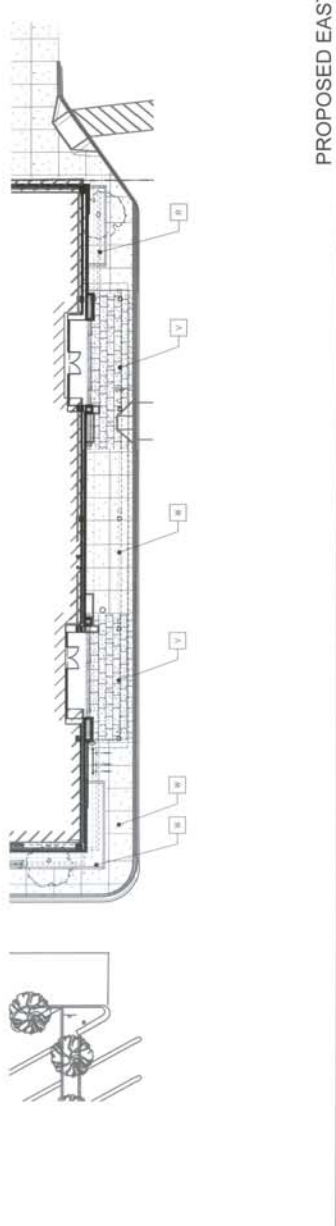
ELEVATIONS ARE SUBJECT TO CHANGE PERMITS. JURISDICTIONAL COMMENTS AND REVISIONS FROM PLANNING COMMISSION.



PROPOSED EAST ELEVATION 3



PROPOSED EAST SIDEWALK 2



EXISTING EAST ELEVATION 1



KEY PLAN



ELEVATION NOTES

- 1E VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.J.X C-SET. COORDINATE CANOPY SUPPORT COLUMNS WITH T.J.X VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF EXISTING WALLS. COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE ON THE T.J.X C-SET.
- 2E WIDTH AS HEIGHT OF SIGN FACADE AND TOP OF SIGN TO BE 1:1. SIGN HEIGHT SHALL BE GREATER THAN ANY OTHER RETAILER IN THE SHOPPING CENTER.
- 3E STOREFRONT SIGN TO BE 6'-0" HIGH (OR ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA IS TO BE COORDINATED WITH THE T.J.X FOR REVIEW FOR FINAL ELEVATION APPROVAL.
- 4E STOREFRONT CANOPY TO BE 8'-0" DEEP MIN. & COLOR SAMPLES TO T.J.X FOR REVIEW FOR FINAL APPROVAL.
- 5E PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
- 6E PROVIDE CATWALK IN CANOPY.
- 7E SUBMIT COMPLETE ELEVATIONS, SECTIONS AND MATERIAL & COLOR SAMPLES TO T.J.X FOR REVIEW FOR FINAL APPROVAL.
- 8E PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
- 9E PROVIDE CATWALK IN CANOPY.
- 10E PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

KEYNOTES

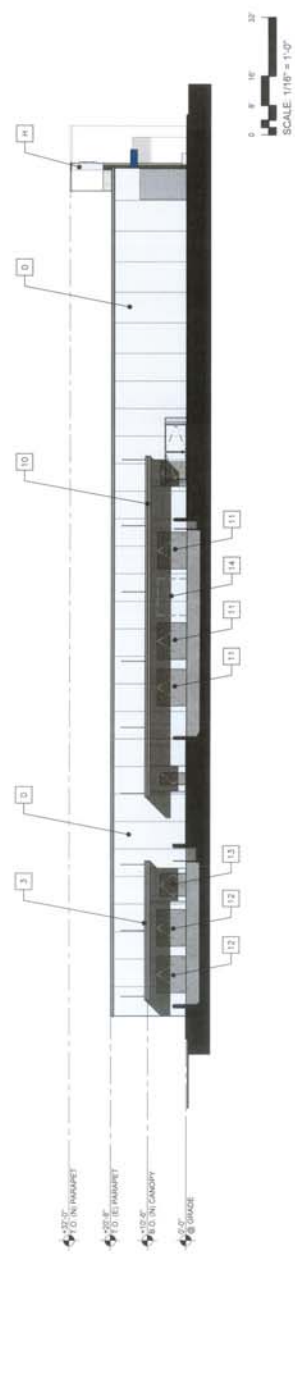
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- 2 DEMO (E) CLAY TILE CANOPY
- 3 IN METAL CANOPY
- 4 IN STOREFRONT
- 5 IN ALUMINUM AWNING
- 6 IN LIGHT FIXTURE
- 7 IN FABRIC AWNING
- 8 IN VENTIL. SIDE ROOM
- 9 IN METAL CANOPY
- 10 IN LOADING DOCK DOOR
- 11 IN LOADING DOCK DOOR
- 12 IN SERVICE DOOR
- 13 IN WALL (E) LOADING DOCK DOOR, EPS FINISH TO MATCH EXISTING
- 14 DEMO (E) MECHANICAL PENETRATIONS
- 15 DEMO (E) STOREFRONT
- 16 IN FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

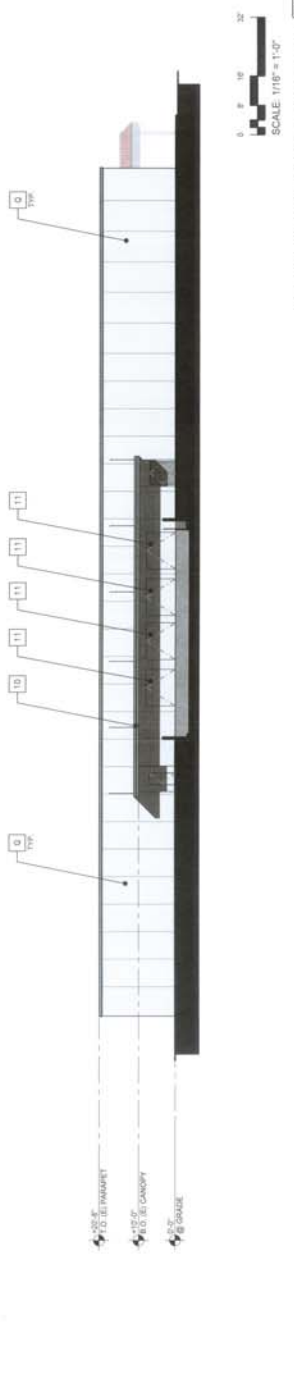
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- 2 IN BROWN PAINTED BRASS METAL
- 3 IN BRICK VENEER
- 4 IN WOOD BRING
- 5 IN SURFACE TO BE PAINTED
- 6 IN CMU VENEER
- 7 IN PAINTED BRASS METAL
- 8 IN METAL LOUISERS
- 9 IN WHITE PAINTED STUCCO
- 10 IN GRAY PAINTED STUCCO
- 11 IN RED PAINTED STUCCO
- 12 IN STONE VENEER
- 13 IN CREAM PAINTED STUCCO
- 14 IN METAL PANEL
- 15 IN BLUE PAINTED BREAK METAL
- 16 IN BROWN PAINTED BRASS METAL
- 17 IN BRICK VENEER
- 18 IN WOOD BRING
- 19 IN SURFACE TO BE PAINTED
- 20 IN CMU VENEER
- 21 IN PAINTED BRASS METAL
- 22 IN METAL LOUISERS
- 23 IN WHITE PAINTED STUCCO
- 24 IN GRAY PAINTED STUCCO
- 25 IN RED PAINTED STUCCO
- 26 IN STONE VENEER
- 27 IN CREAM PAINTED STUCCO

JURISDICTIONAL NOTE

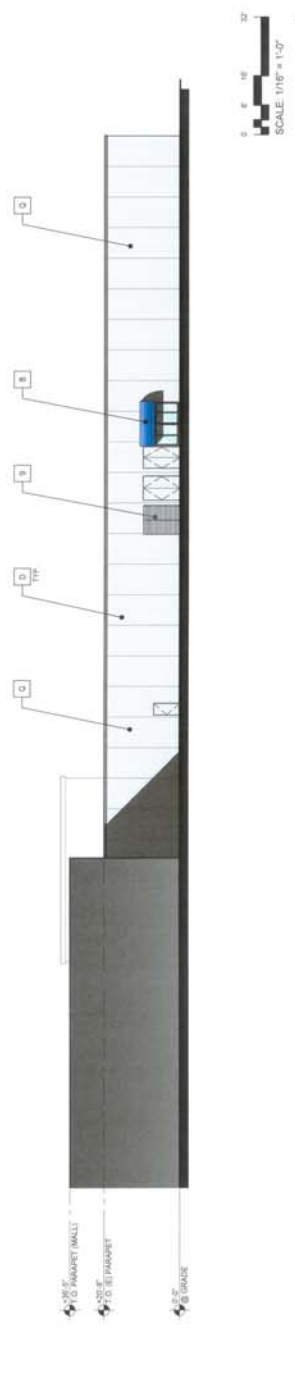
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PROPOSED WEST ELEVATION 3



EXISTING WEST ELEVATION 2



EXISTING AND PROPOSED NORTH ELEVATION (WEST) 1

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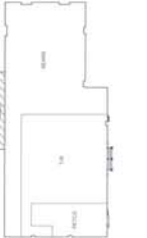
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PERSPECTIVE
 RENDERINGS

A5
 5.D.a



VIEW OF TJ MAXX FROM WEST 2



VIEW OF PETCO FROM WEST 3



VIEW OF SEARS FROM EAST 1



VIEW OF SEARS FROM EAST 4



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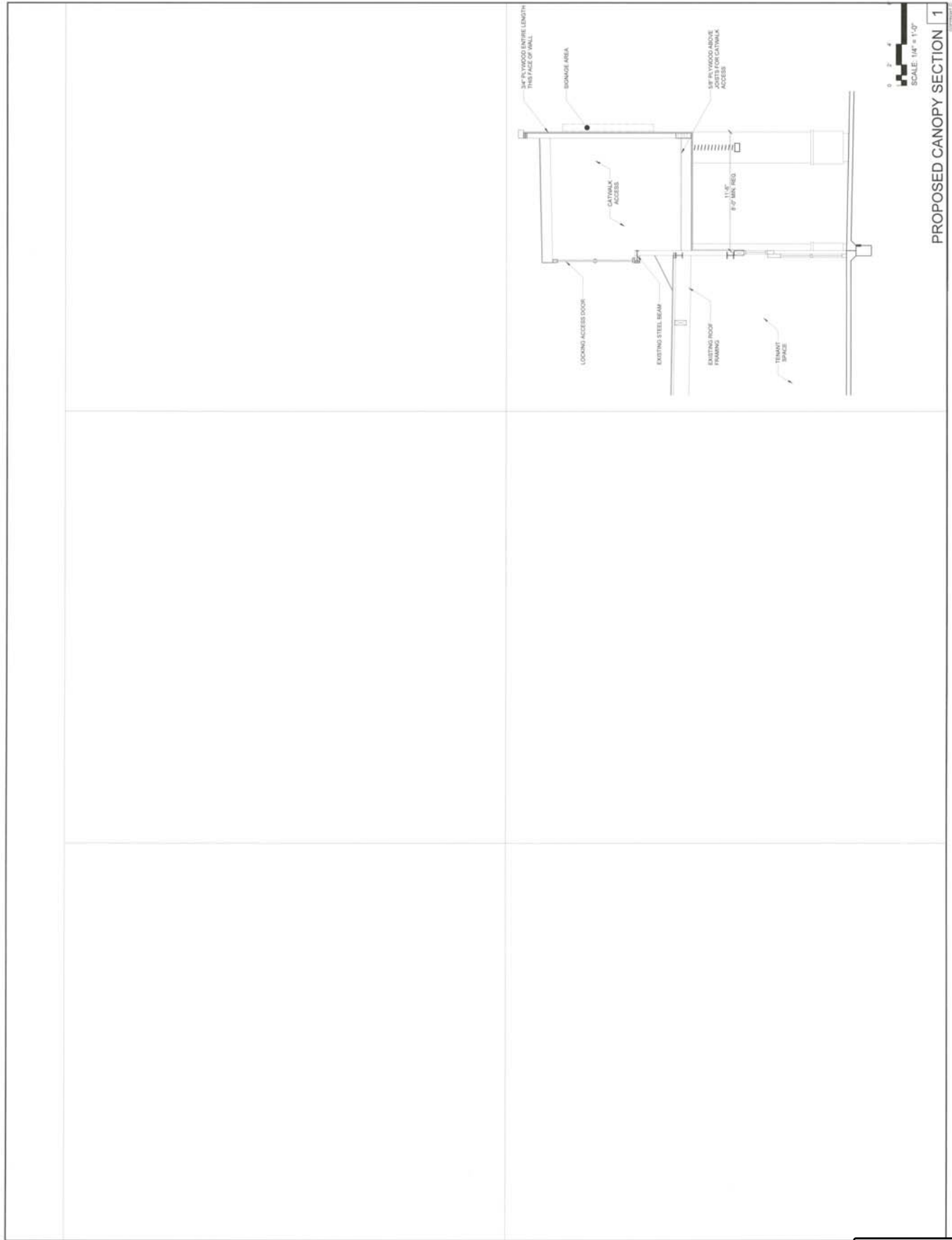
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SECTIONS

AG 5.D.a



PROPOSED CANOPY SECTION 1



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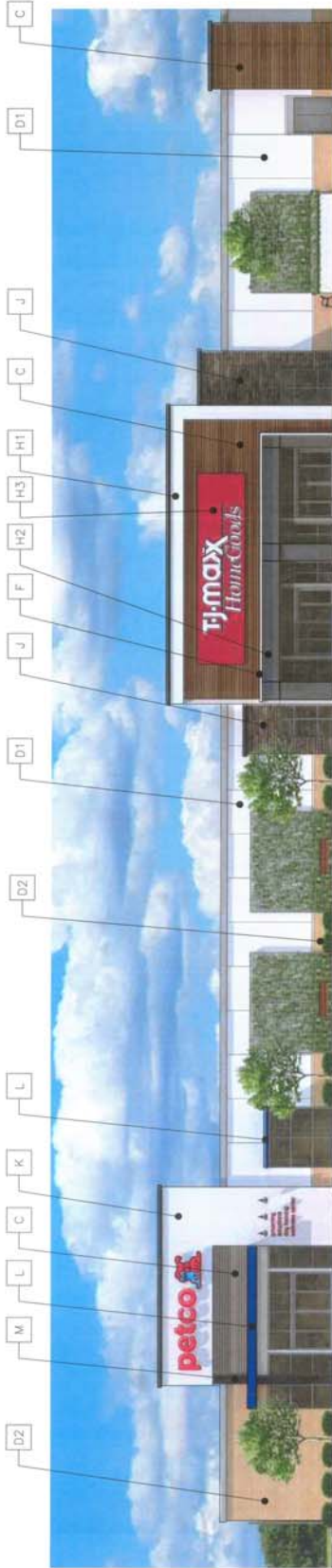
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MATERIAL BOARD

A7 5.D.a

PROPOSED PARTIAL SOUTH ELEVATION - EAST SIDE 1



A METAL PANEL	B BRICK VENEER	C WOOD SIDING	D (E) SURFACE TO BE PAINTED	E CMU VENEER	F PAINTED BRAKE METAL
G METAL LOUVERS	H PAINTED STUCCO	J STONE VENEER	K PAINTED STUCCO	L PAINTED BRAKE METAL	M PAINTED BRAKE METAL
R PLANTER	V PAVERS	W COLORED CONCRETE			

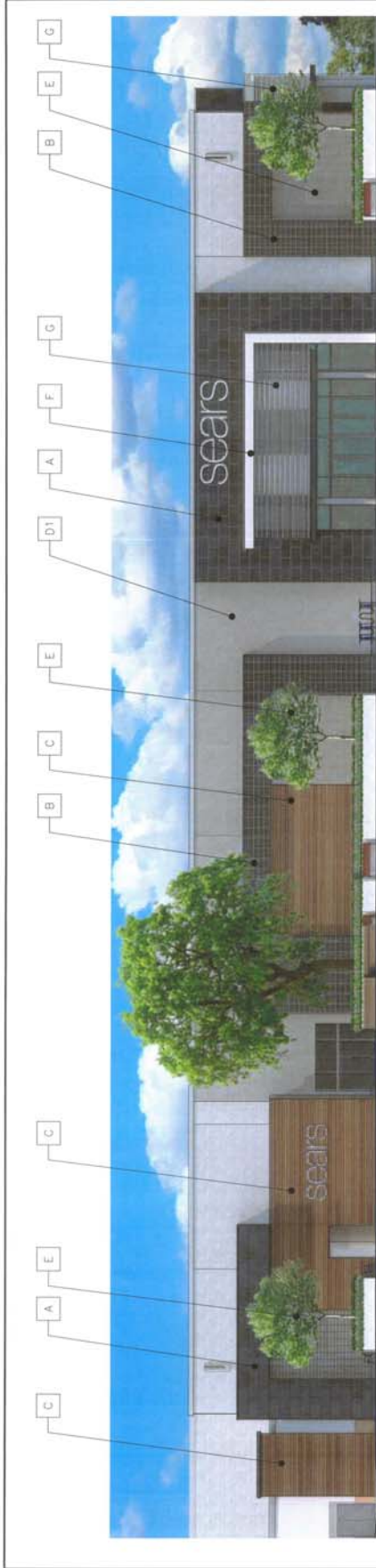
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MATERIALS BOARD
- SEARS

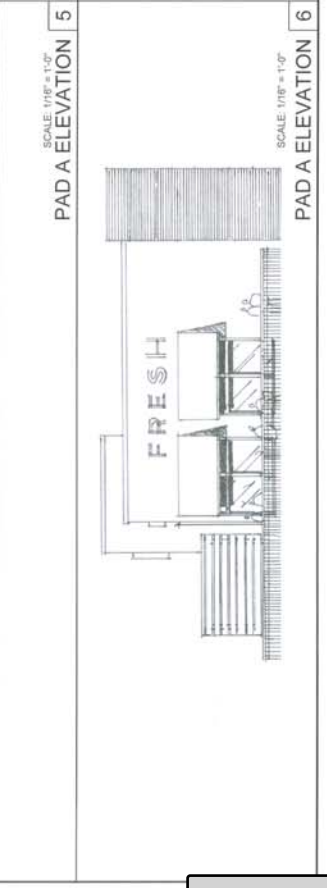
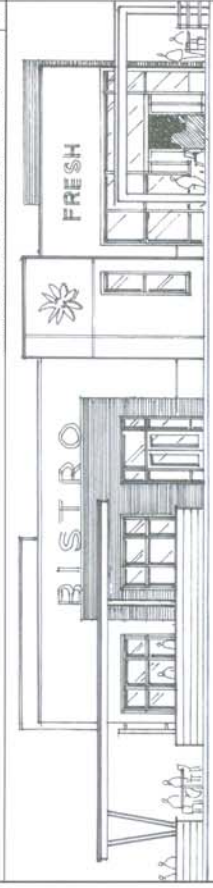
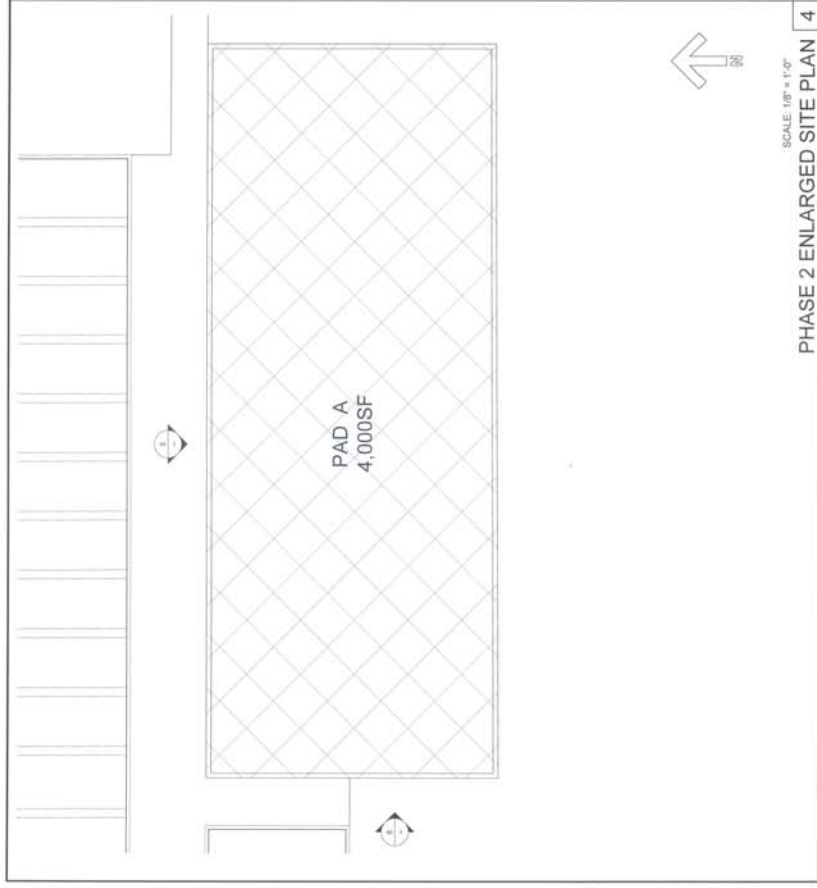
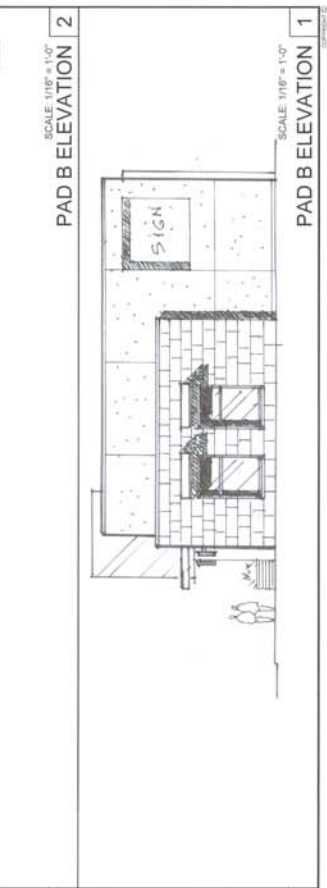
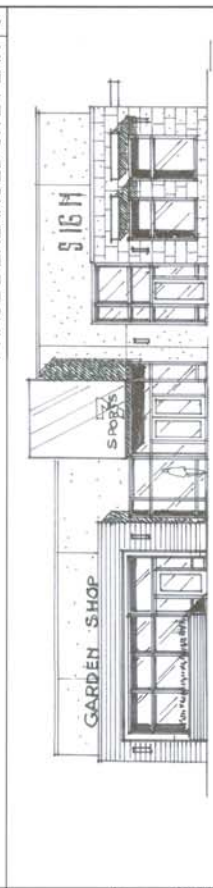
5.D.a



PROPOSED PARTIAL SOUTH ELEVATION - WEST SIDE 1

	A METAL PANEL		B BRICK VENEER		C WOOD SIDING		D1	D (E) SURFACE TO BE PAINTED		E CMU VENEER		F PAINTED BRAKE METAL
	G METAL LOUVERS		H1		J STONE VENEER		K	K PAINTED STUCCO		L PAINTED BRAKE METAL		M PAINTED BRAKE METAL
	R PLANTER		V PAVERS		W COLORED CONCRETE							

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PHOTOGRAPHS



EXISTING SEARS, FUTURE DV ENTRANCE



EXISTING SEARS, FUTURE DVX



EXISTING SEARS, FUTURE FETCO



EXISTING SEARS, FUTURE DVX



EXISTING SEARS



EXISTING SEARS



EXISTING SEARS



EXISTING SEARS ENTRANCE



UNDERSIDE OF EXISTING DECK



UNDERSIDE OF EXISTING DECK



EXISTING LOADING DOCK



EXISTING LOADING DOCK



EXISTING MONUMENT SIGNS



EXISTING MONUMENT SIGNS

Sears at Capitola Mall

Capitola, California



Seritage Growth Properties
489 Fifth Ave, New York, NY 10017

RECEIVED
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CITY OF CAPITOLA



MASTER SIGN PROGRAM

Date: 2/8/2017
Revised:

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

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SEARS AT CAPITOLA MALL
CAPITOLA, CA.

PREFACE

This document establishes guidelines and criteria of the facade renovation of the Sears Building and the design, implementation, and regulation of project identity and tenant signage as well as site signage and thematic graphics at Capitola Mall, Capitola, CA.

All criteria contained within this program are considered to be a supplemental addition to City of Capitola Sign Ordinance.

Owner

Seritage Growth Properties
Seritage SRC Finance,
489 Fifth Ave, 18th Floor
New York, NY 10017

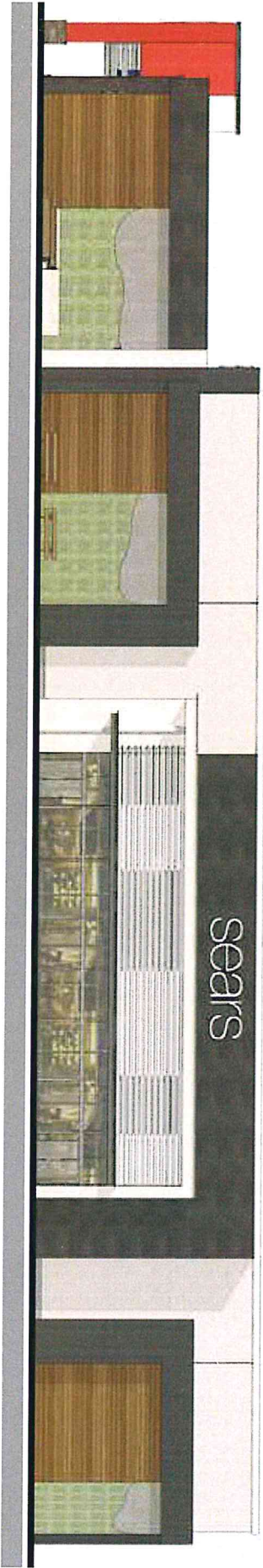
City Planning Department

City Of Capitola Planning Department
420 Capitola Ave.
Capitola, CA 95010
Attn. Katie Cattan, Senior Planner
KCattan@ci.capitola.ca.us

Architect

KTGY Group
17911 Von Karman Avenue
Suite 200
Irvine, CA. 92614
Tel. (949) 851-2133
Attn. Michael Tseng
mitseng@ktgy.com

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



EAST ELEVATION

SEARS

BUILDING FRONTAGE (LF)*:

180'-0"

ALLOWABLE SIGN AREA:

180 SF.

Proposed

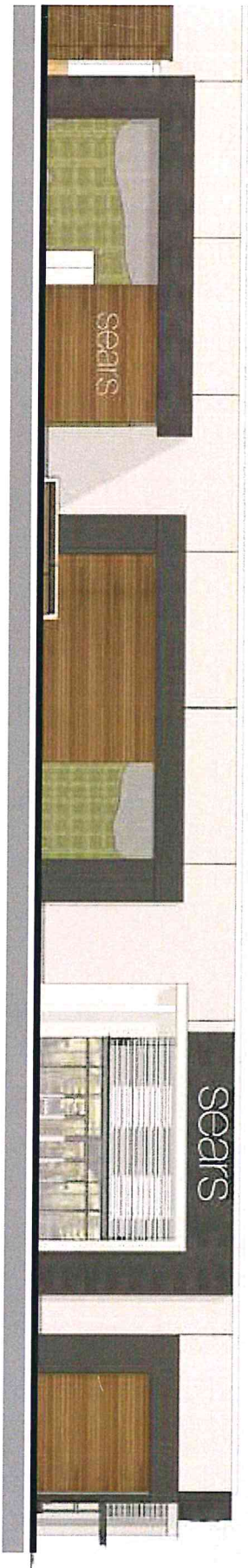
Adapt

Note:

Maximum Letter Height 5 feet.

The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



SOUTH ELEVATION

SEARS

BUILDING FRONTAGE (LF)**: 251'

ALLOWABLE SIGN AREA: 251 SF

Proposed

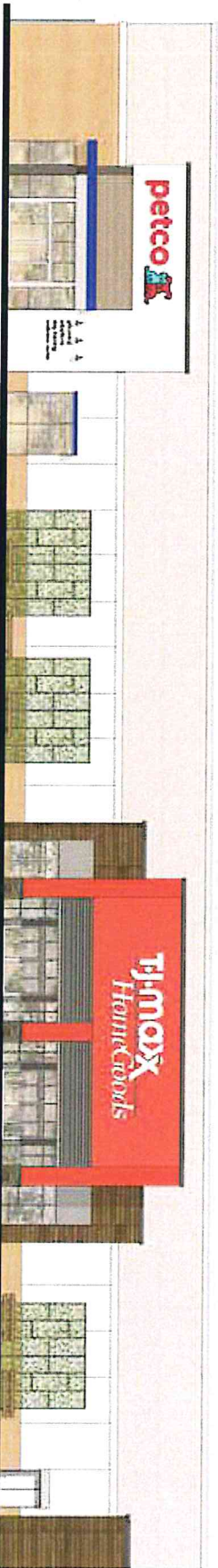
Adapt

Note:

Maximum Letter Height 5 feet.

The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

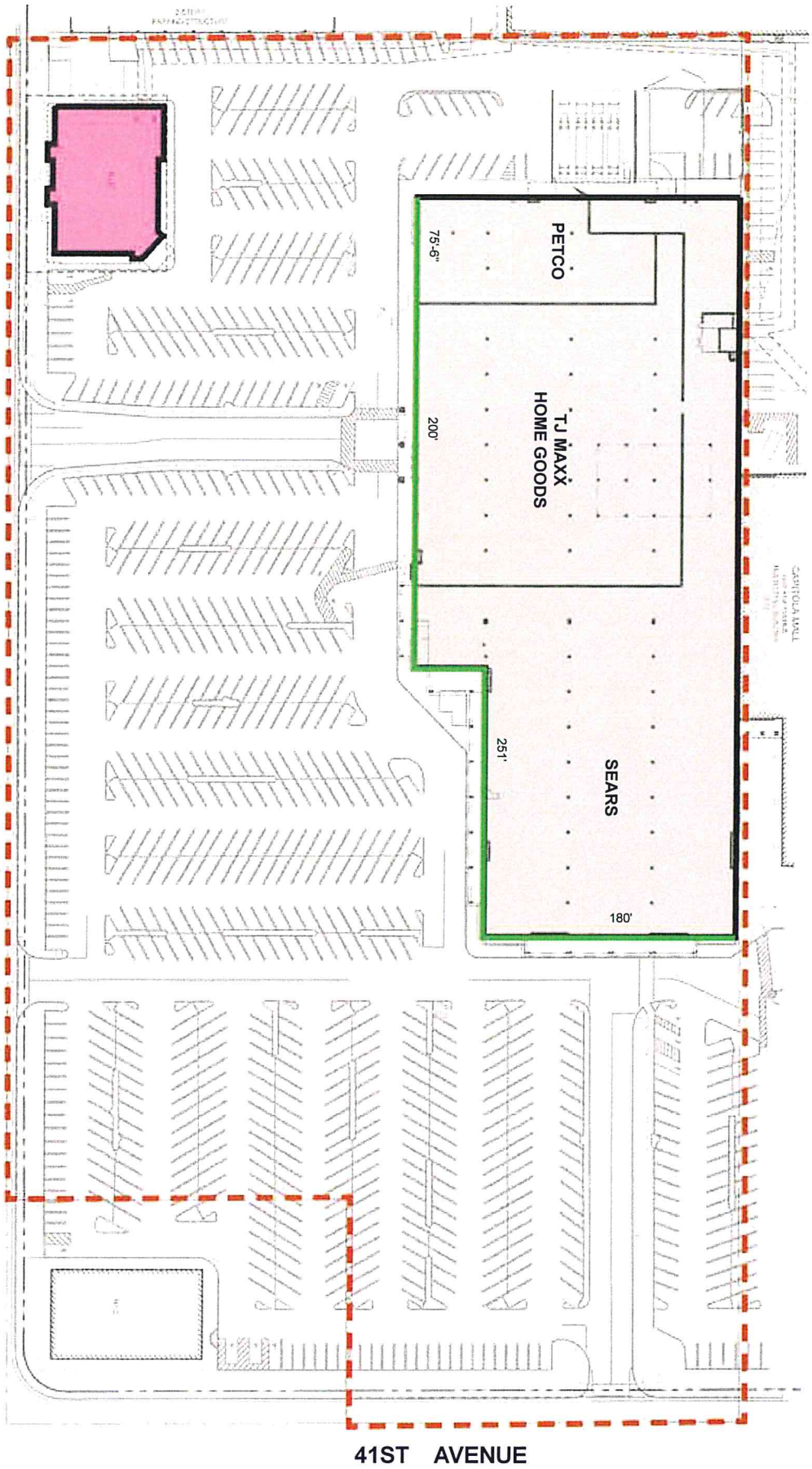


SOUTH ELEVATION

	TJX	PETCO
BUILDING FRONTAGE (LF)*:	200'	75'-6"
ALLOWABLE SIGN AREA:	200 SF	75.6 SF
	<i>Proposed</i>	<i>Add</i>
		<i>Alter</i>

Note:
 Maximum Letter Height 5 feet.
 The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



CAPITOLA ROAD

41ST AVENUE

- MASTER SIGN CRITERIA AREA OF INFLUENCE
- STREET FACING ELEVATION
- EXISTING TENANT SIGNAGE EXCLUDES FROM THIS APPLICATION

• EXISTING DIRECTIONAL SIGNAGE NOT INCLUDED



SEARS AT CAPITOLA MALL
CAPITOLA, CA.

APPENDIX A

SEARS AT CAPITOLA MALL
CAPITOLA, CA.**OBJECTIVES:**

The purpose of this sign criteria is to establish standards that assure tenant signage is harmonious, integrates with shopping center architecture, and provides coordinated proportional exposure for all tenants. This sign criteria also describes the responsibilities of the tenants with respect to sign review, approval, and installation. All work shall meet or exceed the minimum design intent and fabrication requirements shown in this document. Conformance will be enforced. A diversity of sign types within the parameters of these criteria is encouraged to allow for creative tenant signage. However, any non-conforming or disapproved signs will be brought into conformance at the expense of the tenant.

REQUIREMENTS FOR SIGNAGE IMPLEMENTATION:

Each Tenant shall provide a minimum of one primary identification wall sign in accordance with the approved Master Sign Plan herein provided:

Tenant shall be responsible for the following expenses relating to signage for tenant's store:

- Plan check, permit processing and application fees.
- Fabrication and installation of signage, and final electrical connections.
- Maintenance and repair, to include: all costs relating to signage removal, including repair of any damage to the building, or any portion of the shopping center.

There is a formal process for the creation, review and approval of Tenant signs (see "Submittals and Approvals" section of this document). The tenant shall provide the following information: store name, logo image and colors, intended sign dimensions, materials, colors, finishes and electrical connections.

Only those sign types provided for and specifically approved in writing by the Landlord and City of Capitola will be allowed. The Tenants will be required, at their expense, to correct, replace or remove any sign that is installed without City of Capitola or Landlord's approval and/or that is deemed not to be in conformance with the plans as submitted and with requirements and documents referenced herein.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.**SIGN DESIGN CRITERIA**

The following are general guidelines to be used in the development of all signage and graphic elements.

- Signs shall be designed in a manner that is not only imaginative but also of high graphic quality. In addition, signs should be compatible with and complementary to adjacent facades.
- Notwithstanding the maximum square footages specified for copy area allowances, signs and typography in all cases shall appear balanced and in scale within the context of the sign space and the building as a whole. Signs shall be centered horizontally and vertically over each Tenant space unless otherwise directed by Owner/Developer and approved by the City of Capitola.
- Signage and environmental graphics should be conceived as an integral part of the design, and not applied as an afterthought.
- Primary storefront identification shall be limited to Tenant's trade name, as approved in the lease, or as otherwise approved in writing.
- All signs should fit comfortably into their storefront architecture, leaving sufficient margins and negative space on all sides. Thickness, height, and colors of sign lettering and graphics should be visually balance and in proportion to other signs on the building. Signs shall be centered over tenant's entry whenever possible.
- Location of sign placement shall be designated by Owner/Developer.
- All illuminated signs must be controlled by Owner/Developer house panel and time clock, illuminated during general operating hours as defined by the Owner/Developer unless otherwise agreed.
- All signs shall be presented to the Owner/Developer for approval prior to commencement of fabrication.
- All signage should be placed out of reach.
- All signage lighting should be baffled or concealed. Light leaks will not be permitted.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)*

- Exposed signage lamps and fixtures are subject to approval by the owner/Developer and their architect.
- Tenant signs that incorporate logos, business identities and /or images denoting the type of business, shall be encouraged. Logo design and color to be approved by Owner/Developer.
- Wall signs shall be pegged from wall 1/2" minimum to allow for drainage.
- Signs shall be mounted without visible means of attachment, unless attachments make intentional statement.
- All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles will not be accepted. The Owner/ Developer reserves the right to reject any fabrication work deemed to be below standard.

Sign Construction and Maintenance

- All signs and their installation shall comply with all applicable City building and electrical codes, and bear the UL label.
- Tenant's sign contractor shall completely install and connect sign display and primary wiring at sign location per Landlord's approval, unless otherwise directed. Signs are to be connected to the J-box provided by the Landlord.
- All penetrations of exterior fascia are to be sealed watertight, and finished to match adjacent material.
- All signs shall be kept in good condition, free of corrosion, be legible, adequately repaired, maintained, and painted by the Tenant thereof at all times. All repairs shall be equal in quality and design to the original signs. The standards for maintenance and repair of signs shall be that which will assure the highest visual quality.

Prohibited Sign Approaches & Types

In addition to as indicated in the City of Capitola Sign Ordinance, the following types of signs are prohibited:

- Internally illuminated boxed or cabinet type signs. Cabinet signs will not be considered unless they are less than 10% of the total sign area, and one part of tenant's logo only.
- Animated signs: signs consisting of anything swinging, rotating, flashing, blinking, strobing, including any moving electronic message boards or centers, or temporary lighting, such as but not limited to search, flood, or fluorescent gel lights.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)*

- Signs mounted directly to a raceway.
- Cloth, paper, cardboard, foamcore, gatorboard, stickers, or decals.
- Temporary signs such as but not limited to banners, streamers and inflatable advertising devices or balloons (except for special sale events and grand opening signs as permitted by the City of Capitola and the Owner/Developer).
- Permanent advertising devices such as attraction boards, banners and flags, except where specifically approved by the Owner/Developer and the City of Capitola.
- Window signs except where specifically approved by the Owner/Developer and the City of Capitola.
- Exposed junction boxes, transformers, lamps, tubing, conduit, raceways or neon crossovers of any type.
- Permanent advertising devices such as attraction boards, banners and flags, except where specifically approved by the Owner/Developer and the City of Capitola.
- Window signs except where specifically approved by the Owner/Developer and the City of Capitola.
- Exposed junction boxes, transformers, lamps, tubing, conduit, raceways or neon crossovers of any type.
- Sign manufacturer's names, stamps, or decals visible from the street or normal viewing angles.
- Exposed fastening devices, unless integral to the sign's design intent.
- Simulated materials (i.e. wood grained plastic laminates) or wall covering.
- Any type of banner with a tenant listing or advertisement.
- Any sign that is not in conformance with this Program

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)***Acceptable Sign Approaches and Types**

The following list is a broad suggestion of sign design solutions. All signs designs are subject to the approval of Owner/Developer.

- Individual channel letters with light transmitting acrylic faces.
- Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting.
- Application of materials, finishes and colors as culled from the immediately adjacent architecture.
- Application of innovative technologies.
- Dimensional letter forms with seamless edge treatments.
- Reverse channel lettering.
- Cut or fabricated steel, painted or unfinished.
- Etched metal or glass, sandblasted glass.
- Dimensional shapes and forms of metal, hardwood, glass, or other material with a permanent appearance.
- Glazed ceramic tile work forming patterns and/or fields, subject to height and area restrictions.
- Silhouette or halo illumination
- Front lighting, i.e. billboard or gooseneck lighting.
- Open face channel letters or logo with exposed neon.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

GENERAL PROVISIONS:

1. All sign types will require written approval of the Owner/Developer and the City of Capitola. Sign permits from both entities are required prior to installation. Prior to manufacture of any sign in the center, the Tenant shall submit to Owner/Developer for approval, two (2) copies of detailed shop drawings. These drawings shall include the building elevations to which the signs are to be attached, sign materials, dimensions, graphics, location, colors, and method of attachment. Drawings are to be submitted via e-mail in PDF format.
2. All signs shall be reviewed for conformance with this criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics of design shall remain the right of the Owner/Developer.
3. Each Tenant shall pay all costs for its signs including design, manufacture, installation, maintenance, and County permits.
4. Each Tenant shall be fully responsible for and repair any damage to any surface caused by the signage or its installation.
5. Owner/Developer reserves the right to periodically hire an independent electrical engineer, at Tenant's sole expense, to inspect the installation of all Tenant's signs. Tenants will be required to have any discrepancies and/or code violations corrected at Tenant's expense. Any code violations, requests for sign removals, or discrepancies not corrected within fifteen (15) days of notice, may be corrected by the Owner/ Developer at Tenant's expense.
6. Tenant's sign contractor shall carry workman's compensation and public liability insurance against all damage suffered or done by any and all persons and/or property while engaged in the construction and erection of signs in the amount of \$1,000,000 per occurrence. Evidence of this insurance must be provided to Owner/Developer prior to installation naming Name Realty Group LP, or other party as may be required, as additionally insured.
7. Upon vacancy, Tenant shall remove sign and restore fascia to original condition at Tenant's sole cost and expense within fifteen (15) days of expiration of term or earlier termination of Tenant's lease.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

SIGN AREA MEASUREMENT

The following exhibits illustrate the methods of determining maximum square footages for the allowable sign area categories that follow in this document. Sign area shall be formulated by calculating the area contained within not more than (8) eight straight lines surrounding the outermost extents of the finished sign. Details and exceptions are illustrated in the exhibits below. The letter "h" represents the overall height of the sign, often expressed as a "not to exceed" number as described in each category on the following pages.

EXHIBIT B



EXHIBIT F

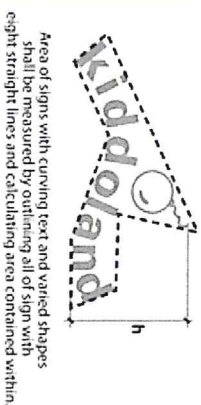


EXHIBIT C



EXHIBIT G

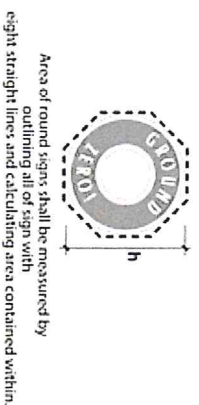


EXHIBIT A

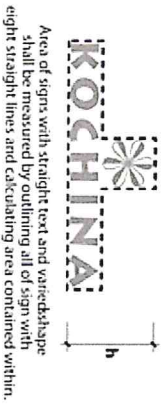


EXHIBIT E



EXHIBIT D

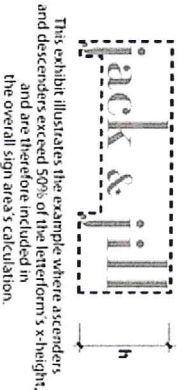
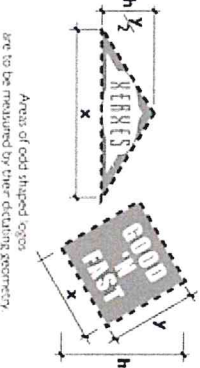
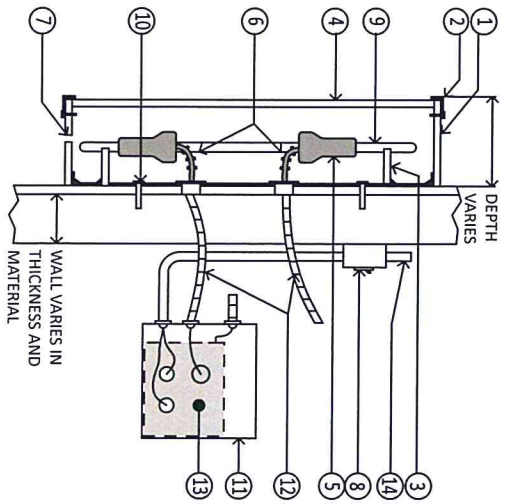


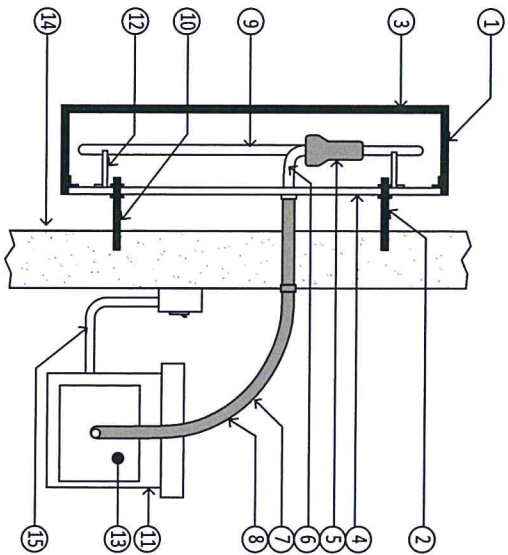
EXHIBIT H



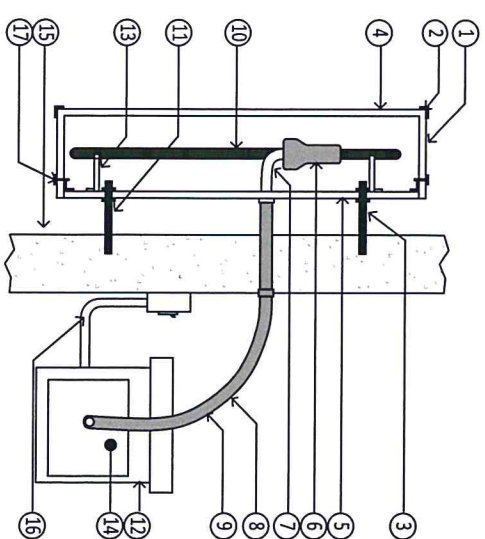
SEARS AT CAPITOLA MALL
CAPITOLA, CA.



- 1 CUSTOM FABRICATED ALUMINIUM CHANNEL, FULLY STAPLED SEAMS & SOLID ALUMINIUM BACK
- 2 1/2" WEEP HOLES AT BOTTOMS OF LETTERS, 2 PER LETTER
- 3 3/4" TRIMCAP RETAINER WITH ALUMINIUM SCREWS
- 4 NEON TUBE SUPPORT
- 5 TRANSFLUENT ACRYLIC LETTER FACE
- 6 ELECTROBITS HIGH VOLTAGE SS3/5 U.L. APPROVED CONNECTOR & INSULATING BOOT
- 7 GTO INSULATING SLEEVING
- 8 DRAIN HOLES 1/4" DIA.
- 9 SAFETY DISCONNECT SWITCH, ON WALL OR FIRST TRANSFORMER BOX
- 10 NEON TUBE
- 11 FASTENER TO WALL (2.5 PER LETTER)
- 12 GALVANIZED, VENTED TRANSFORMER BOX LISTED FLEX (METAL SHOWN) AND LISTED GTO CABLE (SECONDARY SIDE ONLY)
- 13 30ma TRANSFORMER, U.L. LISTED
- 14 PRIMARY ELECTRICAL SOURCE



- 1 CUSTOM FABRICATED ALUMINIUM CHANNEL
- 2 3/16" DIAMETER x 3" THREADED ROD WITH CLEAR ACRYLIC SPACERS
- 3 ALUMINIUM LETTER FACE
- 4 3/16" CLEAR LEXAN BACK LENS
- 5 ELECTROBITS HIGH VOLTAGE SS3/5, U.L. APPROVED CONNECTOR
- 6 #3830 GTO SLEEVING
- 7 1/2" METAL FLEXIBLE CONDUIT
- 8 GTO WIRE
- 9 NEON TUBE
- 10 FASTENER TO WALL (2.5 PER LETTER)
- 11 GALVANIZED, VENTED TRANSFORMER BOX
- 12 NEON TUBE SUPPORT
- 13 30ma TRANSFORMER, U.L. LISTED
- 14 WALL/SUPPORT STRUCTURE
- 15 SAFETY DISCONNECT SWITCH ON WALL OR FIRST TRANSFORMER



- 1 CUSTOM FABRICATED ALUMINIUM CHANNEL
- 2 1/4" TRIMCAP RETAINER WITH 1/2" ALUMINIUM SCREWS
- 3 3/16" DIAMETER X 3" THREADED ROD WITH CLEAR ACRYLIC SPACERS
- 4 TRANSFLUENT ACRYLIC LETTER FACE
- 5 3/16" CLEAR LEXAN BACK LENS
- 6 ELECTROBITS HIGH VOLTAGE SS3/5 U.L. APPROVED CONNECTOR
- 7 #3830 GTO SLEEVING
- 8 1/2" METAL FLEXIBLE CONDUIT
- 9 GTO WIRE
- 10 NEON TUBE
- 11 FASTENER TO WALL (2.5 PER LETTER)
- 12 GALVANIZED, VENTED TRANSFORMER BOX
- 13 NEON TUBE SUPPORT
- 14 30ma TRANSFORMER, U.L. LISTED
- 15 WALL/SUPPORT STRUCTURE
- 16 SAFETY DISCONNECT SWITCH ON WALL OR FIRST TRANSFORMER
- 17 FASTENER: Sheet Metal Screw

PAN - CHANNEL LETTER SECTION DETAIL:

HALO ILLUMINATED REVERSE PAN - CHANNEL LETTER SECTION DETAIL:

FRONT & HALO ILLUMINATED PAN-CHANNEL LETTER SECTION DETAIL:

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

SIGN CRITERIA:

Sign criteria is compiled with the provisions of City of Capitola Code except for the following:

1) **Wall Sign.**

a) Major Tenants

i) Signs on Front Building Elevation: One (1) square feet of sign area per one (1) lineal foot of building frontage. Architectural background, if any, not included in sign area.

ii) Signs on Side & Rear Building Elevations: No more than three (3) wall signs for each primary building face (no building shall deemed to have more than four (4) primary building faces). Addition ancillary signs allowed. Maximum size of signs is one (1) square feet of sign area (excluding architectural backgrounds) per one (1) lineal foot of building frontage.

iii) Maximum 5' high or as agreed with the City of Capitola.

2) **Pole signs shall be prohibited.**

3) **Incidental business signs**, shall be permitted in commercial zones, except that:

i) Number. One per business.

ii) Locations. Wall mounted, below the roofline.

iii) Area. Two (2) feet square maximum.

4) **Non-conforming Signs.** All nonconforming signs shall remain at the site after the adoption of this Community Standards District provide that:

i) They are safe and well maintained.

ii) The type of business the advertise does not change.

iii) If the business does change, the new business is a gas station, food or lodging establishment.

iv) Though the copy of existing sign may be changed, structures are not altered and no new signs are added to the existing structures.

Signage Design, Materials, Attachment:

Creativity and quality are encouraged in the design of tenant wall signs.

Sign design will be evaluated on the basis of compatibility with the overall project architectural theme. However, at a minimum tenant wall signs will be internally illuminated individual pan-channel letters (Raceways not permitted). Minimum .040 aluminum with 3/16" plastic face; no cross-over neon or wiring permitted.

Sign canisters may be allowed for tenant logos only when any such logo constitutes a registered trademark. However, "Can Like" signs are typically discouraged.

All signs colors, lettering styles, graphics treatments, and mounting attachments will be considered against overall compatibility with the development and architectural theme. Specialty background panels are encouraged and will not be calculated as part of sign area.

The final design and size of signs will be approved or disapproved at the discretion of the Landlord and must be approved by the City. All decisions will be based on architectural compatibility.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

Miscellaneous Tenant Building Signage:

Each tenant shall be permitted to place upon each entrance of its store (inside storefront glass) not more than 144 square inches of gold leaf or decal application lettering not to exceed 2 inches in height, indicating hours of business, emergency telephone numbers, etc. (see page 21)

No advertising place cards, banners, pennants, names, insignias, trademarks, or other descriptive material shall be affixed or maintained upon the glass panels and supports of the show windows and doors, or upon the exterior walls of buildings without the written previous approval of the Architect, Landlord and the City of Capitola, and must be in compliance with City of Capitola Codes. No permitted banners shall be affixed to the front, rear or sides of the buildings unless approved by Landlord and the City of Capitola. A maximum twenty percent (20%) of interior window area may be used for temporary promotional and sales signage, subject to Landlord and City of Capitola review and approval.

Receiving doors may have a two inch (see page 22) high block letter sign identifying the Tenant's name. Landlord shall install address above the door in six (6) inch high block letters. Letters shall be Dark Bronze applied directly to the door. No white or other background color allowed.

Landlord shall install addresses numbers for each building on the front building wall, 12 inches clear to the parapet or cornice and top-right of the main building wall. Letter style to be Helvetica Regular, height to be six (6") inches, securely mounted to the wall, and approved by the Building and Fire Departments.

Signage Construction and Installation:

Letter fastening and clips are to be concealed and be galvanized, stainless steel, aluminum, brass or bronze metals.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

- Prior to submittal to the City of Capitola for plan check and Tenant's sign fabrication, Tenant or his sign contract shall submit for Landlord approval three (3) sets of complete and fully dimensioned and detailed sign drawings. These drawings shall include:
 - Elevation of storefront showing design, location, size and layout of sign, drawn to scale, indicating materials, colors, and dimensions, attachment devices and construction detail.
 - Section through letter and/or sign panel showing the dimensioned projection of the face of the letter and/or sign panel and the illumination.

Drawings (3 sets) should be mailed to:

Seritage Growth Properties
10960 Wilshire Blvd., Suite 1420, Los Angeles, CA 90024
Tel (424)901-7656
Attn: Brian Walsh

All Tenant sign submittals shall be reviewed by Landlord and/or its agent for conformance with the provisions of the Sears Building approved Master Sign Program Plan. Within ten (10) business days after receipt of Tenant's drawings Landlord shall either approve the submittal, contingent upon any required modifications, or disapprove Tenant's sign submittal. Approval or disapproval shall remain at the sole right and discretion of Landlord & the architect. A full set of final plans must be approved in writing by Landlord & the Architect, prior to permit application to the City of Capitola or sign fabrication.

Following Landlord's approval of proposed signage, Tenant or his agent shall submit to the City of Capitola sign plans signed by the Landlord, City of Carson, and applications for all permits for fabrication and installation by sign contractor. Tenant shall be solely responsible for the cost of City of Carson plan check fees and permits, and shall furnish Landlord with a copy of said permits prior to installation of Tenant's sign(s).

Fabrication and installation of all signs shall be performed in accordance with standards and specifications outlined in these criteria and in the final plans and shop drawings approved by Landlord and the architect. Any work deemed unacceptable shall be rejected and shall be promptly corrected or modified at Tenant's expense as required by the City of Capitola, Landlord or its agent.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

The Tenant sign contractor is responsible to do the following:

- Provide to the Landlord, prior to commencing sign fabrication and installation, an original certificate of insurance naming the Landlord as 'Additional Insured'.
- Submit to Landlord and City of Capitola for approval prior to fabrication complete and fully-dimensioned shop drawings.
- Obtain approved sign permits (stamped as approved by City of Capitola) prior to sign fabrication and deliver copies of same to Landlord.
- Repair and/or replace any damage or destruction to any portion of the shopping center (i.e., buildings and site improvements caused by contractor, its employees, or agents during the installation, repair, or removal of tenants sign(s)).
- Promptly remove any equipment, debris, and unused sign materials after installation, repair, or removal of tenants sign(s).



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: www.ci.capitola.ca.us

March 9, 2017

Charles Fisher, Cypress Equities
8343 Douglas Avenue
Suite 200
Dallas, TX 75225

Subject: 4015 Capitola Road, Design Permit and Master Sign Permit, #17-019

Dear Charles Fisher:

The City of Capitola Community Development Department has completed its review of your application for a design permit and master sign permit at the existing SEARS retail business location at 4015 Capitola Road, and is providing you with the following information as a guide for further processing of your application.

PROJECT DESCRIPTION

Below is the project description that staff has developed based on the information submitted in your application package. Please review this project description carefully. If the description is inaccurate or incomplete, please contact your assigned planner immediately to correct the information.

This is a request for a Design Permit and Master Sign Program to renovate the existing SEARS into 3 tenant spaces with new exterior facades and new signs at 4015 Capitola Road. The applicant is proposing a master sign program for the three tenants for visibility from Capitola Road and 41st Avenue. The new configurations will convert the site from a single Sears retail and automotive shop into three tenant spaces including Sears retail, TJ Maxx/Homegoods, and PetSmart. The property is located at the corner of Capitola Road and 41st Avenue, within the CC (Community Commercial) zoning district.

APPLICATION COMPLETENESS DETERMINATION

The Community Development Department has completed its review of your application and has found it incomplete pursuant to Section 65943 of the California Government Code. As detailed herein, additional information and/or corrections need to be submitted for staff to continue processing your application.

PROJECT ISSUES/CORRECTIONS

The following project issues and/or corrections to submitted plans and documents must be completed prior to scheduling your project for public hearings before the Architecture and Site Review Committee, and subsequently, the Planning Commission.

Project Issues

The following project issue(s) were identified during review of your application. These issue(s) may require a substantial redesign of the project or, if not resolved, may result in the Department recommending denial of your project. These issues were identified based upon information presently available to the City and are subject to change upon submittal of further information or studies:

Attachment: 2017.03.09 Completeness letter (4015 Capitola Road)

1. The existing Sears auto repair center is proposed to convert to retail space. This site has been used for decades to perform auto repair services which involves the routine use of petroleum products and other potentially hazardous materials. Consequently, a Phase I Environmental Site Assessment (ESA) must be prepared to research and document historic uses of the site and to determine if further testing, analysis, or remediation is necessary prior to construction or use of the area as retail space. The City of Capitola will select a qualified consultant to prepare the ESA. The applicant shall be responsible for all costs to prepare the ESA plus a 21% City administration fee. Please be aware that a Phase II ESA may be subsequently required based on the findings of the Phase I report.
2. During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

In addition, the application did not respond to several Planning Commission comments and requests. Please submit additional information which specifically responds to the following Planning Commission comments:

- Include a phasing plan with development pads for future development.
 - High quality architecture desired rather than minor entryway modifications. Break up long, uninteresting facades and utilize high quality materials. Additional in-line tenants would be supported.
 - Circulation improvements for pedestrian, cyclist, and automobiles in following locations:
 - 40th Avenue
 - 41st Avenue entrance
 - Between Sears and Target
 - Improve placemaking and visitor experience.
 - Building and public realm should relate to Capitola.
 - Concern for mix-matched design and lack of aesthetic experience,
 - Improve public realm and pedestrian experience. Add opportunities for people to gather and interact. Note: This is difficult to gauge in the current plan set. The landscape concept plan includes public realm examples but they are not shown on the site plan. Update site plan to show exact location of public improvements.
 - Public Art – Include public art on the premise rather than donation off-site.
 - Shared parking on the site is appropriate.
3. The application includes a request for a master sign program; however, it is unclear if the intent is to receive sign permits concurrently with the design permit, or if the intent is to provide guidelines for tenants to obtain their own sign permits in the future. If it's the desire to obtain sign permits now, additional details are necessary to allow staff to evaluate the proposal. Similarly, more refined design standards would be necessary for a master sign program. Staff will contact you to better understand your sign plans next week and has provided guidance below on additional submittal requirements for both a master sign program and a sign permit:

- Information needed for a master sign program: Master sign program must be updated to include:
 - Proposed sign area on pages 4, 5, and 6
 - Master sign program should include all businesses onsite. Include existing restaurant.
 - As drafted, clarify that all signs require Planning Commission approval OR modify master sign program to set more defined standards with predictable outcome.
 - Page 17. Add linear frontage for each tenant and maximum area for wall sign per tenant.
 - Define incidental wall sign.
 - Define ancillary signs. Note that the addition of allowing ancillary signs (in addition to wall signs) at a maximum size of one square foot per lineal foot of building (page 17) doubles the current Capitola maximum. Staff suggests decreasing this standard.
 - Information needed for a sign permit:
 - Specifications for the proposed signs for each individual tenant. There are discrepancies between the master sign program, the conceptual images, and the elevations that include signs. Include specific sign sheets for each tenant for all proposed signs specifying sign area, materials, illumination, height and width, letter height, and location in color.
 - Include incidental wall signs and ancillary signs.
 - If signs exceed the limitations of the sign code, a variance may be required. Due to the incomplete nature of the sign submittal staff is unable to determine if a variance is required at this time.
4. The site is located along 41st Avenue and the design permit is subject to the 41st Avenue design guidelines (http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1458/41st_avenue_design_guidelines.pdf). The design as proposed is not aligned with the following underlined guidelines as further explained by staff in *italics*:
- Separate pedestrian and vehicular traffic patterns shall be provided. Linkages between adjoining commercial developments shall be provided as well as distinct pedestrian access from parking areas to activity areas. The use of specialty paving materials shall be encouraged to dress up and direct pedestrian movement. Sheet C1.1 notes sidewalk replacement. There are no details of new sidewalk material. A sidewalk plan should be submitted to show the location and width of sidewalk. Three areas suggested during the conceptual review for improved pedestrian and vehicular flow include 40th Avenue, the 41st Avenue entrance, and the connection to Target. These areas have not been addressed within the plans.
 - Easily identifiable bicycle parking shall be incorporated in all developments. On-site bicycle circulation is encouraged for large developments, coordinated with the City's bicycle plan. Bicycle parking shall be located close to the building entrance, but should not interfere with pedestrian traffic. Bicycle lockers are encouraged due to wet climate and providing adequate shelter for employee bikes for longer periods of time. Bicycle parking should be incorporated on both the east and south elevations close to entrances. Plans should include bicycle circulation plan.

- Develop sites in cooperation with owners of adjoining properties to improve the overall development patterns of the area by providing coordinated access, shared parking areas and enhanced traffic flow. See #2 above regarding cooperation with owners of adjoining properties to improve overall development patterns. Two areas that could be improved include the connection between Target and Sears for automobile and pedestrian circulation, as well as the 40th Avenue access.
- Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyard, display windows). The PetSmart and TJ Maxx/Homegoods façade changes by the entryways are large and not human scale. There is no articulation between the tenant spaces. More transparency through the introduction of windows and/or additional inline stores would assist in breaking break up the long façade and create a better pedestrian experience. The location of improvements to the public realm, such a sidewalk, courtyards, stone seat wall, benches, etc., should be identified on plans. They are shown in the landscape conceptual design but not identified in a site plan. Consistency in public realm adds to the customer aesthetic experience. Collaborative efforts with owners throughout the mall property to identifying a style for public realm improvements will assist in placemaking efforts.
- Projects containing many buildings of single large structures shall provide variety in building shape, height, roof lines and setbacks. Front of buildings shall provide variety and interest. The Sears design does a nice job of creating an authentic style that differentiates the Sears from the new tenants. The PetSmart and TJ Maxx façade improvements are dramatic entryways with large backgrounds for the signs, rather than defining architecture. Each tenant should have a unique architectural style.
- Distinctive “trademark” buildings are discouraged. The proposed PetCo and TJ Maxx designs could be categorized as anywhere USA design. Incorporate architectural materials or features that relate to Capitola through a specific architectural style within the design.
- Note: When updating the landscape plan, incorporate applicable guidelines into design.

The submitted plans are missing additional necessary information. The plans must be updated to include the necessary information detailed below prior to the application being brought before the Architecture and Site Review Committee or the Planning Commission.

Plan Corrections/Additional Information

The following corrections or additional information is necessary to continue processing your application.

1. Stamped survey of existing conditions by licensed surveyor. Include locations of all existing features, buildings, trees and shrubs, and location of structures on adjacent lots.
2. Exterior elevations must include existing and proposed for each elevation. The proposed Sears elevations are not included in the plan set, only existing elevations were included on page A4.2. Included existing and proposed for each elevations on the same sheet for easy comparison.
3. Landscape plan only addresses 38th Avenue entrance. Plan should include improvements to entire site. Landscape plan must show plant type, size, and quantity of plants and trees. Exact location should be shown on the landscape plan. Include irrigation plan. Indicate any trees to be removed and the size of trunk. A tree removal permit may be required.

4. Third party technical deposit of \$5,000 for preparation and review of Phase 1 Environmental Site Assessment.
5. Location of existing and proposed on-site lighting, height, and hooding devices.
6. Parking. Parking Calculation on page T0.0 does not include existing restaurant on site. Also, the first page of the applications states that 10 spaces are removed and the application states 6 spaces are removed. If less than required by code are available, the city can hire a 3rd party to evaluate shared parking funded by applicant.
7. Sheet C1.1 notes sidewalk replacement. Sheet 1 suggests new pavers within the sidewalk but hardscape details are not labeled or described. Add hardscape plan that include details of hardscape including materials. Widths of sidewalks should be identified.
8. Circulation plan delineating pedestrian, bicycle, and automobile circulation.
9. Additional information required by Public Works as outlined in the attached memo from Danielle Uharriet.

Please resubmit the above listed information by May 4th, 2017. Please note that any delays in providing revised documents to the City may also result in your tentative public hearing date being postponed.

ESTIMATED PROCESSING COST

Based upon our preliminary review of your application, we estimate that your initial deposit will not be adequate to complete the processing of your application. Accordingly, please submit an additional \$5,000 deposit for 3rd party technical review and \$3,231.90 fee for storm water development review fee to allow continued processing of your application. Please note that this cost estimate is only for your planning applications and does not include building permit costs, outside agency fees, or private engineering, architecture, or contractor costs.

ESTIMATED PROCESSING TIMELINE

Based upon your application status and remaining application processing steps, we estimate that your project will be scheduled for an Architecture and Site Review Committee in the late summer or fall of 2017 followed by Planning Commission hearing. Please note this estimate assumes a timely and complete resubmittal of all information noted in this letter.

Task/Activity	Estimated Duration (Days)	Estimated Completion Date
Application submitted	-	February 10, 2017
City sends incomplete letter	30	March 10, 2017
Applicant resubmits	30	April 10, 2017
Preparation and review of Phase I ESA	60*	May 10, 2017
Release of CEQA document	14	May 24, 2017
Public review of CEQA document	30	June 25, 2017
Response to public comments	14	July 9, 2017
Architecture and Site Review Committee meeting	15	July 12, 2017
Planning Commission hearing	21	August 3, 2017
Appeal period	10 working days	August 17, 2017
*Dependent upon consultant availability. Additional time may be necessary if study determines need for Phase II report.		

If you have any questions or require additional information, please contact me at 831.475.7300 or by email at kherlihy@ci.capitola.ca.us.

OTHER REQUIRED PERMITS

Please be aware that in addition to a design permit and master sign program, you may also be required to obtain other permits/approvals as listed below prior to initiating construction. These permits/approvals typically require additional fees which are not covered by your planning applications.

- Building Permit from the City of Capitola (bvanson@ci.capitola.ca.us)
- Will-serve letter from the Santa Cruz Water Department (831-420-5200)
- Will-serve letter (or plan approval) from the Central Fire Protection District (831-479-6843)
- Approval from County of Santa Cruz Sanitation District (831-454-2160)
- Approval from County of Santa Cruz Department of Environmental Health (831-454-2022)

Respectfully,



Katie Herlihy, AICP
Senior Planner

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

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Wednesday, April 19, 2017 9:51 AM
To: Brian Walsh; Grunow, Rich (rgrunow@ci.capitola.ca.us)
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Chas Fisher Jr.
Subject: RE: Sears Redevelopment

Hi Brian and Chas,

I created two list for you for the pending items to assist in your update of the proposal.

Let me know if you have questions.

Regards,

Katie Herlihy, AICP
 Senior Planner

City of Capitola

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

**Incomplete Items**

- 1) The existing Sears auto repair center is proposed to convert to retail space. This site has been used for decades to perform auto repair services which involves the routine use of petroleum products and other potentially hazardous materials. Consequently, a Phase I Environmental Site Assessment (ESA) must be prepared to research and document historic uses of the site and to determine if further testing, analysis, or remediation is necessary prior to construction or use of the area as retail space. The City of Capitola will select a qualified consultant to prepare the ESA. The applicant shall be responsible for all costs to prepare the ESA plus a 21% City administration fee. Please be aware that a Phase II ESA may be subsequently required based on the findings of the Phase I report.
- 2) The application includes a request for a master sign program; however, it is unclear if the intent is to receive sign permits concurrently with the design permit, or if the intent is to provide guidelines for tenants to obtain their own sign permits in the future. If it's the desire to obtain sign permits now, additional details are necessary to allow staff to evaluate the proposal. Similarly, more refined design standards would be necessary for a master sign program. Staff has provided guidance below on additional submittal requirements for both a master sign program and a sign permit:
 - a) Information needed for a master sign program: Master sign program must be updated to include:
 - i) Proposed sign area on pages 4, 5, and 6
 - ii) Master sign program should include all businesses onsite. Include existing restaurant.
 - iii) As drafted, clarify that all signs require Planning Commission approval OR modify master sign program to set more defined standards with predictable outcome.
 - iv) Page 17. Add linear frontage for each tenant and maximum area for wall sign per tenant.
 - v) Define incidental wall sign.

Attachment: 2017.04.19 Herlihy Email Lists Incomplete and Advisory (4015 Capitola Road)

- vi) Define ancillary signs. Note that the addition of allowing ancillary signs (in addition to wall signs) at a maximum size of one square foot per lineal foot of building (page 17) doubles the current Capitola maximum. Staff suggests decreasing this standard.
- b) Information needed for a sign permit:
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 - ii) Include incidental wall signs and ancillary signs.
 - iii) If signs exceed the limitations of the sign code, a variance may be required. Due to the incomplete nature of the sign submittal staff is unable to determine if a variance is required at this time.
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- 7) Third party technical deposit of \$5,000 for preparation and review of Phase 1 Environmental Site Assessment.
- 8) Location of existing and proposed on-site lighting, height, and hooding devices.
- 9) Parking. Parking Calculation on page T0.0 does not include existing restaurant on site. Also, the first page of the applications states that 10 spaces are removed and the application states 6 spaces are removed. If less than required by code are available, the city can hire a 3rd party to evaluate shared parking funded by applicant.
- 10) Sheet C1.1 notes sidewalk replacement. Sheet 1 suggests new pavers within the sidewalk but hardscape details are not labeled or described. Add hardscape plan that include details of hardscape including materials. Widths of sidewalks should be identified.
- 11) Circulation plan delineating pedestrian, bicycle, and automobile circulation.
- 12) Additional information required by Public Works as outlined in the memo from Danielle Uharriet.
- 13) \$3,231.90 fee for storm water development review fee

Advisory Items

- 1) During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment

project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

- 2) High quality architecture desired rather than minor entryway modifications. Break up long, uninteresting facades and utilize high quality materials. Additional in-line tenants would be supported.
- 3) Include a phasing plan with development pads for future development
- 4) Circulation improvements for pedestrian, cyclist, and automobiles in following locations:
 - a) 40th Avenue
 - b) 41st Avenue entrance
 - c) Between Sears and Target
- 5) Improve public realm and pedestrian experience. Add opportunities for people to gather and interact. Note: This is difficult to gauge in the current plan set. The landscape concept plan includes public realm examples but they are not shown on the site plan. Update site plan to show exact location of public improvements.
- 6) Improve placemaking and visitor experience.
 1. Building and public realm should relate to Capitola.
 2. Concern for mix-matched design and lack of aesthetic experience,
- 7) Public Art – Include public art on the premise rather than donation off-site.
- 8) Shared parking on the site is appropriate.
- 9) The site is located along 41st Avenue and the design permit is subject to the 41st Avenue design guidelines (http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1458/41st_avenue_design_guidelines.pdf). The design as proposed is not aligned with the following underlined guidelines as further explained by staff in *italics*:
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connection between Target and Sears for automobile and pedestrian circulation, as well as the 40th Avenue access.

- Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyard, display windows). *The PetSmart and TJ Maxx/Homegoods façade changes by the entryways are large and not human scale. There is no articulation between the tenant spaces. More transparency through the introduction of windows and/or additional inline stores would assist in breaking break up the long façade and create a better pedestrian experience. The location of improvements to the public realm, such a sidewalk, courtyards, stone seat wall, benches, etc., should be identified on plans. They are shown in the landscape conceptual design but not identified in a site plan. Consistency in public realm adds to the customer aesthetic experience. Collaborative efforts with owners throughout the mall property to identifying a style for public realm improvements will assist in placemaking efforts. _*
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- Note: When updating the landscape plan, incorporate applicable guidelines into design.

From: Brian Walsh [mailto:bwalsh@seritage.com]

Sent: Thursday, April 13, 2017 1:20 PM

To: Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us>

Cc: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>

Subject: Re: Sears Redevelopment

Thank you

Brian T. Walsh
VP, Development
Seritage Growth Properties

Sent from my iPhone

On Apr 13, 2017, at 1:10 PM, Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us> wrote:

Mr. Walsh:

Sure...we'll segregate the information necessary for a completeness determination from the advisory requests and comments. We'll provide this info to you next week.

Thanks, Rich

Richard Grunow

Community Development Director
City of Capitola
831-475-7300
rgrunow@ci.capitola.ca.us

From: Brian Walsh [<mailto:bwalsh@seritage.com>]

Sent: Thursday, April 13, 2017 12:02 PM

To: Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us>; Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Subject: Sears Redevelopment

Rich and Katie- During a recent conversation I had with Jamie Goldstein he recommended that I ask you the planning staff to separate the technical deficiencies from the advisory deficiencies contained within the completeness letter staff issued to Seritage on March 9, 2017. As such, I ask that you please do so and send back to me so we can better evaluate where we stand. Thanks

Brian T. Walsh
VP Development
Seritage Growth Properties
10960 Wilshire Blvd- Suite 1420 | Los Angeles, California 90024
Office: (424) 901-7656
Cell: (203) 313-6990

Attachment: 2017.04.19 Herlihy Email Lists Incomplete and Advisory (4015 Capitola Road)

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

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Wednesday, February 07, 2018 4:43 PM
To: 'Craig Chinn'
Cc: 'Blake Carroll'; 'Ban Potrus'; 'Steve Carter'; 'Mark Rone'; 'Nikhil Gera'; Uharriet, Danielle (duharriet@ci.capitola.ca.us)
Subject: RE: Seritage Capitola-Update

Hi All,

I am going to have to push out my comments one more week. Not sure if you are aware that we just adopted a new zoning code. It should not have any major impacts on your development proposal but I need to do a second review with all the new standards. They will be applied 30 days from adoption of the new code (January 25th) so I figure I'll add that analysis to the review as well

I met with Public Works. They are working on the storm water calculations with the new phase II pads. I will be back in the office on Tuesday February 13th. I plan to have a letter to you that week.

Regards,

Katie Herlihy, AICP
 Senior Planner

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



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Friday, February 02, 2018 3:50 PM
To: 'Craig Chinn' <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cyressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cyressequities.com>; Mark Rone <Mark.Rone@cyressequities.com>; Nikhil Gera <nikhil@gera.in>
Subject: RE: Seritage Capitola-Update

Hi All,

Quick update. Thank you for the updated plans and addressing many of the City's concerns. I plan to send out a letter next week with all Planning and Public Works comments on the updated set of plans. Also, we have a third party that will do the technical review of the phase I and phase II ESA. I will forward an electronic copy of the letter once it is finalized.

Regards,

Katie Herlihy, AICP
Senior Planner

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



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, January 24, 2018 3:31 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>
Subject: Seritage Capitola-Update
Importance: High

Hi Katie,

I understand that you are out sick. I hope that you feel better soon. When you have a moment can you please provide us with an update on where the resubmittal stands as well as the environmental review. Please feel free to respond via email or call me on my cell phone to discuss. Take care and talk to you soon.

Craig Chinn, AIA
Principal
architecture design collaborative
www.adcollaborative.com
23231 South Pointe Drive
Laguna Hills, CA 92653
cchinn@adcollaborative.com
cell 949.677.7165
ph 949.267.1660 ext 201

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

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Thursday, February 15, 2018 4:04 PM
To: 'Craig Chinn'
Cc: 'Blake Carroll'; 'Ban Potrus'; 'Steve Carter'; 'Mark Rone'; 'Nikhil Gera'; Uharriet, Danielle (duharriet@ci.capitola.ca.us); Grunow, Rich (rgrunow@ci.capitola.ca.us)
Subject: RE: Seritage Capitola-Update

Dear Mr. Chinn,

I have been reviewing your updated plans and have generated comments based on the current code. On February 28th, our new zoning code takes effect. The application will be subject to the new code. I am currently drafting a list of comments based on the new code. I recall prior to the holiday your questions regarding timing and my response being that I could not provide you with an estimate on a hearing date until I receive the pending documentation.

The City contracted Weber-Hayes and Associates to review the recently submitted ESA documents (Phase I dated December 19, 2014, Phase II dated April 6, 2016). He informed me this week that based on information from the County of Santa Cruz Department of Environmental Health, the facility closure work has not been completed as there are still hoists and tanks on site. Since the new tenants will not be utilizing the infrastructure, the hoists and tanks are required to be removed under the oversight of a County Health permit. The facility closure permit is a requirement for businesses managing hazardous materials, prior to shutting the business. According to the County Website, the last action was an inspection dated November 2016, when it was still an active service center.

Unfortunately, this is going to set the review back considerably. Your application cannot be considered by the Planning Commission until the Phase I and Phase II and CEQA process are complete. It is anticipated that a Negative Declaration or Mitigated Negative Declaration will be necessary depending on the results of the ESA.

According to the consultant, the next step for you is to hire a qualified HAZMAT contractor to remove the hoists and tanks, flush floor drains, and pump out/clean the oil/water separator and to obtain necessary permits from the County DEH.

Following completion of the closure process, the City's ESA consultant will perform soil testing and analysis and prepare necessary documentation. Note – this work must be completed by a City-commissioned contractor. The applicant will be responsible for the consultants cost. This work is estimated to cost approximately \$2,300 for Phase I ESA and \$10,000 to \$12,000 for the limited Phase II confirmation soil/vapor sampling to document conditions. This will take an estimated 6-8 weeks to complete.

I will continue to work on the zoning review under the new code. Once the adopted version of the code is published, I will provide you with a copy.

Regards,

Katie Herlihy, AICP
 Senior Planner

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

Attachment: 2018.02.15 KH email to Applicant (4015 Capitola Road)



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, February 14, 2018 10:07 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>; Uharriet, Danielle (duharriet@ci.capitola.ca.us) <duharriet@ci.capitola.ca.us>
Subject: RE: Seritage Capitola-Update

Hi Katie,

Just following up on your email and checking in on your comments as well as the date for our hearing. We are still expecting to be on for early March as previously discussed. Please let us know and thanks for your help. We appreciate your help.

Craig Chinn, AIA
 Principal

architecture design collaborative

www.adcollaborative.com

23231 South Pointe Drive

Laguna Hills, CA 92653

cchinn@adcollaborative.com

cell 949.677.7165

ph 949.267.1660 ext 201

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From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) [<mailto:kherlihy@ci.capitola.ca.us>]
Sent: Wednesday, February 7, 2018 4:43 PM
To: Craig Chinn <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>; Uharriet, Danielle (duharriet@ci.capitola.ca.us) <duharriet@ci.capitola.ca.us>
Subject: RE: Seritage Capitola-Update

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Regards,

Katie Herlihy, AICP
Senior Planner

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



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Friday, February 02, 2018 3:50 PM
To: 'Craig Chinn' <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>
Subject: RE: Seritage Capitola-Update

Hi All,

Quick update. Thank you for the updated plans and addressing many of the City's concerns. I plan to send out a letter next week with all Planning and Public Works comments on the updated set of plans. Also, we have a third party that will do the technical review of the phase I and phase II ESA. I will forward an electronic copy of the letter once it is finalized.

Regards,

Katie Herlihy, AICP
Senior Planner

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



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, January 24, 2018 3:31 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>
Subject: Seritage Capitola-Update
Importance: High

Hi Katie,

I understand that you are out sick. I hope that you feel better soon. When you have a moment can you please provide us with an update on where the resubmittal stands as well as the environmental review. Please feel free to respond via email or call me on my cell phone to discuss. Take care and talk to you soon.

Craig Chinn, AIA
 Principal
 architecture design collaborative
www.adcollaborative.com
 23231 South Pointe Drive
 Laguna Hills, CA 92653
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Attachment: 2018.02.15 KH email to Applicant (4015 Capitola Road)



420 Capitola Avenue
 Capitola, California 95010
 Telephone: (831) 475-7300
 FAX: (831) 479-8879
 Website: www.ci.capitola.ca.us

February 28, 2018

Mark Rone, Cypress Equities
 8343 Douglas Avenue
 Suite 200
 Dallas, TX 75225

Subject: 4015 Capitola Road, Design Permit, #17-019

Dear Mark Rone:

The City of Capitola Community Development Department has completed its review of your application for a design permit and master sign permit at the existing SEARS retail business location at 4015 Capitola Road, and is providing you with the following information as a guide for further processing of your application.

PROJECT DESCRIPTION

Below is the project description that staff has developed based on the information submitted in your application package. Please review this project description carefully. If the description is inaccurate or incomplete, please contact your assigned planner immediately to correct the information.

This is a request for a Design Permit to renovate the existing SEARS into 3 tenant spaces with new exterior facades and new signs at 4015 Capitola Road. The applicant is proposing new signs for the three tenants for visibility from Capitola Road and 41st Avenue. The new configurations will convert the site from a single Sears retail and automotive shop into three tenant spaces including Sears retail, TJ Maxx/Homegoods, and PetSmart. The property is located at the corner of Capitola Road and 41st Avenue, within the CC (Community Commercial) zoning district. Phase 2 of the project is to develop two commercial pads, one 4,000 square foot pad along the frontage of Capitola Road and a second 4,000 square foot pad on the frontage of 41st Avenue.

APPLICATION COMPLETENESS DETERMINATION

The Community Development Department has completed its review of your application and has found it incomplete pursuant to Section 65943 of the California Government Code. As detailed herein, additional information and/or corrections need to be submitted for staff to continue processing your application.

PROJECT ISSUES/CORRECTIONS

The following project issues and/or corrections to submitted plans and documents must be completed prior to scheduling your project for public hearings before the Architecture and Site Review Committee, and subsequently, the Planning Commission.

Project Issues

The following project issue(s) were identified during review of your application. These issue(s) may require a substantial redesign of the project or, if not resolved, may result in the Department recommending denial of your project. These issues were identified based upon information presently available to the City and are subject to change upon submittal of further information or studies:

Attachment: 2018.02.28 4015 Capitola Road Completeness Letter (4015 Capitola Road)

1. During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

The submitted plans are missing additional necessary information. The plans must be updated to include the necessary information detailed below prior to the application being brought before the Architecture and Site Review Committee or the Planning Commission.

Plan Corrections/Additional Information

The following corrections or additional information is necessary to continue processing your application.

1. Parking Plan. Staff is having difficulty matching the parking in the site plan to the parking breakdown on sheet T0.0. Provide a parking sheet that identifies the available parking, City required parking (Table to show: Each retail/restaurant space floor area and required parking: retail 1 space per 300 sf, Restaurant dining 1 space per 60 all other restaurant 1 space per 300 sf), and REA shared parking agreements. Number parking spaces. Provide parking plan for phase 1 and phase 2.
2. Location of existing and proposed on-site lighting, height, and hooding devices.
3. Bicycle Racks shall be identified on the plans. The new zoning code (17.76.080) requires:
 - a. Short-term spaces: 10% of required automobile spaces. Must be within 100 feet of primary entrance.
 - b. Long term bicycle parking spaces: 1 space per 20 automobile spaces for uses 10,000 square feet or greater.
 - c. See 17.76.080 A – H for specific bicycle rack regulations.
4. Additional information required by Public Works as outlined in the attached memo from Danielle Uharriet.
 - a. Submit a revised storm water permit project application form. Calculations are for the entire project (Phase 1 and Phase 2).
 - b. Based on a review of the current plans, the project may be a Tier 3 or 4 project and will require compliances with the Post-Construction Stormwater Management requirements. Refer to the attached Tier 3 and 4 Storm Water Technical Guide and the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 pertaining to post-construction requirements (PCRs).
5. Phase I/Phase II ESA – to be completed by third party contractor hired by the City.

Please resubmit the above listed information by March 30th, 2018. Please note that any delays in providing revised documents to the City may also result in your tentative public hearing date being postponed.

Advisory Items

The following advisory items, are advisory and are not required prior to processing your application.

1. Increase architectural differentiation between Petco and TJ Maxx facades. The Sears façade creates the aesthetic of a separate entity through defined contemporary finishes. The Petco and TJ Maxx both utilize the existing exterior brick veneer and stucco and are not of a specific architectural style other than defined large entryways. Suggest clear delineation between the two entities with a specific architectural style.
2. Modernize proposed bench and planters to complement updated design.

3. The City would condition the project to provide an Irrevocable Offer of Dedication (IOD) to provide a through street at 40th Avenue in line with the General Plan as a condition of approval.
4. Modify bicycle circulation to create internal circulation throughout the property. Specifically, bike lanes should be added in both directions on the 38th Avenue, 40th Avenue, Entrance off of 41st Avenue, and within the internal drive connecting around the structure from Target to northern connection of 40th Avenue. Within the updates for 2040 Regional Transportation Plan Project List the plan includes Separated bicycle facility through Capitola Mall parking lot to connect 38th Avenue bike lanes and 40th Avenue.
5. Add a crosswalk between Target and Sears.
6. Internal pedestrian connection between the mall and new tenants at 4015 Capitola Road. City suggest checkout near internal mall entrances to maintain established internal pedestrian circulation patterns.

ESTIMATED PROCESSING COST

Based upon our preliminary review of your application, we estimate that your initial deposit will not be adequate to complete the processing of your application. Accordingly, please submit an additional deposit of \$26,844.65 for the third party ESA, technical review of stormwater, and additional planner cost recovery funds. The estimated breakdown of the costs are as follows: (1) \$18,513 for third party technical deposit of for completion of Phase 1/Phase 2 Environmental Site Assessment (\$15,300) and 21% director fee (\$3,213); and (2) \$3331.65 for the storm water development review fee (\$3,173.00) and 5% tech fee (\$158.65); and (3) \$5,000 additional planner cost recovery deposit to allow continued processing of your application. Please note that this cost estimate is only for your planning applications and does not include building permit costs, outside agency fees, or private engineering, architecture, or contractor costs.

ESTIMATED PROCESSING TIMELINE

As stated in my February 15, 2018 email, the City contracted Weber-Hayes and Associates to review the recently submitted ESA documents (Phase I dated December 19, 2014, Phase II dated April 6, 2016). Weber-Hayes and Associates informed the City that the facility closure work has not been completed as there are still hoists and tanks on site. According to the consultant, the next step for you is to hire a qualified HAZMAT contractor to remove the hoists and tanks, flush floor drains, and pump out/clean the oil/water separator and to obtain necessary permits from the County DEH.

Following completion of the closure process, the City's ESA consultant will perform soil testing and analysis and prepare necessary documentation. Note – this work must be completed by a City-commissioned contractor. The applicant will be responsible for the consultants cost. This work is estimated to cost approximately \$2,300 for Phase I ESA and \$10,000 to \$12,000 for the limited Phase II confirmation soil/vapor sampling to document conditions. This will take an estimated 6-8 weeks to complete.

Your application cannot be considered by the Planning Commission until the Phase I and Phase II and CEQA process are complete. It is anticipated that a Negative Declaration or Mitigated Negative Declaration may be necessary depending on the results of the ESA.

Based upon your application status and remaining application processing steps, we estimate that your project will be scheduled for an Architecture and Site Review Committee in the summer of 2018 followed by Planning Commission hearing. Please note this estimate assumes a timely and complete resubmittal of all information noted in this letter.

Task/Activity	Estimated Duration (Days)	Estimated Completion Date
Applicant resubmits	30	March 30, 2018
Third party review of Phase I/II ESA	60*	May 30, 2018

Release of CEQA document	14	June 14, 2018
Public review of CEQA document	30	July 16, 2018
Response to public comments	14	July 31, 2018
Architecture and Site Review Committee meeting	15	August 22, 2018
Planning Commission hearing	21	October 4, 2018
Appeal period	10 working days	October 18, 2018
*Dependent upon consultant availability. Additional time may be necessary if study determines need for Phase II report.		

If you have any questions or require additional information, please contact me at 831.475.7300 or by email at kherlihy@ci.capitola.ca.us.

OTHER REQUIRED PERMITS

Please be aware that in addition to a design permit and master sign program, you may also be required to obtain other permits/approvals as listed below prior to initiating construction. These permits/approvals typically require additional fees which are not covered by your planning applications.

- Building Permit from the City of Capitola (bvanson@ci.capitola.ca.us)
- Will-serve letter from the Santa Cruz Water Department (831-420-5200)
- Will-serve letter (or plan approval) from the Central Fire Protection District (831-479-6843)
- Approval from County of Santa Cruz Sanitation District (831-454-2160)
- Approval from County of Santa Cruz Department of Environmental Health (831-454-2022)

Respectfully,

Katie Herlihy, AICP
Senior Planner

Seritage SRC Finance LLC, Blake Carrol, Mark Rone, Nikhil Gera, Steve Carter, Brian Walsh

Attachment: 2018.02.28 4015 Capitola Road Completeness Letter (4015 Capitola Road)



Cox, Castle & Nicholson LLP
 2029 Century Park East, Suite 2100
 Los Angeles, California 90067-3284
 P: 310.284.2200 F: 310.284.2100
 David P. Waite
 310.284.2218
 dwaite@coxcastle.com

May 9, 2018

VIA E-MAIL KHERLIHY@CI.CAPITOLA.CA.US AND FEDEX

Katie Herlihy
 Senior Planner
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019
 (“Application”)

Dear Ms. Herlihy:

This office represents the owner of the above-referenced property, Seritage SRC Finance LLC (“Seritage”). By this letter, we request that the City of Capitola (the “City”) comply with its legal obligation to process the above-referenced Application, which is complete by operation of law, to hearing without further delay. The pending Application was initially submitted to the City over *eighteen months ago*. As a result of the extreme delays caused by the City’s refusal to process the Application, Seritage has and will continue to incur substantial financial losses through the termination of a lease and loss of leasing opportunities. Seritage requests that the City promptly agendaize the Application for hearing as soon as possible, but in any event within the next 30 days. Seritage’s positions and responses to the City’s comments on the Application are set forth in Sections I and II below.

I. THE APPLICATION HAS BEEN PENDING FOR OVER EIGHTEEN MONTHS AND IS COMPLETE BY OPERATION OF LAW

The Application was initially submitted for conceptual review by the City in September 2016, over *eighteen months ago*. In its initial conceptual review application to the City, Seritage sought Design Review and Sign Permit approvals related to limited façade and exterior improvements, to accommodate leases it had entered into with TJ Maxx and Petco for portions of the Property, which is located in the Capitola Mall.

Many months of protracted meetings, discussions and processing delays by the City followed, including an April 6, 2017 staff proposal to declare a moratorium on development of the Capitola Mall that was rejected by the Planning Commission. On January 8, 2018, fully responding to City staff’s requests for additional information regarding the Application, Cypress Equities, on behalf of Seritage, submitted a revised Application for Design Permit and Master Sign Permit,

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)

Katie Herlihy
 May 9, 2018
 Page 2

#17-019 to the City that met all of the City's requirements and specifications. The Application proposes to split the existing Sears building at 4015 Capitola Road (the "Property") into three separate tenant spaces and to make certain minor exterior improvements to the building and its frontage to accommodate new tenants (the "Project"). Those tenant uses are permitted *by right* at the Property; the City has no discretion other than with respect to the simple design review of minor exterior changes to the existing building at the Property.¹

On February 15, 2018, over a week after the Application was deemed complete by operation of law, Seritage received correspondence from the City indicating that the City will not process the pending Application. On February 28, 2018, Seritage received further correspondence from the City improperly declaring the already-complete Application "incomplete" and requesting still more information.

The City's correspondence of February 28 was issued in error and is mooted by the Application's completeness under California law. Pursuant to the Permit Streamlining Act, Cal. Gov. Code § 65920 *et seq.*, a public agency has 30 calendar days after it receives an application for a development project to determine in writing whether the application is complete. Cal. Gov. Code § 65943(a). If the public agency does not make a completeness determination within 30 days, the application is deemed complete by operation of law. Cal. Gov. Code § 65943(b). The agency and applicant may mutually agree to an extension of the 30-day timeframe, but no application may be deemed incomplete for lack of a waiver of the time periods set by the Act. Cal. Gov. Code §§ 65943(d); 65940.5.

The Application was submitted to the City on January 8, 2018; accordingly, a written completeness determination was due to Seritage on February 7, 2018.² Prior to February 7, the City was required to provide a completeness determination, or to seek an extension or waiver of the February 7 deadline through a mutual agreement with Seritage. It did neither. Thus, pursuant to the Act, the Application is considered complete by operation of law, and the City is required to move forward with processing the Application.

We hereby request that the City properly discharge its legal duty under California law and the City's own code to timely process the pending Application.

¹ At the City's request, the Application also included for informational purposes a description of eventual planned buildings and a parking reconfiguration that are independent and unrelated to Seritage's request to modify the Property's existing tenant spaces.

² Even the City's new zoning code update recognizes a 30-day window as the required timeframe for a completeness determination. Capitola Municipal Code Update, 17.112.040.A.3. The zoning code update does not even give the City an option to request a waiver or extension of the 30-day window for completeness determination—the City is simply required to make a determination within 30 days.

Katie Herlihy
 May 9, 2018
 Page 3

II. RESPONSES TO COMMENTS BY THE CITY

A. Seritage Has Cooperated With Merlone Geier Throughout

At the inception of the Application process and many times thereafter, the City has improperly instructed Seritage to coordinate with the majority owner of the Capitola Mall, Merlone Geier. This instruction was given even though Seritage's request to permit minor façade improvements has no bearing on the Mall's redevelopment. Nonetheless, Seritage has already coordinated with Merlone Geier and received its consent to the Application. Specifically, Seritage executed an agreement with Merlone Geier *over a year ago* in which Merlone Geier agreed to "all reasonable and necessary changes to the Common Area" at the Seritage property, as well as all of the modifications described in the Application and even Seritage's design plans. That agreement is attached hereto as Attachment A.

B. No Additional Environmental Remediation or Documentation is Needed

The Property has been significantly investigated and no additional environmental assessment is warranted, as described in detail below. In correspondence of February 15, 2018, the City asserted that "facility closure work has not been completed as there are still hoists and tanks on site." This statement is inaccurate. As documented and as demonstrated to the City, the hydraulic lift system was entirely removed from the property in two phases, beginning in 2014 under the oversight of the County of Santa Cruz Department of Environmental Health ("DEH").

An automotive service center formerly operated at the Property. This service center was the subject of a Phase I Environmental Site Assessment ("ESA") prepared in December 2014, attached hereto as Attachment B, and a Phase II ESA prepared in April 2015, attached hereto as Attachment C. The City has been in possession of and aware of these documents since at least January 2018. The Phase I ESA contained a discussion of remediation work undertaken in 1996 in connection with removal of two of the lifts and an underground storage tank, and identified the remaining in-ground hydraulic lifts as environmental conditions. The Phase II ESA presented the results of extensive sampling in connection with both the previously-removed lifts and all the lifts remaining in place at the time of the Phase I ESA in 2014. Those sampling results confirmed that there were no contaminants of concern identified in the vicinity of the previously-removed lifts, but did identify contaminants at actionable levels near one of the remaining lifts (which contamination has been remediated as described below). Deeper soil and soil near all of the other remaining lifts did not contain elevated concentrations of contaminants of concern.

Based on the results of the Phase II ESA, and under the oversight of DEH, remediation work was undertaken on December 16, 2015 to remove the one leaking hydraulic lift and soils in the vicinity of that lift, and to properly dispose of those materials. A hydraulic lift system closure report, attached hereto as Attachment D, was prepared on June 24, 2016 and was provided to DEH for review. PID screening that occurred during the removal activities for the lift detected

Katie Herlihy
 May 9, 2018
 Page 4

negligible levels of vapor. In a June 29, 2016 closure letter, attached hereto as Attachment E, DEH confirmed the satisfactory completion of this work, concluding that DEH did not require any further assessment of conditions relating to the hydraulic lift system. Subsequently, in February 2017, work was undertaken to deactivate and remove the remaining in-ground lifts—which, as documented in the Phase II ESA, were not a source of contamination on the property—independently, as additional DEH oversight was not required for the work. All remaining components of the hydraulic lift system were removed over a year ago, on February 16, 2017. Certification of that removal work is attached hereto as Attachment F. Based on the field indications at the time of removal of the only leaking lift requiring additional environmental remediation, as well as the DEH case closure, there is no vapor intrusion concern at the Property.

At present, no hoists or tanks remain at the property; the existing oil-water separator is double-walled, equipped with cathodic protection, and regularly serviced; and closure has been issued by DEH, the agency that properly held responsibility to oversee the environmental work that was performed to remove lift-related contamination. The City is in possession of a Phase I and a Phase II ESA, both of which extensively describe the conditions associated with the hydraulic lift system, as well as documentation demonstrating that those conditions no longer exist at the property. In sum, there are no remaining components of the hydraulic lift system at the property, there are no vapor intrusion concerns or issues with the oil-water separator, and no additional environmental work or environmental documentation is needed.³ Processing of the Application cannot be delayed on this account.

C. The Zoning Code Updates Are Illegal and Do Not Apply to the Application

On January 9, 2018, *just one day* after Seritage submitted the revised Application for consideration to the City, the City proposed new amendments to the zoning code update to specifically target the Application. *See* Capitola Municipal Code Update, 17.24.030.F. As an initial matter, this amended language cannot be used to upset Seritage's development plans. The zoning code update, including the language aimed at the Application, was not adopted until the City Council meeting on January 25, 2018, nearly three weeks after the revised Application was submitted, and took effect on February 25, 2018, eighteen months after the Application's original conceptual review, a year after its first formal submission, and over two weeks after the revised Application was deemed complete by operation of law on February 7, 2018. As such, the Application is subject to the law in effect at the time of the completeness determination, and must be reviewed for consistency with the pre-February 25 zoning code.

³ It is unclear whether the City is also asserting that CEQA review would be required for either: (1) the preparation of additional Phase I/Phase II documentation or (2) additional remedial work. Setting aside the fact that this work is unnecessary, the preparation of Phase I/Phase II reports does not involve any discretionary approval subject to CEQA. Furthermore, the lead agency overseeing any future remedial work would properly be DEH, not the City, and, even if additional remedial work were to be required, it would be categorically exempt from CEQA. *See* 14 Cal. Code Regs. § 15330.

Katie Herlihy
 May 9, 2018
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D. The Proposed Exterior Improvements are Exempt from CEQA

The minor improvements to the building's façade and adjustments to signage do not warrant CEQA review. While the Application does require discretionary approvals by the City, the proposed exterior improvements and signage are categorically exempt from CEQA. Even if CEQA applies to the façade improvements, which it clearly does not, the City never raised this issue at the outset, and cannot raise it now.

The Application requests Design Review for its proposal to "split the existing Sears building into 3 separate tenant spaces and provide exterior improvements to the building..." The proposed partitioning of the existing building is covered by the "Existing Facilities" categorical exemption, which exempts from CEQA the negligible modification of an existing use such as "interior or exterior alteration involving such things as interior partitions" and additions to existing structures of less than 10,000 square feet. 14 Cal. Code Regs., § 15301. Also applicable is the "Replacement or Reconstruction" categorical exemption, which covers activities including the "replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity." 14 Cal. Code Regs., § 15302.

It is Seritage's expectation that the City will promptly move forward to schedule a hearing as no additional CEQA documentation is required and, per the Permit Streamlining Act, the City must approve Seritage's application within 60 days from determining the project's exemption from CEQA. Cal. Gov. Code § 65950. Accordingly, Seritage looks forward to the diligent, timely and expedient processing of its Application and to the City's forthcoming public hearing on this matter.

III. CONCLUSION

The City has improperly delayed acting on Seritage's straightforward permit application for well over a year. As a result, Seritage has experienced substantial financial losses, now totaling in the many millions of dollars and continuing to escalate each and every day the Application stands unapproved.

The City has a legal duty to timely process the Application; therefore, we request that the Application be set for public hearing at the earliest opportunity, and within 30 days at the latest. Seritage remains open to discussing this matter with the City, and is available to discuss any questions you may have.

Katie Herlihy
May 9, 2018
Page 6

We look forward to a swift resolution of this matter.

Sincerely,



David P. Waite

cc: Tony Condotti, City Attorney
Richard Grunow, Community Development Director
Jamie Goldstein, City Manager

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)

February 10, 2017

Seritage SRC Finance LLC
489 Fifth Avenue, 18th Floor
New York, New York 10017
Attn: Mr. James E. Bry

Re: Capitola Mall – Capitola, California (the “Shopping Center”)

Third Amendment to and Restatement of Declaration of Establishment of Restrictions and Covenants Affecting Land, dated April 29, 1987, by and among MGP XI Capitola Mall, LLC, a Delaware limited liability company (“Developer”) (as successor-in-interest to Capitola Mall Associates, a California limited partnership, and Capitola Mall Associates II, a California limited partnership, collectively, and Mervyn’s, a California corporation), Seritage SRC Finance LLC, a Delaware limited liability company (“Seritage”) (as successor-in-interest to Sears, Roebuck and Co., a New York corporation); Macy’s West Stores, Inc. (“Macy’s”) (as successor-in-interest to J.C. Penny Properties, Inc., a Delaware corporation); and Target Corporation (“Target”), as successor-in-interest to Samuel Leask & Sons, a California limited partnership (as amended and supplemented, the “REA”)

Dear Mr. Bry:

Reference is made to your letter dated October 24, 2016, in which Seritage, as the owner of certain property and improvements located in the Shopping Center (the “Seritage Tract”, which is defined in the REA as the “Sears Tract”), as shown on the existing partial site plan attached hereto as Exhibit A, described its plans to redevelop and repurpose the existing Sears building (the “Store”) and automotive service building (the “Auto Center Building”) at the Shopping Center for retail, restaurant and related uses. All capitalized terms used herein, unless otherwise defined, shall have the meanings ascribed to them in the REA.

The purpose of this letter is to memorialize the agreement of Developer and Seritage regarding the approval of the proposed changes to the Store, the Auto Center Building, the Common Areas on the Seritage Tract and exterior signage on the Store and Auto Center Building.

Subject to Seritage: (a) obtaining all required governmental approvals and permits prior to the commencement of the work described herein below, (b) obtaining all necessary third-party approvals, including without limitation, the prior approval of Macy’s, Target and Kohl’s, and (c) complying with all requirements, terms, obligations and conditions of the REA (collectively, the “Conditions”), Developer consents to the following:

(i) all reasonable and necessary changes to the Common Area located on the Seritage Tract required to redevelop the Store and Auto Center Building, including modifications to the loading areas located on the Seritage Tract, all in accordance with the depictions shown on the proposed partial site plan attached hereto as Exhibit A-1 (the “Proposed Partial Site Plan”);

(ii) the modifications to the exterior of the Store and the Auto Center Building, including the installation of prototypical signage for Petco and TJX/HomeGoods, depicted on the elevations attached hereto as Exhibit B; and

(iii) the installation of exterior signs of any future national or regional tenants occupying the Store or the Auto Center Building, provided such signs are the prototypical signs of such respective national or regional tenants.

If requested by either party, Developer and Seritage agree to formalize Developer's consents to items (i) through (iii) through a mutually-agreed upon recordable supplemental agreement or amendment to the REA.

Developer also acknowledges that Seritage plans to do the following:

(iv) construct one (1) out building on the Seritage Tract (which Seritage has no obligation to construct, but may construct at any time in the future), consisting of not more than 2,656 square feet of floor area (the "**Pad Building**"), in the location shown on the Proposed Partial Site Plan; and

(v) make all reasonable and necessary changes to the Common Area located on the Seritage Tract required to develop the Pad Building.

Developer consents to (iv) and (v) above, subject to the Conditions, and to the parties to the REA entering into an amendment to the REA (the "**REA Amendment**") prior to any work associated with (iv) and/or (v) commencing, that addresses the addition of the Pad Building and any resulting loss of parking in the Common Area; provided that should the minimum parking ratio in the REA (as amended by the REA Amendment) be reduced, Seritage may increase the size of the Pad Building accordingly. Notwithstanding the foregoing, Seritage shall not increase the total square footage of the Pad Building beyond 5,000 square feet without obtaining the prior written consent of Developer.

Both of the parties hereto, from time to time and at the request of the other party, shall execute and deliver to the other party such other instruments and shall take such other action as may be reasonably required to effectively carry out the terms of this Letter Agreement.

This Letter Agreement (i) contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the terms and conditions contained in this Letter Agreement; (ii) cannot be modified or amended except by a writing signed by both parties; (iii) shall be interpreted pursuant to the laws of the State of California without regard to conflicts of law; and (iv) shall not be interpreted on the basis of authorship. This Letter Agreement shall inure to the benefit of and be binding upon the parties hereto and their heirs, personal representatives, successors and assigns, and upon any person or entity acquiring the Developer Tract or Seritage Tract, or any portion thereof, or any interest therein, by operation of law or otherwise.

The parties understand and agree that Developer will be irreparably damaged in the event that this Letter Agreement is not specifically enforced. Accordingly, in the event of any breach

or default in or of this Letter Agreement or any of the terms or provisions hereof by Seritage, Developer shall have, in addition and without prejudice to any right or remedy available at law or in equity, the right to demand and have specific performance of this Letter Agreement.

If either party initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Letter Agreement, the prevailing party in any such action or proceeding shall be entitled to recover from the non-prevailing party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal). All such costs and attorneys' fees shall be deemed to have accrued on commencement of any legal action or proceeding and shall be enforceable whether or not such legal action or proceeding is prosecuted to judgment.

Please acknowledge your agreement with the foregoing provisions by having Seritage sign and date this Letter Agreement where indicated below and returning at least one fully executed counterpart to Developer. This Letter Agreement may be executed in counterparts, and said counterparts shall together constitute one and the same agreement. Executed counterparts of this Letter Agreement may be delivered by facsimile or other electronic means (for example, PDF or TIF attachments to an e-mail) to Developer and Seritage and shall be valid and effective to bind the party so signing.

The exhibits attached hereto are incorporated herein by reference.

Sincerely,

DEVELOPER:

MGP XI CAPITOLA LLC,
a Delaware limited liability company

By: Merlone Geier XI, LLC,
a California limited liability company,
its Manager



By: _____
Name: SCOTT MCPHERSON
Title: EXECUTIVE MANAGING DIRECTOR

Seritage's signature on following page.

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)

ACKNOWLEDGED AND AGREED:

SERITAGE SRC FINANCE LLC,
a Delaware limited liability company



Name: James E. Bry
Title: Vice President

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)

Exhibit A

Existing Partial Site Plan

[Attached.]

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)


 ARCHITECT: ADC ASSOCIATES
 2405 CALLETA AVE. #200
 GLEN HELEN, CA 91731
 TEL: 916.733.1600
 WWW.ADCONLINE.COM

ADC PROJECT NO: 160040
 Project Contact: Kevin Lee
 Email: kevin@adcassociates.com
 Proposals: Craig Chen
 Project Manager: Kevin Lee
 Client:


SERRITAGE
 GROWTH PROPERTIES
 Company: Serritage Capital Properties
 Address: 480 Pine Avenue, 19th Floor
 New York, NY 10017
 Phone No. 212-355-7800

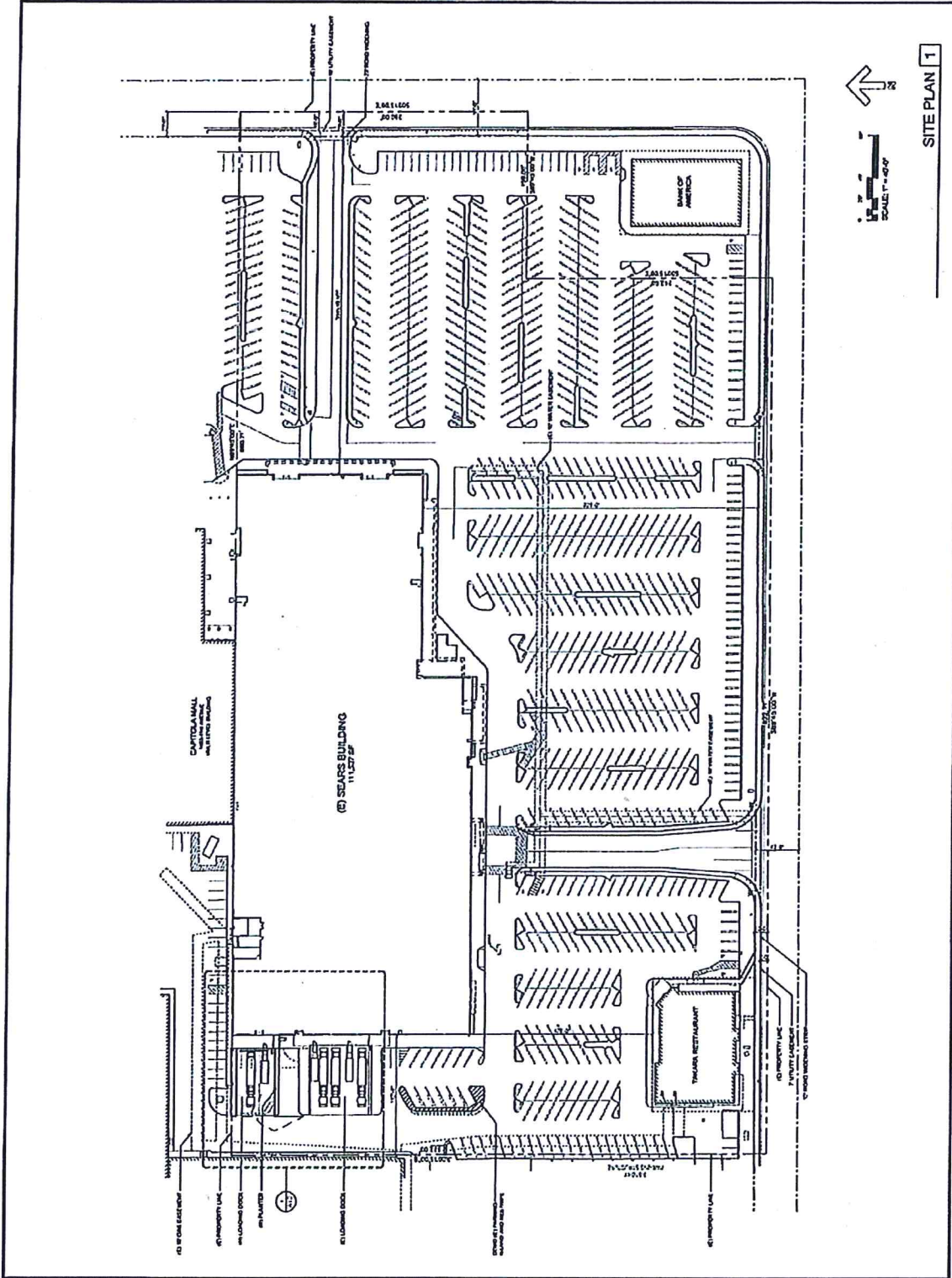
SERRITAGE-SANTA CRUZ

4015 CAPITOLA RD.
SANTA CRUZ, CA 95002

10.01.2016

SITE PLAN

A1.1



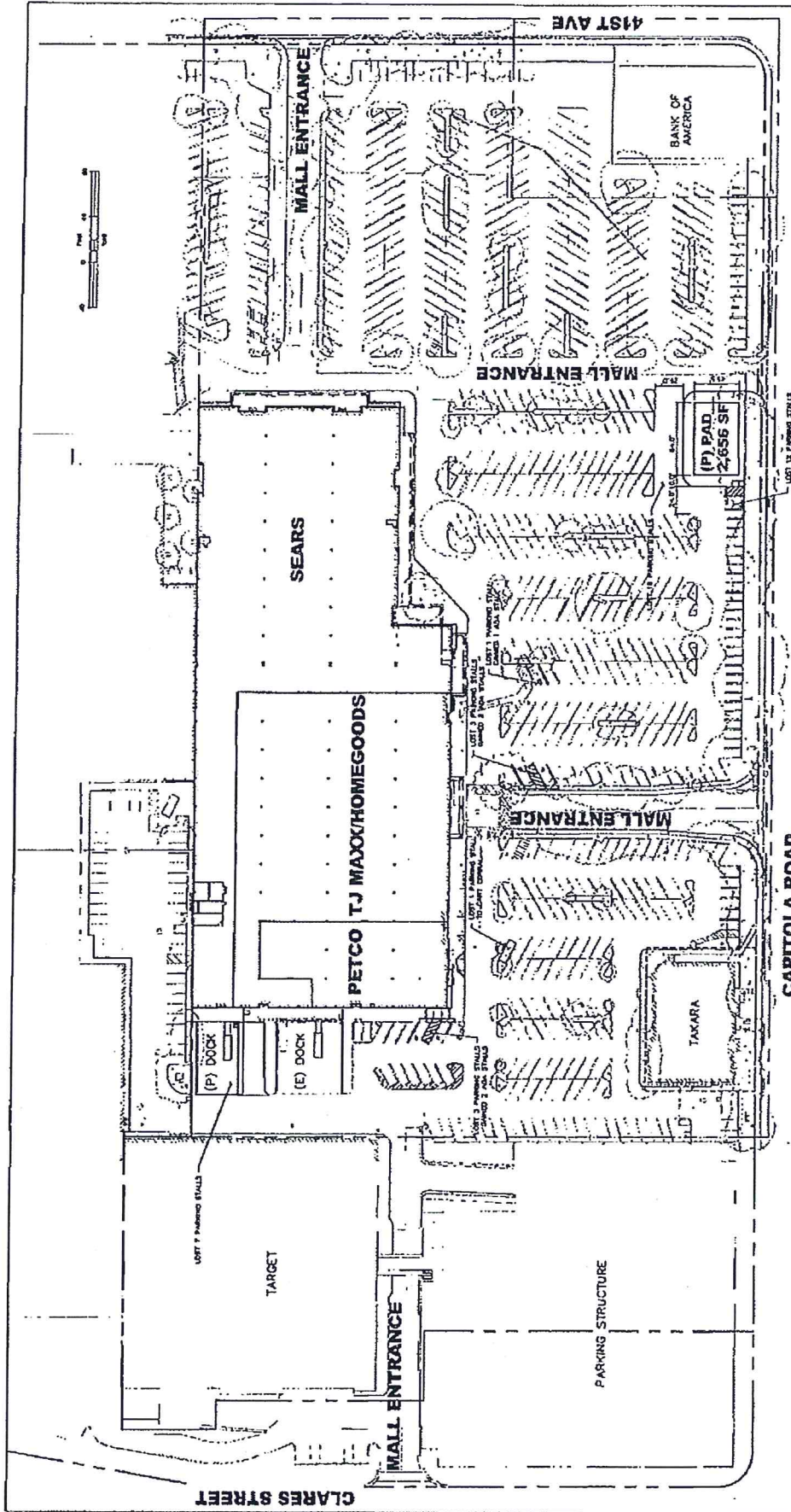
SITE PLAN 1

Exhibit A-1

Proposed Partial Site Plan

[Attached.]

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)



SERITAGE - SANTA CRUZ
2,656 SF PAD SITE PLAN
 OCTOBER 11, 2018

PSOMAS

PARKING COUNT	
TYPE	APPROVED
STANDARD SPACES	18
ACCESSIBLE SPACES	3
BIKE SPACES	3
TRUCK SPACES	3
TOTAL	27

NOT ADOPTED BY BOARD
 DATE: 10/11/18

Attachment: 2018.05.09 CC&W letter to City (4015 Capitola Road)

Exhibit B

Elevations

[Attached.]



ADDC PROJECT INC. 160040
 Project Contact: Kevin Lee
 kevin@addec.com
 Project: 4015 Capitola Rd. Santa Cruz
 Project Manager: Kevin Lee

SERITAGE
 GRANTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 4015 Capitola Rd. Santa Cruz
 Phone No. 214-355-7000

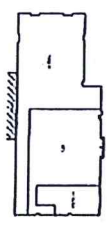
SERITAGE-SANTA CRUZ
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Issue Date: 10-07-2018

EXTERIOR ELEVATIONS

A4.1

KEY PLAN

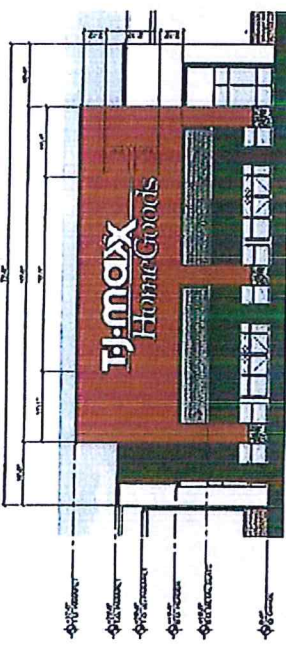


KEYNOTES

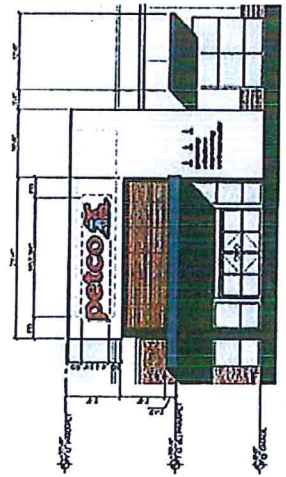
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MATERIAL LEGEND

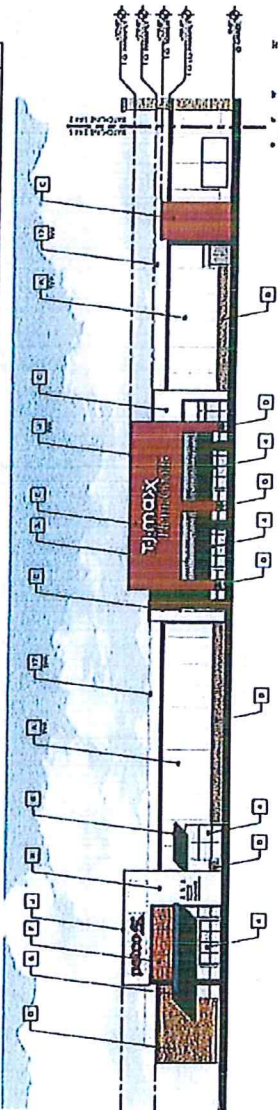
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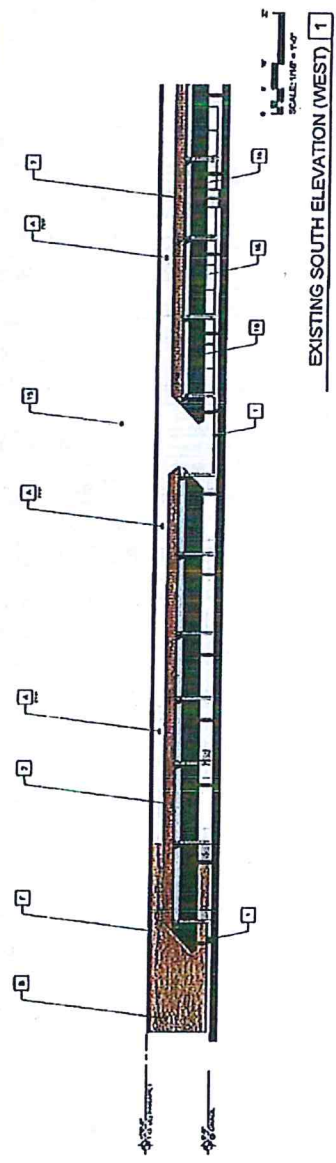
ENLARGED ELEVATION - 2 3



ENLARGED ELEVATION - 1 4



PROPOSED SOUTH ELEVATION (WEST) 2



EXISTING SOUTH ELEVATION (WEST) 1



 ONSTRUCTURE GROUP LLC

 200 Central Ave, 8th Fl, 7th Fl, 20th

 Santa Cruz, CA 95062

 www.onstructure.com

 408.297.7029

AOC Project No: 1600040

 Project Contact: Kevin Lee

 Email: kee@onstructure.com

 Project Manager: Greg Chen

 Client:

SERITAGE

GROWTH PROPERTIES

 Company: Seritage Growth Properties

 Address: 400 7th Avenue, 18th Floor

 New York, NY 10077

 Phone No. 212-435-1600

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.

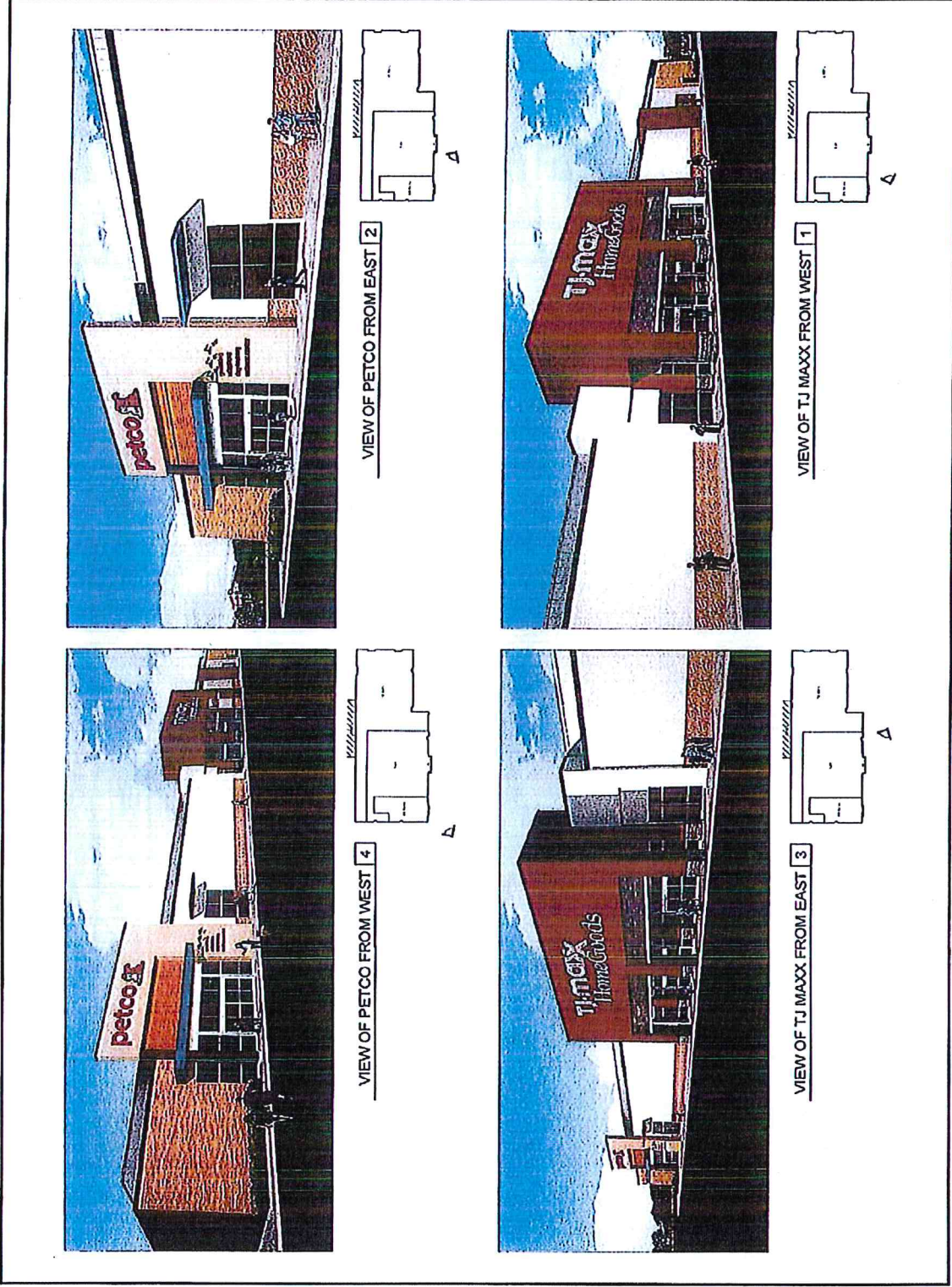
 SANTA CRUZ, CA 95062

Name: Kevin Lee

 10-07-2019

PERSPECTIVE RENDERINGS

A5.0



The image contains four architectural renderings and their corresponding floor plans.

 - Top-left: 'VIEW OF PETCO FROM EAST' (2) shows a Petco store with a large sign. Below it is a floor plan labeled 'A'.

 - Top-right: 'VIEW OF TJ MAXX FROM WEST' (1) shows a TJ Maxx HomeGoods store with a large sign. Below it is a floor plan labeled 'A'.

 - Bottom-left: 'VIEW OF PETCO FROM WEST' (4) shows a Petco store from a different angle. Below it is a floor plan labeled 'A'.

 - Bottom-right: 'VIEW OF TJ MAXX FROM EAST' (3) shows a TJ Maxx HomeGoods store from a different angle. Below it is a floor plan labeled 'A'.

Please note. The entire letter with all attachments is 646 pages. The full document including attachments B through F are available at Capitola City Hall's Community Development Department at 420 Capitola Avenue and available at the Community Development Webpage at <http://www.cityofcapitola.org/communitydevelopment>.



County of Santa Cruz

HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073

(831) 454-2022 FAX: (831) 454-3128

<http://www.co.santa-cruz.ca.us/>

ENVIRONMENTAL HEALTH

May 17, 2018

Seritage SRC Finance, LLC
489 Fifth Avenue, 18th Floor
New York, NY 10017

Re: Notice of Violation for Former Sears Auto Service Center # 6461 Located at 4015 Capitola Rd, Capitola, California.

Dear Sir or Madam,

It has been brought to my attention that on February 16th, 2017, ServAll “deactivated” 10 underground hydraulic lifts at the Former Sears Service Station #6461, located at 4015 Capitola Road in Capitola, California. Under Santa Cruz County Ordinance, Santa Cruz County Environmental Health Division (SCCEHD) requires permits to remove underground lifts. The SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is now evidence that some of the oil in these lift systems contain Polychlorinated Biphenyls (PCBs), which are probable human carcinogens. Sears was aware of our agency’s permit requirement because a permit was obtained from our agency to remove a leaking underground lift from this site in 2015.

The 10 underground lifts that were removed in 2017 were done in violation of Santa Cruz County Code 7.100.060, and without the required sampling under SCCEHD oversight, to determine if the systems leaked. Therefore, by June 29, 2018, you are hereby directed to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed.

Here is a link to our website for the permit that is required:

http://sccch.com/Portals/6/Env_Health/hazardous_materials/UST_Closure_Packet.pdf.

Failure to obtain the necessary closure permit for this site and conduct the required testing may result in further enforcement action, including forwarding this issue to the District Attorney’s Office.

Please contact the inspector for the area, Mr. John Gerbrandt, at (831) 454-2731, or at his email address of: john.gerbrandt@santacruzcounty.us, if you have any questions.

Sincerely,

Rebecca Supplee, R.E.H.S.
Hazardous Materials Program Manager

Cc: Katie Herlihy, City of Capitola Kherlihy@ci.capitola.ca.us
Mark Rone, mark.rone@cypressecurities.com
John Gerbrandt, john.gerbrandt@santacruzcounty.us

Attachment: 2018.05.17 SCCEHD Notice of Violation (4015 Capitola Road)


ATCHISON, BARISONE & CONDOTTI, APC

P.O. BOX 481
 SANTA CRUZ, CALIFORNIA 95061-0481
 P: (831)423-8383; F: (831)576-2269
 WEBSITE: WWW.ABC-LAW.COM

JOHN G. BARISONE
 ANTHONY P. CONDOTTI
 BARBARA H. CHOI
 LAUREN VALK WILLS
 CASSIE M. BRONSON
 REED W. GALLOGLY
 HEATHER J. LENHARDT
 STEPHANIE Y. HALL
 AMY E. B. KAPP

May 18, 2018

*Via Electronic Mail (dwaite@coxcastle.com)
 And United States Mail*

David P. Waite
 Cox, Castle & Nicholson, LLP
 2029 Century Park East, Suite 2100
 Los Angeles, CA 90067-3284

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019

Dear Mr. Waite:

I am in the process of reviewing the issues raised in your correspondence to Katie Herlihy, Capitola Community Development Director, and separate letter to myself dated May 9, 2018, and materials submitted therewith. Unfortunately, however, I've not had an opportunity to complete my review and confer with my client prior to my departure tomorrow for a family vacation, from which I will be returning the week of May 28th. I anticipate that I or the City will provide a formal response shortly thereafter.

In the meantime, thank you for your patience.

Sincerely,

Tony Condotti
 Capitola City Attorney

Attachment: 2018.05.18 City Attorney Letter to Applicant (4015 Capitola Road)

**ATCHISON, BARISONE & CONDOTTI, APC**

P.O. BOX 481
SANTA CRUZ, CALIFORNIA 95061-0481
P: (831)423-8383; F: (831)576-2269
WEBSITE: WWW.ABC-LAW.COM

JOHN G. BARISONE
ANTHONY P. CONDOTTI
BARBARA H. CHOI
LAUREN VALK WILLS
CASSIE M. BRONSON
REED W. GALLOGLY
HEATHER J. LENHARDT
STEPHANIE Y. HALL
AMY E. B. KAPP

May 23, 2018

*Via Electronic Mail (dwaite@coxcastle.com)
And United States Mail*

David P. Waite
Cox, Castle & Nicholson, LLP
2029 Century Park East, Suite 2100
Los Angeles, CA 90067-3284

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019

Dear Mr. Waite:

After further review Planning Department staff have determined that the above-referenced application can proceed to hearing at the June 7th meeting of the Planning Commission as has been requested. Formal public notice will be completed by the City.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tony Condotti'.

Tony Condotti
Capitola City Attorney

Attachment: 2018.05.23 City Attorney letter to CC&N (4015 Capitola Road)

General Plan Sections relative to Sears Redevelopment

The General Plan outlines the vision for future development in Capitola through establishing guiding principles, goals, policies and actions. The following excerpts from the General Plan relate to future development at the mall.

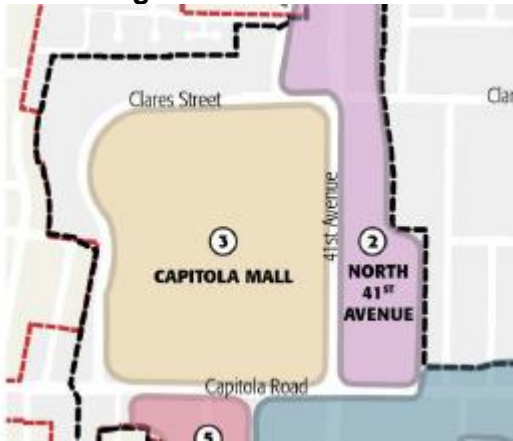
Capitola General Plan Guiding Principle: Community Identity. Preserve and enhance Capitola’s intimate small-town feel and coastal village charm. Ensure that all areas of Capitola, not just the Village, possess a unique, memorable, and high-quality identity. Promote Capitola’s reputation as a community that is sustainable, historic, welcoming, and family-friendly.

Capitola General Plan Guiding Principle: Economy. Support a local economy that is vibrant, diverse, and dynamic. Create a brand identity for Capitola that is grounded in the city’s unique identity. Support all local businesses, “green” businesses, and employers that provide jobs for Capitola residents.

Land Use Goal 8: Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Policy LU-8.1: Phased Mall Redevelopment. Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan (see Figure LU-6)

Portion of Figure LU-6:



③ Capitola Mall. Encourage the transformation of the Mall into a pedestrian-friendly commercial destination

Policy LU-8.2: Parking Lot Redevelopment. Encourage the development of commercial and mixed-use structures on existing Capitola Mall surface parking lots located adjacent to 41st Avenue and Capitola Road including both sides of 41st Avenue. New pad development along 41st Avenue should enhance the design character of 41st Avenue and support the long-term vision for the Mall as a pedestrian-friendly commercial destination. Ensure that parking lot redevelopment does not result in an inadequate supply of on-site parking that results in overflow parking in adjacent residential neighborhoods.

Policy LU-8.4: Public Gathering Places. Encourage the establishment of public gathering places on the Mall property—such as outdoor dining and courtyards—that provide space for people to informally meet and gather

Policy LU-8.5: New Interior Street. As a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation.

Goal LU-9: Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

Policy LU-9.1: Public Amenities. Encourage new development to provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publically accessible or semi-public gathering places, and bicycle and pedestrian facilities.

Policy LU-9.3: Destination. Establish 41st Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night. Where feasible, incorporate public art into public spaces.

Policy LU-9.8: Public Spaces and Amenities. Encourage new development at the 41st Avenue/Capitola Road intersection to include public spaces and amenities to strengthen the intersection as a focal point and activity center for the corridor.

Policy LU-9.9: Streetscape Improvements. Improve the physical appearance of 41st Avenue through the installation of additional landscaping in the public right-of-way, enhanced Highway 1 interchange features, and improved bicycle and pedestrian facilities.

17.120.010(A-S)

To obtain Design Permit approval, projects must satisfy the criteria of §17.120.010(A-S), to the extent they apply.

- A. Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.
- B. Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.
- C. Historic Character.** Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.
- D. Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.
- G. Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

- K. Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.
- O. Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multi-family residential projects include public and private open space that is attractive, accessible, and functional. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.
- P. Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.
- Q. Lighting.** Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.
- R. Accessory Structures.** The design of detached garages, sheds, fences, walls, and other accessory structures relate to the primary structure and are compatible with adjacent properties.
- S. Mechanical Equipment, Trash Receptacles, and Utilities.** Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

Memo

Sacramento • Berkeley • Concord • San Jose

To: Danielle Uharriet, Environmental Projects Manager, and Steve Jesberg, PE,
Public Works Director, City of Capitola

From: Leonard Osborne, PE, HydroScience

Subject: Subject: Seritage - Capitola Project
4015 Capitola Road
Planning Permit No.17-019

Date: May 24, 2018

HydroScience has reviewed the plans submitted by the Seritage Growth Properties design team for the subject project. Based on the documents submitted, the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3- 2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013.

Based on our review, the project does not address the performance standards for site design and runoff reduction, water quality treatment, runoff retention, peak runoff management as specified in Appendix 1 of the above Regional Water Quality Control Board resolution.

Please call me or Alexandra Watson at 925-332-5221 if you have any questions.

Attachment: 2018.05.24 HydroScience Memo (4015 Capitola Road)