

City of Capitola

Planning Commission Meeting Agenda

Thursday, December 01, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Peter Wilk

Commissioners: Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Commissioners Mick Routh, Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk

2. Oral Communications

A. Additions and Deletions to the Agenda

B. Public Comments

Please review the Notice of Remote Access for instructions. 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. Members of the public may speak for up to three minutes, unless otherwise specified by the Chair. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue.

C. Commission Comments

D. Staff Comments

3. Director's Report

4. Approval of Minutes

A. Approve October 20, 2022, Regular Planning Commission Meeting Minutes

B. Approve November 3, 2022, Regular Planning Commission Meeting Minutes

5. Consent Calendar

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

A. 121 Cabrillo Street

Permit Number: #22-0221

APN: 036-185-10

Design Permit and Accessory Dwelling Unit (ADU) for a new single-family residence and attached ADU located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Chris & Lee Heck

Representative: Kurt Useldinger, Filed: 06.08.22

6. 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) Planning Commission Questions; 3) Public Comment; 4) Planning Commission Deliberation; and 5) Decision.

A. 2210 Derby Avenue

Permit Number: #22-0264

APN: 034-223-07

Design Permit for first- and second-story additions to an existing single-family residence and Minor Modification for the required parking space dimensions. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Chris Buich

Representative: David Mendoza, Filed: 07.14.22

B. 123 Monterey Avenue

Permit Number: #22-0391

Location: Sidewalk in front of El Toro Bravo

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Sidewalk Dining at 123 Monterey Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Delia Rey

Representative: Jon Baron, Business Owner

C. 111 Capitola Avenue

Permit Number: #22-0436

Location: 2 parking spaces in front of English Ales

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for English Ales at 111 Capitola Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Karen Blackwell-Harrison, Representative: Peter Blackwell, Business Owner

D. 311 Capitola Avenue

Permit Number: #22-0502

Location: 1 Parking Space in front of 311 Capitola Avenue

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for Reef Dog Deli at 311 Capitola Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Lawrie & Lawrie

Representative: Anthony Kresge, Business Owner

E. 401 Capitola Avenue

Permit Number: #22-0282

APN: 035-131-11

Conditional Use Permit, Parking Variance, and Coastal Development Permit to establish a restaurant that serves beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project Coastal Development Permit which is appealable to the Coastal Commission.

Environmental Determination: Categorical Exemption 15303

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

7. Commission Communications

8. Adjournment

Notice of In-Person & Remote Access

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

Other ways to Watch:

- Spectrum Cable Television channel 8
- City of Capitola, California Youtube Channel:
<https://www.youtube.com/channel/UCJqSsB5qgoS7CcD8lq9Yw1g/videos>

To Join Zoom Application or Call in to Zoom:

- Meeting link:
<https://us02web.zoom.us/j/84769092900?pwd=anpWVWlQamFzT3BGUm54QStJWtdwQT09>
- Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**
- Meeting ID: **847 6909 2900**
- Meeting Passcode: **379704**

To make a remote public comment:

- Via Zoom Application: Use participant option to “raise hand”. The moderator will unmute you.
- Via Zoom phone call: Dial ***9** on your phone to “raise hand”. The moderator will unmute you.

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within ten (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. 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 submitted writing on an official city application form, 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/meetings. 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

City of Capitola Special Planning Commission Meeting Minutes



Thursday, October 20, 2022 – 6:00 PM

City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Peter Wilk

Commissioners: Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

1. Roll Call and Pledge of Allegiance

Commissioners Mick Routh, Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk

2. Oral Communications

A. Additions and Deletions to the Agenda

Director Herlihy reported ten additional written public comment were submitted for item 3.B.

B. Public Comments

C. Commission Comments

Commissioner Westman thanked the city for putting on the fireworks.

Chair Wilk informed the Commission of a recent Committee on the Environment meeting in which a representative from AMBAG reported out on the City’s climate action plan. Commission Wilk suggested the city could consider creating incentives for EV charging stations.

D. Staff Comments

3. Public Hearings

A. 2022 Zoning Code Amendments

Permit Number: #22-0441

APN: All Zoning Districts

Project description: Draft ordinance to adopt clean-up amendments to the Zoning Code. The proposal involves development within the Coastal Zone and is not effective unless certified by the California Coastal Commission.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

Recommendation: Accept presentation on the Zoning Code Clean-up Amendments and consider forwarding a positive recommendation on the ordinance to the City Council.

Director Herlihy introduced Ben Noble of Ben Noble Planning to present on the Zoning Code update. Mr. Noble highlighted 10 topics of the Zoning Code with recommended updates to be compliant with state law.

Nara Dahlbacka, representing the Apothecarium, provided support for amended code.

The Planning Commission provided the following direction on the items discussed:

1. Large Retail Uses. Accepted amendments as proposed.
2. Cannabis Retail Signs. Remove all cannabis-specific sign standards. Cannabis signs to be regulated the same as any retail sign.
3. Pergolas. Accepted amendments as proposed.
4. Accessory Dwelling Units. Accepted amendments as proposed plus new statement about conformance with changing state law.
5. Parking in R-1 Front Setback Area. Rejected proposed changes. Keep existing language.
6. Outdoor Showers. Revise Table 17.4-2 to clarify rule for outdoor showers.

Motion: Continue the item for a second reading to the November 3, 2022, Planning Commission meeting.

Result: Passed, 5-0 (Unanimous)

Mover: Commissioner Westman

Second: Commissioner Newman

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

B. Monarch Cove Inn – Code Amendments

Project Number: #21-0267

Location: 620 El Salto Drive, Parcel Numbers 036-143-31, 036-142-27, and 036-142-28

Project Description: Draft ordinance to adopt amendments to the Zoning Code, Zoning Map, and General Plan Land Use Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone. The proposal involves development within the Coastal Zone and is not effective unless certified by the California Coastal Commission.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Bob and Lonna Blodgett

Senior Planner Froelich presented a staff report

Recommended Action: Accept presentation on the Zoning Code, Zoning Map, and General Plan Map Amendments and consider forwarding a positive recommendation to the City Council.

No public comments.

Planning Commission Deliberation and Feedback:

Commissioner Newman acknowledged the Planning Commission has reviewed this before.

Motion: Positive recommendation to City Council for amendments to the Zoning Code, Zoning Map, and General Plan Land Use Map related to the Monarch Cove Inn.

Result: Passed, 5-0 (Unanimous)

Mover: Commissioner Routh

Second: Commissioner Westman

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

C. 3720 Capitola Road & 1610 Bulb Avenue

Permit Number: #22-0149

APN: 034-18-114 and 031-12-139

Conceptual Review for (1) future annexation of 1610 Bulb Avenue into Capitola City limit and (2) Community Benefit Application for Senior Living facility at 3720 Capitola Road and 1610 Bulb Avenue in the Community Commercial (CC) Zoning District.

Environmental Determination: To be determined
Property Owner: Zurite LLC and Capitola Land Ventures LLC
Representative: Zurite LLC and Capitola Land Ventures LLC

Commissioner Newman recused due to proximity.

Director Herlihy presented a staff report.

Rafael Ortiz from Zurite LLC spoke about the project and the community benefits it offers. Intention to provide senior housing, create jobs, property tax, and generates visitors to the commercial area.

Greg Irwin, project Architect, explained there is no by-right for senior housing land use. Explained they are seeking an annexation and feedback on the conceptual review.

Chair Wilk asked if the project would contribute to the City's RHNA requirements. Director Herlihy responded that it would not count toward RHNA because the proposed units do not have kitchens.

Commissioner Routh asked if the applicant has completed preliminary traffic analysis, to which applicant said they had not.

Susan Steely, Bulb Avenue resident, expressed her opposition to the project and disagreed with the edibility of substantial benefit as well as the proposed project siting on Bulb Avenue.

Marilyn, Bulb Avenue resident, also criticized the project, citing traffic issues as a concern.

Community member stated this is a residential area and they do not want to live across the street from a business. Concern for no sidewalks.

Vic Clouser, Bulb Avenue resident, expressed concern for facilities like this on the block, citing the lack of affordability of the new units and increased traffic impacts.

Rebecca Russell inquired as to the monthly rates of the new units but was not against the idea of a senior living facility or affordable housing for seniors.

Angie, nearby resident, expressed concern that the project would impact County residents more than Capitola residents and was opposed to a vehicular entrance on Bulb Avenue.

Scott, Bulb Avenue resident, lives directly next door to the proposed project and expressed opposition to the location and size of the project.

Donna Jensen Lewis expressed concerns regarding emergency vehicle traffic up and questioned whether the development met the criteria for a community benefit project.

Christina Scheer questioned if the development would receive tax incentives if they apply as a community benefit project and expressed concerns for corporate development.

Doug expressed concern that the intersection at Bulb Avenue and Capitola Road is not sufficient to accommodate the changes in traffic.

Michael expressed concerns regarding traffic, noise, property value, and pedestrian safety.

Jason expressed concerns regarding traffic and pedestrian safety.

Rich expressed concern for future residents of the facility so close to the busy Capitola Road. He also expressed concerns regarding emergency vehicle noise.

Jennifer expressed opposition to the project and stated that many nearby properties cannot vote on the City Council because they are County residents.

Theresa Stolaroff spoke against the annexation.

Commissioner Routh did not believe the project qualified as a community benefit. Mr. Routh further felt that Bulb Avenue lacked the road infrastructure necessary and that the current proposal did not sufficiently address adverse impacts to the neighborhood. He stated the emergency vehicle traffic

and access would need to be addressed and that the current proposal would not protect the integrity of the neighborhood as required by the General Plan.

Commissioner Westman did not believe the project qualified as a community benefit but acknowledged a local need for more assisted living facilities. Commissioner Westman felt that the project could be eligible as a true community benefit if it provided affordable units. She also expressed an interest in the units including kitchens so as to qualify towards the City RHNA requirements. She also felt the project massing should be stepped towards Capitola Road and expressed concern for impacts to Bulb Avenue. Commissioner Westman expressed interest in the prospect of annexation as it would provide a larger site to help mitigate impacts.

Commissioner Christiansen agreed that the annexation could benefit the city but expressed concern for the site of the project relative to the lots. She felt a four-story design would not benefit the community and stated they did not have enough information to determine if the site access and traffic impacts were acceptable. Commissioner Christiansen suggested increasing the building articulation and including additional information on the traffic and ingress/egress.

Chair Wilk explained after looking through the list of allowed public benefits, he does not believe the use fits within the community benefit. No justification for allowing a variance to the code, regardless of the design or other support for the project. Does not support annexation because the county residents do not have representation.

Director Herlihy clarified that the Conceptual Review is for non-binding input from the Commission. No vote is necessary. City Council will review at their next meeting Thursday, October 27 at 7pm. All letters to PC will be included in the packet for City Council.

- 4. **Director's Report**
- 5. **Commission Communications**
- 6. **Adjournment**

The meeting was adjourned at 8:32 pm to the next Regular Meeting of the Planning Commission on November 3, 2022.

ATTEST:

City Clerk's Office

City of Capitola

Planning Commission Meeting Minutes

Thursday, November 03, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Peter Wilk

Commissioners: Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

1. Roll Call and Pledge of Allegiance

Commissioners Mick Routh, Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk

Chair Wilk called the meeting to order at 7 P.M. Commissioners Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, and Chair Wilk were present.

2. Oral Communications

A. Additions and Deletions to the Agenda

B. Public Comments

No public comments.

C. Commission Comments

No Commission Comments.

D. Staff Comments

Director Katie Herlihy informed Commissioners staff is working on upgrading the broadcast system in the new year and will continue to hold hybrid meetings.

3. Approval of Minutes

- A. Approve August 18, 2022, Regular Planning Commission Meeting Minutes
- B. Approval September 1, 2022, Regular Planning Commission Meeting Minutes
- C. Approve October 6, 2022, Regular Planning Commission Meeting Minutes

Motion: Approve all minutes.

Result: Passed, 5-0 (Unanimous)

Mover: Commissioner Westman

Second: Commissioner Christiansen

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

4. Consent Calendar

Commissioner Newman requested items to be taken separately due to not being able to vote on item B; 401 Capitola Avenue.

A. 602 El Salto Drive

Permit Number: #22-0215

APN: 036-142-03

Design Permit to demolish an existing residence and construct a new two-story, single-family residence and detached garage, located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Kelly

Representative: Dennis Norton, Filed: 05.23.22

No Commissioner Comments.

Motion: Approve the Design Permit and Coastal Development Permit with the following Conditions and Findings.

Result: Passed, 5-0 (Unanimous)

Mover: Commissioner Routh

Second: Commissioner Westman

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

Conditions of Approval:

1. The project approval consists of the demolition of an existing residence and the construction of a 3,724 square-foot single-family residence and 550 square-foot detached garage. The maximum Floor Area Ratio for the 9,108 square foot property is 48% (4,372 square feet). The total FAR of the project is 47% with a total of 4,284 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 November 3, 2022, 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 landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all

required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.

8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 12 trees to be removed from the property. The three replacement trees proposed within the Sacramento Avenue public right-of-way shall be located on the subject property (602 El Salto Drive) in addition to any trees planted on the adjacent parcel. Alteration to the tree planting plan shall be consistent with CMC §12.12.190 and be approved by the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #22-0215 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee 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 Creek Water District, and Central Fire Protection District.
12. Prior to issuance of a building permit, the applicant shall submit a Minor Revocable Encroachment Permit for the landscaping in the right-of-way. The revocable encroachment agreement shall be completed prior to project final.
13. 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.
14. 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).
15. 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.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.

19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. 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 17.156.080.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
23. 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.
24. At time of submittal for building permit review, landscape plan(s) shall be revised such that the hot tub is not located within the front yard (El Salto Drive) or the exterior side yard (Sacramento Avenue), which includes the area between the minimum required setback(s) and the nearest line of the primary structure.
25. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, 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. The proposed single-family residence complies with the development standards of the R-1 zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**
 Community Development Staff and the Planning Commission have reviewed the application for a new single-family residence. As conditioned the project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**
 Section §15303(a) of the CEQA Guidelines exempts one single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a single-family residence within the Single-Family Residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application. The proposed single-family residence complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have reviewed the application for the single-family residence. The design of the home with sweeping porches, standing metal seam roof, and shingle and horizontal board siding will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on private property at 602 El Salto Drive. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 602 El Salto Drive. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves a replacement single-family residence and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves a replacement single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves a replacement single-family residence and will not negatively impact coastal resources.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves a replacement single-family residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

B. 401 Capitola Avenue

Permit Number: #22-0282

APN: 035-131-11

Item to be continued and renoticed for future Planning Commission meeting. Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

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

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

No Commissioner Comments.

Motion: Continue the item to be re-noticed for a future Planning Commission meeting.

Result: Passed, 4-0

Mover: Commissioner Routh

Second: Commissioner Westman

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Routh

Abstain: Commissioner Newman

5. Public Hearings

A. 935 Balboa Avenue

Permit Number: #22-0397

APN: 036-232-13

Appeal of an administrative denial of a tree removal permit to remove one mature eucalyptus tree, located within the RM-L (Multi-Family Residential, Low Density) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Joe Stokley

Appellant: Moe Hassan and Tony Sharifi, Filed: 09.19.22

Associate Planner Sean Sesanto presented the staff report.

Commissioner Newman asked if there are replacement requirements. Associate Planner Sesanto confirmed staff would not have conditioned the application with a replacement requirement.

Moe Hassan, appellant and owner of adjacent 1001 Balboa Avenue expressed his concerns of having a large eucalyptus so close to his duplex and for his tenants. Mr. Hassan referenced the photographs he provided that he believed justified the removal of the tree. Mr. Hassan also expressed openness to plant new trees.

Duque Florencio Williams, a tenant of one of the affected properties, spoke in favor of preserving the tree because of its beauty and by the arborist recommendation.

Tony Sharifi, co-owner of 1001 Balboa Avenue, provided virtual comment in support of removal of tree. Sharifi expressed desire to act proactively rather than waiting for the tree to be damaged during storms or other failure, given the size of the tree.

Joe Stokley, the applicant and owner of 935 Balboa Avenue expressed his concern for substantial damage and risk to safety should the tree failure above their properties.

Commissioner Christiansen asked if there had been any neighborhood input regarding the tree removal or preservation. Appellant Hassan stated he was not aware of any objections.

Commissioner Newman stated that staff reviews tree applications appropriately within the parameters of the City’s ordinance, but also that the ordinance itself is rigid for staff, while the Planning Commission has broader interpretative discretion. Commission Newman also stated that there are plenty of other eucalyptus trees, that the species itself is not native, and the original arborist report by Mr. Fouts rated the tree risk as moderate. Commissioner Newman indicated his support for the removal.

Commissioner Routh felt there was a risk to property owners, that approving the tree removal would not be negatively impactful on the area, granting the removal would be consistent with similar decisions made by the Planning Commission, and indicated his support of granting the removal.

Commissioner Westman commented the removal will not be detrimental to the overall eucalyptus grove. Commission Westman felt the staff evaluation was appropriate given their scope of review but noted the Planning Commission has greater review authority and supported the removal.

Commissioner Christiansen concurred with Commissioners Newman, Routh, and Westman.

Chair Wilk stated he had personally walked the area and appreciated the analysis by staff but felt safety and risk were principal considerations. He further noted that the City Council had overturned a prior Planning Commission denial. Chair Wilk stated he felt that approving the removal would be reasonable and consistent.

Motion: Approve the appeal and grant the tree removal permit with the following Conditions and Findings.

Result: Passed, 5-0 (Unanimous)

Mover: Commissioner Newman

Second: Commissioner Christiansen

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

Director Herlihy asked the Commission to clarify if they supported revised findings for approving the appeal, including that the removal is in the public interest with respect to the condition of the tree, the presence of a safety concern without mitigation, the risk for unreasonable property damage, and that there are no feasible alternatives short of tree removal. The Planning Commission agreed with the revised findings by consensus.

Conditions:

1. The appeal approval consists of the reversal of the administrative denial of a tree removal permit for a blue gum eucalyptus tree. The Planning Commission heard the appeal on November 3, 2022, and upheld the appeal, allowing the removal of the eucalyptus tree.

Findings:

A. The removal of the tree is in the public interest with respect to the condition of the tree.

The removal of the tree is in the public interest with respect to the condition of the tree. Although the tree is in a good state of health and growth, there are some structural considerations due to the codominant stems. Overall risk, when considering both severity of outcome and likelihood of

occurrence is moderate, given the size and proximity of the tree to residential structures.

B. The tree poses a safety concern without mitigation.

The tree poses a safety concern without mitigation with respect to failures.

C. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.

The tree poses an unreasonable risk to cause property damage. Overall risk, when considering both severity of outcome and likelihood of occurrence is moderate, given the size and proximity of the tree to residential structures.

D. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.

Although the arborist identified alternatives to removal, the Planning Commission finds these alternatives to be infeasible due to their inability to adequately mitigate the risk of a significant failure event.

E. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.

The property is not located within an environmentally sensitive habitat area but is contrary to the purposes of the Community Tree and Forest Management ordinance as there are feasible alternative mitigations are recommended by the arborist over removal.

B. 216 Central Avenue

Permit Number: #20-0103

APN: 036-122-22

Design Permit, Historic Alteration Permit, Minor Modification for the required parking space dimensions, and Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

Associate Planner Sean Sesanto presented the staff report.

Commissioner Routh asked if a variance had been granted for the nonconforming cost calculation before. Associate Planner Sesanto stated at least one had been granted before at 124 Central Avenue under similar circumstances.

Brigitte Estey, a property owner along Escalona Drive, spoke in favor of the project and felt the project was a compatible with the historic rehabilitation criteria.

Commissioner Newman commented they have granted variances before due to historic preservation.

Commissioner Westman commented the applicant redesigned to address the concerns of the historians.

Motion: Approve the Design Permit, Historic Alteration Permit, Coastal Development Permit, Variance, and Minor Modification with the following Conditions and Findings.

Result: Passed 5-0 (Unanimous)

Mover: Commissioner Westman

Second: Commissioner Routh

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

Conditions of Approval:

2. The project approval consists of 770 square-feet of first- and second-story additions to a historic, nonconforming residence. The maximum Floor Area Ratio for the 4,486 square foot property is 52% (2,333 square feet). The total FAR of the project is 50.5% with a total of 2,267 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 November 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
6. 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.
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 landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
9. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
10. Prior to issuance of building permit, all Planning fees associated with permit #20-0103 shall be paid in full.
11. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.

12. 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.
13. 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.
14. 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).
15. 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.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. 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 17.156.080.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

23. 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.
24. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward.
25. Prior to issuance of a building permits, the applicant shall submit a preservation plan to the satisfaction of the Community Development Department. In addition to Condition #25(a), the plan shall specify differentiation of new horizontal boards from the existing horizontal board width.
26. Secretary of the Interior’s Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
 - a. Prior to the remodel of the historic residence, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be remodeled, 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 weatherproof 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.

Design Permit Findings:

G. The proposed project is consistent with the general plan, local coastal program, 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 proposed additions to an existing residence. With the granting of a variance to the side setback of the primary residence, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

H. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff and the Planning Commission have reviewed the application for additions to an existing residence and new attached garage. With the granting of a variance to the side setback of the primary residence, the project complies with all applicable provisions of the zoning code and municipal code.

I. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (Single-Family Residential) zoning district. With approval of a variance for the nonconforming construction calculation and minor modification for the minimum required parking dimensions, the project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services. The project has also been found to be consistent with Section 15300.2(f) for modifications to historical resources.

J. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

K. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application. With the granting of a variance to the side setback of the primary residence, the proposed complies with all applicable design review criteria in Section 17.120.070.

L. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the application. The remodeled design preserves the original front elevation of the historic structure and focuses new massing towards the rear of the building. The project will maintain the character, scale, and development pattern of the neighborhood.

Historic Alteration Findings:

A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.

Community Development Staff and the Planning Commission have reviewed the proposed remodel of the historic structure and determined the additions are located such that they limit publicly visible alterations that would impact the historic character and the structure will retain the character-defining features identified by the architectural historian.

B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that distinctive design will be preserved by retaining the distinctive cross-gable roof, shed-roofed entry porch, horizontal wood siding, and wood window surrounds.

C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.

Community Development Staff and the Planning Commission have reviewed the proposed additions to the structure and determined that they are focused to the rear of the structure and non-primary elevation. The second story addition has been located behind the existing cross-gable ridgeline to create spatial separation. Use of exterior materials matches the original sections but will be differentiated with different board and detail widths.

D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that historic features will be preserved, reused, and repaired to the extent possible. The additions are located such that the remove and replace non-original sections of the structure and removal of original materials and features will be limited.

E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.

Community Development Staff and the Planning Commission have reviewed the proposed

involves additions to an existing residence will not impact archeological resources.

Variance Findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: There are unique circumstance applicable to the subject property includes a historic residence which is protected within the municipal code and under CEQA. The nonconforming section portion of the structure is also the best-preserved and most visible front elevation.

- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The proposed modifications complies with all height, setback, and FAR requirements. The strict application of the zoning code requirements for both nonconforming and historic preservation would deprive the subject property of development alternatives typically available such as demolition.

- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance is necessary to preserve the ability to construction additions in a manner consistent with current development standards and historic preservation.

- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The variance allows additions which comply with the maximum floor area ratio (FAR) with while preserving historically significant portions of the structure.

- E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to its historic status. In 2014, a similar variance was granted at 124 Central Avenue for an addition to a nonconforming historic structure. The application at 124 Central Avenue also included alterations greater than 80 percent of the fair market value.

- F. The variance will not have adverse impacts on coastal resources**

Staff Analysis: The variance will not adversely impact coastal resources.

Minor Modification Findings:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.**

Staff Analysis: The proposed parking arrangement enables the project to provide the required number of onsite parking spaces, including the covered parking requirement.

- B. The modification will not adversely impact neighboring properties or the community at large.**

Staff Analysis: The proposal increases overall parking opportunities for the site and, indirectly, the neighborhood. Although the garage space is considered substandard it meets the minimum dimensions of a 9-foot wide by 18-foot deep tandem space.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

Staff Analysis: Site parking is directly constrained by the historic structure, the existing driveway and garage, and the narrowing of the lot. Capitola lots typically have a minimum depth of at least 70 feet. On corner lots where parking may be arranged on the exterior side, lots typically have a minimum depth of at least 40 feet, which would allow for two compliant uncovered spaces. The driveway area has a lot depth (width) that tapers to less than 34 feet. The unique shape of this lot prevents the ability to arrange tandem parking spaces with straight approaches. Expanding the existing forward garage would limit accessibility and siting of the two uncovered spaces.

D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

Staff Analysis: The proposed parking arrangement provides the required number of on-site spaces, the required number of covered spaces and has been designed to comply with parking requirements in all respects except parking dimension. The substandard garage space will accommodate most modern vehicles.

E. The modification will not establish a precedent.

Staff Analysis: The site is subject to irregular shape and dimensions, an existing-nonconforming garage, and a historic structure. The proposed modification has been evaluated on a site- and project- specific basis and will not establish a precedent.

F. The modification will not adversely impact coastal resources.

Staff Analysis: The subject property does not contain coastal resources. Additional on-site parking will not adversely impact coastal resources in the area.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on private property at 216 Central Avenue. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 216 Central Avenue. The proposed project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves residential additions on private property and will not negatively impact coastal resources.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

With the granting of a variance for the nonconforming construction calculation and a minor modification for the parking dimensions of the covered space, the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves additions to an historic residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

C. 2022 Zoning Code Amendments

Permit Number: #22-0441

APN: All Zoning Districts

Project description: Draft ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

Director Herlihy introduced Ben Noble of Ben Noble planning and asked to show the remaining topics up for discussion.

Ben Noble presented on five (5) remaining topics needing amendments to update the new code. On October 20, 2022 the commission made changes to five (5) of the ten (10) substantive changes. Ben provided information on each proposed amendment and the reason for the change. Ben Noble asked the Commission for direction and for recommendation for the City Council to adopt the amendments.

The following table summarizes the proposed amendments and the Planning Commission direction:

Topic	Proposed Edit	Planning Commission Direction
Second Story Decks and Balconies	<ul style="list-style-type: none"> o Count toward FAR o Cannot face side yard o Increased front, side, and rear setbacks o Cannot project more than 6 feet from wall 	<ul style="list-style-type: none"> o 150 SF exception to FAR o Cannot face side yard o Increased front, side, and rear setbacks o Cannot project more than 6 feet from wall o Require screening for rear deck on sides
Roof Decks	<ul style="list-style-type: none"> o Prohibit in R-1 and adjacent to R-1 o 5-foot setback from building wall closest to property line o Allow railings to project above maximum zone height 	Accepted with one modification to also prohibit in the Mixed-Use Village.
Electric Vehicle Charging Stations	<ul style="list-style-type: none"> o Mirror state law for # of EV ready spaces o Prohibit digital advertising o Digital screen 2 sf max Require landscape screening	Accepted

Generator	<ul style="list-style-type: none"> ○ Only allow in rear yard ○ Limit testing 8 am to 8 pm ○ Prohibit Use for RV or trailers in residential zones 	Accepted with addition: <ul style="list-style-type: none"> ○ 65 dBL max or sound proof ○ Limit use to power outage or emergency Clarify setback
Minor Modifications	Allow Community Dev. Director to issue minor mods on administrative permits	Only all CDD to issue minor modifications for parking dimensions
Monarch Cove Inn	Rezone to VS/R-1 <ul style="list-style-type: none"> ○ Include conditions that residential use be in conjunction with view easement or vacation rental 	Accepted

Commissioner Westman requested action for staff to update Figure 17.16-1 Riverview-Terrance area.

Commissioner Westman requested definition of invasive species and Planning Commission agreed to remove; The planting of invasive species is prohibited from section C: Visitor Serving Properties on page 53.

Motion: Positive recommendation to City Council on Draft ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, as amended during the hearing.

Result: Passed 5-0 (Unanimous)

Mover: Commissioner Westman

Second: Commissioner Routh

Yea: Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

6. Director's Report

Director Herlihy reported on the following:

- 1.) Stakeholder meetings included a series of eight (8) meetings which provided feedback on current housing and the 6th cycle housing element.
- 2.) There is a new revenue stream for affordable housing called Permanent Local Housing Allocation (PLHA) Funding, which is part of SB 2 which passed in 2018. There is a seventy-five (75) dollar real estate transaction fee which the state has been collecting. In a five year period, Capitola is expected to receive over a half million dollars. City Council will discuss at the next meeting on November 10, 2022.
- 3.) The City pre-approved ADU's have been approved by the Building Official. There is now an ADU page on the website which includes the new guide and the pre-approved ADU plans.
- 4.) The next Planning Commission Meeting on December 1, 2022, will include the Arborist report regarding the tree outside of City Hall that has caused damage on the sidewalk.
- 5.) The next Planning Commission Meeting on December 1, 2022, will include the calendar for 2023 and a proposed new start time.
- 6.) Paper plans will not be required based on Commission feedback.

7. Commission Communications

No Commission communications.

8. Adjournment

The meeting was adjourned at 9:24 pm to the next Regular Meeting of the Planning Commission on December 1, 2022.

ATTEST:

City Clerk's Office

Capitola Planning Commission

Agenda Report

Meeting: December 1, 2022

From: Community Development Department

Address: 121 Cabrillo Street



Permit Number: #22-0221

APN: 036-185-10

Design Permit and Accessory Dwelling Unit (ADU) for a new single-family residence and attached ADU located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Chris & Lee Heck

Representative: Kurt Useldinger, Filed: 06.08.22

Applicant Proposal:

The applicant is proposing to demolish an existing single-family home and construct a new 2,350 square-foot single-family residence with a 341 square-foot attached accessory dwelling unit at 121 Cabrillo Street in the R-1 (Single-Family Residential) zoning district.

Background:

On November 9, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: discussed curb approach requirements and separately noted the limited drainage capacity of properties in the Cliffwood Heights neighborhood with respect to the proposed landscaping.

Building Official, Robin Woodman: had no comments.

Associate Planner, Sean Sesanto: discussed general site layout and noted the proposed master deck was large but over 20 feet from any property line.

Development Standards:

The following table outlines the zoning code requirements for development in the Single-Family Residential Zoning District.

Development Standards		
Building Height		
R-1 Regulation	Existing	Proposed
25 ft.	Proposed for demolition	24 ft.
Floor Area Ratio (FAR)		
	Existing	Proposed
Lot size	6,003 sq. ft.	6,003 sq. ft.

Max. Floor Area Ratio	48% (Max 2,881 sq. ft.)	48% (Max 2,881 sq. ft.)
First Story Floor Area	Proposed for demolition	Primary: 1,687 sq. ft. ADU: 341 sq. ft.
Second Story Floor Area	Proposed for demolition	663 sq. ft.
Total FAR		44.8% (Max 2,691 sq. ft.)
Setbacks		
	R-1 regulation	Proposed
Front Yard 1st Story	15 ft.	15 ft.
Front Yard 2nd Story & Garage	20 ft.	Primary: 48 ft. 10 in. Garage: 28 ft. 5 in.
Side Yard 1st Story	10% lot width Lot width 60 ft. 6 ft. min.	North: 7 ft. 3 in. South: 6 ft. 3 in.
Side Yard 2nd Story	15% of width Lot width 60 ft. 9 ft. min	North: 9 ft. 3 in. South: 21 ft. (Deck and Primary)
Rear Yard 1st Story	20% of parcel depth Lot depth 100 ft. 20 ft. min.	20 ft.
Rear Yard 2nd Story	20% of parcel depth Lot depth 100 ft. 20 ft. min.	Deck: 20 ft. Primary: 26 ft. 3 in.
Parking		
1,501 – 2,000 sq. ft.: 2 per unit, 1 covered	Required	Proposed
	2 spaces total 1 covered 2 uncovered	4 spaces total 2 covered 2 uncovered
Underground Utilities: Required with 25% increase in area		Required

Discussion:

The subject property is located within the Cliffwood Heights neighborhood, surrounded by a variety of one-story single-family residences on Cabrillo Street and also behind the property on Wesley Street. The lot consists of an existing one-story, single-family residence which is proposed to be demolished.

Design Permit

The applicant is proposing to construct a new two-story, single-family residence with an attached ADU. The contemporary design includes stucco siding, stone veneer, and horizontal board accents with long mono-pitch rooflines.

Design Review Criteria F relates to privacy with respect to the orientation and location of buildings, entrances, windows, doors, decks, and other building features to minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants. The project includes a new 175 square-foot, second-story deck which is accessible from the master bedroom, facing the rear and side yard. The deck is 20 feet from the rear property line and 21 feet from the south-side yard. The Planning Commission could add a condition that privacy screening be utilized along the side property line.

Accessory Dwelling Unit

The project includes an attached 341 square-foot ADU located on the front of the primary dwelling. The ADU complies with all development standards for accessory dwelling units. Attached ADUs are also subject to the objective review standards in CMC §17.74.090. The objective design standards are included below with staff analysis.

- A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

Staff Analysis: The primary entrance to the ADU faces front of the parcel along Cabrillo Street.

- B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:

- a. A six-foot solid fence on the property line; or
- b. Clerestory or opaque windows for all windows facing the adjacent property.

Staff Analysis: The proposed ADU includes a six-foot solid fence along the adjacent property line.

- C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the design permit approval process.

Staff Analysis: Not applicable.

- D. Architectural Details. – Table 17.74-2 specifies that attached ADUs must have the same exterior materials and the same roof materials as the primary dwelling.

Staff Analysis: The attached ADU has an exterior finish of horizontal wood and stucco and also an asphalt shingle roof which are also utilized throughout the primary structure.

- E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.

Staff Analysis: Not applicable.

Landscape

The application includes the planting of three new red Japanese maple trees; two in the front yard and one in the backyard. The three trees will secure the goal of fifteen percent canopy coverage for new residential development, pursuant to CMC §12.12.190(C).

CEQA:

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, and/or a second dwelling unit in a residential zone. The project involves the demolition of an existing single-family residence and construction of a new single-family residence with an attached accessory dwelling unit in a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Attachments:

1. 121 Cabrillo Street – Plan Set
2. 121 Cabrillo Street – Color and Material Information
3. Design Permit Design Review Criteria

Conditions of Approval:

1. The project approval consists of construction of a 2,350 square-foot single-family dwelling and an attached 341 square-foot accessory dwelling unit. The maximum Floor Area Ratio for the 6,003 square foot property is 48% (2,881 square feet). The total FAR of the project is 44.8% with a total of 2,691 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 December 1, 2022, 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 demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City.
7. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.

9. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree planting requirements by planting three trees on the property. Required tree plantings shall be of the same size, species and planted on the site as shown on the approved plans unless approved by the Community Development Director.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0221 shall be paid in full.
11. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
12. 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.
13. 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.
14. 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. Include all measures relating to low impact development (LID) e.g., disperse runoff to vegetated area, pervious paving, install a rain barrel. Site runoff shall not drain onto the adjacent parcels.
15. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, and installation of curb/gutter/sidewalk along the property frontage. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact the frontage of adjacent parcels.
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 17.156.080.
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.
25. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
26. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, 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 application and determined the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff and the Planning Commission have reviewed the application and determined the project complies with all applicable provisions of the zoning code and municipal code.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, and/or a second dwelling unit in a residential zone. The project involves the demolition of an existing single-family residence and construction of a new single-family residence with an attached accessory dwelling unit in a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application and determined that it complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have reviewed the application. The contemporary design, with stucco siding, stone veneer, horizontal board accents and long mono-pitch rooflines, will maintain the character, scale, and development pattern of the neighborhood.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on private property at 121 Cabrillo Street. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 121 Cabrillo Street. The proposed project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

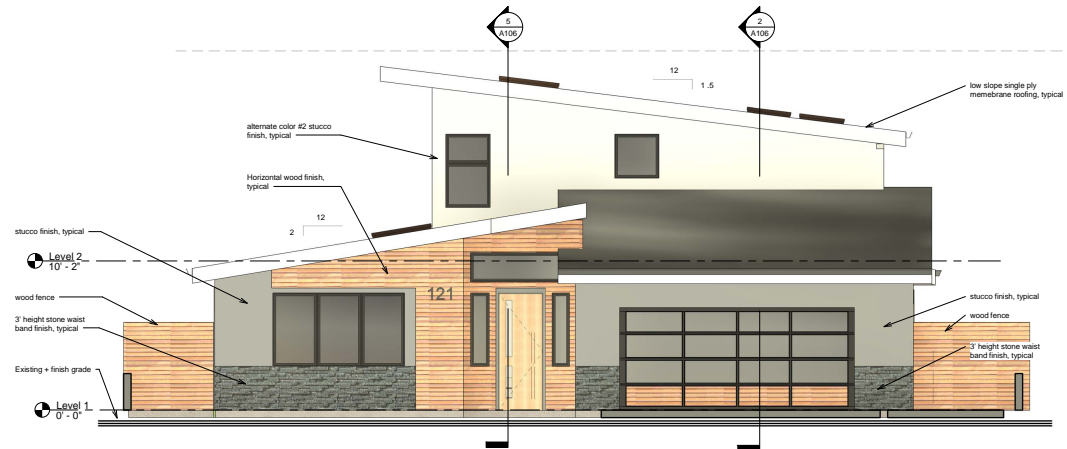
The project involves a new single-family residence and ADU on private property and will not negatively impact coastal resources.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

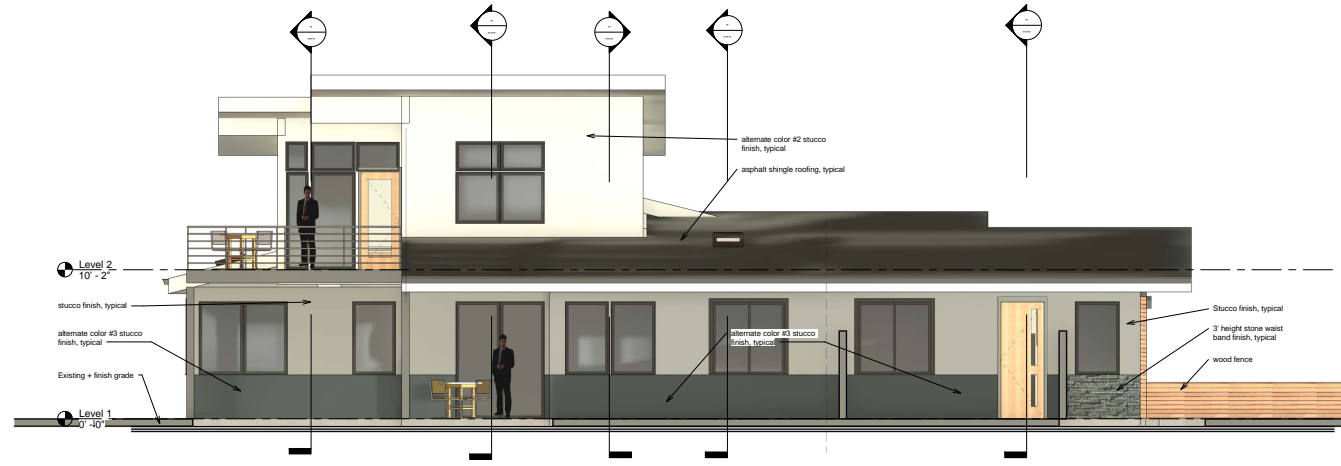
H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves a new single-family residence and attached ADU on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.



East Elevation

② East
1/4" = 1'-0"



South Elevation

① South
1/4" = 1'-0"

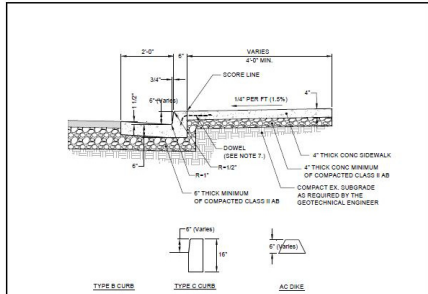
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 Scotts Valley CA 95066
 Northern California
 2173 De Millis Rd
 Paradise CA 95969

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Heck Residence
 121 Cabrillo St
 Capitola CA 95010
 APN 036-185-10

No.	Description	Date

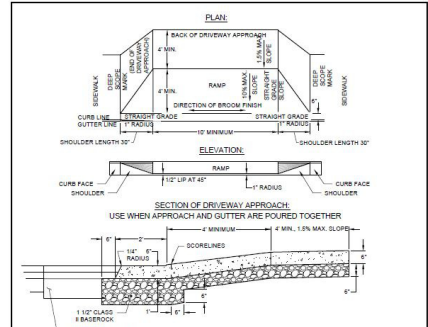
Heck Residence		
Exterior Elevations		
Project number	332021	
Date	22 August 2022	
Drawn by	KU	
Checked by	KU	
A104		
Scale	1/4" = 1'-0"	



NOTES:

1. ALL WORK AND MATERIAL SHALL CONFORM TO THE CITY OF CAPITOLA STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
2. CONCRETE SHALL BE SIX SACK MIX, CLASS A WITH 2,500 PSI IN 28-DAY (MINIMUM).
3. COMPACT SUBGRADE SOIL AND CLASS II AGGREGATE BASE TO 95% RELATIVE COMPACTION.
4. SEE SCORELINE AND EXPANSION JOINTS PER CURB.
5. ALL CONCRETE CURBS, GUTTERS, SIDEWALKS, AND DRIVEWAY APPROACH REMOVALS SHALL BE SAW CUT ON EXISTING SCORELINES, LIMITS OR REMOVAL TO BE DETERMINED BY CITY.
6. ALL CONCRETE SURFACES WHICH HAVE BEEN MARKED OR DEFACED WILL NOT BE ACCEPTED.
7. IF SIDEWALK IS NOT INSTALLED MONOTHOUGHLY, PLACE RE DOWELS 18" LONG AT 4' O.C. IN BACK OF CURB, 3" DOWN FROM TOP OF CURB AND 4" INTO THE CONCRETE.

NOT TO SCALE	CITY OF CAPITOLA	STANDARD DRAWINGS FOR	DRAWN	REV
DRAWN BY: SBE		CURB, GUTTER, AND SIDEWALK	1/15	
CHECKED BY: JFR		STEVEN JESSER, PUBLIC WORKS DIRECTOR	DRAWING No.	CAP - 003



NOTES:

1. ALL WORK AND MATERIAL SHALL BE IN ACCORDANCE WITH THE CITY OF CAPITOLA STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
2. CONCRETE SHALL MEET 2,500 PSI IN 28-DAY REQUIREMENTS (MINIMUM).
3. DRIVEWAY APPROACH SHALL BE GIVEN A MEDIUM BROOM FINISH FROM END TO END.
4. SCORELINES SHALL CORRESPOND WITH THE SCORELING OF THE ADJACENT SIDEWALK WHEN PRACTICAL.
5. ALL DRIVEWAY APPROACH REMOVALS SHALL BE SAW CUT ON EXISTING SCORELINES. LIMITS OF REMOVAL TO BE DETERMINED BY CITY.
6. ALL CONCRETE SURFACES WHICH HAVE BEEN MARKED OR DEFACED WILL NOT BE ACCEPTED.
7. USE 1/4" RADIUS JOINTER FOR ALL SCORELINES WHICH SHALL BE STRAIGHT, TRUE TO ALIGNMENT AND OFFSET.
8. 5' MINIMUM BETWEEN DRIVEWAY APPROACHES.
9. 6 X 6 X 10 WIRE MESH SHALL BE INSTALLED FULL LENGTH FROM BACK OF GUTTER TO BACK OF SIDEWALK ON ALL DRIVEWAYS.
10. DIFFERENCE IN SLOPE OF THE DRIVEWAY RAMP AND THE SLOPE OF A LINE BETWEEN THE GUTTER AND A POINT ON THE DRIVEWAY RAMP SLOPE, NOT GUTTER SLOPE, WHERE REQUIRED.

NOT TO SCALE	CITY OF CAPITOLA	STANDARD DRAWINGS FOR	DRAWN	REV
DRAWN BY: BAW		STANDARD DRIVEWAY APPROACH	1/15	
CHECKED BY: JFR		STEVEN JESSER, PUBLIC WORKS DIRECTOR	DRAWING No.	CAP - 008

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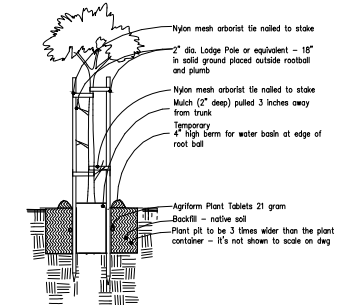
Heck Residence
 121 Cabrillo St
 Capitola CA 95010
 APN 036-185-10

No.	Description	Date

Heck Residence

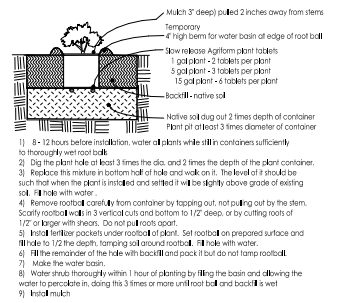
Public Works Detail

Project number	332021
Date	22 August 2022
Drawn by	Author
Checked by	Checker
A108	
Scale	



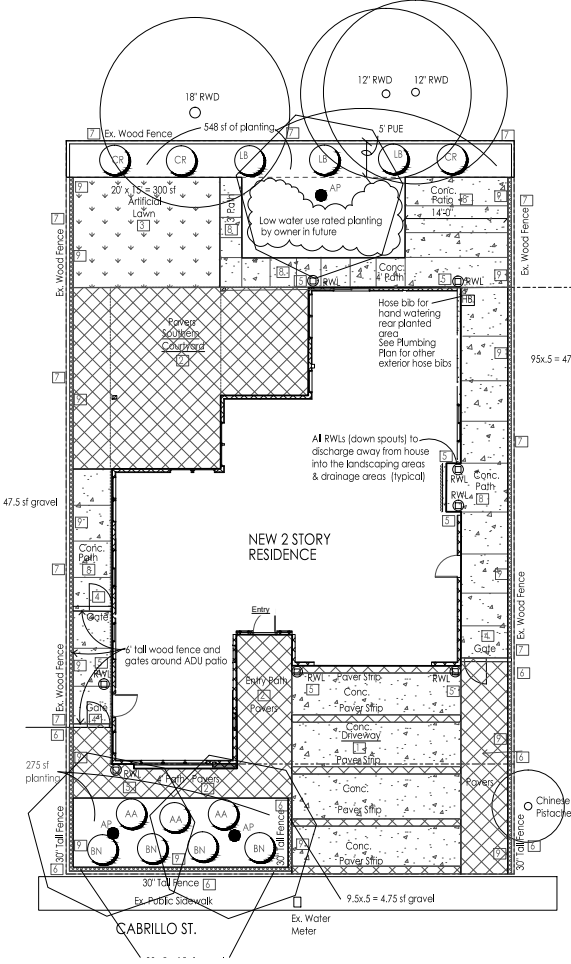
- 1) 8 - 12 hours before installation, water all plants while still in containers sufficiently to thoroughly wet root balls.
- 2) Dig hole at least 3" deeper than the container and 3 times wider than the diameter of the container the plants were delivered in.
- 3) Gauge holes in the side of the plant pit - 2 holes per sq. ft. of wall surface.
- 4) Remove rootball carefully from container with support from below. Sever any circling roots (3/16" dia. or greater) with sharp knife. Do not pull roots apart. The severing of large roots will encourage new roots of the cuts. Install enough backfill under root ball so top of rootball ends up 2" above grade of surrounding soil when it settles. Install some of fertilizer packets under root ball.
- 5) Fill around rootball with backfill mix to 1/2 its height and pack soil as you fill with shovel handle or feet being careful not to disturb root ball.
- 6) Put AgriForm Plant Tablet fertilizer at this level adjacent to rootball and at bottom of hole (5 tablets per 15 gal. or 5 tablets per 1 inch of collar width. Fill the remainder of the hole with backfill and pack it.
- 7) Water tree thoroughly by filling the basin and allowing the water to percolate in, doing this 3 times or more until root ball and backfill is wet.
- 8) Install stakes such that the stakes and the tree ties won't damage the tree and the stakes won't lean toward each other. Cut off tops of stakes if necessary to lower below branches that could be rubbed by stakes. Install stakes so they are straight up and don't lean in to each other.

Tree Planting
 No Scale



- 1) 8 - 12 hours before installation, water all plants while still in containers sufficiently to thoroughly wet root balls.
- 2) Dig the plant hole at least 3 times the dia. and 2 times the depth of the plant container.
- 3) Replace this mulch in bottom half of hole and walk on it. The level of it should be such that when the plant is installed and settled it will be slightly above grade of existing soil. Fill hole with water.
- 4) Remove rootball carefully from container by tapping out, not pulling out by the stem. Scareify rootball walls in 3 vertical cuts and bottom to 1/2" deep, or by cutting roots of 1/2" or larger with shears. Do not pull roots apart.
- 5) Install fertilizer packets under rootball of plant. Set rootball on prepared surface and fill hole to 1/2 the depth, tamping soil around rootball. Fill hole with water.
- 6) Fill the remainder of the hole with backfill and pack it but do not tamp rootball.
- 7) Make the water basin.
- 8) Water shrub thoroughly within 1 hour of planting by filling the basin and allowing the water to percolate in, doing this 3 times or more until root ball and backfill is wet.
- 9) Install mulch.

Shrub Planting
 No Scale



Landscape Plan &
 Tree Canopy Coverage
 Lot Size is 6003 sf

1/8" = 1'-0"
 0' 8' 16'

Landscape Site Legend

- 1) Driveway - Poured in place concrete, natural color, with 12 inch wide strips of interlocking conc. pavers or just all concrete
- 2) Paths and Patios - Interlocking conc. pavers or poured in place concrete - brand, pattern, and color to be selected by owner - one option is Cobble Mission, gray, charcoal, tan
- 3) Artificial Lawn
- 4) 3 wide x 6' tall wood gate and fence with horiz. 1x4s
- 5) Down spouts (rain water leaders RWL) locations
- 6) 30 inch tall wood fence with horiz. 1x4 or 1x6 stained to match wood on house
- 7) Existing solid wood fence to remain
- 8) Poured in place conc. paving - color and finish to be selected by owner
- 9) 6 inch wide gravel border with 2" to 1-1/2" Nylon rounded gravel 3 inches deep

Plant Palette

KEY	QTY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS RATING
TREES					
AP	3	15'	Acer palmatum, Corylo Berr, or Sango Kaku	Red Japanese Maple or Sango Maple	MED
SHRUBS					
CR	3	5'	Cycas revoluta	Sago Palm	MED
GROUND COVERS					
LB	3	1'	Lomandra Breeze		LOW
BN	4	1'	Bergia hirtans	Queens Tears	LOW
AA	3	5'	Agave attenuata Ray of Light	Variiegated Agave	LOW

Tree Canopy Coverage

Total Parcel Area = 6003 sf
 15% required
 Min. canopy coverage required .15 x 6003 = 900.45 sf

Front Yard Japanese Maples
 20' dia. mature canopy = 314 sf each
 2 x 314 sf = 628 sf

Rear Yard Japanese Maple
 1 x 314 sf = 314 sf

Total canopy coverage = 942 sf
 942/6003 = 15.7%

Landscape Notes

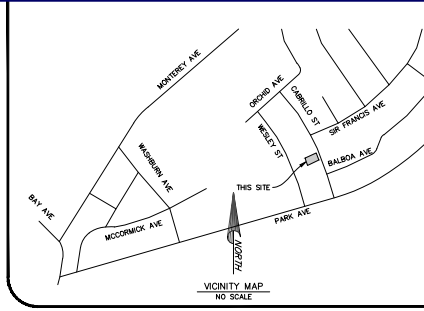
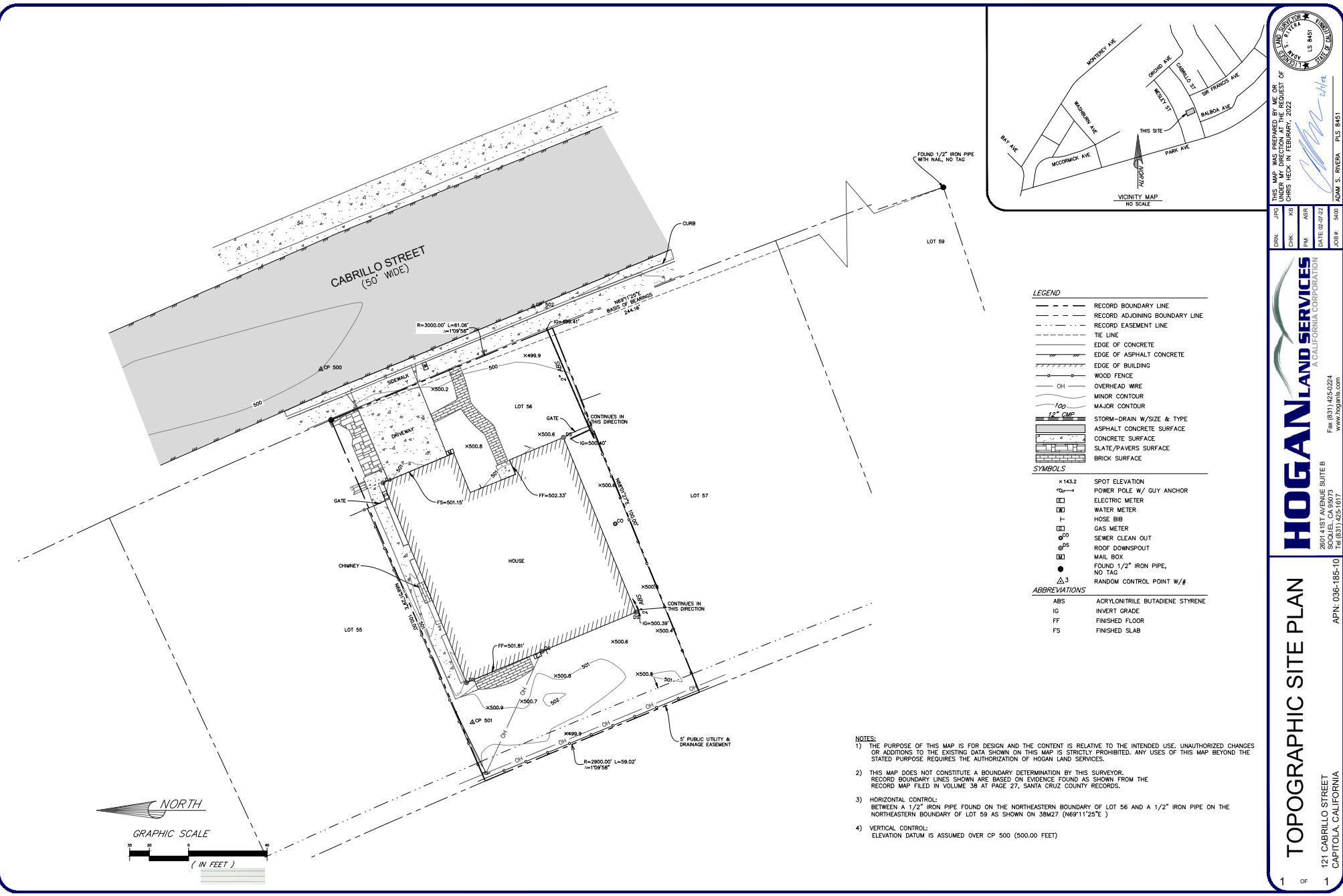
- 1 There is 823 sf of Planting and Irrigation (Sage Creek Water District Tier I). The plants will be hand watered with a hose bib and hose so no Irrigation Plan is being provided.
- 2 There is 300 sf of Artificial Lawn (rear yard) that is considered pervious.
- 3 There is 115 sf of 6" wide gravel strip that is pervious.

Revision

GREGORY LEWIS LANDSCAPE ARCHITECT
 738 Pk. Way Santa Cruz, CA 95065 (831) 339-0900
 www.landscape@gregorylewis.net

Scale: 1/8" = 1'-0"
 North: ALIGNED
 Datum: GMP
 L.S.:
 Date: 1/1/22

1



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF CHRIS HECK IN FEBRUARY, 2022

DATE: 02/07/22

JOB#: 5400

ADAM S. OLIVERA PLS 8431

HOGAN LAND SERVICES
A CALIFORNIA CORPORATION

200141ST AVENUE SUITE B
SQUEL, CA 95073
TEL: (831) 425-0224
WWW.HOGANLANDSERVICES.COM

TOPOGRAPHIC SITE PLAN

121 CABRILLO STREET
CAPITOLA, CALIFORNIA

APN: 036-185-10

1 OF 1

Design Permit Design Review Criteria

17.120.070 Design review criteria. When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria 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. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential 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 relates to the primary structure and is 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.

Capitola Planning Commission

Agenda Report

Meeting: December 1, 2022

From: Community Development Department

Address: 2210 Derby Avenue



Permit Number: #22-0264

APN: 034-223-07

Design Permit for first- and second-story additions to an existing single-family residence and Minor Modification for the required parking space dimensions. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Chris Buich

Property Owner: David Mendoza, Filed: 07.14.22

Representative: Categorical Exemption

Applicant Proposal:

The applicant is proposing to construct 780 square feet of first- and second-story additions to a single-family residence at 2210 Derby Avenue in the R-1 (Single-Family Residential) zoning district. The applicant is requesting a Minor Modification for the minimum required parking space width and depth.

Background:

On November 9, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: discussed the public works standard conditions of approval as they relate to the building permit.

Building Official, Robin Woodman: had no comments.

Associate Planner, Sean Sesanto: noted that all parking spaces with their dimensions must be shown on the site plan.

Following the meeting, the applicant resubmitted plans that show parking spaces on the site and floor plans.

Development Standards:

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The application complies with all development standards except for parking dimensions. The applicant is seeking a minor modification to the required parking dimensions.

Development Standards				
Building Height				
R-1 Regulation	Existing		Proposed	
25 ft.	11 ft. 5 in.		19 ft. 9 in.	
Floor Area Ratio (FAR)				
	Existing		Proposed	
Lot size	6,007 sq. ft.		6,007 sq. ft.	
Maximum Floor Area Ratio	48% (Max 2,884 sq. ft.)		48% (Max 2,884 sq. ft.)	
First Story Floor Area	1,448 sq. ft.		1,673 sq. ft.	
Second Story Floor Area	N/A		555 sq. ft.	
Total FAR	24% (1,448 sq. ft.)		37% (2,228 sq. ft.)	
Setbacks				
	R-1 regulation		Existing	Proposed
Front Yard 1 st Story	15 ft.		28 ft. ft. 5 in.	28 ft. ft. 5 in.
Front Yard 2 nd Story & Garage	20 ft.		2 nd Story: N/A Garage: 20 ft. 6 in.	2 nd Story: 20 ft. 6 in. Garage: 20 ft. 6 in.
Side Yard 1 st Story	10% lot width	Lot width 60 ft. 6 ft. min.	North: 6 ft. South: 6 ft.	North: 6 ft. South: 6 ft.
Side Yard 2 nd Story	15% of width	Lot width 60 ft. 9 ft. min	N/A	North: 10 ft. South: 33 ft. 9 in.
Rear Yard 1 st Story	20% of parcel depth	Lot depth 100 ft. 20 ft. min.	31 ft. 4 ft.	31 ft. 4 in.
Rear Yard 2 nd Story	20% of parcel depth	Lot depth 100 ft. 20 ft. min.	N/A.	55 ft. 5 in.
Parking				
1,501 – 2,000* sq. ft.: 2 per unit, 1 covered *Floor area of the garage parking spaces are not included in this calculation.	Required	Existing	Proposed	
	2 spaces total 1 covered 1 uncovered	3 spaces total 1 covered 2 uncovered	4 spaces total 2 covered 2 uncovered Minor Modification Requested	
Underground Utilities: Required with 25% increase in area				Required

Discussion:

The property is located north of Clares Street within the North Forties neighborhood, surrounded by one-story, single-family residences. The lot is developed with an existing one-story, single-family residence.

Design Permit

The project includes a new 225 square-foot first-story addition and a 555 square-foot second-story addition. Second-story massing is located predominantly over the existing garage and kitchen. The existing siding is stucco with stone veneer. The additions are designed to blend with the existing residence, consisting of matching stucco, new gable and valley roof on the upper

addition, and composite shingles. The windows have a vertical emphasis similar to the pattern of the first story.

Minor Modification

Pursuant to CMC §17.76.020(C)(2), if the floor area for a residential use is enlarged by more than ten percent, the full parking requirements must be met. The proposed additions exceed 20 percent of the existing gross floor area, so parking must be brought into compliance. With the proposed addition, two parking spaces are required, one of which must be covered. The existing driveway supports two 10-foot by 20-foot spaces and is in compliance. The applicant is proposing to keep the existing-nonconforming garage space, which measures approximately 18 feet wide by 19 feet and 3 inches deep. Interior parking spaces are required to be a minimum of 10-feet by 20-feet. The Planning Commission may approve a minor modification up to ten percent of the required development standard. The deviation is within ten percent of the required standard space width and depth and is therefore eligible for consideration of a Minor Modification.

Pursuant to §17.136.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a minor modification when it finds:

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

Staff Analysis: The proposed parking arrangement is compatible with neighborhood and enables the project to maintain the existing level of parking capacity of four parking spaces, including the two nonconforming covered spaces.

B. The modification will not adversely impact neighboring properties or the community at large.

Staff Analysis: The existing site provides two conforming uncovered spaces and two nonconforming covered garage spaces. Cumulatively, the on-site parking capacity exceeds the required number for the existing and proposed development. The modification will not adversely impact neighboring properties.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

Staff Analysis: The existing residence was constructed prior to its incorporation to the City of Capitola under different development standards. The existing garage was designed to provide parking for two vehicles but does not meet the minimum covered space dimensions of 10-feet wide by 20-feet deep. Modification of the existing garage to accommodate the required covered parking dimensions would require demolition of the rear outer wall and the inner side wall.

D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

Staff Analysis: The proposed parking arrangement exceeds the required number of on-site spaces. The substandard garage space will accommodate most modern vehicles. The substandard garage space will accommodate most modern vehicles and allowing the modification is consistent with the purpose of the zoning district and general plan.

E. The modification will not establish a precedent.

Staff Analysis: The existing residence was built prior to the city's incorporation and under different development standards. The existing parking capacity of four spaces, including the nonconforming garage spaces, exceeds the existing and proposed required number

of parking spaces. The proposed modification has been evaluated on a site- and project-specific basis and will not establish a precedent.

F. The modification will not adversely impact coastal resources.

Staff Analysis: The subject property is outside the Coastal Zone.

Landscaping

There are no proposed tree plantings or removals with the application. The existing landscaping and driveway are to remain, except that the applicant must replace any damaged curb, gutter, or driveway approaches prior to project final.

CEQA:

Section 15301(e)(2) of the CEQA Guidelines exempts additions to existing structures. The project is a negligible expansion in terms of use and is in an area where all public services and facilities are available to allow for the proposed development. The project complies with the General Plan and is not located within an environmentally sensitive area.

Attachments:

1. 2210 Derby Avenue – Plan Set
2. 2210 Derby Avenue – Color and Material Information
3. 2210 Derby Avenue – Minor Modification Application
4. Design Permit Design Review Criteria

Conditions of Approval:

1. The project approval consists of construction of a 780 square-foot first- and second-story additions. The approval includes a minor modification for the required parking dimensions of two garage spaces. The maximum Floor Area Ratio for the 6,007 square foot property is 48% (2,884 square feet). The total FAR of the project is 37% with a total of 2,228 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 December 1, 2022, 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 landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work. Specifically, required landscape areas shall be finished and free of debris to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #22-0264 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, City of Santa Cruz Water District, and Central Fire Protection District.
11. 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.
12. 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).
13. 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.
14. 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.
15. 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
16. 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.

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 17.156.080.
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. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, 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 proposed additions to an existing residence. With the granting of a minor modification to the minimum parking dimensions, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff and the Planning Commission have reviewed the application for additions to an existing residence. With the granting of a minor modification to the minimum covered parking dimensions, the project complies with all applicable provisions of the zoning code and municipal code.

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15301(e)(2) of the CEQA Guidelines exempts additions to existing structures that will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not

environmentally sensitive. The project involves 780 square feet of additions to a single-family residence which exceeds 50 percent of the existing structure. The project is a negligible expansion in terms of use and is in an area where all public services and facilities are available to allow for the proposed development. The project complies with the General Plan and is not located within an environmentally sensitive area.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application. With the granting of a minor modification to the covered parking dimensions, the proposed complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the proposed additions. The remodeled design, including matching stucco siding and new stone veneer, and a gable & valley roof, will maintain the character, scale, and development pattern of the neighborhood.

Minor Modification Findings:

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

The proposed parking arrangement is compatible with neighborhood and enables the project to maintain the existing level of parking capacity of four parking spaces, including the two nonconforming covered spaces.

B. The modification will not adversely impact neighboring properties or the community at large.

The existing site provides two conforming uncovered spaces and two nonconforming covered garage spaces. Cumulatively, the on-site parking capacity exceeds the required number for the existing and proposed development. The modification will not adversely impact neighboring properties.

A. The modification is necessary due to unique characteristics of the subject property, structure, or use.

The existing residence was constructed prior to its incorporation to the City of Capitola under different development standards. The existing garage was designed to provide parking for two vehicles but does not meet the minimum covered space dimensions of 10-foot wide by 20-foot deep. Modification of the existing garage to accommodate the required covered parking dimensions would require demolition of the rear outer wall and the inner side wall.

B. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

The proposed parking arrangement exceeds the required number of on-site spaces. The substandard garage space will accommodate most modern vehicles. The substandard garage space will accommodate most modern vehicles and allowing the modification is consistent with the purpose of the zoning district and general plan.

C. The modification will not establish a precedent.

The existing residence was built prior to the city's incorporation and under different development standards. The existing parking capacity of four spaces, including the nonconforming garage spaces, exceeds the existing and proposed required number of parking spaces. The proposed modification has been evaluated on a site- and project-specific basis and will not establish a precedent.

D. The modification will not adversely impact coastal resources.

The subject property is outside the Coastal Zone.



CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:

PROFESSIONAL SEAL:

REVISED: DATE:
PLAN CHECK 8/16/22
PLAN CHECK 11/14/22

PROJECT NO.: CLIENT PROJECT:
DRAWN: CHECKED:
KDC

DRAWING TITLE:
TITLE SHEET /
SITE PLAN

A-1

RESIDENCE ADDITION FOR BUICH RESIDENCE 2210 DERBY AVENUE, CAPITOLA, CALIFORNIA

EROSION CONTROL NOTES:

- NATURAL FEATURES, INCLUDING VEGETATION, TERRAIN, WATERCOURSE AND SIMILAR RESOURCES SHALL BE PRESERVED, WHERE APPLICABLE.
- DURING THE RAINY SEASON (OCTOBER 1 - APRIL 30):
- GRADING ACTIVITIES MUST BE SCHEDULED TO MINIMIZE BARE GRADED AREAS.
- SUFFICIENT QUANTITIES OF EROSION CONTROL MATERIALS SHALL BE KEPT ON SITE AT ALL TIMES TO BE INSTALLED AS SOON AS POSSIBLE AND PRIOR TO LIKELY PRECIPITATION EVENTS.
- EFFECTIVE SOIL COVER SHALL BE PROVIDED ON ALL FINISHED SLOPES, OPEN SPACE, UTILITY BACKFILL AND COMPLETED LOTS THAT ARE NOT SCHEDULED TO BE RE-DISTURBED FOR MINIMALLY 14 DAYS.
- MINIMIZE SOIL COMPACTION FOR AREAS THAT WILL REMAIN PERVIOUS OR USED FOR "LID" MEASURES.
- WHERE FEASIBLE, TOP SOIL SHALL BE STOCK PILED AND RE-APPLIED UPON COMPLETION OF GRADING ON SLOPES OF LESS THAN 20%.

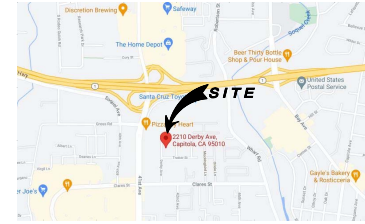
DRAINAGE NOTES

- EXISTING DOWN SPOUT (DRAINS TO BACK YARD LANDSCAPING)
- EXISTING DOWN SPOUT (DRAINS TO FRONT YARD LANDSCAPING)
- NEW DOWN SPOUT (DRAINS TO BACK YARD LANDSCAPING)
- EXISTING DOWN SPOUT (DRAINS TO DRIVEWAY)

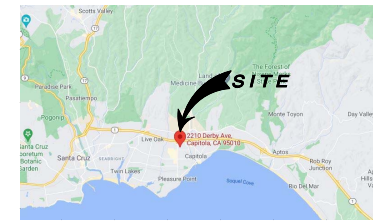


IMPERVIOUS SURFACE CALC.

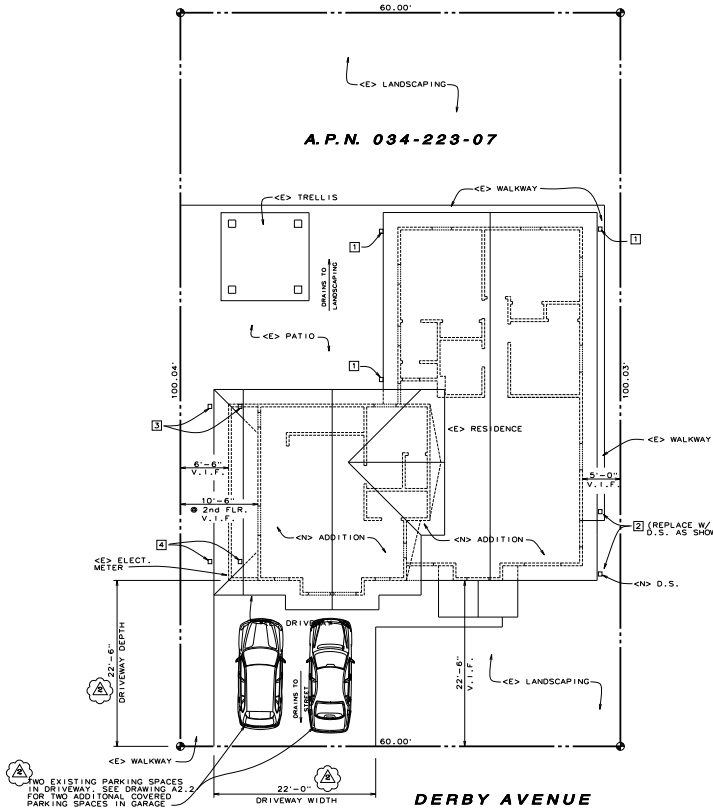
<E> RESIDENCE1,040sf
<E> PATIO / WALKWAYS2,521sf
<E> TOTAL IMPERVIOUS3,561sf
<N> 1st FLOOR ADDITION310sf
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NET <N> ADDITION IMPERVIOUS65sf
NEW WALKWAY60sf
TOTAL ADDED IMPERVIOUS125sf
TOTAL IMPERVIOUS AREA3,686sf



LOCATION MAP
N.T.S.



VICINITY MAP
N.T.S.



SITE PLAN
1" = 8'-0"

SCOPE OF WORK

THE SCOPE OF WORK OF THIS PROJECT IS LIMITED TO THE FOLLOWING:
+ 117sf 1st FLOOR ADDITION (REAR)
+ 193sf 1st FLOOR ADDITION (FRONT)
+ 329sf 2nd FLOOR ADDITION
+ 889sf TOTAL ADDITION
NO OTHER ITEMS ARE INCLUDED IN THIS SCOPE OF WORK.

DRAWING NUMBER	DRAWING TITLE
A1	TITLE SHEET / SITE PLAN
A2	EXISTING FLOOR PLANS
A2.1	DEMOLITION PLAN
A2.2	PROPOSED FLOOR PLANS
A3	EXISTING ROOF PLAN
A3.1	PROPOSED ROOF PLAN AND GENERAL NOTES
A4	EXISTING BUILDING SECTIONS
A4.1	PROPOSED BUILDING SECTIONS
A4.2	PROPOSED BUILDING SECTIONS
A5	EXISTING EXTERIOR ELEVATIONS
A5.1	PROPOSED EXTERIOR ELEVATIONS
A6	ELECTRICAL PLAN
A7	CAL GREEN WORKSHEET
A8	STORMWATER BMP

LEGEND:

- <E> WOOD FRAMED STUD WALL TO BE REMOVED
- <E> WOOD FRAMED STUD WALL
- <N> WOOD FRAMED STUD WALL
- <E> EXISTING
- <N> NEW
- C.....CENTERLINE
- P.....PLATE
- EA.....EACH
- U.O.N.....UNLESS OTHERWISE NOTED
- T.O.C.....TOP OF CONCRETE
- B.O.C.....BOTTOM OF CONCRETE
- E.N.....EDGE NAILING
- F.F.....FINISHED FLOOR
- F.G.....FINISHED GRADE
- N.I.C.....NOT IN CONTRACT
- SIM.....SIMILAR
- TYP.....TYPICAL
- S.B.....SOLID BLOCKING
- A.B.....ANCHOR BOLT
- N.T.S.....NOT TO SCALE
- V.I.F.....VERIFY IN FIELD
- S.S.D.....SEE STRUCTURAL DRAWINGS

SITE DATA:

OWNER.....CHRIS & KATIE BUICH
JOB SITE ADDRESS.....2210 DERBY AVENUE
CAPITOLA, CA 95010
A.P.N.....034 - 223 - 07
OCCUPANCY GROUP.....R - 3 / U
BUILDING TYPE.....V - B NON SPRINKLED
LOT AREA.....6,098 SQUARE FEET
YEAR BUILT.....1964
BUILDING AREAS
EXISTING RESIDENCE.....1,040 S.F.
EXISTING GARAGE.....445 S.F.
1st FLOOR ADDITION.....117 S.F. (REAR)
1st FLOOR ADDITION.....193 S.F. (FRONT)
2nd FLOOR ADDITION.....579 S.F.
TOTAL ADDITION.....889 S.F.
TOTAL SQUARE FEET.....2,374 S.F.
LOT COVERAGE.....1,795/6,098 = 29.4%
APPLICABLE DESIGN CODES:
2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE & MOST CURRENT NFPA STANDARD REQUIRED BY CURRENTLY ADOPTED CODES



CLIENT INFORMATION:
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2210 DERBY AVENUE
CAPITOLA, CA 95010

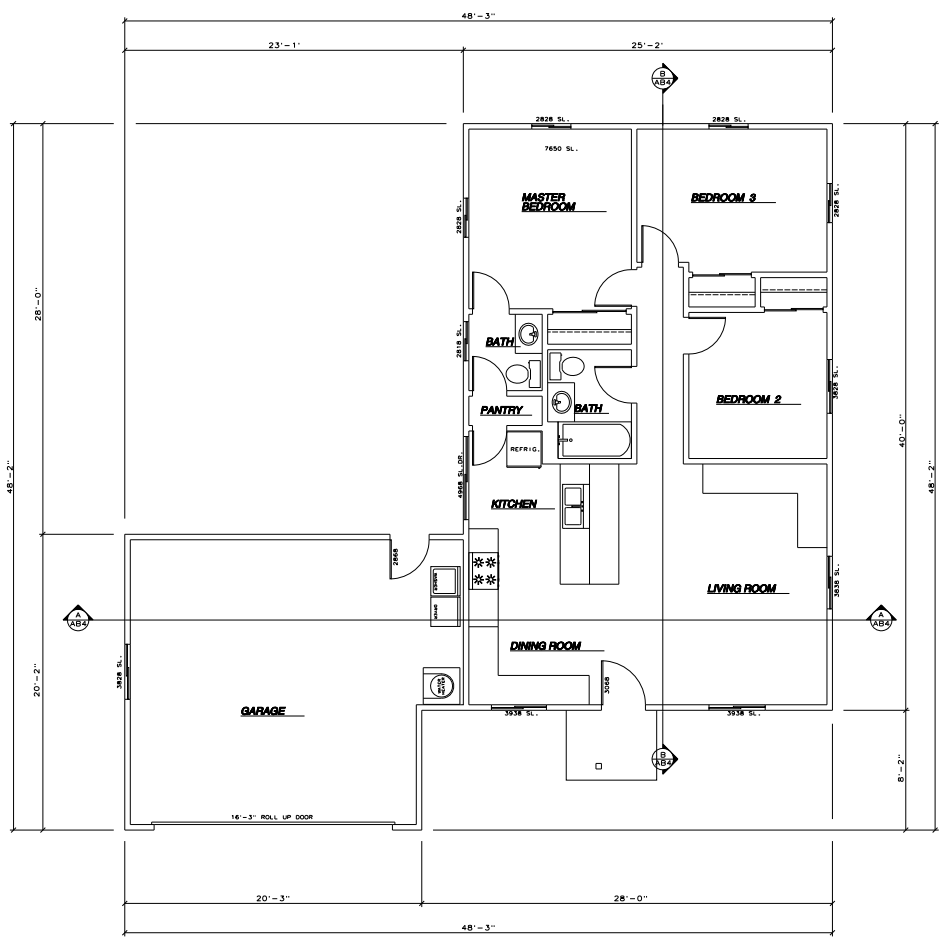
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**2210 DERBY AVENUE
CAPITOLA, CA 95010**

PROFESSIONAL SEAL:

REVISIONS:	DATE:

PROJECT NO.:	CLIENT PROJECT:
DRAWN:	CHECKED:
KDC	

DRAWING TITLE:
EXISTING FLOOR PLAN
A-2



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





CLIENT INFORMATION:
CHRIS & KATIE BUI CH
2210 DERBY AVENUE
CAPITOLA, CA 95010

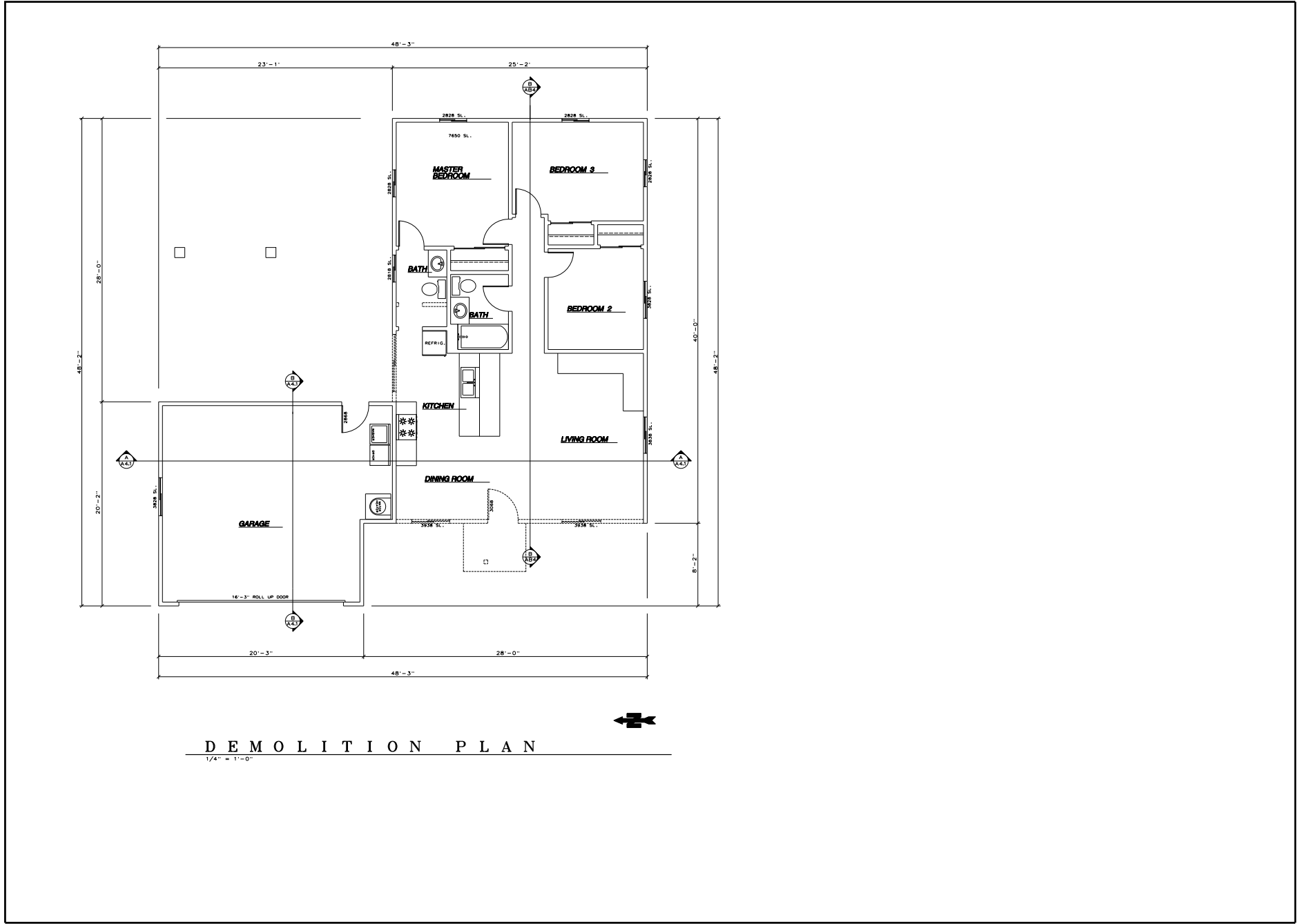
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**2210 DERBY AVENUE
CAPITOLA, CA 95010**

PROFESSIONAL SEAL:

REVISIONS:	DATE:

PROJECT NO:	CLIENT PROJECT:
DRAWN:	CHECKED:
KDC	

DRAWING TITLE:
**PROPOSED
1st & 2nd
FLOOR PLANS
A-2.1**



DEMOLITION PLAN
1/4" = 1'-0"



CLIENT INFORMATION:
CHRIS & KATIE BUICH
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CAPITOLA, CA 95010

2210 DERBY AVENUE
CAPITOLA, CA 95010

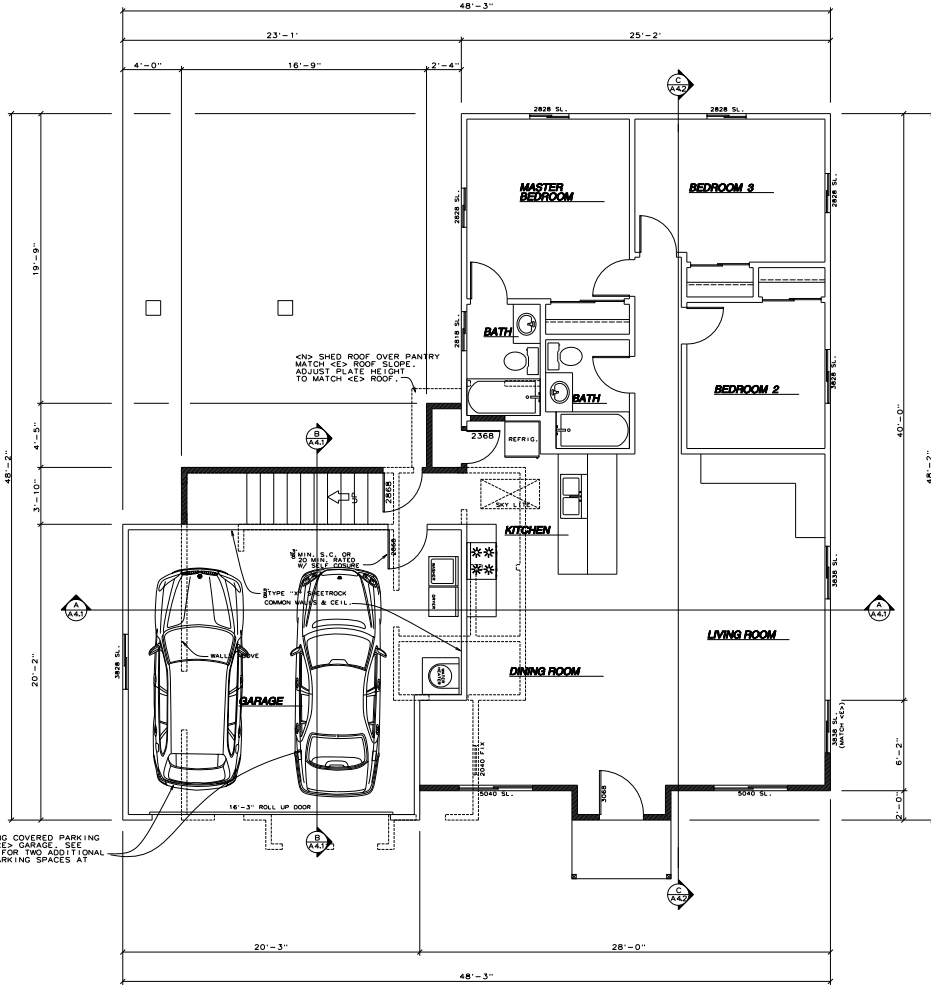
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PROFESSIONAL SEAL:

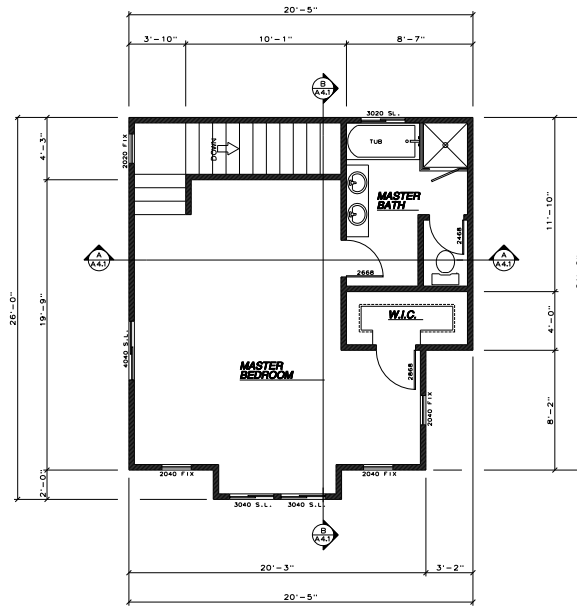
REVISIONS:	DATE:
PLAN CHECK	11/14/22

PROJECT NO.:	CLIENT PROJECT:

DRAWING TITLE:
**PROPOSED
1st & 2nd
FLOOR PLANS**
A-2.2



**PROPOSED
1st FLOOR PLAN**
1/4" = 1'-0"



**PROPOSED
2nd FLOOR PLAN**
1/4" = 1'-0"



CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:
**2210 DERBY AVENUE
CAPITOLA, CA 95010**

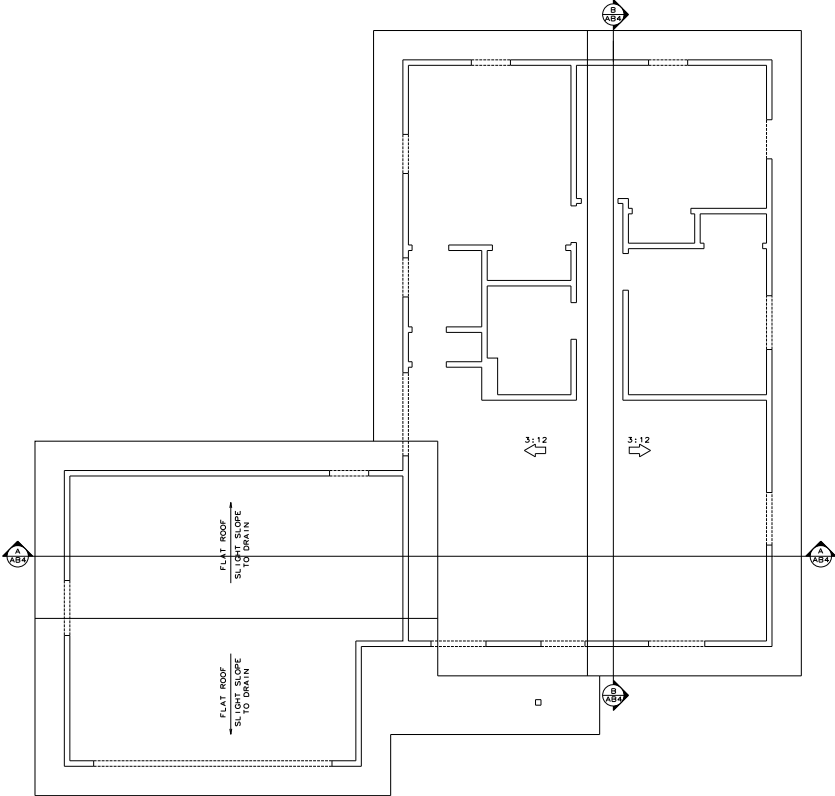
PROFESSIONAL SEAL:

REVISIONS: DATE:

PROJECT NO:	CLIENT PROJECT:
DRAWN:	CHECKED:
KDC	

DRAWING TITLE:
**EXISTING
ROOF PLAN**

A-3



EXISTING ROOF PLAN
1/4" = 1'-0"





CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:

PROFESSIONAL SEAL:

REVISIONS: DATE:

PROJECT NO: CLIENT PROJECT:

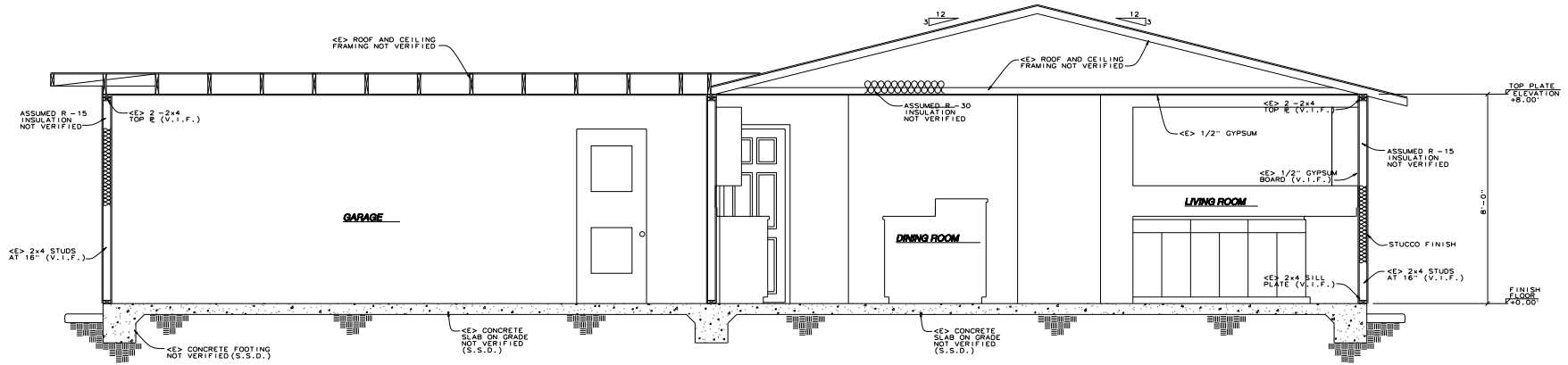
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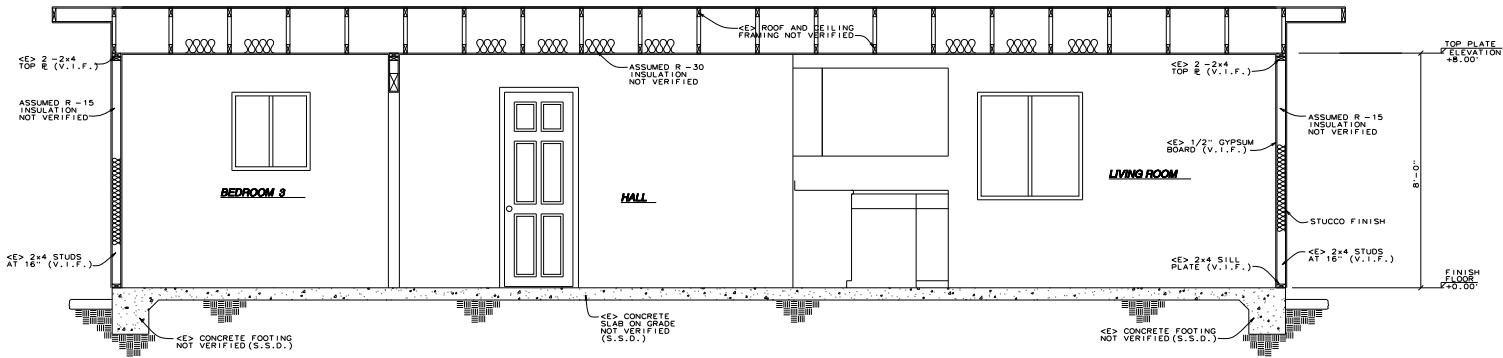
AS BUILT
BUILDING
SECTIONS

A-4



BUILDING SECTION

1/2" = 1'-0"



BUILDING SECTION

1/2" = 1'-0"





CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:

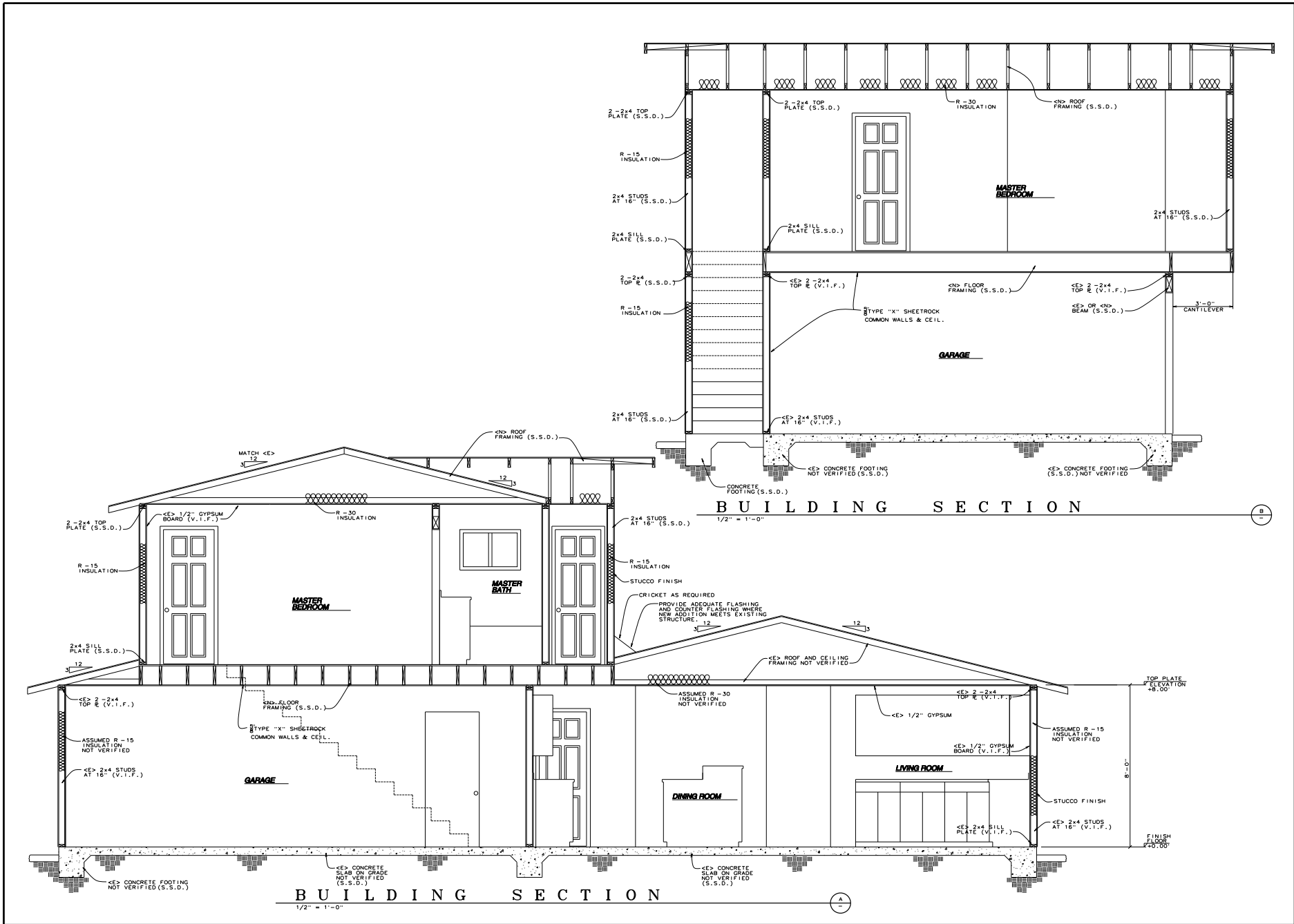
PROFESSIONAL SEAL:

REVISIONS: DATE:

PROJECT NO: CLIENT PROJECT:
DRAWN: CHECKED:
KDC

DRAWING TITLE:
PROPOSED BUILDING SECTIONS

A-4.1





CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

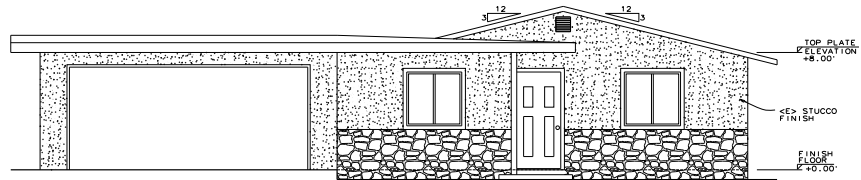
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**2210 DERBY AVENUE
CAPITOLA, CA 95010**

PROFESSIONAL SEAL:

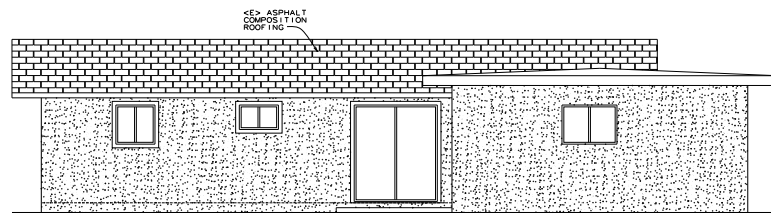
REVISIONS:	DATE:

PROJECT NO: CLIENT PROJECT:
DRAWN: KDC CHECKED:

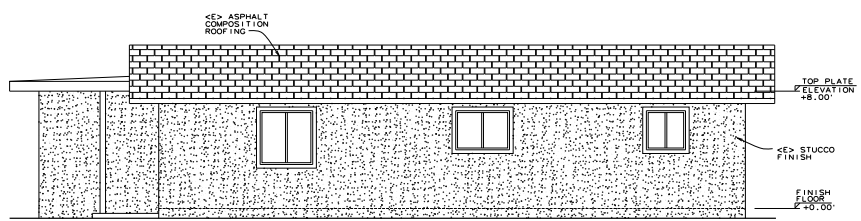
DRAWING TITLE:
**EXISTING
ELEVATIONS**
A-5



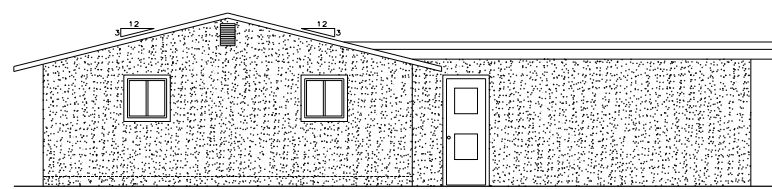
E A S T E L E V A T I O N
1/4" = 1'-0"
(EXISTING)



S O U T H E L E V A T I O N
1/4" = 1'-0"
(EXISTING)



N O R T H E L E V A T I O N
1/4" = 1'-0"
(EXISTING)



W E S T E L E V A T I O N
1/4" = 1'-0"
(EXISTING)



CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:

PROFESSIONAL SEAL:

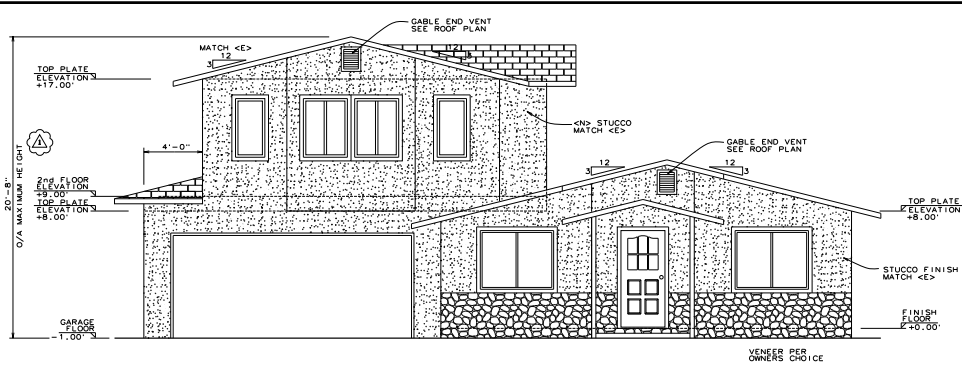
REVISION: DATE:
 Δ PLAN CHECK 8/16/22

PROJECT NO.: CLIENT PROJECT:
 DRAWN: CHECKED:
 KDC

DRAWING TITLE:

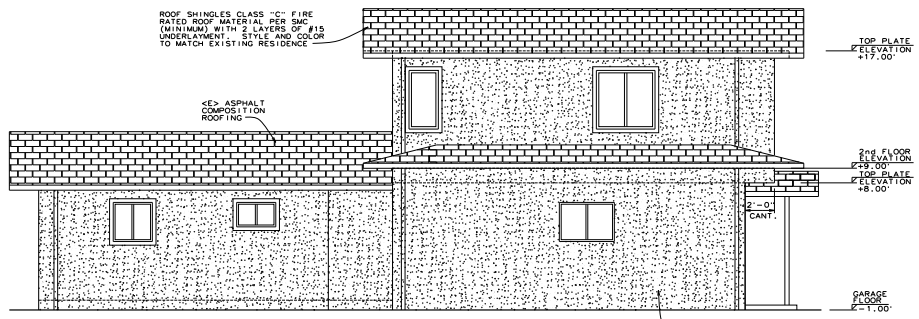
PROPOSED ELEVATIONS

A-5.1

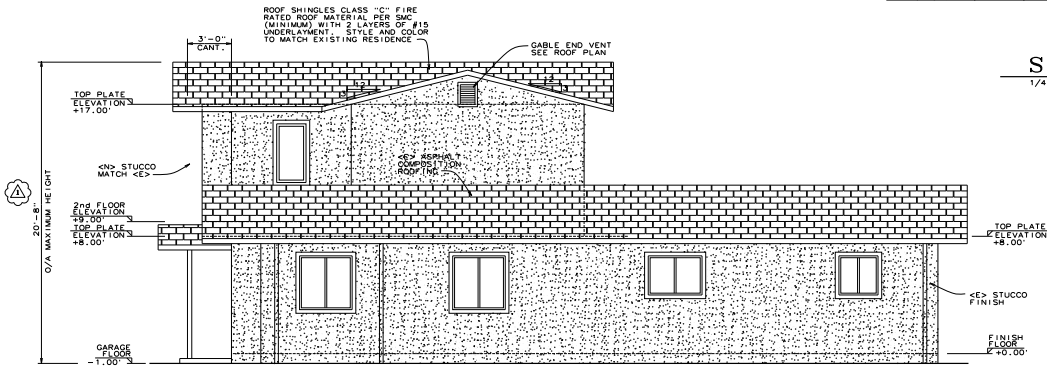


EAST ELEVATION
1/4" = 1'-0"
(PROPOSED)

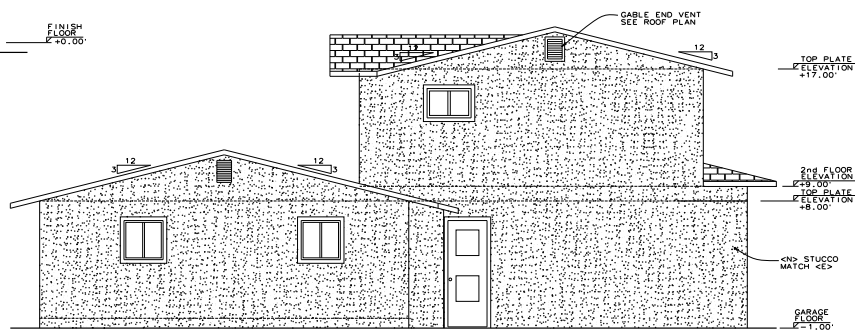
- STUCCO NOTES:
1. 7/8" THICK STUCCO IS TO BE APPLIED WITH A 3 COAT APPLICATION WHEN APPLIED OVER METAL LATH OR WIRE LATH PER CRC R702.6.2
 2. PROVIDE RIBBED METAL LATH AT ALL HORIZONTAL STUCCO SURFACES.
 3. PROVIDE WEEP SCREED AT BOTTOM OF STUCCO WALLS 4" MINIMUM ABOVE GRADE OR 2" MINIMUM ABOVE PAVED AREAS PER CRC R703.6.2.1.
 4. PROVIDE TWO LAYERS OF TYPE "D" UNDERLAYMENT AT STUCCO WALLS WHERE STUCCO IS APPLIED OVER WOOD SHEATHING PER CRC R703.6.3.



SOUTH ELEVATION
1/4" = 1'-0"
(PROPOSED)



NORTH ELEVATION
1/4" = 1'-0"
(PROPOSED)



WEST ELEVATION
1/4" = 1'-0"
(PROPOSED)



CLIENT INFORMATION:
CHRIS & KATIE BUICH
2210 DERBY AVENUE
CAPITOLA, CA 95010

PROJECT TITLE:
**2210 DERBY AVENUE
CAPITOLA, CA 95010**

PROFESSIONAL SEAL:

NO.	REVISIONS	DATE

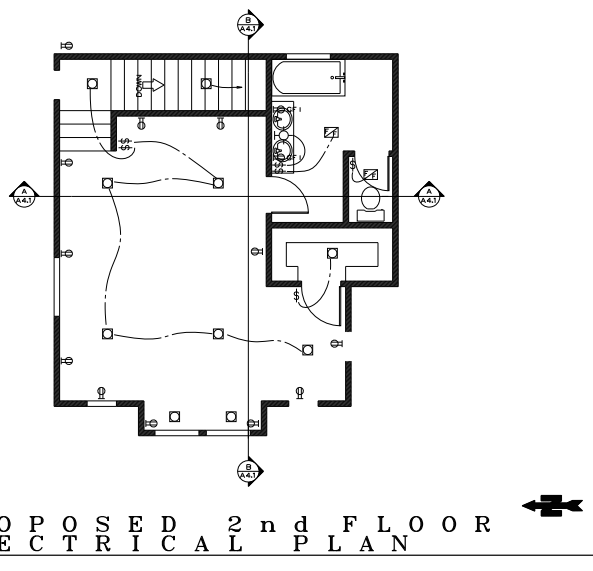
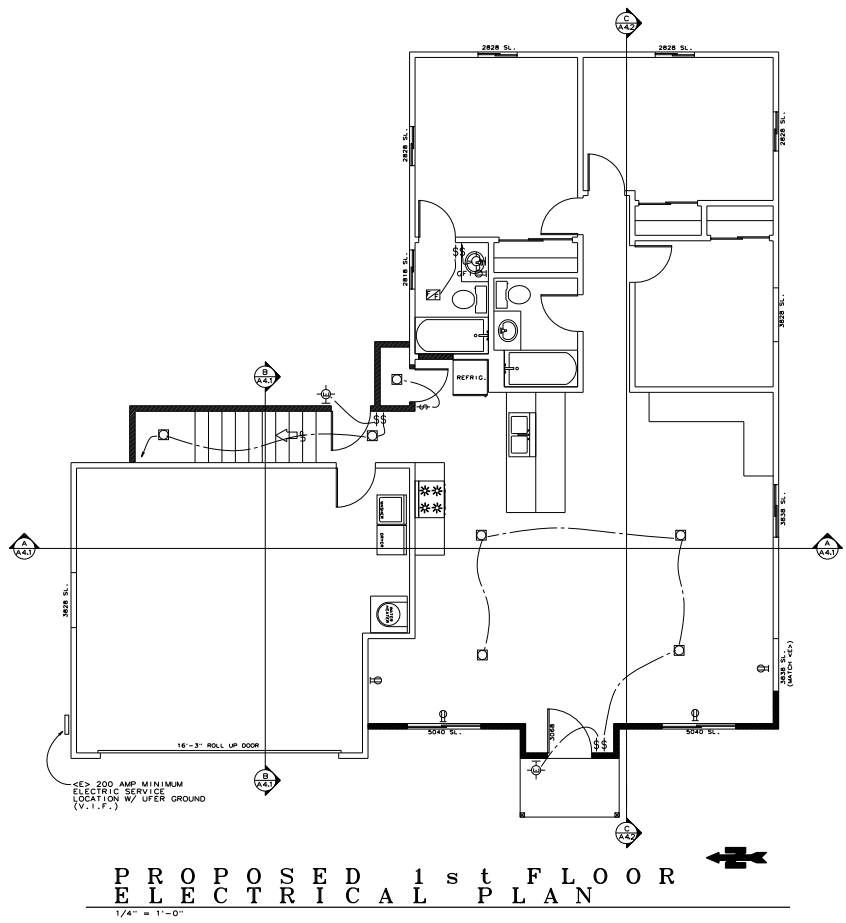
DRAWING TITLE:
**PROPOSED
ELECTRICAL PLAN**

A-6

- NOTES:
- CARBON MONOXIDE ALARMS COMBINED WITH SMOKE ALARMS SHALL COMPLY WITH SECTION CRC R313. ALL APPLICABLE STANDARDS AND REQUIREMENTS FOR LISTING AND APPROVAL BY THE OFFICE OF THE STATE FIRE MARSHAL FOR SMOKE ALARMS.
 - INSPECTOR TO VERIFY SMOKE AND CARBON MONOXIDE ALARMS (UL 217 RATED) ARE PROVIDED IN EACH SLEEPING ROOM AND AT AREA GIVING ACCESS TO SLEEPING ROOMS PER CRC R314, R315.1 AND R315.2.
 - THE FURNACE AND WATER HEATER SHALL BE ANCHORED IN PLACE PER CPC 508.2.
 - ALL 120-VOLT SINGLE PHASE, 15 & 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, BEDROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER, CEC 210.12.
 - WATER HEATER SHALL BE 30 GALLONS (STATE CS6-50-YOCT-0) FIRST HOUR RATING 80 GALLONS PER HOUR, WITH 2 GALLON EXPANSION.
 - ALL EXTERIOR LIGHTING SHALL BE HIGH EFFICACY PER THE CEC.
 - ALL RECEPTACLES ARE REQUIRED TO BE TAMPER-RESISTANT PER CEC 406.11.
 - LIGHTING IN BATHROOMS REQUIRES A MINIMUM OF ONE HIGH EFFICACY LUMINAIRE AND ALL OTHERS EITHER HIGH EFFICACY OR CONTROLLED BY VACANCY SENSORS, CEC 150.0(K)5.
 - EXHAUST FANS ARE TO BE SWITCHED SEPARATELY FROM LIGHTING SYSTEMS, CEC 150.0(K) 28.
 - PROVIDE CONTINUOUS RUNNING SOLENOID FAN IN LAUNDRY ROOM OR POWDER ROOM TO SATISFY WHOLE HOUSE VENTILATION REQUIREMENTS.
 - ALL KITCHEN EXHAUST FANS SHALL BE DUCTED TO THE EXTERIOR.

ELECTRICAL SYMBOL LEGEND

	ETHERNET CONNECTION
	DUPLEX OUTLET AT CEILING
	DUPLEX OUTLET +15\" A.F.F.
	1/2 SWITCHED DUPLEX OUTLET +15\" A.F.F.
	220V OUTLET
	GROUND FAULT INTERRUPTER OUTLET
	WATERPROOF OUTLET W/GROUND FAULT INTERRUPTER
	TELEVISION CABLE JACK
	SINGLE POLE SWITCH +48\"
	TELEPHONE JACK
	CEILING FIXTURE
	WALL MOUNTED FIXTURE
	EXTERIOR WALL MOUNTED FIXTURE
	RECESSED CAN INCANDESCENT FIXTURE
	RECESSED CAN INCANDESCENT FIXTURE SUITABLE FOR DAMP LOCATIONS.
	RECESSED CAN FLUORESCENT FIXTURE
	FAN
	FAN FLUORESCENT LIGHT COMBO
	ELECTRICAL SUBPANEL 125 AMP
	COMBINATION SMOKE DETECTOR/ CARBON MONOXIDE ALARM





444 Airport Blvd., Suite 107
Walton Hills, OH 43087
P: 614-319-4695
F: 614-319-4751

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DRAWN: CHECKED:

DRAWING TITLE:

CAL GREEN CHECKLIST

2019 CALGREEN RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST SECTION AA 602 Effective January 1, 2020 HCD 014, 015C (New 01/20)

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PROJECT NO. CLIENT PROJECT
DRAWN: CHECKED:

KDC

DRAWING TITLE:
BMP
STORM WATER

CONSTRUCTION WORK

Best Management Practices

Best Management Practices Manual for the City's Storm Water Management Program



Public Works Department
420 Capitola Avenue, Capitola, CA 95010
831 475-7300

July 2013
Municipal Code Chapter 13.16

Construction Work

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When soils, paint, concrete and other harmful pollutants from construction sites and small home construction projects are washed or washed into the street or storm drain they can damage sensitive creeks habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways the City developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. Construction work includes, but is not limited to, clearing, grading, excavation, stockpiling, hauling, masonry, concrete work and related work. These BMPs apply to both new and rehabilitated commercial, retail, residential and recreational projects.

In addition, the Storm Water Resources Control Board (SWRCB) requires vegetation construction sites equal to or greater than one acre (or less than one acre but part of a larger common site of clearing or slash) to obtain the Watershed Construction Activities Storm Water Control Plan. The landowner is responsible for filing a Notice of Intent (NOI) under the Regional Water Quality Control Board (RWQCB) and for developing a Storm Water Pollution Prevention Plan (SWPPP) prior to the commencement of any site disturbing activities. For more information about the Construction Activities Storm Water Control Permit, please call the State Water Quality Control Board at 405.941.8337 or visit their website at: <http://www.water.ca.gov/education/activities.html>

- 1. Planning Construction Practices:**
 - Site development shall be based on the topography and soils in order to minimize the potential for erosion.
 - Contour grading operations in phases in order to reduce the amount of disturbed areas and erosion at any one time. Additionally, unless specifically approved on the project's Erosion control Plan, clearing, excavation, and grading shall not be conducted during rainy weather. All rainy season grading must be in accordance with Capitola Municipal Code Chapter 13.16.
 - Clearing, tree, easements, setbacks, setbacks or critical areas, levee, drainage courses, and buffer zones must be delineated to prevent excessive or unnecessary disturbances and exposure prior to construction.
 - Align roads and driveways, whether temporary or permanent, along slope contours as feasible.
 - Plan to route construction traffic over areas that must be disturbed for other construction activities in order to reduce the amount of area that must be cleared.
 - Access roads and easements must be constructed to minimize the tracking of soil, mud, or hazardous materials into the roadway areas. Wash down facilities for construction vehicles must be installed on all major haul roads and on all construction sites for similar sites that must be traveled on all greater than one acre sites and on all construction sites for similar sites that must be traveled on all greater than one acre sites.
 - Use, gravel, sand and other materials tracked or dropped on city streets must be cleaned up to prevent washing into the storm drains. Heavy equipment that is not rubber-tired or smooth-tired must be off-road on the construction site, not on the street.
- 2. Erosion and Sediment Control - Minimizing Land Disturbance and Vegetation Removal**
 - Erosion and sediment control (ESC) plans to show and implement erosion preventing practices or vegetation removal. Such measures are required to prevent erosion and sediment discharge in order to prevent a net increase of sediment load in a storm water discharge relative to pre-construction levels.

- Construction Work**
 - All on-site erosion control measures and structural devices, both temporary and permanent, shall be properly installed and maintained. If damaged during construction, they shall be promptly repaired or replaced.
 - Minimize land disturbance such as cuts and fills. Stabilize slopes and all disturbed areas as soon as grading is finished or sub-critical as feasible.
 - Use one or more of the following to reduce the erosion potential for bare, exposed, or disturbed soil: filter fabric, erosion control blankets, geotextiles, seeding, sodding, vegetation planting, or other appropriate cover material. If vegetation cover is used, a uniform vegetation cover with a minimum of 70 percent coverage must be established.
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 - Siltow tables use sand to filter sediment from runoff, ensure that the tables are actually filtering the water and not just causing the water to travel around the table) and that straw pieces are not carried into the storm drain system.
 - Whenever possible, use berms, surface roughing (e.g. with a dozer), and energy dissipators (such as rocks, sand bags, and rocks) to dissipate or reduce runoff velocity and trap sediments. Do not use siltow table or other diversion devices for this purpose.

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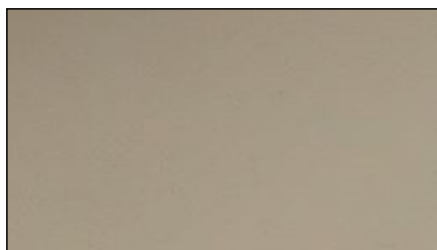
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COLOR CHART

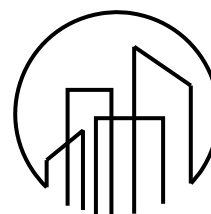


<E> COLOR / STUCCO TEXTURE
TO BE MATCHED



<E> STONE VENEER TO BE MATCHED
OR REPLACED PER CLIENT CHOICE

**2210 DERBY AVENUE
CAPITOLA, CA 95010**



**URBATECT
DEVELOPMENT**

444 Airport Blvd. Suite 207
Watsonville, CA 95076

O : 831.319.4695

F : 831.319.4751



City of Capitola Minor Modification Application Form

Minor Modification Summary

Please explain your Minor Modification request and the development standard(s) which you would like to modify.

We would like to modify 17.76.020(2). as we are Adding a second story addition above existing SFR of approx.

117 to the first floor rear, 193 first floor front & 579 SF second story addition for a total of a 889 SF

overall addition.

Required Findings

Please provide the reasons you believe the following findings can be made to support your Minor Modification request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or a historic structure. Attach additional pages as necessary.

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

Only modification is interior garage be 20-0 deep. Existing garage is 19-6" deep. Only thing we are requesting is

modification on the 6" needed to make garage 20-0

B. The modification will not adversely impact neighboring properties or the community at large.

This modification will not impact the properties or community at large. Parking will remain the same & this will not be a rentable addition which would not require more parking.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

This is not necessary as this addition is to add a master bedroom to accommodate an extra room for kids to have their own separate room.

D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

Yes, the modification will be consistent with the purpose of the zoning district, the general plan, local coastal

program, and any adopted area or neighborhood plan.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

This should be consistent as there is a second story addition one street over (2298 42nd Ave) located right behind the house.

F. The modification will not establish a precedent.

Most of the existing garages are already built to the 20-0 depth. This particular residence was built with a 19-6 garage

Existing condition is as is and was pre-built with a garage 6" less than the 20-0 originally.

G. The modification will not adversely impact coastal resources.

The modification should not have any impact on coastal resources or any other property.

Will not require any more water use or sewage. This will not have any effect on the overall with the overall modifications.

Design Permit Design Review Criteria

17.120.070 Design review criteria. When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria 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. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential 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 relates to the primary structure and is 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.

Capitola Planning Commission

Agenda Report

Meeting: December 1, 2022
From: Community Development Department
Subject: 123 Monterey Avenue



Permit Number: 22-0391

Location: Sidewalk in front of El Toro Bravo

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Sidewalk Dining at 123 Monterey Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Delia Rey

Representative: Jon Baron, Business Owner

Applicant Proposal:

El Toro Bravo is pursuing approval of Design Permit, Coastal Development Permit (CDP), and Major Encroachment Permit for sidewalk dining. The dining area is proposed in front of El Toro Bravo at 123 Monterey Avenue in the Mixed-Use Village zoning district.

Background:

On December 9, 2021, the City Council approved an Outdoor Dining Ordinance which establishes a permitting process for street and sidewalk dining within the village. The ordinance was certified by the Coastal Commission on July 14, 2022.

Analysis:

Restaurants located in the Mixed-Use Village zoning district along Monterey Avenue, Capitola Avenue, and on the Capitola Wharf are eligible for sidewalk dining permits. El Toro Bravo is proposing a sidewalk dining area with a mix of the prototype furniture, umbrellas, heaters, and lighting with a custom enclosure and planters. The overall design incorporates a 32.5 inch tall Trex perimeter enclosure in a horizontal configuration. The proposed color for the Trex is Rope Swing which is a light tan. The string lights are proposed to be attached inside the enclosure along the edge, rather than overhead.

Originally, the applicant submitted a plan with a redwood enclosure (rather than Trex) to be painted to match the building. Staff is recommending that the Planning Commission approve the proposal with the originally proposed redwood painted to match.

The following Operating and Development Standards apply to sidewalk dining:

1. One Facility Only. An eating establishment may have either sidewalk dining or a street dining deck. An eating establishment may not have both sidewalk dining and a street dining deck.

Staff Analysis: The applicant is proposing a sidewalk dining area only.

2. Sidewalk Width. Outdoor dining areas in the public right-of-way shall provide a minimum clear width within the sidewalk of at least: 5 feet in the MU-V zoning district; and 4 feet in all other zoning districts.

Staff Analysis: The proposed sidewalk clearance is five feet clear from the curb with two necessary improvements. Currently, there is a City street sign with parking requirements located approximately 8 inches into the sidewalk from the curb. The City will relocate the sign to the edge of the curb.

3. Sidewalk Dining Areas. Sidewalk dining areas shall be limited to the placement of tables and chairs. In addition, design elements required for ABC permit compliance for separation (fences, ropes, planters, etc.), may be included in the design but shall not exceed 36-inches in height.

Staff Analysis: The restaurant serves alcohol and is proposing a Trex enclosure that is 32.5" tall. The interior space includes tables, chairs, umbrellas, heaters, planters, and string lights.

4. Signs. Limited to one business identification sign and one menu sign each not to exceed two square feet.

Staff Analysis: The application does not include any signs. Condition of approval #10 is included limiting the business to one business identification sign and one menu sign each not to exceed two square feet.

5. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.

Staff Analysis: Public Works has reviewed the utilities for this project and has noted that the pole sign will be relocated.

6. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
- All trash shall be picked up and properly disposed of.
 - All flower boxes and planters shall contain live, healthy vegetation.
 - All tables, chairs, equipment, and structures must be kept clean and operational.

Staff Analysis: Condition of approval #12 requires this standard be met.

7. Sound. Music and amplified sound are not allowed in an outdoor dining area.

Staff Analysis: Condition of approval #13 requires this standard be met.

8. Hours of Operation. Outdoor dining may only operate during specific hours.
- Outdoor dining in the public right-of-way may occur between 7 a.m. and 10 p.m. seven days a week.
 - The City may allow extended hours for outdoor dining for special events and holidays.

Staff Analysis: Condition of approval #14 requires this standard be met.

9. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must allow customers to use the outdoor dining area when the establishment is open for business.

Staff Analysis: Condition of approval #15 requires this standard be met.

10. Materials. Allowed materials include finished or painted wood, glass, ornamental steel or iron, and decorative masonry. Outdoor dining where the primary visible material is plastic, fabric, woven bamboo, or chain link/wire fencing are discouraged.

Staff Analysis: The applicant is proposing to use a Trex composite for the enclosure. They have been advised by a contractor that Trex is durable and will minimize maintenance. Trex decking used as a horizontal walking surface complies with the materials requirements of the Outdoor Dining Ordinance, however, proposing Trex as the "primary visible material:" presents an issue with compliance to section 17.96.170 G 12. Originally, the applicant submitted a plan with a redwood enclosure to be painted to match the building. Staff is recommending that the Planning Commission approve the proposal with the originally proposed redwood painted to match.

The proposed furnishings are prototype selections designed for outdoor use and built primarily of metal. Attachment 2 includes a list of the proposed furnishing, fixtures, and equipment followed by images and descriptions of each product. The applicant would like to incorporate string lights mounted on the interior of the enclosure and propane heaters from the prototype.

To ensure ongoing quality and maintenance, condition of approval #16 requires the outdoor dining area to have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.

11. Good Standing. An applicant must be in good standing to apply for a permit for outdoor dining. For purposes of this section, "good standing" shall mean that within the twenty-four months directly preceding submission of a complete application for an Administrative Permit or Design Permit, the applicant has not been issued a notice of abatement, violation, or been subject to any code enforcement proceedings related to an ABC license, entertainment permit, or use permit by the City or any other regulatory or permitting agency. Any courtesy code enforcement notices received by the applicant was corrected by the applicant within the date specified on the courtesy notice retains the applicants good standing.

Staff Analysis: El Toro Bravo is in good standing.

12. CDP Recertification. All CDPs issued for outdoor dining permits require recertification by the City Council within three years a CDP issuance, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing.

Staff Analysis: Condition of approval #9 includes the requirement for recertification. Staff anticipates a recertification hearing for all Capitola outdoor dining permits in November of 2025.

Major Revocable Encroachment Permit

The Planning Commission may issue permits for private improvements in the right of way that go beyond the standards of minor permits. The Commission's decision as to whether to issue such permit shall be made by weighing the following considerations:

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;
2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;
3. Preservation of views; and
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property.

If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved.

Staff Analysis: The city has determined that outdoor dining, in a limited implementation, are a net benefit to the Capitola Village and enhance visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Recommendation:

Review the Sidewalk Dining Design and consider approval of the Design Permit, CDP, and Major Revocable Encroachment Permit consistent with the draft conditions and findings. Also, consider approving the proposed enclosure to be constructed of redwood, painted to match the building, and amending condition #1.

Conditions of Approval:

1. The project approval consists of a Coastal Development Permit and a Design Permit for a sidewalk dining area primarily utilizing the design that has been authorized by the Planning Commission on July 21, 2022. The proposed custom items include a Trex enclosure and planters. The design is approved as indicated on the final plans reviewed and approved by the Planning Commission, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The Design Permit, Coastal Development Permit, and Major Revocable Encroachment Permit is transferable between owners so an approved sidewalk dining permit may be conveyed or assigned by the applicant during a sale to the new property owner without losing the approval.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the custom design plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized street 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. Prior to a certificate of occupancy, 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.
7. 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.
8. The sidewalk dining area must comply with all applicable requirements of Capitola Municipal Code Section 17.96, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.
9. CDP Recertification Requirement. All CDPs issued for outdoor dining permits shall require recertification by the City Council no later than three years after the CDP is issued, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing. For a CDP to be recertified, the City Council must find that the subject project is operating in compliance with the findings and conditions of the CDP and in compliance with the LCP. The City Council may recertify, modify, or revoke the CDP. The City Council's decision shall be a final action. The project applicant, any aggrieved person, or any two members of the Coastal Commission may appeal the City Council decision. Appeal procedures for coastal development permits shall be as specified in Section 17.44.150.
10. Signs. A maximum limit of one business identification sign and one menu sign each not to exceed two square feet are allowed per sidewalk dining area.
11. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.
12. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
 - a. All trash shall be picked up and properly disposed of.
 - b. All flower boxes and planters shall contain live, healthy vegetation.
 - c. All tables, chairs, equipment, and structures must be kept clean and operational.
13. Sound. Music and amplified sound are not allowed in an outdoor dining area.

14. Hours of Operation. Outdoor dining may occur between 7 a.m. and 10 p.m. seven days a week. The city may allow extended hours for outdoor dining for special events and holidays.
15. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must have tables ready for customers to use the outdoor dining area when the establishment is open for business.
16. Materials and Furniture. The sidewalk dining area shall have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to decks, railings, walls, planters, tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.
17. All outdoor dining facilities may be subject to inspection by the City on an annual basis or as needed to ensure compliance with this section, conditions of approval, and administrative procedures.

Design Permit Findings

- A. The sidewalk dining area or street dining deck complies with all applicable requirements of this section, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.**
The proposed sidewalk dining complies with all applicable standards of the Zoning Code and CDP. Conditions of approval have been added to ensure ongoing compliance.
- B. If located in the coastal zone, the sidewalk dining area or street dining deck is consistent with the Local Coastal Program, will not adversely impact coastal resources, coastal access, and coastal views, and has been authorized through a valid coastal development permit.**
The sidewalk dining area is compliant with the LCP. The current program for sidewalk dining and street dining decks was certified by the Coastal Commission in June 2022.
- C. The design of the sidewalk dining area or street dining deck supports a safe, inviting, and lively public realm consistent with the purpose of the MU-V zoning district as provided in Section 17.20.040 (Purpose of the Mixed Use Zoning Districts).**
The proposed sidewalk dining area provides an inviting and active place for guests and visitors to enjoy Capitola Village.
- D. The sidewalk dining area or street dining deck materials include high-quality, durable materials that are compatible with surrounding development and can withstand inclement weather.**
The applicant has proposed all weather materials and items. The sidewalk dining area will maintain a quality aesthetic with regular maintenance.
- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15305 (class 5) and 15311 (class 11) of the CEQA Guidelines exempts minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density and projects that consist of construction or placement of minor structures that are accessory to existing commercial facilities and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a sidewalk dining area within the Mixed-Use Village zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Coastal Development Permit Findings

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on within public right of way within the mixed-use village. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located within the public right of way in the mixed-use village zoning district. The sidewalk dining areas expand coastal access opportunity. The sidewalk dining area will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves a sidewalk dining area that will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves a sidewalk dining area and will not negatively impact visitor serving opportunities. The sidewalk dining will enhance visitor experience providing additional opportunities for dining with views.

F. The project maintains or enhances coastal resources.

The project involves a sidewalk dining area and will not negatively impact coastal resources. On busy beach days, the additional seating will provide more opportunities for visitors to dine outside and take in the view and coastal feel of the village.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed sidewalk dining project complies with all applicable design criteria, design guidelines, area plans, and development standards. The project has been conditioned to ensure the operating characteristics are consistent with the outdoor dining regulations of the zoning code.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves a sidewalk dining permit within the mixed-use village zoning district. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the mixed-use village zoning district.

Major Revocable Encroachment Permit Findings

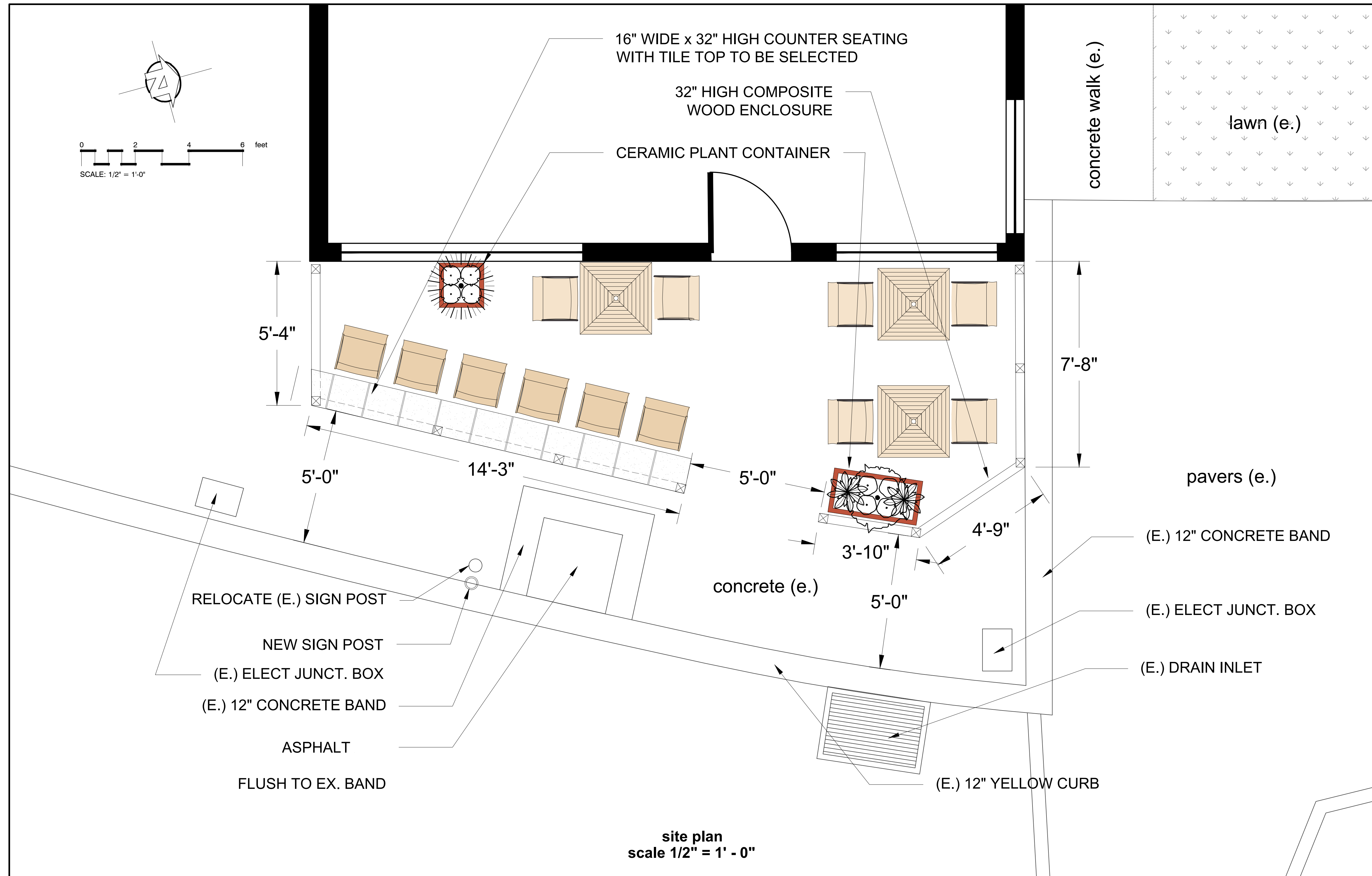
A. The project's benefit to the applicant and community exceed the detriment to the community.

The city has determined that outdoor dining areas, in a limited implementation, are a net benefit to the Capitola Village with enhanced visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Attachments:

1. Sidewalk Dining plan set
2. Furnishings Specifications

**EL TORO BRAVO
123 ESPLANADE
CAPITOLA, CALIFORNIA**

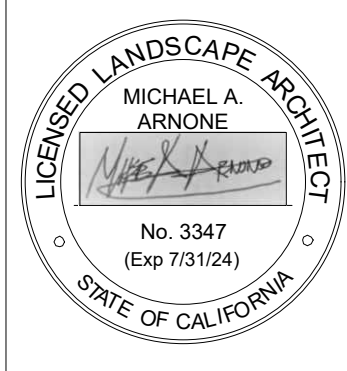


site plan
scale 1/2" = 1' - 0"

© Michael Arnone Landscape Architect - 2022
THESE DRAWINGS ARE INSTRUMENTS OF SERVICE, ISSUED FOR A ONE-TIME SINGLE USE BY THE OWNER. THE ENTIRE CONTENTS OF THESE DRAWINGS IS COPYRIGHT © MICHAEL ARNONE LANDSCAPE ARCHITECT. LANDSCAPE ARCHITECT RETAINS ALL RIGHTS AND TITLE. NO PART MAY BE REPRODUCED IN ANY FASHION OR MEDIUM WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT. THE PROPER ELECTRONIC TRANSFER OF DATA SHALL BE THE USER'S RESPONSIBILITY WITHOUT LIABILITY TO THE LANDSCAPE ARCHITECT.

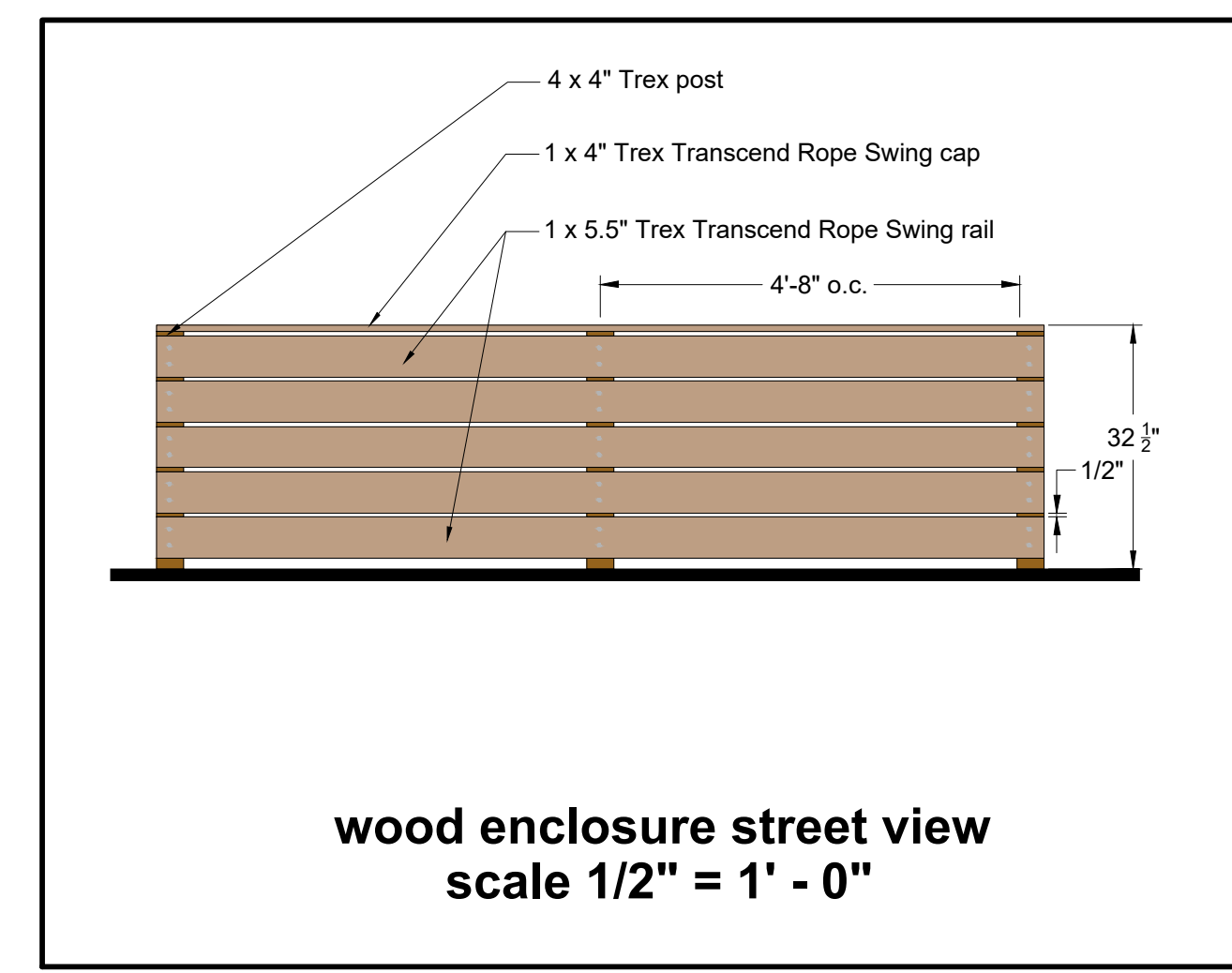
OWNER SHALL ASSUME RESPONSIBILITY FOR COMPLIANCE WITH ALL EASEMENTS, SETBACK REQUIREMENTS AND PROPERTY LINES. OWNER SHALL ACQUIRE ALL NECESSARY PERMITS REQUIRED TO PERFORM WORK SHOWN ON PLANS. BASE INFORMATION HAS BEEN PROVIDED BY THE OWNER. MICHAEL ARNONE LANDSCAPE ARCHITECTURE ASSUMES NO LIABILITY FOR THE ACCURACY OF SAID PROPERTY LINE BOUNDARIES, FENCE LINES OR PROPERTY CORNERS.

REVISIONS

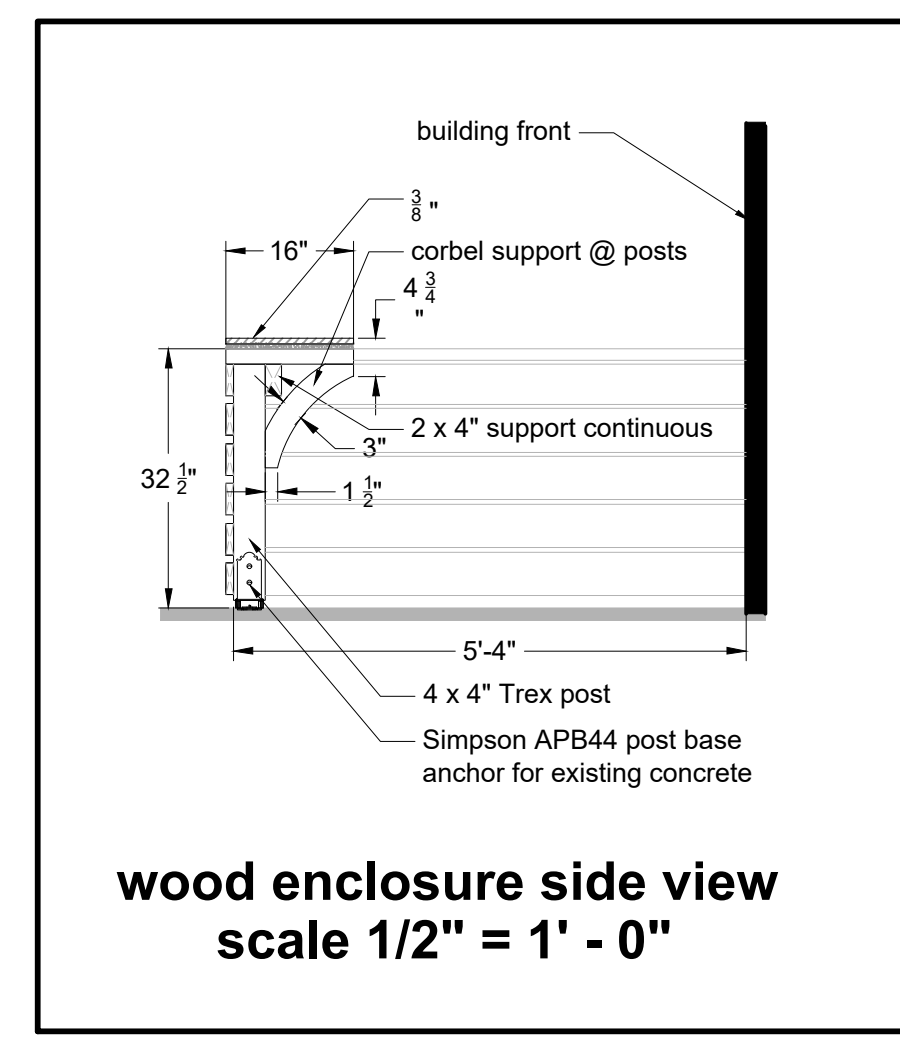


LANDSCAPE PLAN

JOB NO. 202219
SCALE 1/2" = 1' - 0"
DRAWN MA SHEET
CHECK
DATE 11.22.2022 **L-1.0**



wood enclosure street view
scale 1/2" = 1' - 0"



wood enclosure side view
scale 1/2" = 1' - 0"



Trex Transcend Composite Decking
Color: Rope Swing



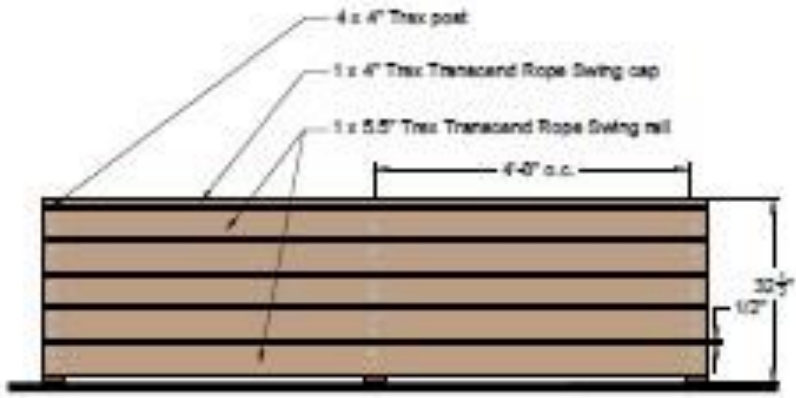
Simpson APB 44
Outdoor Accents Mission Collection

- NOTE:
1. Enclosure must be set back a minimum 5'-0" from inside of the 12" curb as dimensioned on plans.
 2. Construction of the counter seating must meet all current ADA codes.

Fence/Railing

Material: Trex

Color: Rope Swing



Chairs and Tables

Prototype Lancaster tables and chairs in distressed copper from Webstaurant.



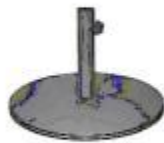
Umbrella: Prototype Emu 6 foot square in red from



Quick Ship Finishes:



6' square umbrella - Emu Shade #980
https://emuamericas.com/product/shade_980



Quick Ship Finishes:



Stands - Emu shade base #925
https://emuamericas.com/product/shade_base_925

Heater and Lights

Heater and lights are from prototype design.

Heater: Mushroom Style Commercial Grade Outdoor Propane Heater from Prototype

Lights: IYN Stands - String lights mounted to the the fence/railing



Mushroom style commercial grade outdoor propane heater



<https://iynstands.com/>

Capitola Planning Commission

Agenda Report

Meeting: December 1, 2022
From: Community Development Department
Subject: 111 Capitola Avenue



Permit Number: 22-0436

Location: 2 parking spaces in front of English Ales

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for English Ales at 111 Capitola Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Karen Blackwell-Harrison

Representative: Peter Blackwell, Business Owner

Applicant Proposal:

English Ales is pursuing approval of Design Permit, Coastal Development Permit (CDP), and Major Encroachment Permit for a custom street dining deck. The street dining deck is proposed in two public parking spaces in front of English Ales at 111 Capitola Avenue in the Mixed-Use Village zoning district.

Background:

On December 9, 2021, the City Council approved an Outdoor Dining Ordinance which establishes a permitting process for street and sidewalk dining within the village. The ordinance was certified by the Coastal Commission on July 14, 2022.

On July 21, 2022, the Planning Commission approved a Blanket CDP for the [Capitola Prototype Street Dining Deck](#).

Analysis:

Restaurants have the option to either utilize the City's prototype design or create a custom design. Custom designs required approval of a design permit and a coastal development permit by the Planning Commission. English Ales is proposing a custom street dining deck. The overall design incorporates a new Trex composite wood deck and repaints the existing planters while adding new furniture and umbrellas.

The following Operating and Development Standards apply to street dining decks:

1. One Facility Only. An eating establishment may have either sidewalk dining or a street dining deck. An eating establishment may not have both sidewalk dining and a street dining deck.

Staff Analysis: The applicant is proposing a street dining deck only.

2. Location within Eating Establishment Frontage. Street dining decks are allowed on parking spaces that are wholly or partially located in the right-of way directly adjacent to the eating establishment. The City may allow an outdoor dining area to extend beyond the frontage if

(1) Due to the road and parking space layout, the outdoor dining area cannot be designed without extending the area beyond immediately adjacent parking spaces; (2) Extending the outdoor dining area will not have significant impact on adjoining businesses as determined by the permit review authority; and (3) Extending the outdoor dining area will not adversely impact coastal access.

Staff Analysis: The street dining deck is located primarily in front of 111 Capitola Avenue with a limited portion of the deck in front of 109 and 115 Capitola Avenue where the parking spaces overlap property lines. The proposed extension will not have a significant impact on adjoining businesses or coastal access.

- 3. Signs. Limited to one business identification sign and one menu sign each not to exceed two square feet.

Staff Analysis: The application does not include any signs. Condition of approval #10 is included limiting the business to one business identification sign and one menu sign each not to exceed two square feet.

- 4. Stormwater Drainage. All street dining decks must allow for adequate stormwater drainage.
 - a. Dining decks shall not block the drainage flow along the gutter line.
 - b. Dining decks shall not block access into any drain inlet or other drainage/stormwater facility.

Staff Analysis: There are no storm drain inlets along the curb at this location. The plans show use of a wire screen at the ends of the deck along the curb to allow water to pass. The plan also shows two inspection hatches to maintain and clear debris that gets under the deck. Condition of approval #11 requires this standard be met at time of building permit to the satisfaction of the Public Works Director.

- 5. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.

Staff Analysis: The building permit plans will be required to be in compliance with stormwater requirements. There are two utility boxes in the sidewalk (AT&T and water meter) that are not impacted by the proposed street dining deck.

- 6. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
 - a. All trash shall be picked up and properly disposed of.
 - b. All flower boxes and planters shall contain live, healthy vegetation.
 - c. All tables, chairs, equipment, and structures must be kept clean and operational.

Staff Analysis: Condition of approval #13 requires this standard be met.

- 7. Sound. Music and amplified sound are not allowed in an outdoor dining area.

Staff Analysis: Condition of approval #14 requires this standard be met.

- 8. Bicycle Parking for Street Dining Decks. Bicycle parking is required for street dining decks.
 - a. A street dining deck that eliminates an on-street parking space must include a bicycle parking rack integrated in the street dining deck design or within the private property of the eating or drinking establishment.

b. The bicycle parking rack must provide a minimum of two bicycle parking spaces for each eliminated vehicle parking space.

c. As an alternative to providing the bicycle parking rack, the City may allow an applicant to pay an in-lieu fee which fee shall be deposited into the City's in-lieu bike fund to create a central bicycle parking location.

Staff Analysis: Four bicycle parking spaces are required. The bicycle parking is proposed along the side of the building. The proposal is for two dual bike racks that leave space to push bikes in and out of the side yard space. Condition of approval #19 requires that the bike racks be permanently secured to the ground or the building and a sign be installed which states "public bike parking" adjacent or above the bike parking and visible to the public from the sidewalk

9. Hours of Operation. Outdoor dining decks may only operate during specific hours.
 - a. Outdoor dining in the public right-of-way may occur between 7 a.m. and 10 p.m. seven days a week.
 - b. The City may allow extended hours for street dining decks for special events and holidays.

Staff Analysis: Condition of approval #15 requires this standard be met.

10. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must allow customers to use the outdoor dining area when the establishment is open for business.

Staff Analysis: Condition of approval #16 requires this standard be met.

11. Materials. Allowed materials include finished or painted wood, glass, ornamental steel or iron, and decorative masonry. Street dining decks where the primary visible material is plastic, fabric, woven bamboo, or chain link/wire fencing are discouraged.

Staff Analysis: The applicant is proposing to reutilize and repaint the wood planters to match the building. The planters have been in use since Spring of 2021 as part of the Covid-19 temporary permits. The applicant would like to continue using the existing white heaters, while proposing new custom tables, prototype chairs, custom umbrellas, and prototype rope and stanchion. Attachment 2 includes the details and photos of the proposed furnishings, fixtures, and equipment.

To ensure ongoing quality and maintenance, condition of approval #17 requires the street dining deck to have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.

12. Good Standing. An applicant must be in good standing to apply for a permit for outdoor dining. For purposes of this section, "good standing" shall mean that within the twenty-four months directly preceding submission of a complete application for an Administrative Permit or Design Permit, the applicant has not been issued a notice of abatement, violation, or been subject to any code enforcement proceedings related to an ABC license, entertainment permit, or use

permit by the City or any other regulatory or permitting agency. Any courtesy code enforcement notices received by the applicant was corrected by the applicant within the date specified on the courtesy notice retains the applicants good standing.

Staff Analysis: The applicant is in good standing.

- 13. CDP Recertification. All CDPs issued for outdoor dining permits require recertification by the City Council within three years a CDP issuance, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing.

Staff Analysis: Condition of approval #9 includes the requirement for recertification. Staff anticipates a recertification hearing for all Capitola outdoor dining permits in November of 2025.

Major Revocable Encroachment Permit

The planning commission may issue permits for private improvements in the right of way that go beyond the standards of minor permits. The Commission’s decision as to whether to issue such permit shall be made by evaluating the following considerations:

- 1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;
- 2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;
- 3. Preservation of views; and
- 4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property.

If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved.

Staff Analysis: The city has determined that street dining decks, in a limited implementation, are a net benefit to the Capitola Village. The loss of parking is mitigated by increased bike parking and enhanced visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Recommendation:

Review the Custom Street Dining Deck Design and consider approval of the Design Permit, CDP, and Major Revocable Encroachment Permit consistent with the draft conditions and findings.

Conditions of Approval:

- 1. The project approval consists of a Coastal Development Permit and a Design Permit for a custom street dining deck utilizing the design that has been authorized by the Planning Commission on December 1, 2022. The proposed custom design is approved as indicated on the final plans reviewed and approved by the Planning Commission, except as modified through conditions imposed by the Planning Commission during the hearing.
- 2. The Design Permit, Coastal Development Permit, and Major Revocable Encroachment Permit is transferable between owners so an approved street dining deck design may be conveyed or assigned by the applicant during a sale to the new property owner without losing the

approval. The permit cannot be transferred off the parking space on which the approval was granted.

3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the custom design plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized street right-of-way.
5. During construction, any 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. Prior to a certificate of occupancy, 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.
7. 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.
8. The street dining deck must comply with all applicable requirements of Capitola Municipal Code Section 17.96, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.
9. CDP Recertification Requirement. All CDPs issued for outdoor dining permits shall require recertification by the City Council no later than three years after the CDP is issued, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing. For a CDP to be recertified, the City Council must find that the subject project is operating in compliance with the findings and conditions of the CDP and in compliance with the LCP. The City Council may recertify, modify, or revoke the CDP. The City Council's decision shall be a final action. The project applicant, any aggrieved person, or any two members of the Coastal Commission may appeal the City Council decision. Appeal procedures for coastal development permits shall be as specified in Section 17.44.150.
10. Signs. A maximum limit of one business identification sign and one menu sign each not to exceed two square feet are allowed per street dining deck.

11. **Stormwater Drainage.** At time of building permit, the custom street dining deck must be amended to include drainage above the gutter and a hatch above the storm drain to allow for adequate stormwater drainage and access to the inlet. Dining decks shall not block the drainage flow along the gutter line. Dining decks shall not block access into any drain inlet or other drainage/stormwater facility.
12. **Utilities.** All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.
13. **Trash and Maintenance.** An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
 - a. All trash shall be picked up and properly disposed of.
 - b. All flower boxes and planters shall contain live, healthy vegetation.
 - c. All tables, chairs, equipment, and structures must be kept clean and operational.
14. **Sound.** Music and amplified sound are not allowed in an outdoor dining area.
15. **Hours of Operation.** Outdoor dining may occur between 7 a.m. and 10 p.m. seven days a week. The city may allow extended hours for street dining decks for special events and holidays.
16. **Open for Use.** All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must have tables ready for customers to use the outdoor dining area when the establishment is open for business.
17. **Materials and Furniture.** The street dining deck shall have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.
18. All street dining facilities may be subject to inspection by the City on an annual basis or as needed to ensure compliance with this section, conditions of approval, and administrative procedures.
19. The bike racks shall be bolted or similarly secured to the building or ground, prior to final inspection. A sign shall be installed which states "public bike parking" adjacent or above the bike parking and visible to the public from the sidewalk.

Design Permit Findings

- A. The sidewalk dining area or street dining deck complies with all applicable requirements of this section, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.**

The proposed dining deck complies with all applicable standards of the Zoning Code and CDP. Conditions of approval have been added to ensure ongoing compliance.

- B. If located in the coastal zone, the sidewalk dining area or street dining deck is consistent with the Local Coastal Program, will not adversely impact coastal resources, coastal access, and coastal views, and has been authorized through a valid coastal development permit.**

The blanket CDP applies to this proposal and the limited use of Village street parking for dining decks. The applicant is providing four bike parking spaces to offset the use of street parking.

- C. The design of the sidewalk dining area or street dining deck supports a safe, inviting, and lively public realm consistent with the purpose of the MU-V zoning district as provided in Section 17.20.040 (Purpose of the Mixed Use Zoning Districts).**

The proposed dining deck provides an inviting and active place for guests and visitors to enjoy Capitola Village.

- D. The sidewalk dining area or street dining deck materials include high-quality, durable materials that are compatible with surrounding development and can withstand inclement weather.**

The applicant has proposed all weather materials and items. The dining deck will maintain a quality aesthetic with regular maintenance.

- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15305 (class 5) and 15311 (class 11) of the CEQA Guidelines exempts minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density and projects that consist of construction or placement of minor structures that are accessory to existing commercial facilities and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves street dining decks within the Mixed-Use Village zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Coastal Development Permit Findings

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

- B. The project maintains or enhances public views.**

The proposed project is located within public parking spaces (maximum 25) in the mixed-use village. The project will not negatively impact public landmarks and/or public views.

- C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located within public parking spaces in the mixed-use village zoning district. The street dining deck provides coastal access. The street dining deck will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves a street dining deck will not negatively impact low-cost public recreational access. For each parking space utilized for the street dining deck, two bicycle parking spaces are required.

E. The project maintains or enhances opportunities for visitors.

The project involves a street dining deck and will not negatively impact visitor serving opportunities. The street dining deck will enhance the visitor experience providing additional opportunities for dining with views and addition bike parking spaces.

F. The project maintains or enhances coastal resources.

The project involves a custom street dining deck and will not negatively impact coastal resources. On busy beach days, the additional seating will provide more opportunities for visitors to dine on a deck and take in the view and coastal feel of the village.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed street dining deck project complies with all applicable design criteria, design guidelines, area plans, and development standards. The project has been conditioned to ensure the operating characteristics are consistent with the outdoor dining regulations of the zoning code.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves a street dining deck design for future development of up to 25 parking spaces within the mixed-use village zoning district. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the mixed-use village zoning district.

Major Revocable Encroachment Permit Findings

A. The project’s benefit to the applicant and community exceed the detriment to the community.

The city has determined that street dining decks, in a limited implementation, are a net benefit to the Capitola Village. The loss of parking is mitigated by increased bike parking and enhanced visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Attachments:

- 1. Custom Street Dining Deck plan set
- 2. Furnishings Specifications

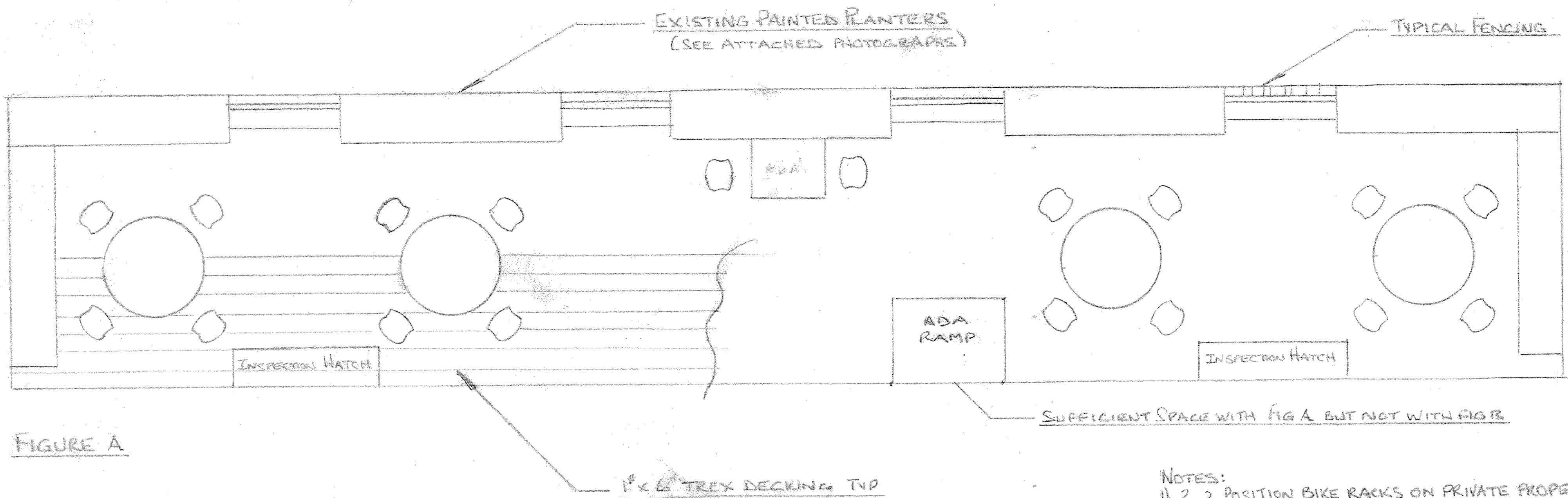


FIGURE A

- NOTES:
- 1) 2, 2 POSITION BIKE RACKS ON PRIVATE PROPERTY
 - 2) USE EXISTING PLANTERS & FENCING

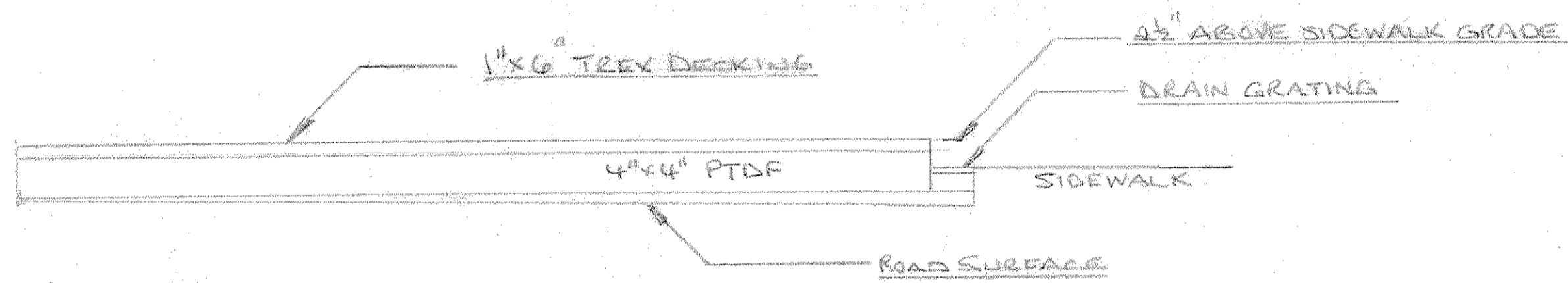


FIGURE B

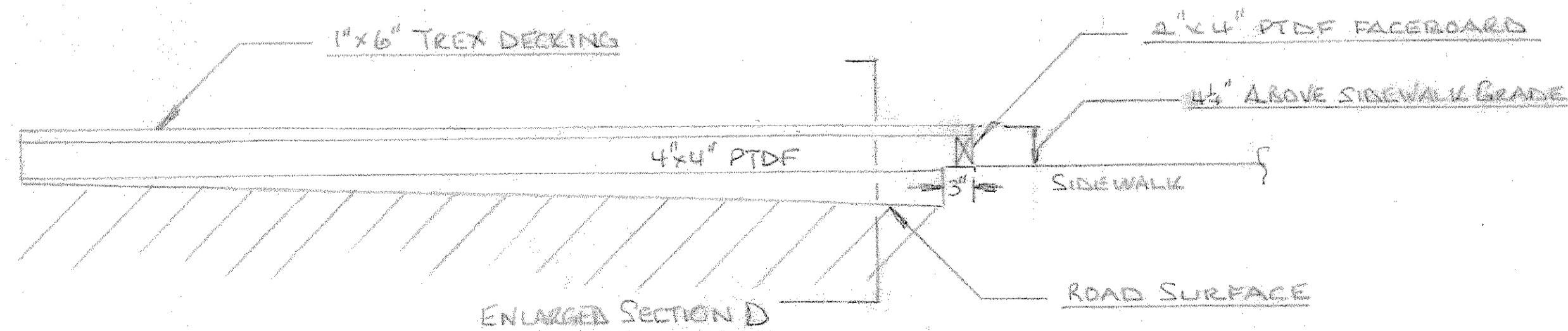
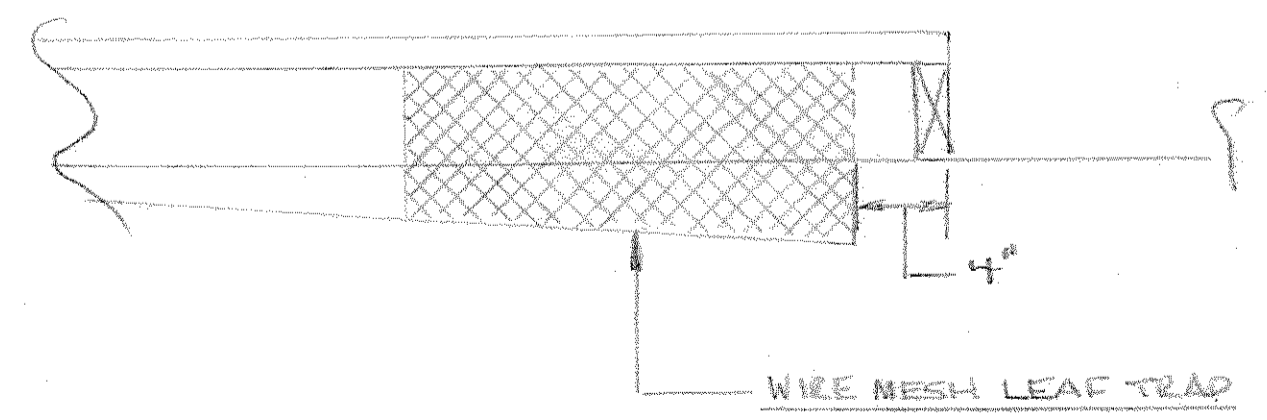


FIGURE C



ENLARGED SECTION D

NOTE: FIGURES B & C REPRESENT ALTERNATIVE DECKING CONFIGURATION AS THE APPROVED DESIGN DOES NOT ALLOW FOR SUFFICIENT THICKNESS OF JOIST TO ATTACH THE DECKING.

SCALE 1/2" REP 1'

ENGLISH ALES TAPROOM
 111 CAPITOLA AVENUE
 CAPITOLA, CA

Decking

Trex Composite Decking

Color: Woodland Brown

Products / Decking / Select® / Woodland Brown

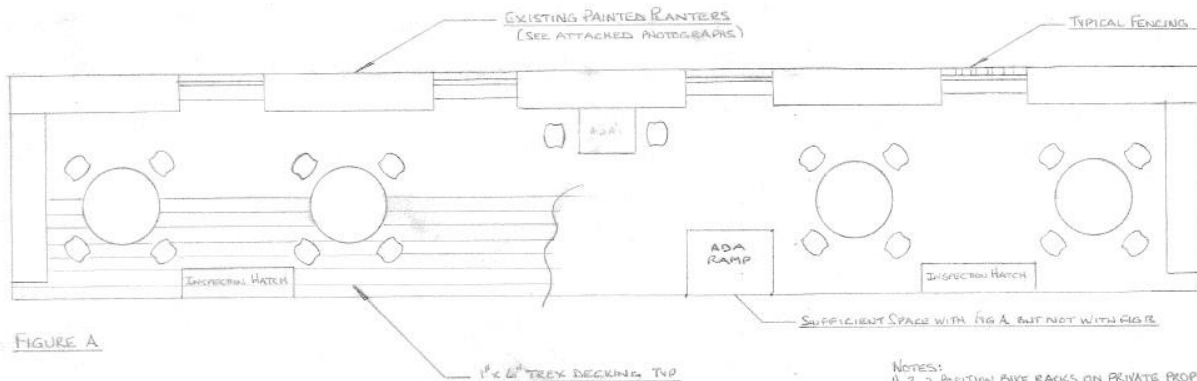


FIGURE A

NOTES:
 1) 2, 2 POSITION BIKE RACKS ON PRIVATE PROPERTY
 2) USE EXISTING PLANTERS & FENCING

Chairs and Tables

Cast Aluminum Table and Painted Aluminum Chair



Umbrella: Costway 10 foot LED Umbrella

Canopy Material: Polyester

Canopy Shape: Hexagonal

Canopy Durability: Weather Proof; UV Resistant; Mildew Resistant

Wind Vent: Yes

Opening Mechanism: Crank Lift

Tilt: Yes

Tilt Method: Push button

Lighting Included: No

Pole Material: Metal

Pole Color: Grey

Stand Included: No

Includes: Umbrella frame; umbrella canopy



Bike Racks (2)

Brand: RAD



Heater and Lights

Heater and lights match the prototype design.

Heater: Mushroom Style Commercial Grade Outdoor Propane Heater in white

Lights: String light with pole stands (solar powered)



- HEATS A 10'- 15' AREA
- 40,000 BTU
- USES 20# PROPANE TANK -- NO ELECTRICITY REQUIRED -- WILL HEAT BETWEEN 8 TO 12 HOURS DEPENDS ON SETTING...
- UNIT IS 7' 3" TALL, WEIGHS 90 LBS



Deck mounted metal poles and LED string lights

Capitola Planning Commission

Agenda Report



Meeting: December 1, 2022
From: Community Development Department
Subject: 311 Capitola Avenue

Permit Number: 22-0502

Location: 1 Parking Space in front of 311 Capitola Avenue

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for Reef Dog Deli at 311 Capitola Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Lawrie & Lawrie

Representative: Anthony Kresge, Business Owner

Applicant Proposal:

Reef Dog Deli is pursuing approval of Design Permit, Coastal Development Permit (CDP), and Major Encroachment Permit for a custom street dining deck. The street dining deck is proposed in one public parking space in front of Reef Dog Deli at 311 Capitola Avenue in the Mixed-Use Village zoning district.

Background:

On December 9, 2021, the City Council approved an Outdoor Dining Ordinance which establishes a permitting process for street and sidewalk dining within the village. The ordinance was certified by the Coastal Commission on July 14, 2022.

On July 21, 2022, the Planning Commission approved a Blanket CDP for the [Capitola Prototype Street Dining Deck](#).

Analysis:

Restaurants have the option to either utilize the City's prototype design or create a custom design. Custom designs required approval of a design permit and a coastal development permit by the Planning Commission. Reef Dog Deli is proposing a custom street dining deck. The overall design incorporates a new Trek composite wood deck and repurposes the existing redwood planters, cable railings, built-in redwood benches, furniture, and umbrellas.

The following Operating and Development Standards apply to street dining decks:

1. One Facility Only. An eating establishment may have either sidewalk dining or a street dining deck. An eating establishment may not have both sidewalk dining and a street dining deck.

Staff Analysis: The applicant is proposing a street dining deck. Occasionally, the establishment has placed teak chairs in the sidewalk for patrons waiting for a pickup order. The permit has been conditioned that no seats are allowed in the sidewalk.

2. Location within Eating Establishment Frontage. Street dining decks are allowed on parking spaces that are wholly or partially located in the right-of way directly adjacent to the eating establishment. The City may allow an outdoor dining area to extend beyond the frontage if (1) Due to the road and parking space layout, the outdoor dining area cannot be designed without extending the area beyond immediately adjacent parking spaces; (2) Extending the outdoor dining area will not have significant impact on adjoining businesses as determined by the permit review authority; and (3) Extending the outdoor dining area will not adversely impact coastal access.

Staff Analysis: The street dining deck is located primarily in front of 311 Capitola Avenue with a portion of the deck and all the bicycle parking in front of 309 Capitola Avenue. The two locations are both owned by Lawrie & Lawrie, who provided consent on the application. The proposed extension will not have a significant impact on adjoining businesses or coastal access.

3. Signs. Limited to one business identification sign and one menu sign each not to exceed two square feet.

Staff Analysis: The application does not include any signs. Condition of approval #10 is included limiting the business to one business identification sign and one menu sign each not to exceed two square feet.

4. Stormwater Drainage. All street dining decks must allow for adequate stormwater drainage.
- Dining decks shall not block the drainage flow along the gutter line.
 - Dining decks shall not block access into any drain inlet or other drainage/stormwater facility.

Staff Analysis: The site plan identifies a storm drain in the street. Condition of approval #11 requires this standard be met at time of building permit to the satisfaction of the Public Works Director.

5. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.

Staff Analysis: As previously stated, the building plans will be required to be in compliance with stormwater requirements. There are public utilities in the sidewalk that are not impacted by the proposed street dining deck.

6. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
- All trash shall be picked up and properly disposed of.
 - All flower boxes and planters shall contain live, healthy vegetation.
 - All tables, chairs, equipment, and structures must be kept clean and operational.

Staff Analysis: Condition of approval #13 requires this standard be met.

7. Sound. Music and amplified sound are not allowed in an outdoor dining area.

Staff Analysis: Condition of approval #14 requires this standard be met.

8. Bicycle Parking for Street Dining Decks. Bicycle parking is required for street dining decks.
- A street dining deck that eliminates an on-street parking space must include a bicycle parking rack integrated in the street dining deck design or within the private property of the eating or drinking establishment.
 - The bicycle parking rack must provide a minimum of two bicycle parking spaces for each eliminated vehicle parking space.
 - As an alternative to providing the bicycle parking rack, the City may allow an applicant to pay an in-lieu fee which fee shall be deposited into the City's in-lieu bike fund to create a central bicycle parking location.

Staff Analysis: Two bicycle parking spaces are required. The bicycle parking is proposed on the south side of the dining deck. It is four feet wide with a 6-foot-long wheel stop. Both the bike rack and wheel stop are from the prototype design.

9. Hours of Operation. Outdoor dining decks may only operate during specific hours.
- Outdoor dining in the public right-of-way may occur between 7 a.m. and 10 p.m. seven days a week.
 - The City may allow extended hours for street dining decks for special events and holidays.

Staff Analysis: Condition of approval #15 requires this standard be met.

10. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must allow customers to use the outdoor dining area when the establishment is open for business.

Staff Analysis: Condition of approval #16 requires this standard be met.

11. Materials. Allowed materials include finished or painted wood, glass, ornamental steel or iron, and decorative masonry. Street dining decks where the primary visible material is plastic, fabric, woven bamboo, or chain link/wire fencing are discouraged.

Staff Analysis: The applicant is proposing to reutilize the redwood planters and benches that have been in use since June of 2021 as part of the Covid-19 temporary permits. The planters and benches naturally have a weathered look. The wood has not been finished or painted. Attachment 2 includes a list of the proposed furnishing, fixtures, and equipment followed by images and descriptions of each product. The applicant would like to continue utilizing the existing chairs, tables, and umbrellas while incorporating the lights and heat lamps from the prototype in the event they decide to extend their hours in the busy season.

To ensure ongoing quality and maintenance, condition of approval #17 requires the street dining deck to have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.

12. Good Standing. An applicant must be in good standing to apply for a permit for outdoor dining. For purposes of this section, "good standing" shall mean that within the twenty-four months

directly preceding submission of a complete application for an Administrative Permit or Design Permit, the applicant has not been issued a notice of abatement, violation, or been subject to any code enforcement proceedings related to an ABC license, entertainment permit, or use permit by the City or any other regulatory or permitting agency. Any courtesy code enforcement notices received by the applicant was corrected by the applicant within the date specified on the courtesy notice retains the applicants good standing.

Staff Analysis: The applicant has received one courtesy code enforcement notice for an a-frame sign. At time of application, the A-frame was removed from the sidewalk. The applicant is now aware of the one sidewalk sign limit and agrees to remain in compliance moving forward.

- 13. CDP Recertification. All CDPs issued for outdoor dining permits require recertification by the City Council within three years a CDP issuance, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing.

Staff Analysis: Condition of approval #9 includes the requirement for recertification. Staff anticipates a recertification hearing for all Capitola outdoor dining permits in November of 2025.

Major Revocable Encroachment Permit

The planning commission may issue permits for private improvements in the right of way that go beyond the standards of minor permits. The Commission’s decision as to whether to issue such permit shall be made by weighing the following considerations:

- 1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;
- 2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;
- 3. Preservation of views; and
- 4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property.

If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved.

Staff Analysis: The city has determined that street dining decks, in a limited implementation, are a net benefit to the Capitola Village. The loss of parking is mitigated by increased bike parking and enhanced visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Recommendation:

Review the Custom Street Dining Deck Design and consider approval of the Design Permit, CDP, and Major Revocable Encroachment Permit consistent with the draft conditions and findings.

Conditions of Approval:

- 1. The project approval consists of a Coastal Development Permit and a Design Permit for a custom street dining deck utilizing the design that has been authorized by the Planning Commission on December 1, 2022. The proposed custom design is approved as indicated

on the final plans reviewed and approved by the Planning Commission, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The Design Permit, Coastal Development Permit, and Major Revocable Encroachment Permit is transferable between owners so an approved street dining deck design may be conveyed or assigned by the applicant during a sale to the new property owner without losing the approval. The permit cannot be transferred off the parking space on which the approval was granted.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the custom design plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized street 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. Prior to a certificate of occupancy, 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.
7. 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.
8. The street dining deck must comply with all applicable requirements of Capitola Municipal Code Section 17.96, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.
9. CDP Recertification Requirement. All CDPs issued for outdoor dining permits shall require recertification by the City Council no later than three years after the CDP is issued, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicant of the hearing date, at least thirty (30) days in advance of the public hearing. For a CDP to be recertified, the City Council must find that the subject project is operating in compliance with the findings and conditions of the CDP and in compliance with the LCP. The City Council may recertify, modify,

or revoke the CDP. The City Council's decision shall be a final action. The project applicant, any aggrieved person, or any two members of the Coastal Commission may appeal the City Council decision. Appeal procedures for coastal development permits shall be as specified in Section 17.44.150.

10. Signs. A maximum limit of one business identification sign and one menu sign each not to exceed two square feet are allowed per street dining deck.
11. Stormwater Drainage. At time of building permit, the custom street dining deck must be amended to include drainage above the gutter and a hatch above the storm drain to allow for adequate stormwater drainage and access to the inlet. Dining decks shall not block the drainage flow along the gutter line. Dining decks shall not block access into any drain inlet or other drainage/stormwater facility.
12. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.
13. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
 - a. All trash shall be picked up and properly disposed of.
 - b. All flower boxes and planters shall contain live, healthy vegetation.
 - c. All tables, chairs, equipment, and structures must be kept clean and operational.
14. Sound. Music and amplified sound are not allowed in an outdoor dining area.
15. Hours of Operation. Outdoor dining may occur between 7 a.m. and 10 p.m. seven days a week. The city may allow extended hours for street dining decks for special events and holidays.
16. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the eating or drinking establishment must have tables ready for customers to use the outdoor dining area when the establishment is open for business.
17. Materials and Furniture. The street dining deck shall have high-quality, durable materials that can withstand inclement weather. All approved infrastructure shall be maintained including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced in-kind immediately. Faded umbrellas shall be replaced with a UV rated fabric and may not include logos, labels, or advertising. Overtime, if the applicant would like to modify the tables, chairs, umbrellas, lights, or heating equipment, they must first receive written approval from the Community Development Director.
18. All street dining facilities may be subject to inspection by the City on an annual basis or as needed to ensure compliance with this section, conditions of approval, and administrative procedures.

Design Permit Findings

- A. The sidewalk dining area or street dining deck complies with all applicable requirements of this section, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.**

The proposed dining deck complies with all applicable standards of the Zoning Code and CDP. Conditions of approval have been added to ensure ongoing compliance.

- B. If located in the coastal zone, the sidewalk dining area or street dining deck is consistent with the Local Coastal Program, will not adversely impact coastal resources, coastal access, and coastal views, and has been authorized through a valid coastal development permit.**

The CDP applies to this proposal and the limited use of Village street parking for dining decks. The applicant is providing two bike parking spaces to offset the use of street parking.

- C. The design of the sidewalk dining area or street dining deck supports a safe, inviting, and lively public realm consistent with the purpose of the MU-V zoning district as provided in Section 17.20.040 (Purpose of the Mixed Use Zoning Districts).**

The proposed design deck provides an inviting and active place for guests and visitors to enjoy Capitola Village.

- D. The sidewalk dining area or street dining deck materials include high-quality, durable materials that are compatible with surrounding development and can withstand inclement weather.**

The applicant has proposed all weather materials and items. The dining deck will maintain a quality aesthetic with regular maintenance.

- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15305 (class 5) and 15311 (class 11) of the CEQA Guidelines exempts minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density and projects that consist of construction or placement of minor structures that are accessory to existing commercial facilities and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves street dining decks within the Mixed-Use Village zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Coastal Development Permit Findings

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

- B. The project maintains or enhances public views.**

The proposed project is located on within public parking spaces (maximum 25) within the mixed-use village. The project will not negatively impact public landmarks and/or public views.

- C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located within public parking spaces in the mixed-use village zoning district. The street dining deck provides coastal access. The street dining deck will maintain

or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves a custom street dining deck will not negatively impact low-cost public recreational access. For each parking space utilized for the street dining deck, two bicycle parking spaces are required.

E. The project maintains or enhances opportunities for visitors.

The project involves a street dining deck and will not negatively impact visitor serving opportunities. The street dining deck will enhance the visitor experience providing additional opportunities for dining with views and addition bike parking spaces.

F. The project maintains or enhances coastal resources.

The project involves a custom street dining deck and will not negatively impact coastal resources. On busy beach days, the additional seating will provide more opportunities for visitors to dine on a deck and take in the view and coastal feel of the village.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed street dining deck project complies with all applicable design criteria, design guidelines, area plans, and development standards. The project has been conditioned to ensure the operating characteristics are consistent with the outdoor dining regulations of the zoning code.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves a street dining deck design for future development of up to 25 parking spaces within the mixed-use village zoning district. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the mixed-use village zoning district.

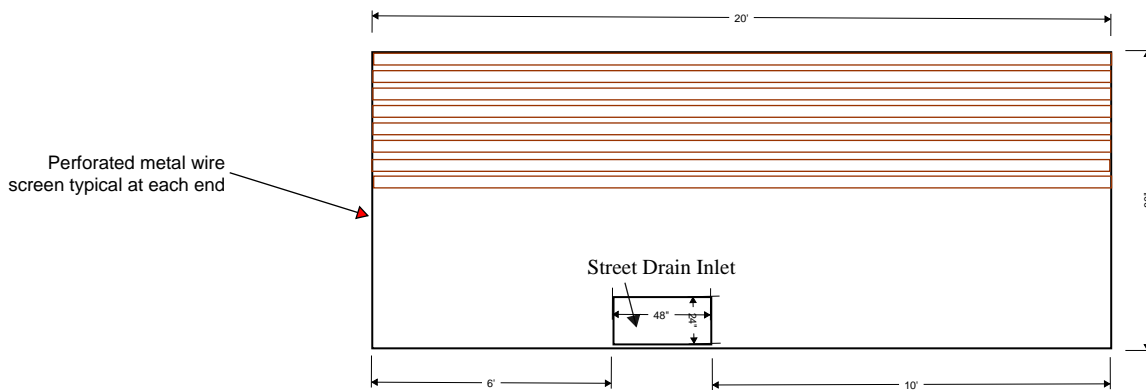
Major Revocable Encroachment Permit Findings

A. The project's benefit to the applicant and community exceed the detriment to the community.

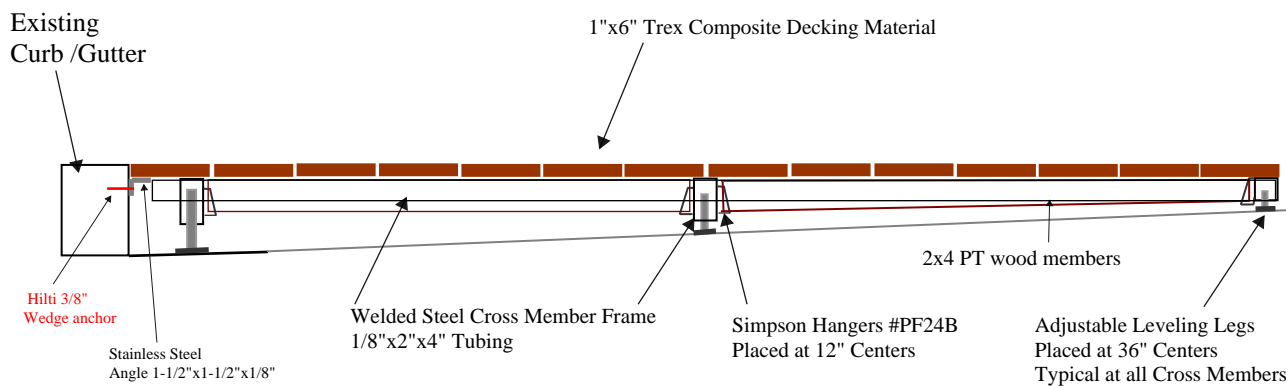
The city has determined that street dining decks, in a limited implementation, are a net benefit to the Capitola Village. The loss of parking is mitigated by increased bike parking and enhanced visitor and resident opportunities to enjoy the unique and charming Village and beach area.

Attachments:

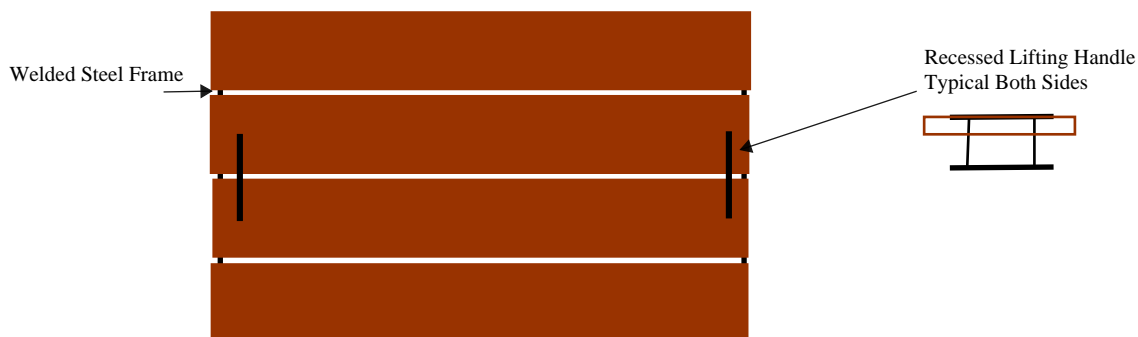
1. 311 Capitola Avenue Street Dining Deck plan
2. 311 Capitola Avenue Street Dining Deck layout
3. 311 Capitola Avenue Furnishing, Fixtures, and Equipment



Platform Overhead View



Cross Section View of Platform Assembly



Removable Deck Panel
For Access to Street Drain Grate

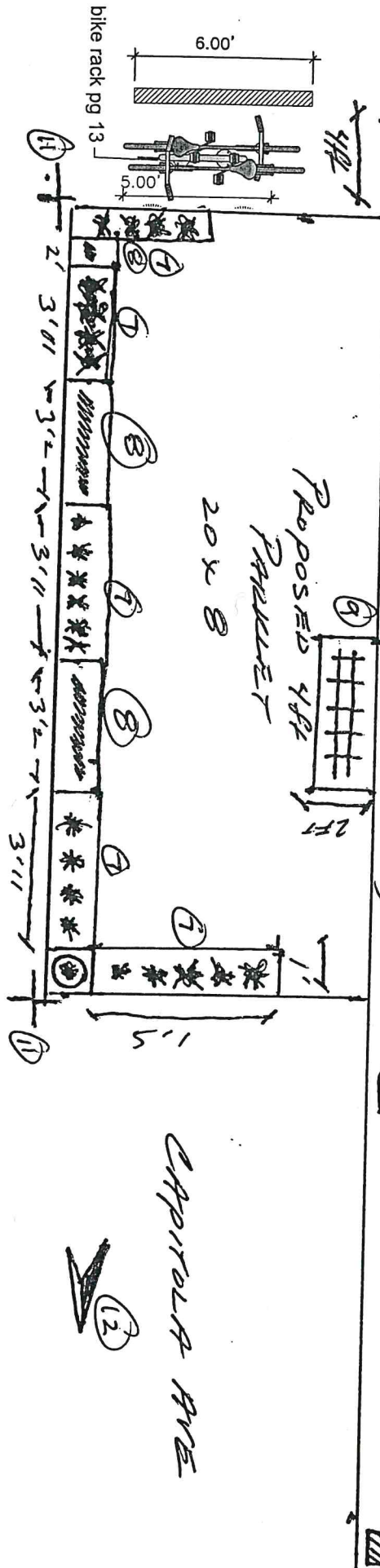
Not To Scale

SITE PLAN - 511 CAPITOLA AVE - 17.944
 (309 CAPITOLA AVE)
 FRONT PROPERTY
 : REFR DG DEL 1/31 CAPITOLA AVE
 (321 CAPITOLA AVE)



SIDEWALK

(FRY STREET 24 MIN. PARKING)



CAPITOLA AVE

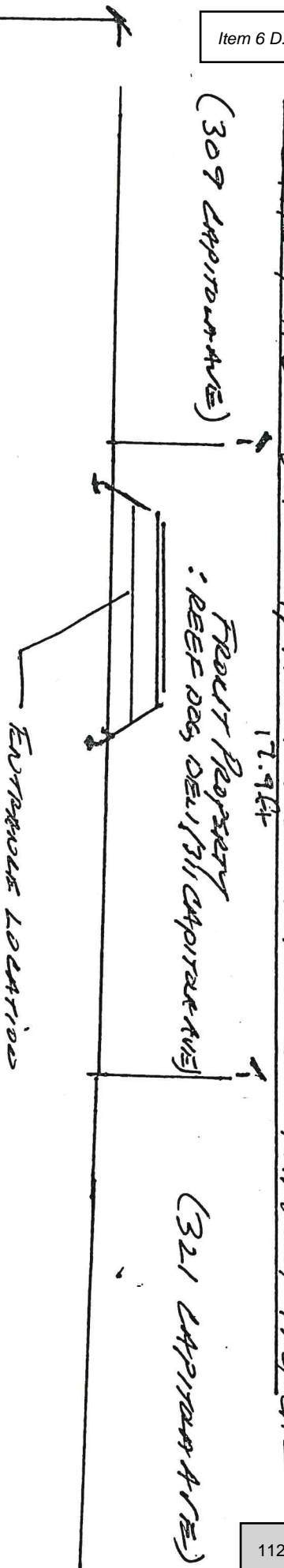
- LEGEND**
- ④ DRIVEWAY ENTRY
 - ⑤ PARKING DAY STATIONS
 - ⑥ BIKE RACK
 - ⑦ PARKERS - (RECLAIMED WOOD)
 - ⑧ BEACH SEATS (RECLAIMED WOOD)
 - ⑨ STORM DRAIN
 - ⑩ EXISTING STREET TREE
 - ⑪ EXISTING PLANTING SPACE MARKER
 - ⑫ NORTH ARROW

SITE PLAN - 311 CAPITOLA AVE - 12 SKINNY INTERIM PROPOSAL

(309 APPROXIMATE)

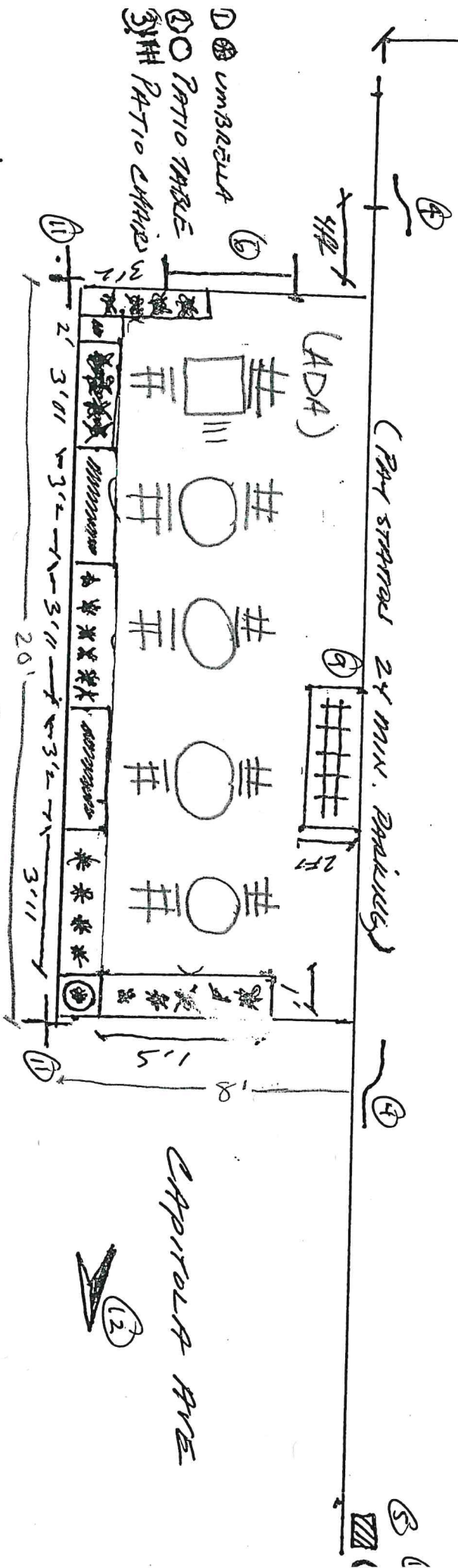
FRUIT PROPERTY
REF DOG DEL 1/31/11 APPROXIMATE

(321 APPROXIMATE)



SIDEWALK

(FRUIT PROPERTY 24 MIN. PARKING)



- ① ☂ UMBRELLA
- ② ○ TABLE
- ③ ☹ PATIO CHAIRS
- ④ DELIVERY ENTRY
- ⑤ PARKING DAY STATION
- ⑥ BIKE RACK
- ⑦ PLANTERS - (RECLAIMED WOOD)
- ⑧ BEST SEATS (RECLAIMED WOOD)
- ⑨ STORE SIGN
- ⑩ EXISTING STREET TREE
- ⑪ EXISTING PLANNING SPACE MARKER
- ⑬ NORTH ARROW

REEF DOG DELI: FURNISHING, FIXTURES, AND EQUIPMENT

Decking

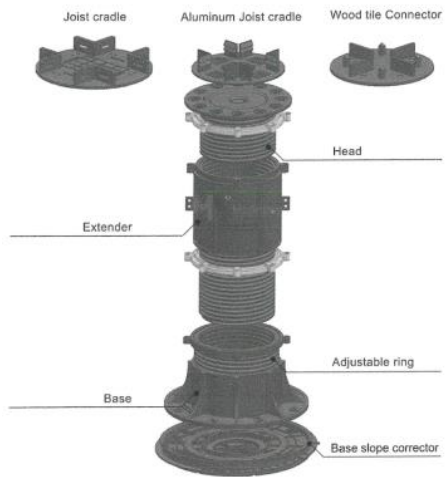
Trex Composite Decking

Color: Woodland Brown

Products / Decking / Select® / Woodland Brown



DECKING SUPPORT PEDESTAL



Chairs and Tables

Utilize existing tables and chairs on site.

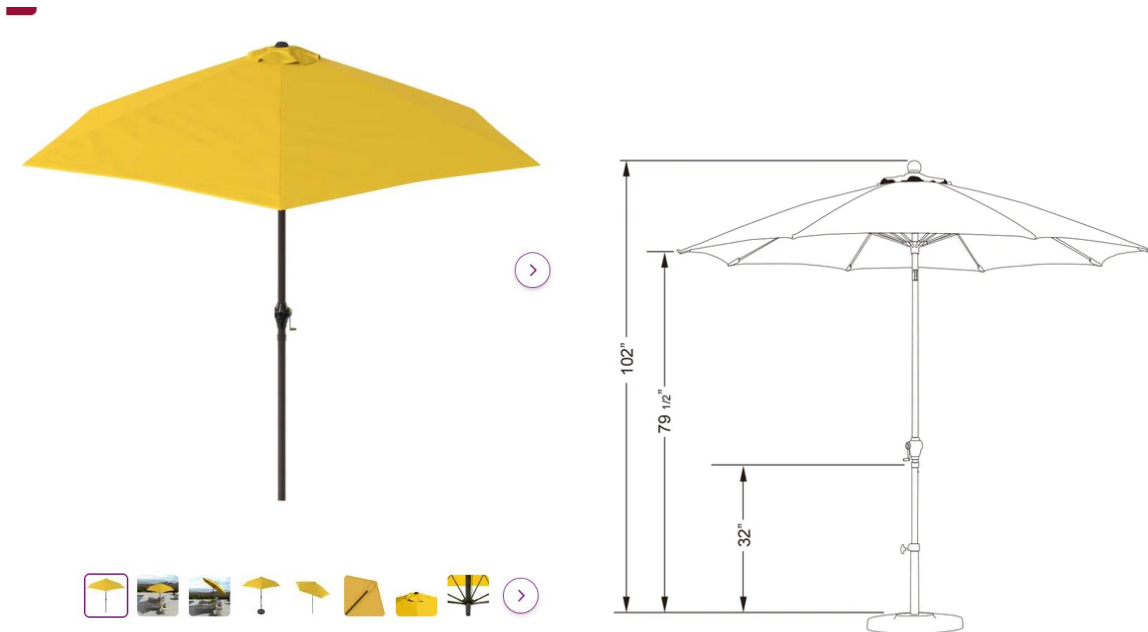


[Compare all 2 plans](#)

Color	Yellow
Brand	Grand patio
Style	Modern
Assembly Required	No
Shape	Round

About this item

- Powder coated steel frame structure, rust-resistant. Perfect for outdoor living. Space saving, easy to carry and storage.
- Premium Edition: Stylish design, wide and thick bars on the seat pan comfortable and strong. Plastic pieces on the each foot, keep your feet dry. Notice: You can contact Grand patio for replacement if these plastic pieces missing.
- Heavy-duty construction yet light weight chairs can hold up to 330 lbs.
- No assembly required, easy to set up and fold. Maintenance free, no stain cloth.
- Size of Table: 23.5"(DIA) X 27.75"(H). Chair: 18.5"(L) X 16.5"(W) X 32"(H)

Umbrella: Astraea 108" Market Umbrella

Canopy Material: Polyester

Canopy Shape: Hexagonal

UV Protection (UPF): 40

Canopy Durability: Weather Resistant; Water Resistant; UV Resistant; Mildew Resistant

Wind Vent: Yes

Opening Mechanism: Crank Lift

Tilt: Yes

Tilt Method: Push button

Lighting Included: No

Pole Material: Metal

Pole Color: Bronze

Stand Included: No

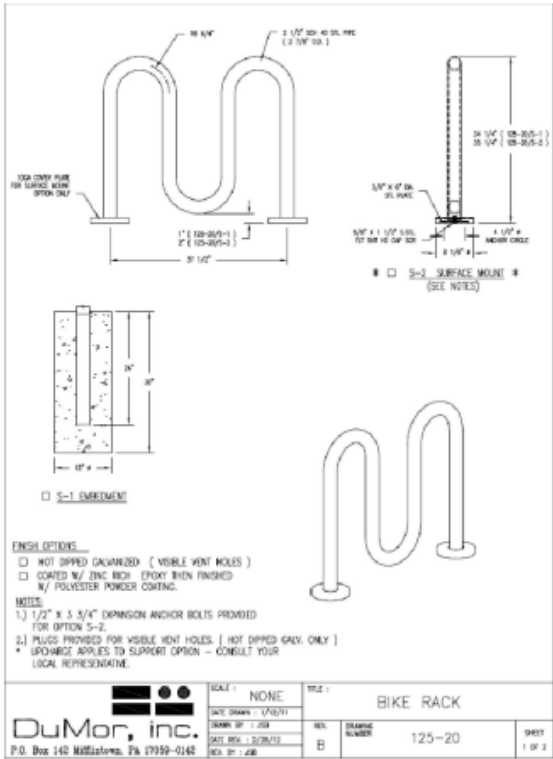
Includes: Umbrella frame; umbrella canopy

Supplier Intended and Approved Use: Residential Use

Water Resistant: Yes

Bike Rack and Wheel Stop

Both bike rack and frame are from prototype
 Brand: DuMor



4' and 6' long x 6" wide wheel stop
<https://www.markstaar.com/parking-stops/>

Bike Rack for three bikes - Dumor

Heater and Lights

Heater and lights are from prototype design.

Heater: Mushroom Style Commercial Grade Outdoor Propane Heater from Prototype

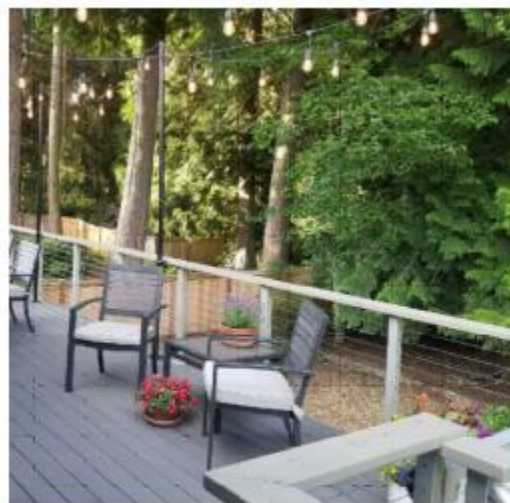
Lights: IYN Stands - String light pole stands



Mushroom style commercial grade outdoor propane heater



Deck mounted metal poles and LED string lights



<https://lynstands.com/>

Capitola Planning Commission

Agenda Report



Meeting: December 1, 2022
From: Community Development
Address: 401 Capitola Avenue

Permit Number: #22-0282

APN: 035-131-11

Conditional Use Permit, Parking Variance, and Coastal Development Permit to establish a restaurant that serves beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project Coastal Development Permit which is appealable to the Coastal Commission.

Environmental Determination: Categorical Exemption 15303

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

Applicant Proposal

The applicant is applying for a conditional use permit (CUP) to establish a restaurant serving beer and wine, to expand customer seating areas and a variance to required parking. The existing business, Capitola Tap House, is operating under an existing CUP (#19-0031) as a take-out food and beverage establishment that serves kombucha and coffee. Conditions of the active CUP limit the business to six customer seats and the location provides no onsite parking.

Background

On June 5, 2014, the Planning Commission approved a Design Permit, Setback and Parking Variances, Coastal Development Permit, and Sign Permit to construct the existing building for use by the prior retail tenant. The Parking Variance reduced the parking requirement from four spaces to zero.

On April 4, 2019, the Planning Commission approved CUP #19-0031 for a takeout restaurant that was to serve rice bowls, salads, beverages, and ice desserts with six seats for customers (takeout). The final local action notice included 26 conditions of approval that remains effective (attachment #3). During discussion, the Planning Commission decided not to approve a proposed patio along the side of the building nearest the trestle and that any kitchen/hood exhaust would need to be located on the front half of the building toward Capitola Avenue. The prior zoning ordinance categorized retail uses and takeout restaurants with six or fewer seats the same relative to parking requirements. The Capitola Tap House is operating currently with a condition of approval that limits the use to six or fewer seats. The daily configuration includes no seats but has two bar height tables on the front porch that customers use while standing.

During the Building Permit plan check, the applicant changed the business model to a kombucha, tea, and coffee serving business with a smaller kitchen that is primarily for washing dishes and has no cooking equipment or food preparation counters. The change included replacing a portion of the kitchen and prep area with a walk-in cooler that is plumbed with 32 tap dispensers for non-alcoholic beverages. The county environmental health department has conditioned the approval

of the current facility to limit food services to cold brew coffee and kombucha from approved sources only.

Discussion

The applicant is proposing to modify a portion of the current customer area to add a new 96 square foot food preparation area. The new equipment includes ice storage bin, refrigerator, toaster, and food preparation counter. The proposal also includes the utilization of the 32 tap system for dispensing beer and wine along with the existing kombucha and cold brew coffee and would be offered with a self-pour operation. This means that customers would purchase credits at the point-of-sale counter and obtain an RFID wristband or card that would be read at the tap dispensers and the customer would then be able to pour their own beverage.

The proposed menu includes the following items:

- Daily fresh soup
- Variety crackers and cheese plates
- Daily fresh specialty rolls
- Beef kimbap rolls
- Chicken kimbap rolls
- Spam kimbap rolls
- Tofu and fish cake kimbap rolls
- Shrimps spring rolls
- Chicken rice bowl
- Daily fresh desserts

The only unit of existing or proposed kitchen equipment that warms food is a toaster. It is not clear from the submitted plans how the other menu items would be warmed or cooked. If approved, the applicant would need to submit detailed kitchen plans, a more thorough menu, and operations plan to the county environmental health division for review.

The applicant has simultaneously filed for a type 41 license with California Department of Alcohol and Beverage Control (ABC). Type 41 licenses are defined as:

“Type 41 (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities; and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.” (ABC website)

“Bona fide public eating place” means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking and an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. (ABC website)

“Meals” means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall

not be deemed a compliance with this requirement. “Guests” shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage. (ABC website)

Planning staff communicated concern to the applicant about the combination of a Type 41 license and suitability of the existing and proposed kitchen facilities to meet the standard of a “bona fide eating place”. Planning staff has also contacted representatives from ABC and inquired about the proposal. The response was that ABC will not perform an in-depth review or offer written comments until after local approval but offered preliminary verbal feedback. The representative noted that they were familiar with the front porch area and were not concerned with this area being used as customer area. The representative expressed concern with how IDs would be checked for a self-pour tap business model. They also noted that a type 41 license requires that the business be primarily food serving with beer and wine as a beverage option. They stated concern with the kitchen’s limitations and the ability to meet the type 41 requirement of being a bona fide eating place.

The applicant is resolute that the proposed business is a restaurant with beer and wine service. City staff does not believe that the proposed restaurant and kitchen facilities meet the state standard of a bona fide eating place, however, this determination is not made by local agencies and does not factor into the CUP, Variance, or CDP analysis and findings. It is noted in this report as a matter of disclosure to the Planning Commission, the applicant, and the public that, if approved, this proposal may need to come back before the Planning Commission due to ABC requirements for further modification to the kitchen facilities to become a bona fide eating place (hood, exhaust, oven, range, etc..).

The Capitola Tap House is located at 401 Capitola Avenue, within the Mixed-Use Neighborhood (MU-N) zoning district and just outside the Mixed-Use Village (MU-V) boundary, which is aligned with the trestle. The purposes (section 17.20.010) of the two mixed-use zones are different, with the MU-V notably supporting “a mix of retail, restaurants, services, and recreation amenities providing a walkable environment, catering to all ages, and supporting year-round activities during the day and night”. The MU-N purpose is to “allow for neighborhood-serving mixed uses that enhance resident’s quality of life” and is “carefully designed to complement its surroundings and minimize impacts on neighboring properties”.

The immediate vicinity (300-foot radius) of the Capitola Tap House has a total of 83 addresses. A total of 63 (75%) of these addresses are residential (23 in the R-1 and 40 in the MU-V).

The customer area of the existing building (interior plus front porch) is 554 square feet, which is considered legal nonconforming and is subject to a limitation of six seats. The applicant now proposes to activate 458 square foot customer space for customers to include 26 seats and convert 96 square feet of the current customer area for additional food preparation facilities.

The applicant has stated that they would like to establish a “Restaurant and Café” to replace the existing “Takeout food and beverage” facility as defined below:

17.160.020 E “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses.

b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full-service restaurants, fast-food restaurants, coffee shops, cafes, and other similar

c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront component.

The applicant has provided a business plan and narrative (attachment #2), which describes the intended operation details and customers for the business. The proposal includes operation hours of 11am-8pm and posits that most customers would be pass-by stops by visitors that are already on their way to and from the Village and beach.

General Plan Analysis

Several General Plan policies are relevant to the review of the project and are further cited in the findings.

Policy LU-1.3 Compatible Development. Ensure that all new development is compatible with neighboring land uses and development.

Policy LU-4.1 Quality of Life. Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.

Policy LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

Compatibility related to the intensity of the proposed use, no onsite parking, proximity to residential properties, and the location within the city are individually significant issues that are not mitigated and collectively result in an unsupportable project. The zoning code is established to implement the general plan and to protect the public health, safety, and welfare. The proposed project does not conform with the purpose statement of the MU-N zoning district and is contrary to the general plan.

Local Coastal Plan Analysis

401 Capitola Avenue is located in the Coastal Zone. An intensification of a land use requires a Coastal Development Permit (CDP) and consistency with the City’s Local Coastal Program (LCP), Land Use Plan and CDP findings. Policy 1-1 of the Land Use Plan states “It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding

residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.” The proposed intensification of use is in contrast with this policy. Findings for consistency with the City’s LCP cannot be made as the proposal intensifies the use without parking. The increased demand on street parking and public parking will impact parking and beach access in the vicinity for visitors and existing businesses and residents.

Conditional Use Permit

In the MU-N district, Restaurants and Cafes and Alcoholic Beverage Sales require a Conditional Use Permit (CUP) (Table 17.20-1).

CUP’s are required for land uses that are generally appropriate within a zoning district, but potentially undesirable on a particular parcel or in large numbers. A use permit is a discretionary action that enables the city to ensure that a proposed use is consistent with the general plan and local coastal program land use plan and will not create negative impacts to adjacent properties or the general public.

Pursuant to 17.124.060, when evaluating a CUP, the Planning Commission must consider the following characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- B. Availability of adequate public services and infrastructure.
- C. Potential impacts to the natural environment.
- D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

Pursuant to 17.124.070, the Planning Commission must make the following findings for approval for a CUP:

- A. The proposed use is allowed in the applicable zoning district.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.
- C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

Planning Department staff cannot make the required findings for approval of the proposed CUP. As stated previously, the Capitola Tap House is located within the MU-N zoning district with a stated purpose to “enhance the residents’ quality of life”, and future development is to be “carefully designed to complement its surroundings and minimize impacts on neighboring properties”. With 75 percent of the properties within 300 feet of 401 Capitola being residential, proposed uses at the site must minimize impacts to neighboring properties. The proposed use intensifies the use of the site from the current six seat maximum to a restaurant with 26 seats and 458 square feet of activated space. The location, size, design, and operating characteristics of a dine-in restaurant business with a 32 tap self-pour system for dispensing beer, wine, kombucha, and cold brew coffee with no parking is not compatible with surroundings at this location. The use is also not consistent with the General Plan and the Local Coastal Program, as noted previously.

Parking Variance

Restaurants require parking to be provided at a ratio of 1:60 square feet for customer area and 1:300 square feet for other areas. The gross parking calculation for the proposed business is 11 parking spaces (see table). However, section 17.76.020 only requires parking be provided for the incremental intensification of a proposed new use. The existing takeout restaurant use is categorized by code with a requirement for a 1:300 square foot parking ratio ($1,265/300=4$). Four parking spaces were also approved with the original Parking Variance for retail use in 2014. Therefore, the existing parking credit for the 1,265 square foot building with a 1:300 ratio is four parking spaces. The proposed change of use from a takeout business to a restaurant and café has an incremental intensification that requires seven parking spaces be added to the site to comply.

Use Areas and Parking Required			
	Building Area	Customer Area	Other Area
First Floor	912 sf	308 sf	604 sf
Loft	203 sf	0 sf	203 sf
Porch	150 sf	150 sf	0 sf
Total	1,265 sf	458 sf	807
Parking Ratio		1:60 sf	1:300 sf
Required Parking		8 spaces	3 spaces
Provided Parking		0 spaces	0 spaces

To approve a variance application, the Planning Commission shall make all of the following findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.
- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.
- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.
- E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.
- F. The variance will not have adverse impacts on coastal resources

The proposal is to intensify the current takeout restaurant land use to a restaurant and café with beer and wine. There are no unique circumstances applicable to the subject property related to the intensification of the use. In 2014, the property received a parking variance to allow retail on the site. In 2019, the current owner obtained a CUP for a takeout restaurant which has the same parking requirement and is not an intensification of use. The variance is not necessary to preserve a substantial property right as the property has an operating takeout restaurant. Also, if the Planning Commission were to issue the variance, this would be seen as special privilege inconsistent with the limitations placed on the businesses throughout the mixed-use neighborhood

zone. The variance would have an adverse impact on coastal resources as public parking would be impacted.

Applicant's Letter

The applicant responded to the October 6, 2022, staff report with a six-page letter (attachment #4).

- The applicant noted concern with the project being defined as a Bar and Lounge. The applicant believes the project is a Restaurant. Both Bar and Lounge and Restaurant uses require a Conditional Development Permit in the MU-N zone. Additionally, the introduction of Alcohol Sales requires a CUP. For the December 1, 2022 meeting, the project was renoticed as a CUP for a Restaurant with Alcohol Sales.
- The applicant states that the project is eligible for AB 2097. AB 2097 allows transit oriented projects to reduce or be exempt from local parking standards if they are in proximity to high quality transit. There are no high quality transit services operating within city limits and AB 2097 is not applicable to this project. Additionally, AB 2097 does not become effective until January 2023.

Community Communications

At the time of writing this staff report, the city has received three letters of opposition (attachment #5).

CEQA

Section 15303(c) of the CEQA Guidelines exempts the conversion of small commercial buildings and installation of equipment within an urbanized area under where structures are less than 10,000 sf. This project involves conversion of interior space in the MU-N Zoning District.

Recommendation

Staff recommends that the Planning Commission deny the Parking Variance, Conditional Use Permit, and Coastal Development Permit based on the following Findings.

Attachments

1. Proposed Site Plan/Floor Plan
2. Proposed Business Plan and Narrative
3. Existing CUP Conditions for #19-0031
4. Applicant's letter to the Planning Commission
5. Public Comments

Conditional Use Permit Findings

A. The proposed use is allowed in the applicable zoning district.

Restaurant businesses and alcohol sales are not permitted by-right in the MU-N zoning district and require a conditional use permit. A restaurant serving beer and wine that meets parking standards is a potentially supportable proposal. The subject proposal includes an intensification of customer use areas from six seats to 26 seats while providing no on-site parking. Additionally, the by-right takeout nature of the existing business would be replaced with a dine-in food and beverage experience with 32 self-pouring taps that is conducive to customers staying longer periods of time and occupying more neighborhood and coastal access parking spaces. The combination of intensification of use in customer capacity and duration is not permitted in the zoning district and is counter to MU-N district purpose statement.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The proposed use is not consistent with the General Plan or Zoning Ordinance, as discussed:

GP. LU-1.3 Compatible Development. Ensure that all new development is compatible with neighboring land uses and development.

Staff Analysis: The proposed development is not compatible without providing parking. There is no precedent for new or intensified land uses providing no parking. Additionally, the tap system proposed is out of scale for a restaurant of this size. With 32 taps, there is a tap for every 14 square feet of customer area proposed. The ratio of taps to customer area is more typical of an alcohol serving business than a restaurant.

GP. LU-4.1 Quality of Life. Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.

Staff Analysis: The proposal is relying on offsite parking exclusively while intensifying the parking demand. Surrounding areas will be impacted by parking spillover.

GP. LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

Staff Analysis: The subject property sits at a zoning boundary with residential zoning and is located along a transitional street from the Village north on Capitola Avenue to a less active and more residentially developed part of the city.

ZO. 17.20.010 B2 2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents' quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue

Staff Analysis: In 2014, the city has approved a parking variance for the subject property allowing the owner to operate a retail shop. In 2019, the Planning Commission approved a CUP for a takeout restaurant which has the same parking requirement and is not an intensification of use. With these approvals the city has determined the appropriate balance of uses and mitigation of impacts to the vicinity. The applicant is now proposing to intensify the building's use and introduce impacts that are out of scale with the vicinity, would set a new precedent, and cannot reasonably be mitigated.

ZO. 17.128.010 This chapter identifies the process to obtain a variance. A variance is a discretionary permit that allows for deviation from development standards in the zoning code. The city may grant a variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.

Staff Analysis: Planning Commission approved a parking variance for the subject property in 2014 and allowed the applicant a change of use in 2019 that maintained the 2014 variance. The applicant is now proposing to intensify parking demand from four to 11 spaces (net seven). The proposal is an exacerbation of nonconformity without mitigation. Approval of this proposal would call into question how the city regulates parking city wide. There is no identified hardship associated with the subject property. The applicant proposes a variance to allow a special privilege not enjoyed by other properties in the city.

The location is not in the Capitola Village. The area of Capitola Avenue between the trestle and Bay Avenue is described as transitional with a focus on residents' quality of life rather than visitor serving amenities like the MU-V zone and Capitola Village area. **This finding cannot be made.**

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The current takeout establishment with its limited capacity for customers is compatible with the existing land uses in the vicinity. The current operation has a correspondingly limited impact on parking and noise in the vicinity. Capitola's zoning ordinance and business licensing process has long held that retail facilities and takeout food and beverage establishments, in their limited capacity, were interchangeable and do not introduce new impacts. The proposal to intensify customer capacity, introduce beer and wine from a tap system, and provide no parking onsite is counter to Capitola's established zoning policy in these circumstances. **This finding cannot be made.**

D. The proposed use will not be detrimental to the public health, safety, and welfare.

Restaurant uses and beer and wine sales are conditionally permitted in the MU-N. The intensity of use and change of use to a sit-down establishment with 32 taps and no parking presents new and unmitigated impacts to public health, safety, and welfare to adjacent residents and businesses. **This finding cannot be made.**

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The intensity of the proposed use is not adequately served by parking and proposes to transfer the full impact of the increased parking demand entirely offsite. The nearest R-1 zoned single family residence is approximately five feet away and over 60 residentially occupied properties are within 300 feet. The proposed use will have an impact to the daily life for these residents. The combination of parking deficiency, proximity to sensitive receptors, and the proposed intensity of use are not supported by services or infrastructure. **This finding cannot be made.**

Variance Findings

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

The lot size and shape was noted with the prior variance for four parking spaces granted in 2014. The applicant is now proposing a variance to exacerbate the existing parking deficiency without demonstrating a reason for reconsidering the prior variance approval. The city determined in the 2014 decision the appropriate parking variance for the property. **This finding cannot be made.**

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Strict application of the zoning code is that the subject property is currently operating with a legal nonconforming status with an approved parking variance and is enjoying the privilege of a customer area larger than currently permitted. The property is not deprived an opportunity or privilege enjoyed by any comparable property in the MU-N zoning district. The proposal introduces a request for a new privilege that is not supported by the zoning ordinance or general plan and transfers the increased impacts of additional parking demand and business activity to offsite locations. **This finding cannot be made.**

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

The proposed variance is not necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone. The city has evaluated the property and the hardship related to parking and determined that granting a variance for four parking spaces was appropriate to allow the property to maintain similar rights and uses as other properties in the same zone. **This finding cannot be made.**

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

Granting of the proposed variance would be detrimental to public health, safety, or welfare. The project presents noise impacts to the 63 sensitive receptors in the vicinity due to all parking demand for the project to be provided on or adjacent to surrounding properties. Noise associated with increased activity to and from vehicles parked in the neighborhood would have an unmitigated negative impact on residences and businesses in the vicinity. **This finding cannot be made.**

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

The granting of the parking variance would be a granting of special privilege by allowing an intensified use that requires seven additional parking spaces and provides none. **This finding cannot be made.**

F. The variance will not have adverse impacts on coastal resources.

The variance would have an impact on coastal parking resources due to displacing the entire parking burden on other parking locations. This would limit overall visitor parking opportunities. **This finding cannot be made.**

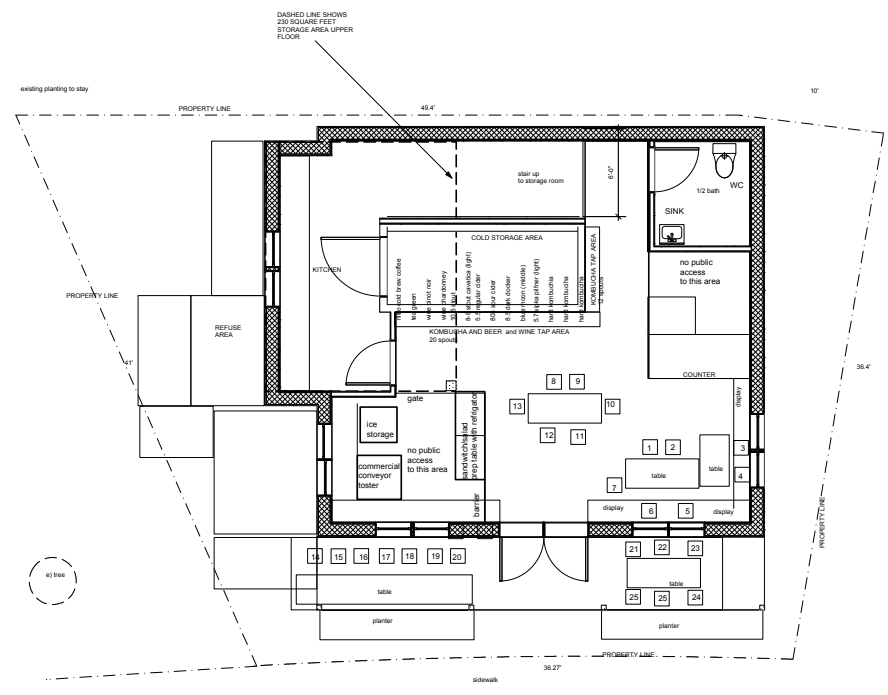
Coastal Findings

1. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed project is not consistent with LCP land use Policy I-1 "The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking." The proposed intensity of use necessitates parking that is not accommodated on site and displaces the burden to available public and street parking. The result is a reduction of coastal access for the public. **This finding cannot be made.**

- 2. The project maintains or enhances public views.**
The proposed project has no permanent impact on views.
- 3. The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed project has no impact on vegetation, natural habitats or natural resources.
- 4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The project has a direct impact on neighborhood parking and Village parking. The project displaces parking demand from onsite activity to be provided in offsite locations limiting options for low-cost public parking. **This finding cannot be made.**
- 5. The project maintains or enhances opportunities for visitors.**
The project limits opportunities for coastal access to visitors by not providing parking or mitigating demand. The project results in a net loss for coastal visitor opportunities and access. **This finding cannot be made.**
- 6. The project maintains or enhances coastal resources.**
The proposed project has no impact on natural or environmental resources. The project has a negative and unmitigated impact on coastal access for visitors by intensifying a land use without providing any parking. **This finding cannot be made.**
- 7. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**
LCP Policy I-1 requires that the city protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. **This finding cannot be made.**
- 8. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**
The project will limit public access and impact recreation and visitor opportunities and experiences. The proposed project contrasts with the long-standing city standard of allowing retail and takeout restaurants to change uses. The proposed intensification is not a priority development. **This finding cannot be made.**

Report prepared by: Brian Froelich



SITE PLAN
1/4" = 1' 0"

the beer will be from controlled taps and served only to persons over 21 years of age (card key controlled)

signs to be posted
 "NO OPEN CONTAINERS PAST PROPERTY LINE OR CONTROLLED SEATING AREAS"

PROPOSED SEATING FOR 13 PEOPLE INSIDE
 313 SF OF INSIDE FLOOR AREA FOR PUBLIC USE
 PROPOSED SEATING FOR 13 PEOPLE OUTSIDE
 145 SF OF OUTSIDE AREA FOR PUBLIC USE
 26 SEATING AREA 458 SF FLOOR AREA

SIMILAR CONDITION TO AVANUE CAFE, SAME ZONING, NON-CONFORMING 40 SEATS WITH INSIDE AND OUTSIDE SEATING AND NO ON SITE PARKING

VARIANCE TO PARKING REQUESTED

RICHARD L. EMIGH A.I.B.D.
DRAFTING, DESIGNING & LAND USE ANALYSIS
 413 Capitola Avenue Capitola, CA 95010
 Phone: 831-479-1452 Fax: 831-479-1476



SITE PLAN AND SEATING AREAS

phone # 510-701-8383

401 CAPITOLA AVE 95010
TAP HOUSE FLOOR PLAN
FOR LL APPLICATION
 for Amy Cheng

DATE OF PROPOSAL: 11/11/2020
 DATE OF REVISION: 11/11/2020

SHEET: **A-1**

1 OF 1 SHEETS

BUSINESS PLAN

Capitola Tap House
401 Capitola Ave.

Capitola, CA 95010, USA

September 13, 2022

Executive Summary

The Company

Capitola Tap House is a self-serve drink on draft. The self-pour revolution is growing and will add a modern touch to my establishment that will increase foot traffic, drive up sales, reduce waste, and make my operations overall more efficient. Self-pour technology can surely add a unique differentiator.

Having a self-pour beverage wall with beer, wine, and wine-based spirits cocktails will create a sense of community and is great for team bonding and creating a more inclusive environment for everyone for Santa Cruz county and visitors come to Capitola.

The Ownership

The Company will be structured as a sole proprietorship.

The Management

The Company will be managed by hired managers and staff. For delivery drop off, In front of the business location on the street, two parking spaces are designated for a 24 minute parking/loading zone for receiving deliveries. For storage concerns, All beer/wine are set up in 5 gallons to 15 gallons inside the walk-in cooler, and there are plenty of storage shelves. The second story has plenty of room for storage. Green waste management offers bigger size garbage/recycle containers to meet higher waste demand as necessary.

The Goals and Objectives

Capitola Tap House aims to add a fun place for local residents and visitors to stop for some drinks (non alcohol and alcohol drinks are featured on two walls and daily fresh small eating plates for pairing with the drinks. The Capitola Tap House business will enhance the residents' quality of life. Many residents and visitors have expressed positive interest regarding this new business in Capitola, especially the incorporation of alcohol beverages into our business model. This is an ideal location for residents to gather and meet their neighbors and enjoy social circles. Capitola Beach draws many visitors and vacation renters to this area. The City of Capitola Village parking lots, and street meter parking provide parking to the visitors who come by my business while on their way to the village, as we are not a point of destination, but a stop on the way to or from the Village, and many people would be able to take advantage of our take-out option. This business will not generate more

than usual car traffic, or spillover parking in the neighborhoods, as can be confirmed by our previous statement on not being an immediate point of destination, but a business on the way to the Capitola Village. This business is surrounded by recently rezoned vacation rentals and separated by the mixed use village zone.

Open hours are 11am to 8pm (summer and winter business hours may vary).

The Products and Services

Capitola Tap House offers self-pour draft kombucha, specialty tea, nitro cold brew coffee, beer and wine on tap and daily fresh food.

Pricing Strategy

The Company will make use of an economy pricing strategy.

Business Plan - Capitola Tap House

The Company

Business Sector

The Owner would like to start a business in the following industry: food and drinks accommodation services sector.

Company Background

Capitola Tap House is a self-serve drink on draft. The self-pour revolution is growing and will add a modern touch to my establishment that will increase foot traffic, drive up sales, reduce waste, and make my operations overall more efficient. Self-pour technology can surely add a unique differentiator.

Having a self-pour beverage wall with beer, wine, and wine-based cocktails will create a sense of community and is great for team bonding and creating a more inclusive environment for everyone for Santa Cruz county and visitors come to Capitola.

Company Goals and Objectives

Capitola Tap House aims to add a fun place for local residents and visitors to stop for some drinks (non alcohol and alcohol drinks are featured on two sides of the walls) and daily fresh made small eating plates for pairing with the drinks. My business is in close proximity to the central village zone and the business is not directly inside a residential neighborhood. My business has only one vacation rental behind me, one side is adjacent to the trestle, and the other side is adjacent to the fire station. My business is in the Neighborhood Commercial Zone, but boarding the Central Village Zone. Lack of parking for this business would not constitute a special privilege, because lack of parking is not a unique request, as many businesses have a lack of parking, and I am not taking parking from the Central Village Zone. In addition, my business would not be a point of destination, not congest the traffic, and we also limited our seating to aid your concerns. Open hours are 11am to 8pm. Summer and Winter business hours may vary.

Company Ownership Structure

The Company will be structured as a sole proprietorship.

Ownership Background

- Owner: Amy Cheng
Experience and training: Amy Cheng has many years of experience in the food and drinks business. She has degrees in nutritional food and science from UC Davis.

Company Management Structure

The Company will be managed by hired managers and staff.

The Products and Services

The Products and Services

Capitola Tap House offers draft kombucha, special tea, cold brew coffee, beer and wine on tap.

Location Analysis

The business is located in a bustling commercial beach town and is minutes away from the prominent Capitola Village.

Pricing

The Company will make use of an economy pricing strategy.

Advertising

The Company will promote the business through:

- Online channels (website, Google ads, etc.)
- Email marketing (newsletters, brand story, etc.)
- Social media
- TV or radio ads
- Print (magazines, flyers, etc.)

The annual budget for advertising is: \$5,000.00.

SWOT Analysis (Strengths/Weaknesses/Opportunities/Threats)

Strengths

Customer service, cutting edge technology in the self-pour are critical success factors and they give the business its competitive advantage.

Weaknesses

The location is driven by tourists, summer, warm, sunny weather.

Opportunities

There is an opportunity to promote brands and products to the community. Bring education about the benefits of Kombucha healthy drinks and efficiency of self-pour technology.

Threats

Common threats include things like rising costs for goods and products, increasing competition and current labor shortage.

Operations

Daily Operations

The business hours are open to the public from 11am to 8pm. This business is family friendly to locals, visitors and services of all ages. This is family friendly hours and limited crowds after dark and avoiding noisy crowds around the nearby residential neighborhood.

Operational Facilities

Capitola Tap House offers indoor seating, outdoor seating, and daily fresh small plates healthy choice of food. Self-Pour Technology card key check-in manage and control alcohol consumption include the following: (1) keeping track of consumption; (2) measure portion drink sizes; (3) limiting to no more than 2 standard drinks per person at a time. (4) Signs posted "No Open Containers past controlled outdoor seating areas. Staff serve free samples of kombucha on draft outdoor mobile carts within the property line. Outdoor Signages stand placement within the property line.

Staffing

The Company has a 5-10 person staff, including a general manager, part-time and full-time staff. Staff check ID at the POS counter.

Zone Commercial/Residential

Capitola Tap House business is separated by Trestle Boundary Zoning Central Village and Neighborhood Commercial. Central Fire Station is on the right, Trestle is on the left, Riverview Ave Beach Vacation Rentals directly behind. Capitol Ave is a major art This business is surrounded by Central Village Zoning. Outdoor dining seating and Outdoor Business Signage placements are important for businesses in central village and neighborhood commercials.

Capitola Tap House proposed 18 people indoor seating, 13 people outdoor seating

6. Any outside lighting on the building shall be turned off within half an hour of the closing time of the business.
7. 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.
8. 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.
9. 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.
10. 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.
11. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
12. Prior to issuance of building permit, all Planning fees associated with permit #19-0031 shall be paid in full.
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. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
25. The proposed patio on the south side of the building shall be removed. The applicant may construct a small garbage storage area on the south side of the building located toward the midpoint of the building. Revised plans shall be approved by the Community Development Director.
26. Any roof jacks required for future kitchen exhaust systems shall be located on the front half of the roof to minimize the impacts of food odors on adjacent residential properties.

FINDINGS

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

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

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

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is a mix of commercial and residential uses. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves the conversion of an existing commercial space into a to-go restaurant. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (April 19, 2021) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,



Matt Orbach
Associate Planner

To: Capitola Planning Commission
 Meeting Date: October 6, 2022
 Address: 401 Capitola Avenue
 Permit Number #22-0282
 APN: 035-131-11

Dear Members of the Capitola Planning Commission and City Staff,

I am Amy Cheng, the owner of 401 Capitola Avenue and the Applicant for this matter.

Thank you for the opportunity to address the Staff Report pertaining to my proposal.

The Staff Report states that my application requires two entitlements:

1. A Conditional Use Permit Modification to establish a “bar and lounge serving beer and wine” in the MU-N zoning district.
2. A parking variance to expand customer area from six seats to a plan that fully utilizes the front porch and interior customer area with proposed seating for 31 customers.

In response, I disagree with both points.

1. I disagree with and object to the characterization of my proposed use for this location as a “bar and lounge” (pour room.) (Please note that I also take objection to the wording on the City’s green Notice of Public Hearing.)

2. I disagree with the statement that this application requires a parking variance, in light of the passage of Assembly Bill (“AB”) 2097, which was approved by the Governor on September 22, 2022 and Filed with the Secretary of State on September 22, 2022. AB 2097 amends Section 65585 of and adds Section 65863.2 to the CA Government Code relating to land use.

In the alternative, I submit that if the Planning Commission determines that a minimum parking requirement still applies, the number imposed by the City’s Planning Department is incorrect.

DISCUSSION

1. Proposed Use for location is an Eating Place, not a bar and lounge.

I have applied for a **Type 41 On-Sale Beer and Wine- Eating Place** license through the California Department of Alcohol Beverage Control (“ABC”). A Type 41 license is defined as follows:

41: (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

I am NOT applying for a license for a bar or tavern type use. Contrast my proposed use with a Type 42 license: On-Sale Beer and Wine – Public Premises:

42: (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

The hours of operation for my establishment are requested to be 11:00 a.m. to 8:00 p.m. Minors are allowed to enter and remain. This is a family friendly business for all ages. The early close time of 8:00 p.m. limits noise and other impacts to the surrounding businesses and neighbors such as lighting or traffic generation. My business is next door to the Fire Station and across the street from the Police Department and adjacent to the RTC- railway/trestle open space. There is only one vacation rental home behind me. The fact that there is only one vacation rental residence near me and the proximity to law enforcement further ensures a lack of impact.

My proposal is for a business that is a bona fide eating place. I will have suitable kitchen facilities and provide the following meals (not ancillary food, but rather substantial meals for consumption on premises or take out):

MENU

DAILY FRESH MADE

- Daily Fresh Soup
- Variety Crackers & Cheese Plates
- Daily Fresh Specialty Rolls
- Beef Kimbap Rolls
- Chicken Kimbap Rolls
- Spam Kimbap Rolls
- Tofu & Fish Cake Kimbap Rolls
- Shrimps Spring Rolls
- Chicken Rice Bowl
- Daily Fresh Desserts

Please note that the Capitola Municipal Code also confirms my proposed use of the premises as an “eating and drinking establishment” such as a restaurant, café, or take-out food and beverage, rather than a “bar and lounge”. As you can see from the definitions taken from Section 17.160.020 of the Capitola Municipal

Code, a “bar and lounge” is a business “devoted to serving alcoholic beverages”, “in which the serving of food only incidental to the consumption of such (alcoholic) beverages” and describes such places as “cocktail lounges, nightclubs, taverns.” This description brings to mind bars that primarily serve alcohol in a cocktail lounge, nightclub or tavern environment, which might serve baskets of pretzels or nuts ‘incidental’ to the consumption of the alcoholic beverage.

This ‘bar and lounge’ description is not at all what the proposed use of my premises is contemplated to be, or intended to be, or will be.

Capitola Municipal Code 17.160.020

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
 - a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses.
 - b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar [eating and drinking establishments](#).
 - c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront [retail](#) component.

The Staff Report determines this is a bar and lounge based on the following:

1. The proposed use is greater than 160 sf of customer area – Response: this is not a criteria for the definition of bar and lounge.
2. The proposed use includes 31 seats – Response: this is not a criteria for the definition of bar and lounge.

3. This utilizes a self-pour tap system – Response: this is not a criteria for the definition of bar and lounge.

4. Will utilize at least 50% of the 32-tap system for alcoholic beverages – Response: this ignores the fact that meals will be served as well as numerous non-alcoholic beverages

My current business has had approval of the plans for the Conditional Use Permit (“CUP”) in the Category “Take-Out Restaurant.” In my understanding, a variance was given to have no parking on site. My business is family friendly- with limited evening hours (closing at 8 pm) where are minors are welcome. My proposed use does not fit the Capitola Municipal Code definition of bar and lounge, it does not fit the ABC Type 42 license for bar, tavern, and it does not fit the actual image of a bar, cocktail lounge, nightclub, tavern etc. that ‘we know when we see it.’

2. A Parking Variance is no longer needed.

AB 2097 was passed and approved by Governor Newsom on September 22, 2022 and filed with the Secretary of State the same day. It has been codified as law in Government Code Section 65585 and adds Section 65863.2 to the CA Government Code relating to land use.

AB 2097 does not just apply to housing developments. It was contemplated to “make housing cheaper and more abundant, help mom ’n’ pop restaurants get started, let architects reuse historic buildings, and make the state’s neighborhoods more walkable.” Before AB 2097, local laws required gyms, offices, stores, cafes, restaurants, homes etc. to come with a certain number of parking spots. Now, with the governor’s approval, those requirements disappear within a half-mile of regular transit service, effectively ending parking minimums. No longer are buildings frozen out of “adaptive reuse” because of parking requirements.

The new law, codified in Government Code Section 65863.2, states:

(a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit.

The only exception to this law is if not imposing parking requirements would have a substantially negative impact on the city meeting its regional housing need number or other housing development related impacts. There are no such impacts at issue with this proposal.

Public transit” means a major transit stop as defined in Section 21155 of the Public Resources Code, (“PRC”) which refers to 21064.3.

21064.3 of the PRC defines “Major transit stop” means a site containing **any** of the following:

- (a) **An existing rail or bus rapid transit station.**
- (b) A ferry terminal served by either a bus or rail transit service.

Therefore it is my contention that no minimum parking requirement can be legally imposed.

3. In the alternative, if a parking minimum is still imposed, the City’s suggested number of parking spots required is incorrect.

I have a lawful CUP under the prior zoning ordinance, which allowed takeout business without additional parking. Original building permit#For this proposal, City Planning staff is holding me to the standard of parking ratio imposed on bars and lounges. That ratio is 1:60 square feet (“sf”) for customer area and 1:240 sf for other areas. However a take-out restaurant has a parking ratio of 1:300 sf, which for these premises requires 4 parking spaces – if you include the total square footage of the building. For this proposed change, the City indicates that 8 additional spaces be added, because the City is using the 1:60 sf ratio of a bar and lounge.

I submit that that is an inaccurate characterization and therefore these 8 additional spaces are incorrectly imposed. The staff report notes that “the customer area of the existing building (interior plus front porch) is 554 sf.” (Page 2 of the Staff Report.) That suggests a parking requirement of two spots if reviewed under the current Zoning Ordinance. Further I submit that Planning Commission can grant any parking variance required, as this use is of minimal impact and compatible with neighboring land uses. In my understanding, when “Charley and Co.” built the building and final permit#BP 2014-228 in 2015, a variance was given to have no parking on site.

4. The Planning Department’s allegations regarding a history of code violations and ABC concerns are red herrings and disingenuous.

The Planning department notes the following code enforcement actions: a trash enclosure that didn’t conform to approved plans, concrete forms installed for a patio area that was not approved, and banners in front of the house without permits. After inspections Planning Staff notified me of these issues and I immediately took corrective action and resolved the noticed issues. There are no open code violations. To inflate this to an allegation of a history of code violations is overstating and I suggest disingenuous. Planning notes in the report that “no calls to Police have been made by or to the Capitola Tap House.” (Page 3.)

Planning Staff also claim that ABC had concerns as to how id's would be checked for alcohol sales and whether the kitchen had the ability to meet the Type 41 requirement for being a restaurant. I suggest that these speculations on the part of the ABC don't rise to the level of unmitigable issues that result in an unsupportable project. The kitchen is adequate to provide the meals that have been outlined on the menu. Further I will employ sophisticated self-pour technology involving a card key that will enable us to only allow people who have shown id's that they are at least 21 years of age to use the taps, and manage and control alcohol consumption by keeping track of consumption, measuring portion drink sizes, and cutting off self-pour after two standard drinks per person. Notably ABC stated that they were not concerned with the front porch area being used for consumption.

This is not a 'bar and lounge.' This is a family friendly eating establishment business, with limited hours. Noise, lighting, traffic generation etc. are accordingly mitigated and not significant impacts. My neighbors are primarily the RTC open space, the Fire Department and City Hall and the Police Department, with the exception of one vacation rental house. I abut the Mixed Use Village zoning with many nearby commercial businesses. I am much closer to the MUV and already run a Kombucha business establishment here with no negative impact to the residential transitional area. This proposed use would not change this. This is a compatible use for the area. It will not negatively impact surrounding uses or public health, safety and welfare.

The Staff Report notes that this project is categorically exempt under section 15301 of CEQA – it is a “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. This project involves no new permanent physical improvements and does not require a Building permit. The permit will involve a minor change in operations and utilization of existing spaces. No adverse environmental impacts were discovered during review of the proposed project.” (Staff Report Page 6, emphasis added.)

Therefore it is compatible with the General Plan and I respectfully request that the amendment to the CUP should be granted.

Thank you for your consideration,

Amy Cheng

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2097

Updates: AB 2097 **passed the State Senate on 8/29/22 by a vote of 26-9**. It passed the State Assembly in a concurrence vote on 8/30/22 by a vote of 52-17. AB 2097 was signed by Governor Gavin Newsom on 9/22/22. Click here to view the governor's signing message.



City of Capitola MASTER APPLICATION

Application #	Item 6 E.
Filing Date	_____
Total Fee	_____
Received by	_____

Project Address: 401 Capitola Ave
 A.P.N.: 0351311 Zone District: mixed-use commerc
 Existing Condition/Current Use Take-Out Restaurant

New
 Addition
 Remodel
 Variance
 Demo
 CUP
 Coastal Permit
 Other _____

Residential: # of Bldgs. _____ # of Stories _____ # of Units _____
 Commercial: # of Bldgs. 1 # of Stories 1

Project Description:
 I would like to re-notice and process it as a restaurant/cafe serving draft kombucha, draft nitro coffee, draft beer, draft wine, and a bona fide eating place with 23 seats, parking variance, mixed-use neighborhood zoning.

Proposed Use/Occupancy: _____

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

- Property Owner:** Amy Cheng Phone: 510-701-8383
 Mailing Address: 401 Capitola Ave, Capitola, CA 95010
 Email: 1biznfun@gmail.com
- Applicant:** Amy Cheng Phone: 510-701-8383
 Mailing Address: 401 Capitola Ave, Capitola, CA 95010
 Email: 1biznfun@gmail.com
- Architect/Designer:** Richard Emigh Phone: 831-566-9142
 Mailing Address: 413 Capitola Ave, Capitola, CA 95010
 Email: redesign02@yahoo.com
- Engineer:** _____ Phone: _____
 Mailing Address: _____
 Email: _____



City of Capitola MASTER APPLICATION

Application # _____
Item 6 E.

Proposed

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

Existing

Lot: _____ x _____ = _____ sq. ft.
Main Building: 1200 sq. ft.
Parking Spaces: 0
Other (specify): _____ sq. ft.

PLANNING STAFF USE ONLY

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

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

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

Signature: _____
Amy Cherry
Property Owner

Date: _____
7/6/22

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

Signature: _____
Amy Cherry
Applicant

Date: _____
7/6/22

AGREEMENT FOR PAYMENT OF PROCESSING FEES

City of Capitola (hereinafter CITY) and Amy Cheng (hereinafter APPLICANT) agree to the following:

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

Executed this 6 day of July, 2022

CITY

Capitola
Community Development Department

APPLICANT

Amy Cheng
Signature

Amy Cheng
Print Name

401 Capitola Ave
Mailing Address

Capitola, CA 95010

Froelich, Brian

From: Edward Newman <edward@capitolalawfirm.com>
Sent: Wednesday, October 5, 2022 8:57 PM
To: PLANNING COMMISSION
Subject: 401 Capitola Avenue

Dear Commissioners:

I am writing on behalf of the seven tenants at 331 Capitola Avenue regarding the application for a conditional use permit, parking variance, and coastal permit for a 46 seat food and alcohol service business at 401 Capitola Avenue. I will obviously not participate in that hearing due to my interest in the property at 331 Capitola Ave.

When the applicant first applied for the existing use permit, the tenants at 331 Capitola Ave. were concerned about impacts on their limited parking. At the time assurance were made that the operation would not affect adjacent parking because of the nature of the use being limited to serving tea products.

The current application for a 46 seat bar and restaurant is drastically different from the original approval. The building at 401 Capitola Ave. has zero off-street parking spaces and almost no on-street parking. Our tenants do not wish to be in perpetual conflict with patrons of an adjacent bar/restaurant. When the property at 331 Capitola Ave. was originally built, parking was required, and food services uses were prohibited for that property. The location is not suitable for the proposed use, and It is difficult to see how the state mandated findings for a parking variance can be made under the circumstances.

We at 331 Capitola Ave. support the staff recommendation and respectfully request that the application be denied.

Ed Newman

Sent from [Mail](#) for Windows

Froelich, Brian

From: Troy A <auzcorp@gmail.com>
Sent: Tuesday, September 27, 2022 4:01 PM
To: PLANNING COMMISSION
Subject: 401 Capitola Ave permit

Hello,

I'm a neighbor of the Kombucha bar. I'm against any kind of permit for alcoholic beverages. This location has residential neighbors and should not be allowed to become another beer bar. We have enough of those establishments downtown. Don't need another one amongst residential homes.

Thank you!
Troy
Sent from my iPhone

October 19, 2022

City of Capitola Planning Commission
 420 Capitola Avenue
 Capitola, CA 95010
 Attn: Brian Froelich

SUBJ: 401 Capitola Avenue/Tap House/ APN: 035-131-11

RE: Conditional Use Permit and Parking Variance Application/Permit Number: #22-0282

Dear Brian & Members of the Capitola Planning Commission,

Our house at 403 Riverview Avenue is approx. 100 feet from The Tap House (the home across the street from us backs up against it). We support the staff recommendation and respectfully request that the application be denied for the following reasons:

1. The location is not suitable for the proposed use (serving beer & wine, expand indoor and outdoor dining/consumption customer areas and a variance to required parking):
 - a. Not enough off-street parking spaces. The proposal places the burden of parking demand entirely offsite in an area already overburdened with parking issues.
 - b. This is a Mixed Use Neighborhood zoning district & not in Capitola Village.
2. The proposed use will be detrimental to the public health, safety, and welfare.
 - a. Several single family residences are a few feet away & bar and lounge use—especially with taps and limited space for patrons—pose a risk to public health, safety, and welfare to adjacent residential property owners.
 - i. Noise associated with this type of business (yelling & horn honking) would have negative impacts on neighbors in the vicinity.
 - ii. Statistics show establishments that serve beer & wine give way to public drunkenness and the crime that comes along with it. Examples include: unauthorized parking in neighbor's driveways, damages to parked cars, littering, loitering, urinating in public, DUI's, drug use & possession & violence.
 - iii. Unfortunately, even law-abiding bars may pose major problems when patrons leave at closing time, parking in neighborhoods & waking neighbors with car sounds and headlights.
 - iv. Issuance of any kind of alcohol license could aggravate an existing crime problem already in the area.

We wish The Tap House owners continued success w/their current business and would like to thank the Planning Commission for the opportunity to express our opinion on this important subject.

Sincerely,

A. Kalbali *Gina Jackman Kalbali*
 Oskar & Gina Kalbali
 403 Riverview Avenue
 Capitola, CA 95010