

# City of Capitola

## Planning Commission Meeting Agenda

### Thursday, June 04, 2026 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Courtney Christiansen  
**Vice Chair:** Nathan Kieu  
**Commissioners:** Paul Estey, Matthew Howard, TJ Welch

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*All correspondence 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 Paul Estey, Matthew Howard, TJ Welch, Vice Chair Nathan Kieu, and Chair Courtney Christiansen

#### 2. Additions and Deletions to the Agenda

[A.](#) Additional Materials Item 6A

[B.](#) Additional Materials Item 6B

#### 3. Oral Communications

*Please review the section How to Provide Comments to the Planning Commission for instructions. Oral Communications allows time for members of the public to address the Planning Commission on any Consent Item on tonight's agenda or on any topic within the jurisdiction of the City that is not on the Public Hearing section of the Agenda. 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.*

#### 4. Planning Commission/Staff Comments

#### 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 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.](#) Approval of April 2, 2026, Planning Commission Minutes

[B.](#) 520 Oak Drive

Project Description: Application #26-0033. APN: 035-093-34. Design Permit for the construction of detached two-story Accessory Dwelling Unit (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 after all possible appeals are exhausted through the City.

Recommended Action: Consider application #26-0033 and approve the project based on the Findings and Conditions of Approval.

## 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. 2091 Wharf Road

Project Description: Application #22-0067 for a Minor Land Division to subdivide an existing 0.478-acre lot into three lots, with an existing residence to remain on Lot No. 2 located at 2091 Wharf Road at (APN: 034-241-05), within the Single-Family Residential (R-1) zone district. This project is not located in the Coastal Zone and does not require a Coastal Development Permit.

Recommended Action: Consider Application #22-0067 and approve the project based on the recommended Conditions and Findings for Approval.

### B. Citywide Municipal Code Amendments

Project Description: Application #26-0259 Work session on upcoming amendments to the Municipal Code pertaining to incentives for community benefits, accessory dwelling units, and tattoo establishments. Future amendments, if adopted, would be applicable Citywide. Zoning code will require California Coastal Commission certification prior to taking effect in the Coastal Zone.

Recommended Action: Receive update on potential Municipal Code amendments, provide direction on preferred approach to the amendments, and continue the public hearing to the July 16, 2026, Planning Commission meeting.

## 7. Director's Report

## 8. Adjournment – The next regularly scheduled meeting of the Planning Commission is on July 16, 2026, at 6:00 PM.

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### How to View the Meeting

**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/@cityofcapitolocalifornia3172>

#### How to Provide Comments to the Planning Commission

Members of the public may provide public comments to the Planning Commission in-person during the meeting. If you are unable to attend the meeting in person, please email your comments to [planningcommission@cityofcapitola.gov](mailto:planningcommission@cityofcapitola.gov) and they will be included as a part of the record for that meeting. Emailed comments will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.

**Appeals:** The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: 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 submitted in 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 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 6 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.gov](http://www.cityofcapitola.gov). Need more information? Contact the Community and Economic Development Department at (831) 475-7300 or [planning@cityofcapitola.gov](mailto:planning@cityofcapitola.gov).

**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 City Clerk's Office 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.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [cityclerk@cityofcapitola.gov](mailto:cityclerk@cityofcapitola.gov).

**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.gov](http://www.cityofcapitola.gov) .



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**FW: 2091 Wharf Road- Memo and Attachment**

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**From** Herlihy, Katie <kherlihy@cityofcapitola.gov>

**Date** Thu 6/4/2026 9:27 AM

**To** PLANNING COMMISSION <planningcommission@cityofcapitola.gov>

 2 attachments (930 KB)

Applicant Request- 2091 Wharf Road.pdf; Planning Commission Memo 6.4.2026.pdf;

Dear Planning Commission,

Please see the attached memo regarding 2091 Wharf Road. Staff is suggesting an additional condition of approval in response to the applicants recent email.

Regards,

Katie Herlihy, AICP  
Community & Economic Development Director

City of Capitola  
420 Capitola Avenue, Capitola, CA 95010  
831.475.7300 ext. 216

Building Counter Hours: 10 a.m. – noon, Monday - Thursday  
Planning Counter Hours: 1 p.m. - 4 p.m., Tuesday – Thursday

\*Please note, my email has been updated to [kherlihy@cityofcapitola.gov](mailto:kherlihy@cityofcapitola.gov)





## Community & Economic Development Department

### Memo

To: Planning Commission  
From: Gina Paolini, Principal Planner  
Date: June 3, 2026  
Subject: Item 6A – 2091 Wharf Road

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On June 2, 2026, the applicant submitted a request to change the Conditions of Approval, as follows:

#### Requested Modification to Condition No. 4

Current Condition No. 14 requires Building Permit No. 20240262, including driveway work, to be finalized and a certificate of occupancy obtained prior to Final Parcel Map approval.

The applicant has requested that Condition No. 14 be modified to allow Building Permit No. 20240262 to be finalized, with the exception of the driveway entrance improvements that are directly tied to the grading, drainage, and right-of-way improvements shown on Sheets C1.0 and C2.3.

The reason for this request is that the driveway entrance and related grading/drainage work are part of the overall right-of-way improvement scope and cannot reasonably be completed separately from those improvements.

#### Requested Modification to Condition No. 24

Current Condition No. 24 requires interior monuments to be set at each lot corner prior to approval of the Final Parcel Map.

The applicant has requested that all interior monuments be set prior to Final Parcel Map approval, with the exception of the east point between Lots 2 and 3.

The reason for this request is that the final grade in this area will be approximately two feet lower after grading. A temporary point can be set prior to Final Parcel Map approval, with the final corner point installed after grading is complete.

Requested Additional Condition Regarding Right-of-Way Improvement Bond

The applicant has requested that the City consider adding a condition allowing the applicant to provide a right-of-way improvement bond for the driveway right-of-way improvements after all other applicable conditions have been satisfied, so the Final Parcel Map may be recorded prior to full completion of those improvements.

The complete request has been attached for Planning Commission review.

The Planning and Public Works Departments have reviewed the request and are proposing to retain the conditions as currently proposed, and to add Condition No. 29, to capture the requested changes suggested by the applicant. The Conditions of Approval have been updated with the additional condition shown in underlined text.

**UPDATED CONDITIONS OF APPROVAL**

General Conditions

1. The project approval consists of a Tentative Parcel Map for a Minor Land Division to subdivide an existing 0.478-acre lot into three lots, with an existing residence to remain on Lot No. 2 located at 2091 Wharf Road (APN 034-241-05). Lot No. 1 will be 5,000 square feet, Lot No. 2 will be 8,621 square feet, and Lot No. 3 will be 7,184 square feet. The Minor Land Division is approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on June 4, 2026, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The Tentative Parcel Map approval granted pursuant to the Planning Commission action shall remain in effect for two years to June 4, 2028. Failure to apply for Final Parcel Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted pursuant to the City of Capitola Municipal Code and the State Subdivision Map Act. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code Section 17.156.080.
3. Prior to construction, demolition, or utility work associated with subdivision improvements, a building permit and/or improvements permit shall be secured by the applicant.
4. All future development shall be required to adhere to the review processes and development standards as established by the City’s Zoning Codes and Standards.
5. During construction or demolition, any activity shall be subject to a 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

Planning Department Conditions

6. Prior to approval of the Final Parcel Map, all Planning fees associated with Permit #22-0067 shall be paid in full.
7. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant’s Project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This

indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, reasonable attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. The City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

8. Prior to approval of the Final Parcel Map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director and City Engineer. 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 and City Engineer.
9. Prior to approval of the Final Parcel Map, the improvement plans shall demonstrate that any existing overhead utility lines within the property, and any new utility lines will be underground to the nearest utility pole.
10. All encroachments crossing the property line or within setbacks shall be removed prior to approval of the Final Parcel Map.
11. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
  - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
  - b. The property owners and/or project manager shall notify the Community Development Department immediately.
  - c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
12. If human bones are discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.
13. Prior to Final Parcel Map approval, 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 include the following:

- a. Compensate for the removed tree(s) at a ratio of at least two trees or more for each one tree removed. The project proposes to remove 6 trees; therefore, the project shall plant a minimum of 12 new trees across the project site.
- b. Required replacement trees shall be fifteen gallon or larger, and shall be non-fruit bearing.
- c. The project shall demonstrate a tree canopy coverage of fifteen percent consisting of flowering, deciduous trees and evergreen trees on each proposed lot.
- d. The plan shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

The landscape plan shall be incorporated into the improvement plans for the project.

- 14. Building Permit No. 20240262 issued by the Building Division for site improvements on proposed Lot No. 2 for the demolition of the existing garage, construction of a new carport and miscellaneous site improvements, including driveway shall be finalized and certificate of occupancy obtained prior to Final Parcel Map approval.
- 15. The property owner shall provide verification that the Sewer Lateral Agreement and Grant of Easement between the Genge property and Wharf Road Manner HOA will allow further sanitary sewer connections prior to Final Parcel Map approval.
- 16. The property owner shall prepare an easement agreement for newly created Lot No.'s 1, 2 and 3 that addresses the cross-lot conveyance of sanitary sewer, and the limits of the sewer maintenance responsibility for each newly created lot within the subdivision to the public main prior to Final Parcel Map approval.

Public Works Department Conditions

**Prior to Final Parcel Map Approval**

- 17. Prior to Final Parcel Map approval, the applicant shall demonstrate that no buildings or structures will span multiple legal parcels. This shall be accomplished through removal or modification of the existing garage, or by approval of a demolition or modification plan acceptable to the City.
- 18. A formal shared driveway easement agreement shall be prepared and recorded in the Office of the County Recorder prior to Final Parcel Map approval.
- 19. Prior to approval of the Final Parcel Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.
- 20. Prior to approval of the Final Parcel Map, the applicant shall submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.

21. Prior to submitting the Final Parcel Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.
22. The owner (applicant) shall submit four (4) copies of a Final Parcel Map in substantial conformance with the approved Tentative Parcel Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Parcel Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
  - a. One copy of map checking calculations.
  - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Parcel Map.
  - c. One copy of each map referenced on the Final Parcel Map.
  - d. One copy of each document/deed referenced on the Final Parcel Map.
  - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
  - f. One copy of the approved Tentative Parcel Map.
23. The applicant shall submit as part of the improvement plans for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Parcel Map.
24. Interior monuments shall be set at each lot corner, prior to approval of the Final Parcel Map.
25. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Parcel Map, in substantial conformance with the approved Tentative Parcel Map and conditions of approval, prior to Final Parcel Map approval.
26. An Encroachment Permit issued by the Public Works Department is required for all improvements in any portion of the public right-of-way or of a public easement.
27. Prior to Final Parcel Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
28. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of

subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer.

29. Notwithstanding Conditions No. 14 and 24, the Project Proponent may elect to enter into a Subdivision Improvement Agreement with the City prior to recordation of the Final Parcel Map. Said agreement shall set forth the necessary improvements to serve the proposed, at the discretion of the Public Works Director, and shall include a performance and materials and labor bond to cover such improvements.

**Project Conditions of Approval (to be printed in the plan set)**

30. The project shall be constructed in accordance with the revised Stormwater Control Plan and Improvement Plans prepared and certified by Ramsey Civil Engineering, Inc. and dated June 24, 2025, as approved by the Public Works Director and in compliance with the City's Post Construction Requirements (PCRs) for a Tier 2 project.
31. The project shall comply with the recommendations provided in the Traffic Safety Study prepared by Dudek dated August 20, 2025, and shall include the following:
- Install a Side Road warning sign (Manual on Uniform Traffic Control Devices [MUTCD] sign W2-2) for southbound traffic on the existing speed message sign pole, located north of the Project driveway and near the Wharf Road Manor driveway
  - Remove the existing fence and trees as indicated by the applicant's agent/architect along the property frontage
  - Maintain vegetation within the clear sight triangles such that low hanging branches or foliage would not impede sight distance
32. Complete and include on a plan sheet the Storm Water and Low Impact Development (LID) Assessment Checklist. Clearly mark all LID design measures on the site plans. The LID checklist can be found on the City's website.
33. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures in compliance with Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
34. Public Works Standard Detail STRM-BMP (Stormwater Pollution Prevention and Protection for Construction Projects) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction activities shall comply with this standard detail.
35. Ramsey Civil Engineering shall provide description signage for bioretention facilities.
36. Ramsey Civil Engineering shall provide wet seals and signatures on all revised plan sheets submitted to the City and applicable regulatory agencies.
37. The Engineer of Record shall inspect construction of stormwater management

improvements and certify to the City in writing that the improvements were constructed in conformance with the approved design drawings, Stormwater Control Plan and the City's Post Construction Requirements.

38. The Engineer of Record shall submit record drawings for all stormwater management improvements upon completion of construction.
39. Prior to project final, the applicant shall submit a final Operation and Maintenance Plan, including any revisions resulting from changes made during construction, for approval by the Public Works Director and recordation in the Office of the County Recorder.
40. The applicant shall enter into and record any agreements identified in the Stormwater Control Plan related to ownership, inspection access, abatement rights, and long-term maintenance of the stormwater treatment BMPs.
41. Prior to any land disturbance, the applicant shall notify the Public Works Department at least 24 hours in advance to schedule a pre-site inspection to verify initial compliance with the approved stormwater temporary construction erosion and sediment control measures.
42. Prior to any work in the City road right-of-way, the contractor shall obtain an encroachment permit. No material or equipment storage may be placed in the road right-of-way.
43. Prior to project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced pursuant to the Public Works Standard Details and accessibility requirements, to the satisfaction of the Public Works Department.
44. Construction activities shall comply with the construction noise limitations set forth in Capitola Municipal Code §9.12.010(B).
45. The construction site shall be kept free of debris. Tracking of mud, dirt, or gravel into the public right-of-way shall be prevented and corrected daily. All temporary BMPs shall be properly maintained throughout construction.

**Gina Paolini**

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**From:** Donna Emigh <defloordesigns@yahoo.com>  
**Sent:** Tuesday, June 2, 2026 12:57 PM  
**To:** josephkgenge@hotmail.com; Gina Paolini; Herlihy, Katie; Charlie Fowler; Richard Emigh  
**Subject:** Re: Planning Commission Hearing - Thursday, June 4, 2026

Good afternoon,

After reviewing the recommended Conditions of Approval for the 2091 Wharf Road Minor Land Division, we would like to respectfully request that the following condition modifications be considered prior to the Planning Commission hearing, and discussed as needed at the hearing.

**Requested Modification to Condition #14**

Current Condition #14 requires Building Permit No. 20240262, including driveway work, to be finalized and a certificate of occupancy obtained prior to Final Parcel Map approval.

We request that Condition #14 be modified to allow Building Permit No. 20240262 to be finalized, with the exception of the driveway entrance improvements that are directly tied to the grading, drainage, and right-of-way improvements shown on Sheets C1.0 and C2.3.

The reason for this request is that the driveway entrance and related grading/drainage work are part of the overall right-of-way improvement scope and cannot reasonably be completed separately from those improvements.

Suggested wording:

“Building Permit No. 20240262 issued by the Building Division for site improvements on proposed Lot No. 2, including demolition of the existing garage, construction of the new carport, and miscellaneous site improvements, shall be finalized and certificate of occupancy obtained prior to Final Parcel Map approval, with the exception of the driveway entrance improvements that are to be completed as part of the approved grading, drainage, and right-of-way improvements shown on Sheets C1.0 and C2.3.”

**Requested Modification to Condition #24**

Current Condition #24 requires interior monuments to be set at each lot corner prior to approval of the Final Parcel Map.

We request that all interior monuments be set prior to Final Parcel Map approval, with the exception of the east point between Lots 2 and 3.

The reason for this request is that the final grade in this area will be approximately two feet lower after grading. A temporary point can be set prior to Final Parcel Map approval, with the final corner point installed after grading is complete.

Suggested wording:

“Interior monuments shall be set at each lot corner prior to approval of the Final Parcel Map, with the exception of the east point between Lots 2 and 3, where a temporary point may be set prior to Final Parcel Map approval and the final monument shall be installed after completion of grading.”

**Requested Additional Condition Regarding Right-of-Way Improvement Bond**

We also request that the City consider adding a condition allowing the applicant to provide a right-of-way improvement bond for the driveway right-of-way improvements after all other applicable conditions have been satisfied, so the Final Parcel Map may be recorded prior to full completion of those improvements.

Suggested wording:

“After all other applicable conditions have been satisfied, the applicant may provide a right-of-way improvement bond to the City for the driveway right-of-way improvements in order to allow the Final Parcel Map to be recorded prior to completion of those improvements, subject to review and approval by the City Engineer.”

Thank you for your consideration. We would appreciate the opportunity to discuss these requested modifications prior to, or at, the Planning Commission hearing.

*Donna Emigh*

831-331-7377

Design, Drafting, land use analysis

[www.831homedesigner.com/](http://www.831homedesigner.com/)

On Friday, May 29, 2026 at 05:21:04 PM PDT, Gina Paolini <gpaolini@cityofcapitola.gov> wrote:

Sorry for any confusion, the prior links were incorrect. These are the correct ones.

**Full PDF Packet:** <https://mccmeetings.blob.core.usgovcloudapi.net/capitolaca-pubu/MEET-Packet-9731748701d9454f91a8e28515c61b31.pdf>

**Individual packet files:**

<https://meetings.municode.com/adaHtmlDocument/index?cc=CAPITOLACA&me=9731748701d9454f91a8e28515c61b31&ip=True>

**Gina Paolini**

Principal Planner



**CSG Consultants, Inc.**

550 Pilgrim Drive, Foster City, CA 94404

[www.csgenr.com](http://www.csgenr.com)

[ginap@csgenr.com](mailto:ginap@csgenr.com)

650.522.2500 *main*

530.957.1461 *direct*

650.522.2599 *fax*

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**From:** Gina Paolini

**Sent:** Friday, May 29, 2026 4:28 PM

**To:** defloordesigns@yahoo.com; josephkgenge@hotmail.com

**Subject:** Planning Commission Hearing - Thursday, June 4, 2026

Donna and Joe- Please find the links for the Planning Commission meeting and staff report. Let me know if you have any questions.

Please see the attached agenda and the links below for packet viewing options.

**Full PDF Packet:** <https://mccmeetings.blob.core.usgovcloudapi.net/capitolaca-pubu/MEET-Packet-07f723420e9b4e6abcb2f680e2693912.pdf>

**Individual packet files:**

<https://meetings.municode.com/adaHtmlDocument/index?cc=CAPITOLACA&me=07f723420e9b4e6abcb2f680e2693912&ip=True>

**Gina Paolini**

Principal Planner



**CSG Consultants, Inc.**

550 Pilgrim Drive, Foster City, CA 94404

[www.csgenr.com](http://www.csgenr.com)

[ginap@csgenr.com](mailto:ginap@csgenr.com)

650.522.2500 *main*

530.957.1461 *direct*

650.522.2599 *fax*



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**FW: village ink**

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**From** Sesanto, Sean <ssesanto@cityofcapitola.gov>

**Date** Mon 6/1/2026 3:31 PM

**To** Herlihy, Katie <kherlihy@cityofcapitola.gov>

Dear Commissioners,

Please see the public comment received and staff feedback below.

Thank you,

**Sean Sesanto** | Associate Planner

City of Capitola

831.475.7300

**Planning Counter Hours: 1 p.m. - 4 p.m., Tuesday - Thursday**

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**From:** Sesanto, Sean

**Sent:** Monday, June 1, 2026 1:51 PM

**To:** carol morgan <carolhillmorgan@gmail.com>

**Subject:** RE: village ink

Good afternoon, Carol,

I think your comment may be about this Thursday's Planning Commission meeting, which will discuss allowing tattoo establishments within City limits (currently prohibited by ordinance). Regardless, I'm including information on the upcoming meeting as it is highly relevant to your email.

The meeting is this Thursday, June 4, 2025, at 6pm. It is located at City Hall in the Council chambers. The meeting agenda is attached, and the packet materials can be viewed/downloaded [HERE](#). The relevant item is agenda item 6B.

I am also forwarding your message to the Planning Commission. Should you wish to submit a public comment directly to the Commission in the future, you can do so by emailing [planningcommission@cityofcapitola.gov](mailto:planningcommission@cityofcapitola.gov).

Regards,

**Sean Sesanto** | Associate Planner

City of Capitola

831.475.7300

**Planning Counter Hours: 1 p.m. - 4 p.m., Tuesday - Thursday**

-----Original Message-----

**From:** carol morgan <[carolhillmorgan@gmail.com](mailto:carolhillmorgan@gmail.com)>

**Sent:** Monday, June 1, 2026 7:39 AM

**To:** Planning <[planning@cityofcapitola.gov](mailto:planning@cityofcapitola.gov)>

**Subject:** village ink

To the Capitola Planning Commission:

*Item 2 B.*

My daughter and I are transplanted here from 22 years in Massachusetts. We now call California home. She has lived and worked in Capitola for 20 years. She loves her village and I visit from Davenport often.

The village is a jewel along the west coast and a perfect destination for travelers looking for sun and sand, something to eat and something to buy! Body art has become a popular individual form of expression. I feel like it would be an extra added treat for tourists who visit as well as residents for the village to be able to offer its first body art studio. Capitola Village is ready!

All my best wishes,  
Carol

**Gautho, Julia**

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**From:** Santa Cruz YIMBY <santacruzjimby@gmail.com>  
**Sent:** Tuesday, June 2, 2026 9:49 AM  
**To:** PLANNING COMMISSION  
**Cc:** Sesanto, Sean; Herlihy, Katie; bnoble@bnplanning.com  
**Subject:** [PDF] Santa Cruz YIMBY comments on item 6B on June 4, 2026 agenda  
**Attachments:** Santa Cruz YIMBY comment on item 6B, Planning Commission June 4th.pdf

Hello Planning Commissioners

Please see attached for our comments on item 6B on your June 4, 2026 agenda. Thank you for your commitment to the community and the opportunity to provide input.

Sincerely,

Janine Roeth  
Rafa Sonnenfeld  
Jocelyn Wolf  
Ryan Meckel  
Volunteer Leads, Santa Cruz YIMBY



To: Capitola Planning Commission  
 From: Santa Cruz YIMBY  
 Date: June 2, 2026  
 Re: Zoning Code Amendments - Agenda item #6B

Dear Planning Commissioners,

Santa Cruz YIMBY advocates for abundant housing at all levels of affordability to meet the needs of our region. We have followed Capitola's Housing Element implementation closely and participated in the zoning amendments process over the past several years. We've reviewed the staff report for tonight's hearing and have comments on several of the discussion items.

Our key points are:

- The incentivized zone should be expanded to include Capitola Avenue, not just Bay Avenue.
- If the City is willing to approve hotels by-right, it should extend the same approach to housing and mixed-use in the Village — where the City has already done the hard work of adopting objective multifamily standards.
- Chapter 17.88 is undermining its own purpose by forcing developers to choose between the local program and state density bonus law — and the city ends up with community benefits or affordable housing, but never both.
- The City is risking a No Net Loss finding in multiple ways, and should be aware of the cumulative exposure.

### **EXPAND THE INCENTIVIZED ZONE — INCLUDING CAPITOLA AVENUE**

We support expanding the incentivized zone to Bay Avenue. We'd push back, however, on excluding the Capitola Avenue corridor north and south of Bay Avenue, which the Housing Element already identifies as a concentration of RHNA opportunity sites.

Staff cites circulation and access limitations as the reason for the exclusion. That concern applies equally to Bay Avenue, which has been a longstanding source of community traffic concern. If circulation issues don't disqualify Bay Avenue, the basis for treating Capitola Avenue differently is not clear.

The City has spent years developing objective standards precisely to address site-specific concerns about development intensity and neighborhood context. That is the right tool here, not exclusion from the incentivized zone.

## **BY-RIGHT APPROVAL FOR HOTEL AND HOUSING IN THE VILLAGE**

The City is considering by-right approval for a hotel on the former Capitola Theater site under Chapter 17.90. If the City is prepared to approve a hotel in the Village by-right using objective standards, it's worth asking why a mixed-use residential, potentially with the hotel, remains subject to full discretionary review. The City has already adopted objective multifamily standards applicable to the Village (Capitola Mall Zoning Code Amendments, adopted March 26, 2026) so the groundwork is there.

We'd encourage the Commission to direct staff to evaluate extending by-right, objective-standards approval to mixed-use residential projects in the Village, consistent with the approach being taken for the hotel.

## **CHAPTER 17.88 IS UNDERMINING ITS OWN PURPOSE**

Beyond the specific discussion questions, we want to flag that Chapter 17.88 has a structural problem that is worth addressing before these amendments are adopted.

Chapter 17.88 is Capitola's own density bonus, trading height and FAR for community benefits that go above and beyond what the zoning code already requires. A city that can shape development on its own terms, extracting specific community benefits in exchange for increased development potential, is pursuing the kind of local control that many jurisdictions feel they have lost.

But the way Chapter 17.88 is written undermines that local control. It forces developers to choose between Capitola's local program and state density bonus law. This means the city gets either affordable housing or community benefits, but never both:

- A developer who uses state density bonus law delivers required affordable housing but bypasses Chapter 17.88 entirely, so the city gets no community benefits.
- A developer who uses Chapter 17.88 gets the community benefits but has opted out of state density bonus law, meaning no required affordable housing.

The fix is straightforward: amend Chapter 17.88 to allow projects to use Chapter 17.88 and state density bonus law together, provided the project includes affordable housing. That is how a local program delivers on its promise, giving the city both the community benefits and the affordable housing its Housing Element depends on.

Capitola should note that cities that position their local programs against state law rather than alongside it are finding this approach backfires. There is active litigation right now challenging exactly this kind of arrangement in San Francisco, where a

local program structured to steer developers away from state housing law is now facing legal scrutiny.

### **KUDOS ON MAKING 17.88 OBJECTIVE — NOW DO THE SAME FOR 17.90**

The tracked changes to Chapter 17.88 reflect a genuine commitment to objectivity. The pro forma requirement is gone. The finding that projects must show a "substantial benefit to the community" has been replaced with the cleaner standard that the project "conforms with all applicable objective standards." Other vague criteria have been removed throughout. This makes the program more predictable for applicants and more defensible for the City, and we strongly support it.

Chapter 17.90, which covers the Village Hotel, retains the kind of subjective findings that 17.88 is now leaving behind. The Village context may call for specific standards around design and views, but those can be written as objective criteria. We recommend the Commission direct staff to apply the same objectivity improvements to 17.90 before it is adopted.

### **NO NET LOSS RISK**

State law requires a No Net Loss analysis when lower-income housing capacity falls short of what the Housing Element projected for specific sites.

These amendments create that risk in two ways: the either/or between Chapter 17.88 and state density bonus law means projects using the local program will produce no affordable units, and excluding Capitola Avenue removes the tool most likely to make development on those sites financially feasible.

Either one could trigger a No Net Loss analysis; together they compound the exposure. The remedy, identifying replacement sites elsewhere in Capitola, is a harder and more disruptive conversation than the one before the Commission tonight.

Thanks for the opportunity to comment.

Sincerely,  
Janine Roeth  
Rafa Sonnenfeld  
Jocelyn Wolf  
Ryan Meckel

Volunteer Leads, Santa Cruz YIMBY



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## 6B, Topic 3 - Written Comment

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**From** Eric <ecnano78@gmail.com>

**Date** Tue 6/2/2026 6:44 PM

**To** PLANNING COMMISSION <planningcommission@cityofcapitola.gov>

Hello Planning Commissioners,

My name is Eric Cirignano. I'm a Capitola resident writing in support of staff's recommendation to repeal Chapter 9.08 and allow body art studios in appropriate zoning districts.

Regarding the questions before you:

**Terminology:**

I encourage the City to use the term "body art" throughout any new ordinance, consistent with the California Safe Body Art Act and Santa Cruz County's permitting framework. "Tattoo establishment" is outdated and too narrow. Body art is broader than tattooing — it also includes piercing, branding, and other permanent markings. Using "body art" ensures the ordinance fully captures the regulated services rather than addressing only one.

**Zoning & permit type:**

As staff notes, body art is a personal service, and per Table 17.20-1, Personal Services are permitted by right in MU-V. I'd ask the Commission to consider that requiring a CUP would hold body art to a higher standard than any comparable personal service in The Village. A by-right approach with clear operational standards would treat it consistently with similar uses.

**Operational standards:**

Staff's proposed standards are reasonable and appropriate.

**Separation:**

I'd ask the Commission to consider limiting body art to one studio within the Village (MU-V) and one additional studio in the C-C or C-R commercial districts. A modest cap protects Capitola's character.

Over the past few months I've spoken with all council members, several Village business owners, and dozens of residents about a body art studio in Capitola. The response has been overwhelmingly positive. There is clear community support for this use, done thoughtfully and to a high standard.

Thank you for your time.

Eric Cirignano  
401.390.7693



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**FW: 1962 Ban on Body Art**

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**From** Sesanto, Sean <ssesanto@cityofcapitola.gov>

**Date** Wed 6/3/2026 11:48 AM

**To** Wyatt, Rosie <rwyatt@cityofcapitola.gov>

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**From:** Bruce Fife <bruce\_fife@yahoo.com>

**Sent:** Tuesday, June 2, 2026 5:10 PM

**To:** Planning <planning@cityofcapitola.gov>

**Subject:** 1962 Ban on Body Art

I fully support the recommendation to repeal the 1962 ban on body art. This community thrives on diversity and artistic expression. I feel a business of this type would fit well into the ambiance that is Capitola.

Change is the only constant!

Thank You

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, May 07, 2026 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Courtney Christiansen  
**Vice Chair:** Nathan Kieu  
**Commissioners:** Paul Estey, Matthew Howard, TJ Welch

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance: Commissioners Estey, Howard, Welch, Vice Chair Kieu, and Chair Christiansen.*
2. **Additions and Deletions to the Agenda** - *The Deputy City Clerk announced that one staff memorandum was received as additional materials for Item 6B.*
3. **Oral Communications**
  - *Gini Pineda*
4. **Planning Commission/Staff Comments**

*Director Herlihy informed the Commission that the request for proposals for the future Capitola Wharf restaurant and fishing concession will be live on May 8.*
5. **Consent Calendar**
  - A. **Approval of April 2, 2026, Planning Commission Minutes**
  - B. **1098 38th Avenue**

Project Description: Application #26-0331 APN: 034-172-01. Two-year permit extension of Permit #23-0525 for a Design Permit, Coastal Development Permit, and Density Bonus request for a 52-unit, 100 percent affordable housing project to be located at 1098 38th Avenue. The project includes a mix of 1-bedroom, 2-bedroom, and 3-bedroom apartment units configured in 4 buildings. The property is located in the Medium Density Multi-Family Residential (RM-M) Zoning District. The project includes a density bonus, 4 incentives/concessions, and reduced parking requirements pursuant to California Government Code Sections 65915-65918. This project is in the Coastal Zone and is not appealable to the California Coastal Commission.

Recommended Action: Consider Application #26-0331 and approve the two-year permit extension, maintaining the original Findings and Conditions of Approval for Permit #23-0525.

***Vice Chair Kieu recused himself from the Consent Calendar due to proximity to Item 5B.***

***Motion to approve the Consent Calendar: Commissioner Estey***

***Second: Commissioner Howard***

***Voting Yea: Commissions Estey, Howard, Welch, Christiansen***

***Abstain: Vice-Chair Kieu***

**Permit Extension Finding:**

- A. The applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner, and the time extension is consistent with all applicable provisions of the zoning code.**

Community Development Staff and Planning Commission have reviewed the applicant’s request for permit extension and find the applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner. The extension is consistent with all applicable provisions of the zoning code.

**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, the Development and Design Review Committee, consultant RRM, and the Planning Commission have all reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The project meets the Design Review Criteria.

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

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 56,950 square foot multi-family development complies with all development standards of the RM-M zoning district and/or applicable state law.

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

This project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. The project is consistent with the General Plan, Zoning Ordinance, and applicable state law. The site is within City limits and is surrounded by developed sites and urban uses. No known habitat or rare or threatened species have been identified on the subject site. Potential for traffic, noise, air quality, soil vapor, and water quality were all evaluated and will be effectively mitigated by following current City codes and the recommended project conditions of approval. The site is well served by available public utilities and services. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15332-infill. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

- 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 multifamily development will not have an impact to public, health, safety, and welfare. The buildings will be fire sprinkled and will be served by all necessary public utilities.

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

Community Development Staff, the Design and Development Review Committee, design consultant RRM, and the Planning Commission have all reviewed the project. The proposed 56,950 square foot multifamily development and supporting improvements comply with the applicable design review criteria as described by RRM.

**F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.**

The project site is in a multi-family residential zone with professional office, retail, single-family, and mobile home park uses in nearby proximity. The design complies with local standards, with the exception of state-permitted concessions. The proposed use does not introduce any new or unusual impacts.

**Coastal Permit Findings:**

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

The proposed project 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 has no permanent impact on view or coastal access.

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

The proposed project has no impact on coastal vegetation, habitats, or resources.

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

The project has no impact on recreation access or cost.

**E. The project maintains or enhances opportunities for visitors.**

The project has no impact on visitors and opportunities.

**F. The project maintains or enhances coastal resources.**

The proposed multifamily project has no negative impact on 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 multifamily project allows Capitola to produce needed affordable housing units in an area that is zoned for this type of use. The project is consistent with the LCP.

**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 will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. The project allows the City to produce affordable housing and deliver the required Regional Housing Needs Allocation (RHNA) units to the region.

**Conditions of Approval:**

General Conditions

1. The approval consists of a two-year permit extension of permit #23-0525 for a Design Permit, Coastal Development Permit and State Density Bonus for the construction of a 52-unit, 100 percent affordable housing project to be located at 1098 38th Avenue. Permit #23-0525 is extended until April 16, 2028.

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 the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.
4. 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.
5. 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.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have obtained an approved building permit commenced construction before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.
9. Green Waste is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.
10. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view and inside the trash enclosure on non-collection days.
11. Bicycle parking is required to be accommodated with seven short term bike parking spaces and 52 long term bike parking spaces. The design and specifications of the bike parking spaces shall be further detailed in the plans for Building Permit plan check. The long-term bike parking shall be equipped with a security camera or fully enclosed with a lockable gate.

12. Amplified sound is limited to interior areas only.

Planning Department Conditions

13. Prior to making any changes to the 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.
14. Prior to issuance of a building permit, all Planning fees associated with Permit #23-0525 shall be paid in full.
15. Air-conditioning equipment or other mechanical equipment shall be screened from view and fall within allowable city-permitted decibel levels. Additional details showing equipment locations and any mechanical screens shall be shown on the building permit plans.
16. The trash enclosures shall be covered, gated, and maintained to provide a clean and sanitary area. The trash enclosures construction shall be completed, prior to final inspection.
17. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. All building and parking lot lighting shall be shielded to prevent light from shining in the neighboring properties and be Dark Sky compliant. The applicant shall provide a lighting plan and photometric plan with the submittal of plans for building permit plan check.
18. No rooftop equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with the building permit submittal.
19. Prior to issuance of a building permit, the Building Permit plans will be routed for plan approval to the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District or Santa Cruz Water Department, and Central Fire Protection District.
20. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Capitola, its agents, officers, and employees from any claim, action, or proceeding against the City of Capitola or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the Applicant's or permittee's defense of said claims, actions or proceedings.
21. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property and any new utility lines will be underground to the nearest utility pole.

22. Prior to occupancy, the Landscape Architect shall certify in writing that the landscaping and irrigation has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Community Development Director.
  
23. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100 feet of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
  
24. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Cruz County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains, and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City’s Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City’s Community Development Director.
  
25. In the event that a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

26. To the extent practicable, tree removal shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, precutting surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300 feet for active nests—with particular emphasis on nests of migratory birds—if tree cutting will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate city staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100’ for perching birds and 300’ for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for three days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.
27. The applicant shall continue to work with the County of Santa Cruz Health Services Agency (CSCHSA) to manage and evaluate soil vapor. The applicant shall provide the Planning Department with final permit documentation associated with all additional testing results, remediation plans (if required), soil management plans, and vapor intrusion mitigation systems that are conditions of approval or requirements of CSCHSA, prior to issuance of Building Permits. If required, the vapor intrusion membrane or system shall be coordinated with the Building Permit drawings (i.e. foundation, utilities, storm water, etc..), prior to issuance of Building Permits.
28. The applicant shall provide a construction operations plan for review and approval by the Building Official and the Community Development Director, prior to issuance of Building Permits. The construction operation plan shall address truck traffic issues regarding dust, noise, and vehicular and pedestrian traffic safety on 38th Avenue and surrounding roadways, storage of construction materials, placement of sanitary facilities, parking for construction vehicles, clean-up area, and parking for construction personnel. A debris box (trash dumpster) shall be placed on site for collection of construction debris. Arrangements must be made with GreenWaste for the debris box since they have a franchise with the City of Capitola.
29. No signs are approved as part of this application. A Sign Permit application shall be submitted in compliance with Chapter 17.80 of the zoning ordinance and shall include all signage proposed for the project site.
30. Inspections by the Planning Department are required for the foundation, final framing, prefinal after application of exterior materials, and final inspection.
31. A separate water service and water meter for irrigation will be required.
32. The applicant shall provide four electric vehicle charging stations with the plans for building permit plan check.

33. The property at 1098 38th Avenue shall be deed restricted to provide continued affordability of 100% low-income affordable housing rental units in the approved ratio and affordability categorized for a period of no less than 55 years. Low-income household cannot exceed 80% of the median family income level for Santa Cruz County as published by California Department of Housing and Community Development. The owner shall enter into an agreement with the City so as to assure compliance with the provisions of the State Density Bonus affordable housing requirement for all units on site to be deed restricted as a low-income rental as defined in Section 50053 of the Health and Safety Code. The deed restriction shall be in a form suitable for recordation as authorized by the Community Development Director and City Attorney.

Public Works Department Conditions

34. Prior to building permit application submittal, the applicant shall provide the additional requested information and revisions outlined in the HydroScience Memo dated March 20, 2024 (Capitola Preliminary Stormwater Control Plan Review for 1098 38th Ave Apartments, Capitola) to verify the Post Construction Monitoring requirements and support the stormwater plan review process for a Tier 4 project.
35. Prior to issuance of building permits, submit a site plan that includes a crosswalk on the northern limit of the frontage on 38th Ave. The crosswalk ramps should utilize Caltrans 2018 Standard Details on page A88A and include appropriate signage and an RRFB as required by the Public Works Director.
36. Prior to issuance of building permits, the applicant shall submit a detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer and in accordance with the current Post Construction Requirements (PCRs) for a Tier 4 project for review and approval by the Public Works Director.
37. 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.
38. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures (e.g., access to construction site, equipment and material storage locations and duration of placement, stockpile protection location and detail, wattle locations and detail, inlet protection detail, containment of trash/debris, location of portable toilet and containment/protection, etc.). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
39. Public Works Standard Detail BMP STRM (Stormwater Pollution Prevention and Protection for Construction Projects) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

40. Prior to the issuance of the building permit the applicant shall submit plans detailing all improvements or modifications 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, or any other modification to the curb/gutter/sidewalk. The extent of all improvements or modifications shall be limited to those areas fronting the property boundaries (38th Avenue) and shall not impact the frontage of any adjacent parcels.
41. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
42. 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.
43. Utility connections - All utility connections made in the public right of way will be completed in a manor so that the final paving is completed as one uniform patch rather than multiple trench line patches.
44. Prior to final occupancy approval, the Engineer of Record shall inspect and provide record drawings of construction of stormwater management improvements and certify to the City that the construction meets the intent of the approved design drawings, Stormwater Control Plan, and City Post Construction Requirements.
45. Prior to final occupancy approval, the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review and approval by the Public Works Director and recorded in the Office of the County Recorder.
46. Prior to final occupancy approval, the applicant shall enter into and record in the Office of the County Recorder, any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of the stormwater treatment BMPs.
47. General Site Maintenance: Keep work site clear of debris and advise drivers not to tracking mud, dirt or gravel into the street, and sweep daily, cover all stockpiles and excavation spoils.
48. The applicant shall investigate the feasibility of installing a concrete wall along the south property line with the mobile home park.
49. The applicant shall assess the feasibility of increasing the number of native trees in the landscape plan.

**6. Public Hearings**

**A. 2091 Wharf Road**

Project Description: Continue to June 4, 2026. Permit #22-0067 for a Minor Land Division to subdivide an existing 0.478-acre lot into three lots, with an existing residence to remain on Lot No. 2 located at 2091 Wharf Road (APN 034-241-05), within the Single-Family Residential (R-1) zone district. This project is not located within the Coastal Zone.

Recommended Action: Continue item to the next regularly scheduled Planning Commission meeting on June 4, 2026.

***Motion to continue Item 6A to the next regularly scheduled Planning Commission meeting on June 4, 2026: Vice Chair Kieu***

***Second: Commissioner Estey***

***Voting Yea: 5-0***

**B. 41st Avenue, Clares Street, and Capitola Road Corridor Plan**

Project Description: 41st Avenue, Clares Street, and Capitola Road Corridor Plan

Recommended Action: Receive the presentation on the 41st Avenue, Clares Street, and Capitola Road Corridor Plan and provide feedback to staff in preparation for City Council adoption on May 28, 2026.

***Consultant Daniel Cunningham with SWA Group, and Director Herlihy presented the staff report.***

**Public Comment:**

- Cami Corvin

***The Commission provided feedback on the Corridor Plan and emphasized the importance of financial feasibility, bike safety, median lighting and maintenance, and themed branding.***

**7. Director's Report**

*Directory Herlihy announced Food Truck Fridays begin May 8 at Monterey Park; the Jade Street Community Center will be opening to the public in mid-June; the City hired an Assistant Planner to start on May 11; and provided an update on economic development.*

**8. Adjournment – The meeting adjourned at 7:38 PM. The next regularly scheduled meeting of the Planning Commission is on June 4, 2026, at 6:00 PM.**

# Capitola Planning Commission

## Agenda Report



**Meeting:** June 7, 2026  
**From:** Community & Economic Development Department  
**Address:** 520 Oak Drive

**Project Description:** Application #26-0033. APN: 035-093-34. Design Permit for the construction of detached two-story Accessory Dwelling Unit (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 after all possible appeals are exhausted through the City.

**Recommended Action:** Consider application #26-0033 and **approve** the project based on the Findings and Conditions of Approval.

Property Owner: Anna & Paul Hammer  
 Representative: Dan Rhoads, Y&B Architects, Filed: 3/12/26

**Background:** On April 8, 2026, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representatives, Erika Senyk and Shelon Bennett: Erika Senyk discussed geotechnical and stormwater requirements for the building permit application. Shelon Bennett and Senyk also stated an encroachment permit and revised stormwater calculations would be needed if the driveway is replaced into the right-of-way.

Building Official, Joe Granda: Joe Granda discussed fire separation requirements between structures on the property. Mr. Granda also informed the applicant that the state requires either the ADU or primary dwelling to include a scaled solar (PV) system.

Associate Planner, Sean Sesanto: inquired about tree protection for the neighbor’s tree which is located close to the proposed ADU, and clarified city requirements for exterior lighting. Planner Sesanto also noted the solar fence along the driveway, which would need to open such that vehicle egress is possible for the two spaces located behind.

Following the development and design review meeting, the applicant submitted plan revisions including corrections site parking and fencing along the driveway.

**Development Standards:** The following table outlines the zoning code requirements for development in the R-1 zoning district. No changes to the existing single-family dwelling are proposed and it is omitted from the table except for Floor Area Ratio and parking calculations. The application includes demolition of the existing detached garage.

Development Standards		
Floor Area Ratio (FAR)		
R-1 Regulation	Existing	Proposed
Lot size	4,000 sq. ft.	
Maximum Floor Area Ratio	54% (Max 2,160 sq. ft.)	
Primary Dwelling Unit	946 sq. ft.	946 sq. ft.

Detached Garage	207 sq. ft.	N/A (Demolished)	
New Accessory Dwelling Unit	N/A	First-Story: 405 sq. ft. Second-Story: 359 sq. ft. Total: 764 sq. ft.	
<b>Total FAR</b>	28.8% (1,153 sq. ft.)	42.8% (1,710 sq. ft.)	
<b>Development Standards – Two-Story Accessory Dwelling Units</b>			
	<b>ADU Regulation</b>	<b>Proposed</b>	
<b>Height</b>	22 ft.	21 ft. 6 in.	
<b>ADU Setbacks</b>			
	<b>ADU Regulation</b>	<b>Proposed</b>	
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.	35 ft. 5 in.	
<b>Front Yard 2<sup>nd</sup> Story</b>	20 ft.	37 ft. 4 in.	
<b>Side Yard 1<sup>st</sup> Story</b>	4 ft.	North: 4 ft. South: 18 ft. 6 in.	
<b>Side Yard 2<sup>nd</sup> Story</b>		North: 4 ft. South: 18 ft. 6 in.	
<b>Rear Yard 1<sup>st</sup> Story</b>		4 ft.	
<b>Rear Yard 2<sup>nd</sup> Story</b>		4 ft.	
<b>Private Open Space, Minimum</b>			
<b>Regulation</b>	<b>Proposed</b>		
48 sq. ft.	185 sq. ft.		
<b>Parking</b>			
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
SFD – Two Spaces ADU – One Space	3 spaces total	3 spaces total	3 spaces total
<b>Underground Utilities: required with 25% increase in area</b>			Not required

**Discussion:** The property is located within the Riverview Terrace neighborhood, surrounded by one- and two-story single-family residences. The site includes an existing 946 square-foot, single-story residence and a 207 square-foot detached garage. The existing residence is not identified as a historic resource. Log panels were added over the original wood siding, giving an older appearance to the primary dwelling. The application includes demolition of the detached garage, which is situated in the approximate location as the proposed ADU structure behind the primary dwelling.

**ADU Design Permit:** The proposed ADU is a two-story, single-bedroom unit located behind the primary residence. Due to its limited size, the structure has a simple articulation with the upper floor nearly matching the building footprint, except for the ground entry and a small cantilever in the upstairs bedroom. The structure has several staggered open-gables and is finished with stucco throughout.

**ADU Objective Design Standards:** Two-story ADUs are subject to the objective design 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 both the interior and front of the parcel.

- 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.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

Staff Analysis: The second story of the proposed ADU is within eight feet of the side (north) property line which also abuts a residential use. All windows on the north elevation are either clerestory or include permanent opaque treatment.

- 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: The ADU does not include a second-story deck or balcony.

- D. Architectural Details. – The only architectural detail requirement in Table 17.74-2 that applies to detached ADUs is the requirement that the roof pitch be 4:12. If the primary dwelling has a roof pitch shallower than 4:12, the ADU roof pitch may match the primary dwelling.

Staff Analysis: The proposed ADU includes a gable roof with a primary pitch of 4:12.

- E. Building Additions to Historic Structures.

Staff Analysis: There are no identified historic resources on the subject property.

Parking: The project includes demolition of the existing detached garage while maintaining the extended driveway. The long driveway accommodates the three required uncovered parking spaces.

Landscaping and Tree Removals: The project includes the removal of a fruit tree, which is not regulated under Capitola's tree ordinance. The project scope includes tree protection measures to limit impacts to a nearby tree located on the neighboring property. Remaining trees secure the 15% canopy coverage requirement for new construction projects, pursuant to CMC §12.12.190(C).

**CEQA:** §15303(a) of the CEQA Guidelines exempts a single-family residence or second dwelling unit in a residential zone. The project includes the construction of a new detached accessory dwelling unit.

#### **Accessory Dwelling Unit Design Permit Findings:**

- A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.**

The project complies with the objective design requirements for ADUs. The primary home has faux-log paneling and the new ADU has a stucco exterior wall finish. The two-story design increases remaining open space for landscaping in the backyard.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU has comparable architecture, massing, and material appearance to two-story, primary dwellings which are common within the neighborhood. The project complies with the 22-foot maximum height limit for detached ADUs and the maximum allowed floor area ratio for the site. Therefore, the exterior design is in harmony with and maintains the scale of the neighborhood.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a one-bedroom detached ADU on a site with existing parking. The project will maintain parking capacity of the three required spaces for a single-family residence and full-standards ADU. Therefore, the ADU will not create excessive noise, traffic, or parking congestion.

**D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.

**E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The project provides 185 square feet of separately fenced open space for use by occupants of the accessory dwelling unit, providing both dedicated private open space for the ADU and screening of adjacent uses.

**F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is located in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated. The project complies with applicable objective development and design standards. Therefore, the location and design of the ADU will maintain a compatible relationship with adjacent properties.

**G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The ADU is designed with a forward-facing entry and all windows facing the adjacent residence are either clerestory or include opaque treatment. The project complies with all applicable objective development and design standards for ADUs. Therefore, the project is designed to limit impacts and maintain visual balance with surrounding properties and compliment the primary residence.

**H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

**I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

**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 520 Oak Drive. Site improvements are located behind the primary dwelling, away from immediate public view and will otherwise maintain public views.

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

The project site has existing development which does not include natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect surrounding natural habitats or natural resources.

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

The site is private property which does not have public coastal access. The project will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves an ADU 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 accessory dwelling unit 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 the construction of a detached accessory dwelling unit 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.

**California Environmental Quality Act (CEQA) Finding:**

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

Section 15303(a) of the CEQA Guidelines exempts new construction or conversion of existing structures for a single-family residence or second dwelling and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a new detached accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**Conditions of Approval:**

1. The project approval consists of construction of a 764 square-foot detached, two-story accessory dwelling unit (ADU) and demolition of a detached 207 square-foot garage. The maximum Floor Area Ratio (FAR) for the 4,000 square foot property is 54% (2,160 square feet). The total FAR of the project is 42.8% with a total of 1,710 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 4, 2026, 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. The project plans reviewed by the Planning Commission include tree protection measures. At time of building permit, include tree protection measures in building plan set and follow tree protection measure throughout construction of the project.
9. Prior to issuance of building permit, all Planning fees associated with permit #26-0033 shall be paid in full.
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, Soquel Creek 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
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 unless exercised. 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. 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.
22. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
23. Accessory Dwelling Units shall not be used for vacation rentals (terms of less than 30 days) as defined in Chapter 17.160 (Glossary).

**Attachments:**

1. 520 Oak Drive – Plan Set

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

# HAMMER RESIDENCE

## CAPITOLA, CALIFORNIA



PROPOSED FRONT ELEVATION

3

**SCOPE:**  
NEW 800 SF DETACHED TWO STORY ADU

APN#:	038 - 093 - 34
OWNER:	ANNA & PAUL HAMMER
PROJECT ADDRESS:	520 OAK DRIVE CAPITOLA, CA 95010
BUILDING OCCUPANCY:	R-3 U
TYPE OF CONSTRUCTION:	V-B
FIRE SPRINKLERS:	NO
ZONING:	R-1/CZ
LOT SIZE:	4,000 sf
ALLOWABLE LOT COVERAGE:	N/A
ALLOWABLE F.A.R.:	2,180 sf (0.54 X 4,000 SF)
ADU FRONT SETBACK:	SAME AS PRIMARY DWELLING
ADU SIDE SETBACK:	4'
ADU REAR SETBACK:	4'
ADU HEIGHT LIMIT:	22'
CONTEXTUAL GARAGE PLACEMENT:	NO

**AREA CALCULATION:**

PROPOSED ADU FIRST FLOOR LEVEL:	407.6 sf
PROPOSED ADU SECOND FLOOR LEVEL:	392.4 sf
TOTAL PROPOSED ADU FLOOR AREA:	800 sf

EXISTING MAIN HOUSE FLOOR AREA:	960 sf
TOTAL PROPOSED FLOOR AREA:	1,760 sf

SEE SHEET A0.6 FOR DETAILED AREA CALCULATIONS

**PROJECT DESIGN DATA:**

- 2025 CALIFORNIA BUILDING CODE - VOL. 1&2
- 2025 CALIFORNIA RESIDENTIAL CODE
- 2025 CALIFORNIA MECHANICAL CODE
- 2025 CALIFORNIA PLUMBING CODE
- 2025 CALIFORNIA ELECTRIC CODE
- 2025 CALIFORNIA FIRE CODE
- 2025 CALIFORNIA GREEN BUILDING CODE (CALGREEN)
- 2025 CALIFORNIA ENERGY CODE
- ALONG WITH ALL OTHER LOCAL AND STATE LAWS AND REGULATIONS.

**DEFERRED SUBMITTALS:**

**ISSUE LOG**

PLANNING SUBMITTAL	DEC 17, 2025
PLANNING PLAN CHECK REV 1	MAY 5, 2026



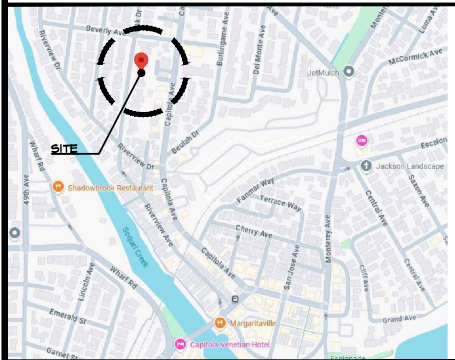
**Young & Borlik Architects**  
 ARCHITECTS & PLANNERS  
 425 ALI LANE, SUITE 100  
 LOS ANGELES, CA 90015  
 650-689-1950 | YBarchitects.com



**NEW ADU FOR:**  
 ANNA & PAUL HAMMER  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

A.P.N. 035-093-34	
CHECKED: ODR	DRAWN: MC
DATE: DEC. 17, 2025	
FOR: HAMMER AP CAP	

**A0.1**



VICINITY MAP

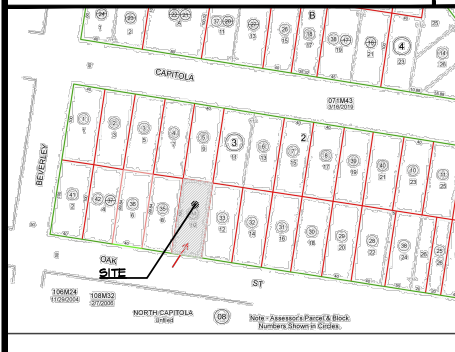
6

<p><b>ARCHITECT</b>                  YOUNG &amp; BORLIK ARCHITECTS, INC.                  4882 EL CAMINO REAL, SUITE 218                  LOS ALTOS, CA 94022                  TEL: (650) 688-1950                  ATTN: DAN RHODES                  dan@ybarchitects.com</p> <p><b>STRUCTURAL ENGINEER</b>                  XXX</p> <p><b>GEOTECHNICAL ENGINEER</b>                  XXX</p>	<p><b>SURVEYOR:</b>                  LEA &amp; BRAZE ENGINEERING INC.                  2495 INDUSTRIAL PARKWAY WEST                  HAYWARD, CA 94545                  TEL: (510) 887-4086                  ATTN: PETER CARLINO                  atn@leabrazee.com</p> <p><b>ENERGY COMPLIANCE</b>                  TITLE 24 EXPRESS                  TEL: (888) 829-8488                  ATTN: MICHAEL KUNZ                  service@title24express.com</p>
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THE DOCUMENTS PREPARED BY THESE CONSULTANTS ARE AN INTEGRAL PART OF THE ARCHITECTURAL CONSTRUCTION DOCUMENTS AND SHALL BE INCORPORATED INTO THIS SET BY REFERENCE, I.E. SOILS REPORT, TITLE-24, STRUCTURAL CALCULATIONS, ETC. THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED. THE CONTRACTOR SHALL OBTAIN CURRENT COPIES OF ALL DOCUMENTS, READ, UNDERSTAND AND CONFIRM ANY CONFLICTS OR DISCREPANCIES OR QUESTIONS WITH APPROPRIATE CONSULTANTS.

CONSULTANTS

4



PARCEL MAP

5

**ARCHITECTURAL**

- A0.1 COVER SHEET, VICINITY MAP, CONSULTANTS, SHEET INDEX, PROJECT SUMMARY
- SU1 SURVEY BOUNDARY PLAT
- A0.5 EXISTING AND PROPOSED SITE PLAN
- A0.6 AREA CALCULATIONS
- A2.1 PROPOSED FIRST AND SECOND FLOOR PLAN
- A2.3 PROPOSED ROOF PLAN
- A3.1 PROPOSED ELEVATIONS
- A4.1 PROPOSED SECTIONS

SHEET INDEX

2

**PRELIMINARY - NOT YET APPROVED FOR CONSTRUCTION**



PROJECT SUMMARY

1



**LEA & BRAZZE ENGINEERING, INC.**  
 CIVIL ENGINEERS / LAND SURVEYORS  
 REGIONAL OFFICES:  
 SAN JOSE  
 PULGAVITA  
 SAN JOSE  
 SAN JOSE  
 WWW.LEABRAZZE.COM

520 OAK DRIVE  
 CAPITOLA,  
 CALIFORNIA  
 SANTA CRUZ COUNTY  
 APRN 035-093-34-000

**BOUNDARY PLAT**

REVISIONS	BY

JOB NO: 2250984  
 DATE: 6-27-25  
 SCALE: 1"=8'  
 BNDY BY: KR  
 FIELD BY: EB  
 DRAWN BY: KR  
 SHEET NO:



1 OF 1 SHEETS



**LEGEND AND NOTES**

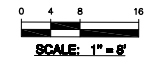
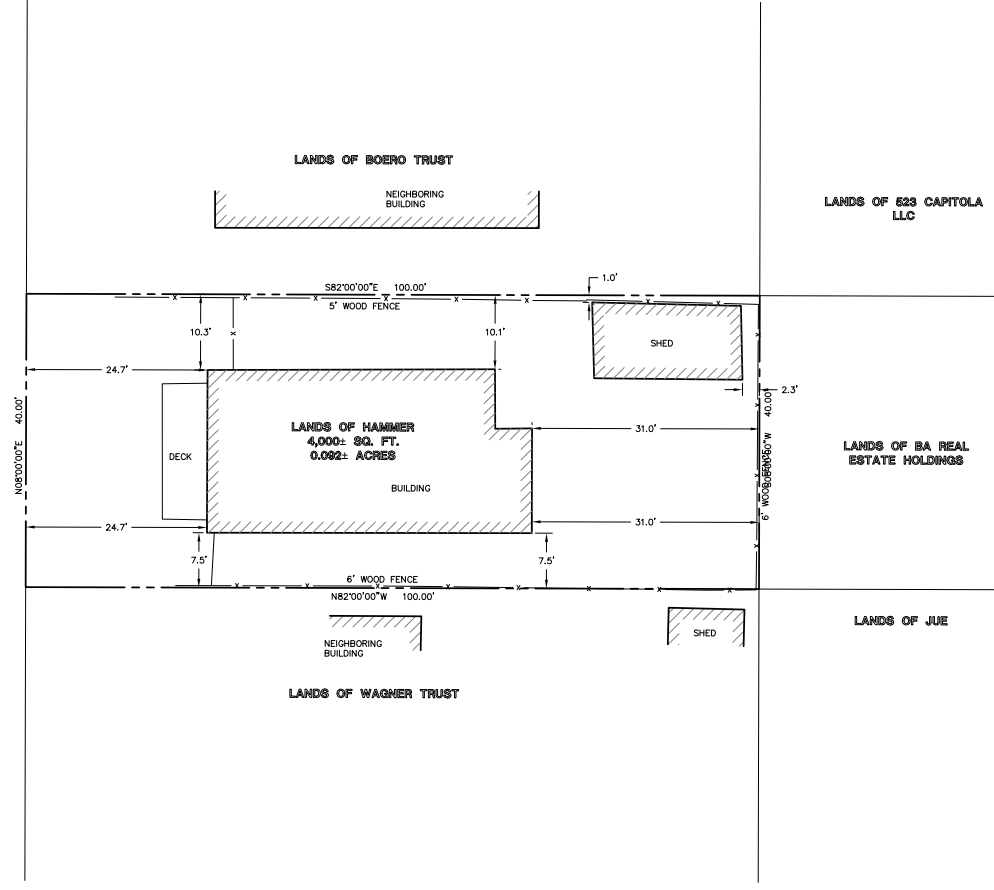
- BOUNDARY LINE
- PROPERTY LINE
- x- FENCE LINE

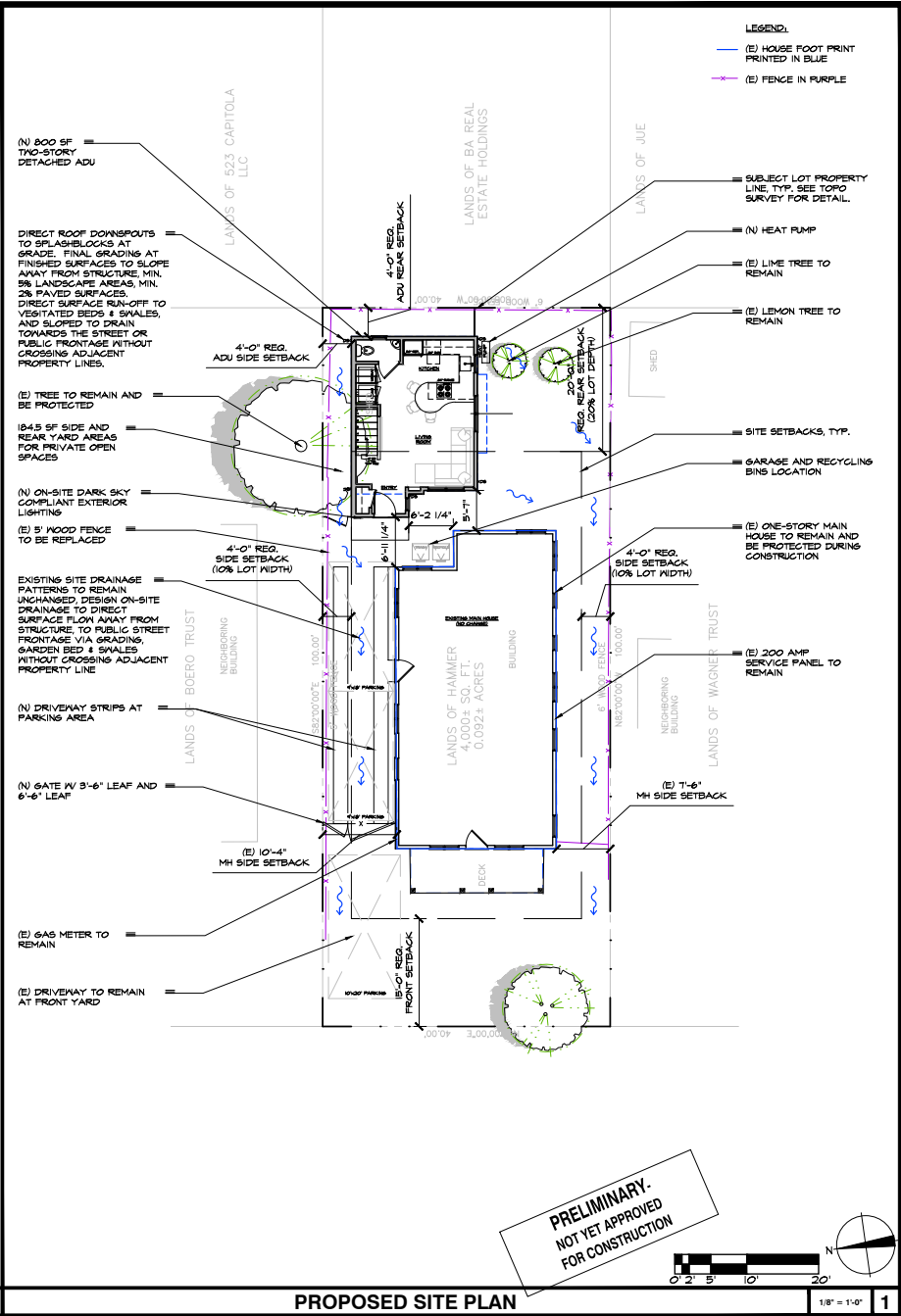
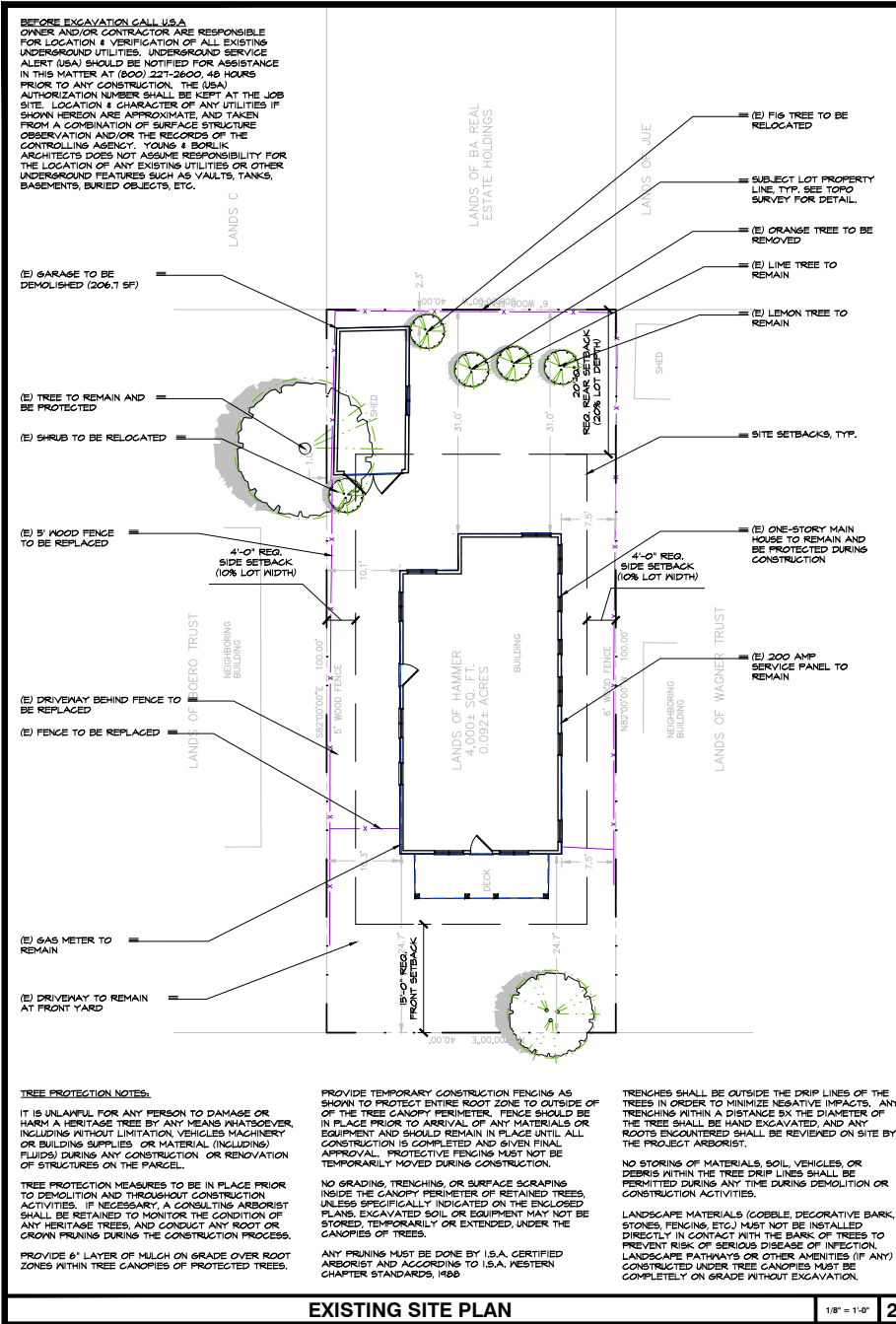
**NOTES**

ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.  
 BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.  
 THE AREA OF THE SURVEYED LOT IS 4,000± SQUARE FEET / 0.092± ACRES

**EASEMENT NOTE**

NO EASEMENTS ARE LISTED IN PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE COMPANY ORDER NO. 4408-4689469 DATED JULY 7, 2014





**TREE PROTECTION NOTES:**

IT IS UNLAWFUL FOR ANY PERSON TO DAMAGE OR HARM A HERITAGE TREE BY ANY MEANS WHATSOEVER, INCLUDING WITHOUT LIMITATION, VEHICLES, MACHINERY OR BUILDING SUPPLIES OR MATERIAL (INCLUDING FLUIDS) DURING ANY CONSTRUCTION OR RENOVATION OF STRUCTURES ON THE PARCEL.

TREE PROTECTION MEASURES TO BE IN PLACE PRIOR TO DEMOLITION AND THROUGHOUT CONSTRUCTION ACTIVITIES. IF NECESSARY, A CONSULTING ARBORIST SHALL BE RETAINED TO MONITOR THE CONDITION OF ANY HERITAGE TREES, AND CONDUCT ANY ROOT OR CROWN PRUNING DURING THE CONSTRUCTION PROCESS.

PROVIDE 6" LAYER OF MULCH ON GRADE OVER ROOT ZONES WITHIN TREE CANOPIES OF PROTECTED TREES.

PROVIDE TEMPORARY CONSTRUCTION FENCING AS SHOWN TO PROTECT ENTIRE ROOT ZONE TO OUTSIDE OF THE TREE CANOPY PERIMETER. FENCE SHOULD BE IN PLACE PRIOR TO ARRIVAL OF ANY MATERIALS OR EQUIPMENT AND SHOULD REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED AND GIVEN FINAL APPROVAL. PROTECTIVE FENCING MUST NOT BE TEMPORARILY MOVED DURING CONSTRUCTION.

NO GRADING, TRENCHING OR SURFACE SCRAPING INSIDE THE CANOPY PERIMETER OF RETAINED TREES, UNLESS SPECIFICALLY INDICATED ON THE ENCLOSED PLANS. EXCAVATED SOIL OR EQUIPMENT MAY NOT BE STORED, TEMPORARILY OR EXTENDED, UNDER THE CANOPIES OF TREES.

ANY PRUNING MUST BE DONE BY I.S.A. CERTIFIED ARBORIST AND ACCORDING TO I.S.A. NORTHERN CHAPTER STANDARDS, 1988

TRENCHES SHALL BE OUTSIDE THE DRIP LINES OF THE TREES IN ORDER TO MINIMIZE NEGATIVE IMPACTS. ANY TRENCHING WITHIN A DISTANCE 3X THE DIAMETER OF THE TREE SHALL BE HAND EXCAVATED, AND ANY ROOTS ENCOUNTERED SHALL BE REVIEWED ON SITE BY THE PROJECT ARBORIST.

NO STORING OF MATERIALS, SOIL, VEHICLES, OR DEBRIS WITHIN THE TREE DRIP LINES SHALL BE PERMITTED DURING ANY TIME DURING DEMOLITION OR CONSTRUCTION ACTIVITIES.

LANDSCAPE MATERIALS (COBBLE, DECORATIVE BARK, STONES, FENCING, ETC.) MUST NOT BE INSTALLED DIRECTLY IN CONTACT WITH THE BARK OF TREES TO PREVENT RISK OF SERIOUS DISEASE OF INFECTION. LANDSCAPE PATHWAYS OR OTHER AMENITIES (IF ANY) CONSTRUCTED UNDER TREE CANOPIES MUST BE COMPLETELY ON GRADE WITHOUT EXCAVATION.

**PRELIMINARY.  
NOT YET APPROVED  
FOR CONSTRUCTION**



**ISSUE LOG**

PLANNING SUBMITTAL	DEC 17, 2023
PLANNING PLAN CHECK REV 1	APR 29, 2024



**Young & Borkl Architects**  
 ARCHITECTS  
 400 ALI DRIVE, SUITE 100  
 CAPITOLA, CA 95010  
 650-688-1950 | YBarchitects.com

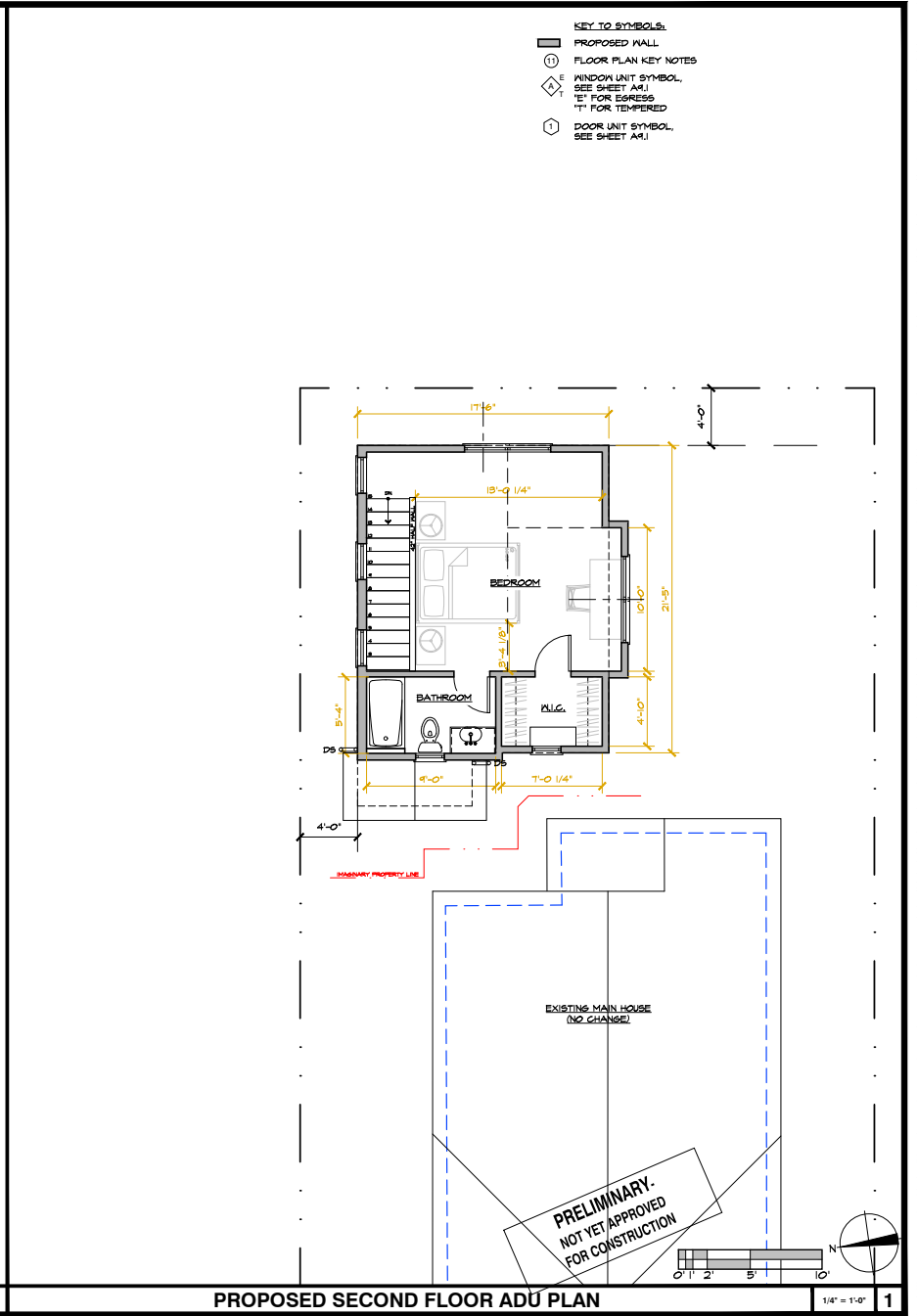
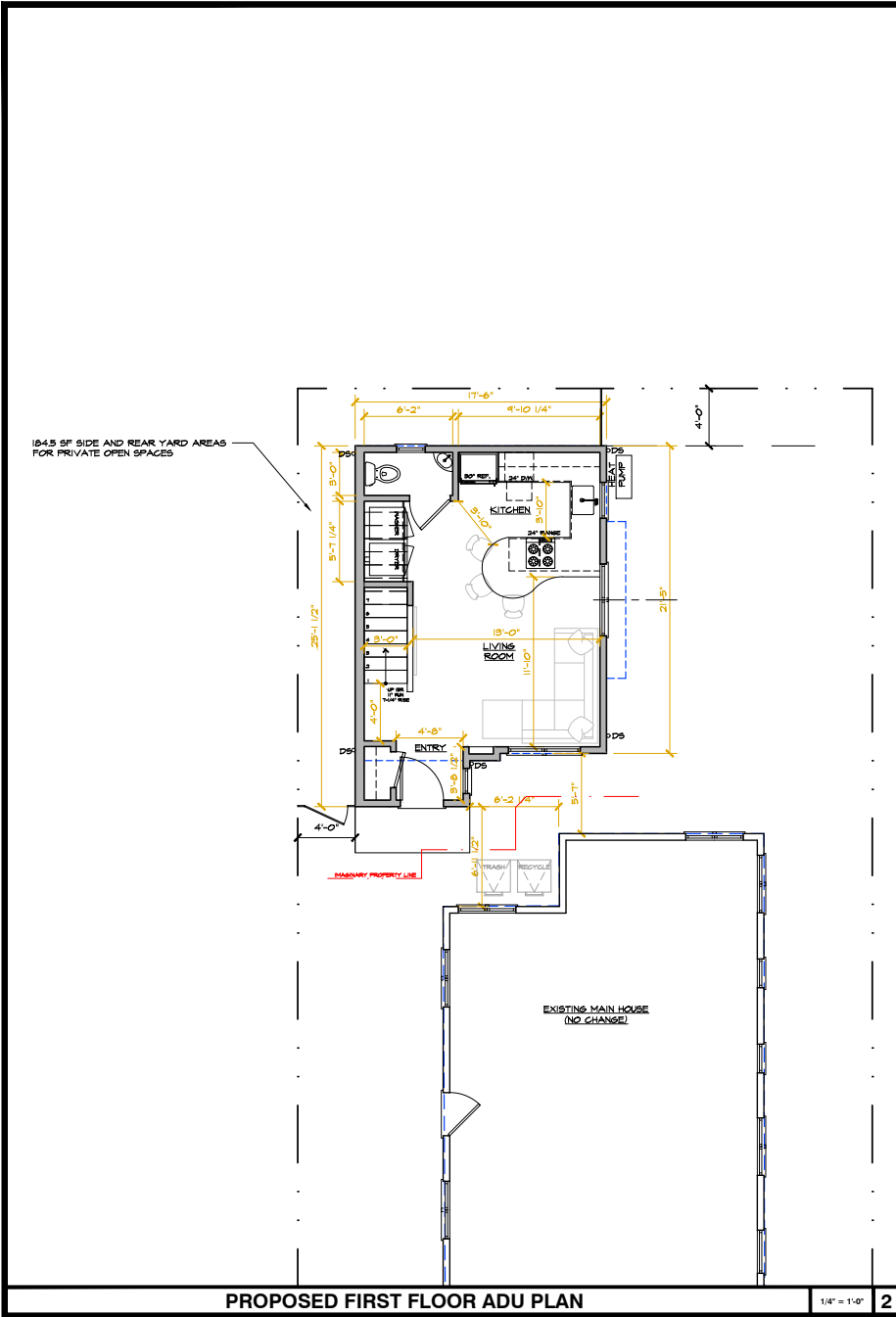


**NEW ADD: LOE**  
**ANNA & PAUL HAMMER**  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

**A.P.N. 035-093-34**

CHECKED	OSR	DRAWN	MC
DATE	DEC. 17, 2023		
BY	HAMMER AP CAP		

**A0.5**



- KEY TO SYMBOLS:**
- PROPOSED WALL
  - ⊕ FLOOR PLAN KEY NOTES
  - ⬠ WINDOW UNIT SYMBOL, SEE SHEET A4.1
  - ⊕ "E" FOR EGRESS, "T" FOR TERRACED
  - ⬠ DOOR UNIT SYMBOL, SEE SHEET A4.1

**ISSUE LOG**

PLANNING SUBMITTAL	DEC 17, 2023
PLANNING PLAN CHECK REV 1	MAY 5, 2026



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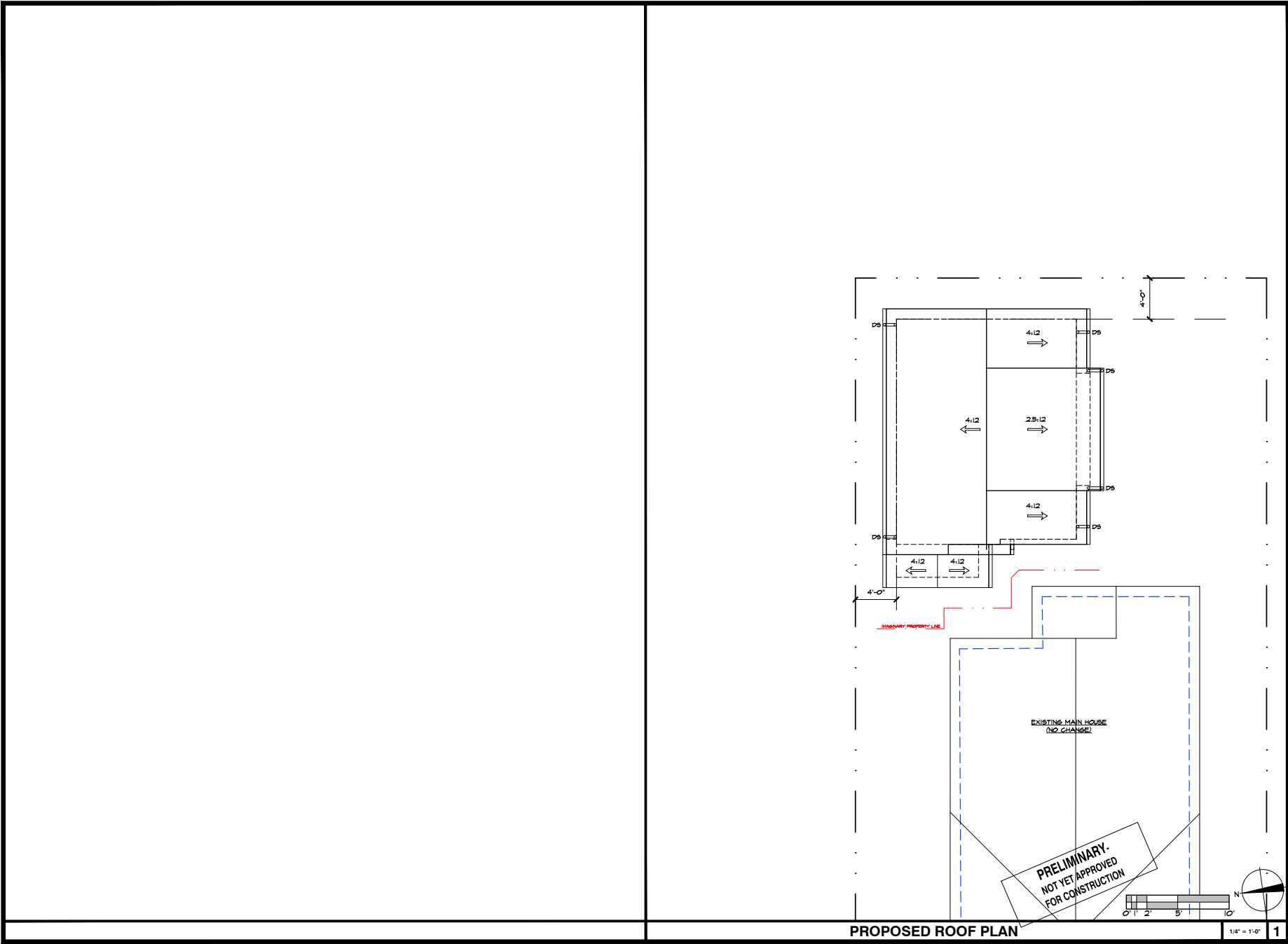


**NEW ADDRES:**  
 ANNA & PAUL HAMMER  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

A.P.N. 035-093-34

CHECKED	DSR	DRAWN	MC
DATE	DEC. 17, 2023		
PREP	HAMMER AP CAP		

**A2.1**



ISSUE LOG	
PLANNING SUBMITTAL	DEC 17, 2023
PLANNING PLAN CHECK REV 1	MAY 5, 2026



**Young & Borlik Architects**  
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 CAPITOLA, CA 95010  
 650-688-1950 | YBarchitects.com



**NEW ADDITION:**  
 ANNA & PAUL HAMMER  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

A.P.N. 035-093-34	
CHECKED OSR	DRAWN MC
DATE DEC. 17, 2025	
JOB # HAMMER AP CAP	

**A2.3**

ISSUE LOG
PLANNING SUBMITTAL
DEC 17, 2023
PLANNING PLAN CHECK REV 1
MAY 5, 2026



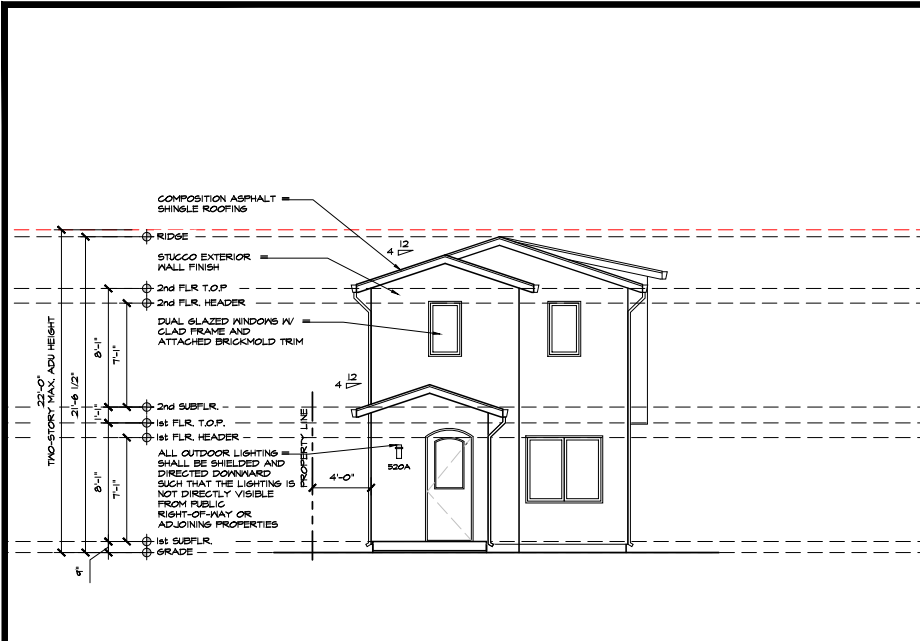
**Young & Borlik Architects**  
 ARCHITECTS  
 405 ALI OAK DRIVE, SUITE 100  
 CAPITOLA, CA 95010  
 650-688-1950 | YBarchitects.com



**NEW ADDLDR:**  
**ANNA & PAUL HAMMER**  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

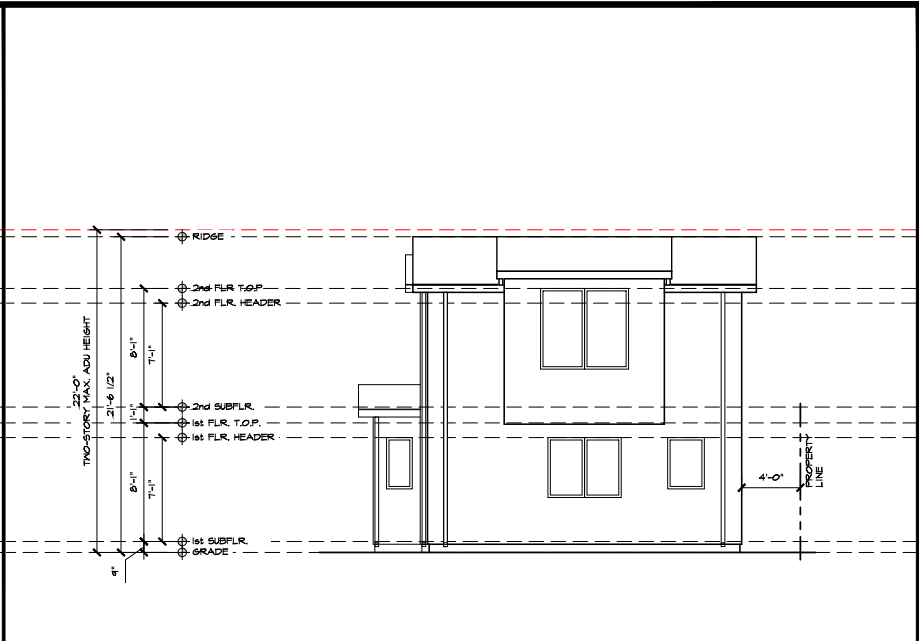
A.P.N. 035-093-34
CHECKED: OSR    DRAWN: MC
DATE: DEC. 17, 2023
DESIGNER: HAMMER AP CAP

**A3.1**



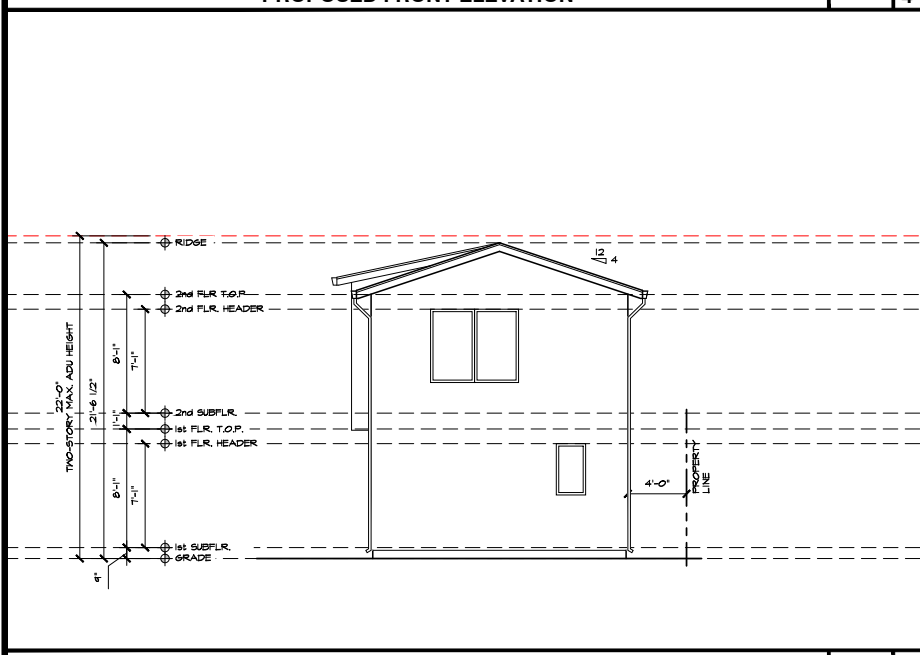
**PROPOSED FRONT ELEVATION**

1/4" = 1'-0" 4



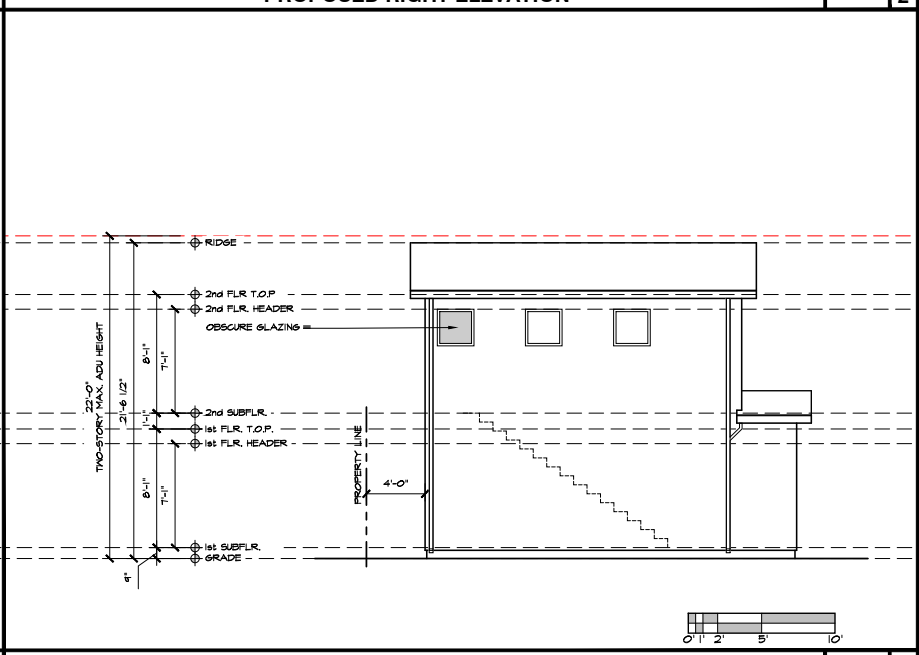
**PROPOSED RIGHT ELEVATION**

1/4" = 1'-0" 2



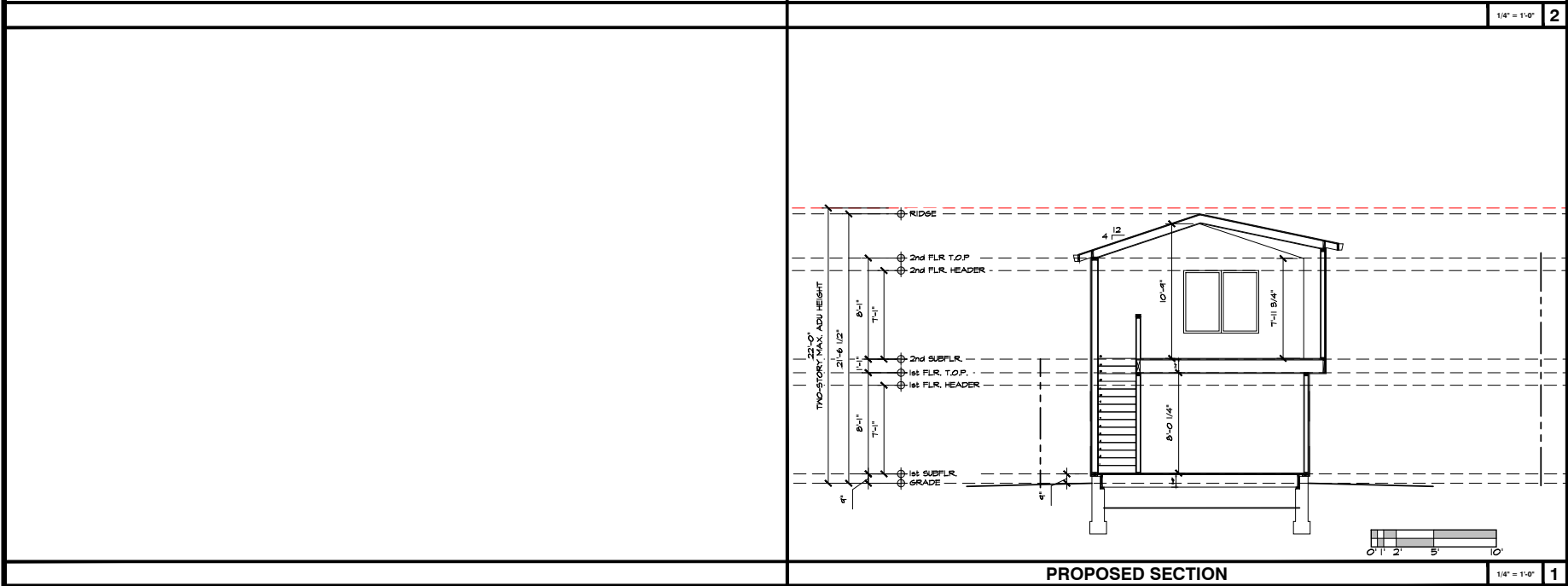
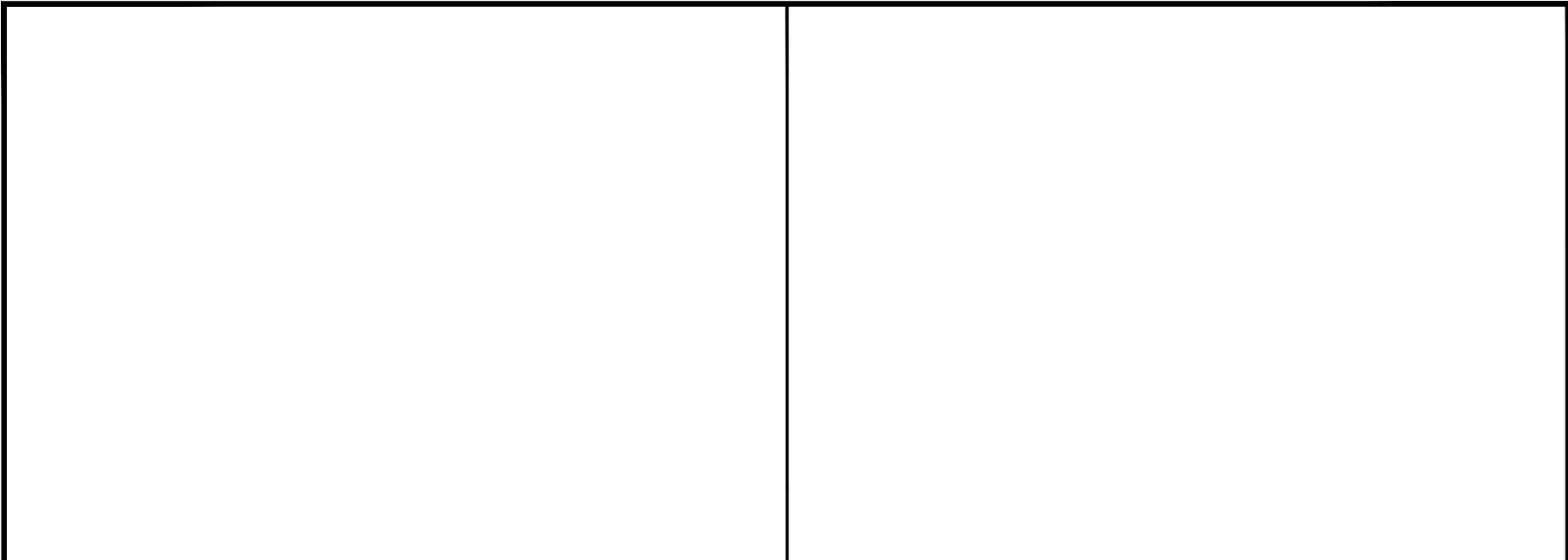
**PROPOSED REAR ELEVATION**

1/4" = 1'-0" 3



**PROPOSED LEFT ELEVATION**

1/4" = 1'-0" 1



PROPOSED SECTION

1/4" = 1'-0" 2

1/4" = 1'-0" 1

ISSUE LOG
PLANNING SUBMITTAL
DEC 17, 2023
PLANNING PLAN CHECK REV 1
MAY 5, 2026



**Young & Borlik Architects**  
 1000 WILSON AVENUE SUITE 100  
 LOS ANGELES, CALIFORNIA 90024  
 650-411-0550 / YBARCHITECTS.COM



**NEW ADU FOR:**  
**ANNA & PAUL HAMMER**  
 520 OAK DRIVE  
 CAPITOLA, CA 95010

A.P.N. 035-093-34	
CHECKED: OSR	DRAWN: MC
DATE: DEC. 17, 2023	
JOB #: HAMMER AP CAP	

**A4.1**

# Capitola Planning Commission

## Agenda Report



**Meeting:** June 4, 2026

**From:** Community & Economic Development Department

**Address:** 2091 Wharf Road

**Project Description:** Application #22-0067 for a Minor Land Division to subdivide an existing 0.478-acre lot into three lots, with an existing residence to remain on Lot No. 2 located at 2091 Wharf Road at (APN: 034-241-05), within the Single-Family Residential (R-1) zone district. This project is not located in the Coastal Zone and does not require a Coastal Development Permit.

**Recommended Action:** Consider Application #22-0067 and approve the project based on the recommended Conditions and Findings for Approval.

**Property Owner:** Joseph and Debbie Genge, Owners

**Representative:** Donna Emigh, Emigh Home Designs

**Applicant Proposal:** The project consists of a Minor Land Division to create three lots from an existing 0.478-acre lot. Project plans have been provided (Attachments 1 through 3). The following table includes the proposed lot details:

Table 1- Project Lot Details			
Lot No.	Proposed Gross Lot Area	Proposed Net Lot Area	Existing/Proposed Improvements
1	5,000 square feet	5,000 square feet	Future Single-family residence (SFR); Two existing sheds to be removed
2	8,621 square feet	6,824 square feet	Existing SFR
3	7,184 square feet	5,785 square feet	Future SFR

The project site is located in the Single Family (R-1) zone district. The subject site is bordered to the south by the City of Capitola Public Library, to the north and west by the Wharf Road Manor Mobile Home Park, and east by open space.

**Background:** The Minor Land Division application was initially submitted on May 9, 2013, as a four-lot subdivision. Since the original submittal, multiple iterations of the subdivision were submitted. The current project is for three lots, and future development would be considered with Design Permits.

The property includes one existing single-family home and two existing sheds. To allow for the Minor Land Division and bring the existing home into conformance with the proposed property lines, Minor Design Permit #24-0183 was approved administratively on June 7, 2024, allowing for the demolition of the existing garage, construction of a new 630 square foot carport, living room, and laundry room for the existing single-family residence. Building Permit No. 20240262 was issued by the Building Division for the site improvements on March 31, 2025.

**Discussion:** The subject property at 2091 Wharf Road is approximately 20,805 square feet in size and located on the west side of Wharf Road. The parcel is developed with an existing single-family residence and associated hardscape and landscape improvements. The parcel is located on a marine terrace at the top of the western flank of Soquel Creek. The majority of the parcel is gently sloped to the east with a moderate slope along the eastern property line down to Wharf Road.

**Minor Land Division:** Pursuant to Capitola Municipal Code (CMC) Section 16.24.170(A-G), the Planning Commission shall consider the following underlined design standards when considering the Minor Land Division:

- A. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.

Staff Analysis: The project site is located in the R-1 zoning district. The subdivision must demonstrate compliance with all applicable R-1 development standards specified in CMC Section 17.16.030.

<b>Table 2: Development Standards</b>			
	<b>Development Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Lot No. 1</b>			
<b>Parcel Area</b>	5,000 square feet	5,000 square feet	Complies
<b>Parcel Width</b>	30 feet	41 feet	Complies
<b>Parcel Depth</b>	80 feet	121.94 feet	Complies
<b>Lot No. 2 (Developed)</b>			
<b>Parcel Area</b>	5,000 square feet	6,824 square feet (net area)	Complies
<b>Parcel Width</b>	30 feet	54 feet	Complies
<b>Parcel Depth</b>	80 feet	126.39 feet	Complies
<b>Lot No. 3</b>			
<b>Parcel Area</b>	5,000 square feet	5,785 square feet (net area)	Complies
<b>Parcel Width</b>	30 feet	41.67 feet	Complies
<b>Parcel Depth</b>	80 feet	138.82 feet	Complies
<b>Lot No. 2 - Existing Development</b>			
<b>Floor Area Ratio (FAR)</b>			
<b>Maximum FAR</b>	0.48 or 3,275 square feet	0.41 or 2,777 square feet	Complies
<b>Setbacks</b>			
<b>Front Yard</b>	15 feet	46 feet	Complies
<b>Side Yard</b>	10 percent of width (5.4 feet) or no greater than 7 feet (lot width 54 feet)	6.5 and 6.6 feet	Complies
<b>Rear Yard</b>	20 percent of lot depth (10.8 feet) or 25 feet (lot depth 126.39 feet)	25 feet	Complies
<b>Encroachments</b>			
4 Existing Sheds and garage	Existing sheds extend over proposed property lines or encroach into setbacks.		To be removed prior to approval of the Final Parcel Map.
<b>Parking</b>			
Existing Dwelling	2 total	1 covered, 2 uncovered	Complies

All proposed lots will comply with the requirements of CMC Section 17.16.030. Future development on proposed Lots No. 1 and 3 would require Design Permits and conformance with current design and development standards.

- B. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.  
Staff Analysis: One shared access point on the south-east corner of the property will provide access to Wharf Road through the creation of a new shared driveway easement. The proposed lots are designed to be at right angles to the new driveway. Due to the existing curve on Wharf Road, no additional access points will be created with the project.
- C. The Planning Commission may require that building setback lines shall be indicated by dotted lines on the subdivision map.  
Staff Analysis: The applicant has included building setback lines on the subdivision map. Setbacks for proposed structures will be reevaluated at the time of proposed development of the parcels.
- D. No lot shall be divided by a city boundary line.  
Staff Analysis: The parcel is entirely within the city boundary.
- E. Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.  
Staff Analysis: All three lots provide street frontage of twenty feet or more along Wharf Road.
- F. Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.  
Staff Analysis: Not applicable.
- G. In riparian corridors, no lots may be created which do not contain adequate building area outside the riparian or stream setback.  
Staff Analysis: Not applicable.

Access: The location of the existing driveway on Wharf Road would not change with the project, however the driveway would be lowered by two feet or more. The new driveway would serve all three lots. The existing trees and fencing along the project frontage would be removed.

Due to the curvature of Wharf Road, the City required a Traffic Safety Study for the site, which was prepared by Dudek dated August 20, 2025 (Attachment 4). The study reviewed the existing transportation conditions in the vicinity of the site, including existing road conditions, speed data and collision history, and a horizontal sight distance analysis at the project's driveway on Wharf Road. The purpose of the analysis was to determine whether additional improvements would be needed to alert motorists, pedestrians, and bicyclists at, or near, the project's driveway due to the existing curve on Wharf Road.

A preliminary stopping sight distance (SSD) and intersection sight distance (ISD) analysis were conducted to determine whether sufficient unobstructed sight distance is available within the existing right-of-way of Wharf Road at the project driveway. The following information is necessary to understand the findings:

- a. SSD is the distance needed for a vehicle traveling at a specified design speed to react, assess, and then stop when an object crosses its path of travel.
- b. The Project driveway operates as a full access, one-way stop-controlled intersection, with the stop-control on the minor approach to Wharf Road. Therefore, the ISD for the Project access driveway was determined by using methodology provided by the American Association of State Highway Transportation Officials (AASHTO) under– Intersections with Stop Control on the Minor Road.

Table 3 summarizes the intersection and stopping sight distance at the project driveway.

Type	Design Speed (mph)	Required Sight Distance (feet)	Sufficient Sight Distance Provided
SSD on Primary Road (looking north to driveway)	35	250	Yes
SSD on Primary Road (looking south to driveway)	35	250	No
ISD Case B1 - Left Turn	35	390	Yes
ISD Case B2 - Right Turn	35	335	No

South of Project Driveway: Wharf Road extends in a straight alignment from the project driveway to the south. Sufficient stopping sight distance and intersection sight distance are available along Wharf Road and at the project driveway. The property fence line ends before the driveway curb cut, and while there is dense tree cover within the clear sight triangle, the existing landscaping (e.g., trees or other vegetation) was observed to be maintained such that no low-hanging branches or foliage would impede the sight distance. In addition, there is a yellow flashing beacon reading “Caution Watch for Entering Traffic” placed approximately 125-feet north of the Clares Street intersection along Wharf Road.

North of Project Driveway: Due to the curvature of Wharf Road north of the project driveway, the required stopping sight distance of 250 feet would not be met for vehicles traveling southbound on Wharf Road and approaching the driveway. The following objects are present within the clear sight triangle left-turning movements:

- Existing fence along property line
- Raised berm along property frontage
- Dense trees with canopy height approximately 20 to 30 feet
- One utility pole

The utility pole would not be considered a significant obstruction to sight distance at the driveway. As noted for the area south of the project driveway, while there is dense tree cover within the clear sight triangle, the existing landscaping (e.g., trees or other vegetation) was observed to be maintained such that no low-hanging branches or foliage would impede the sight distance. A yellow flashing beacon reading “Caution Watch for Entering Traffic” is placed approximately 75-feet north of the project driveway along Wharf Road, and a speed feedback sign is located north of the project driveway and near the Wharf Road Manor driveway.

Due to the raised berm, existing fence, and curvature of Wharf Road north of the project driveway, the intersection of the project driveway and Wharf Road does not meet the sight distance requirements pursuant to applicable AASHTO design standards.

The project will result in minimal changes in land use and trips (from one single family home to three single family homes, resulting in a total of 28 daily trips, 2 AM peak hour trips, and 3 PM peak hour trips). Multiple warning signs and message boards already exist along Wharf Road, including a sign warning of bicyclists ahead, a speed feedback sign and two yellow flashing beacon signs for both north and southbound traffic that read “Caution Watch for Entering Traffic”. However, Dudek is recommending the following be implemented with the project:

- Install a Side Road warning sign (Manual on Uniform Traffic Control Devices [MUTCD] sign W2-2) for southbound traffic on the existing speed message sign pole, located north of the Project driveway and near the Wharf Road Manor driveway

- Remove the existing fence and trees as indicated by the applicant's agent/architect along the property frontage. While the intersection sight distance will continue to be substandard due to the raised berm and curvature of the roadway, removal of the fence and trees would likely improve some visibility at the Project driveway.
- Maintain vegetation within the clear sight triangles such that low hanging branches or foliage would not impede sight distance.

The Dudek Traffic Safety Study recommendations are incorporated into the project Conditions of Approval (Condition No. 30).

Tree Removals: Pursuant to CMC Section 16.16.190, applications for tentative map may request trees for which removal is contemplated be designated upon the approved tentative and final maps. The City may condition any such approvals with measures necessary to ensure tree removal with completion of project. Upon such approval and appropriate designation appearing upon the tentative or final map, any such designated trees may be removed without the owner of the property having to comply with any other tree removal ordinances of the City, provided such removal takes place within three years of the approval of the tentative map.

The improvement plans indicate that the project would require the removal of six oak trees. The applicant has prepared a tree removal plan (Attachment 5). An oak tree and poplar have been removed at the rear of the site, and two oak trees located along the front of the property have had their canopies reduced. The project has been conditioned to replace the six trees proposed for removal with twelve trees to be located throughout the development. A landscape plan will be required prior to Final Parcel Map approval (Condition No. 13).

Parking: Building Permit No. 20240262 was issued by the Building Division for site improvements on proposed Lot No. 2 on March 31, 2025. These improvements included the demolition of the existing garage, construction of a new carport and miscellaneous site improvements. Because onsite parking is required with the improved driveway and carport, these improvements should be completed prior to Final Parcel Map approval (Condition No. 14).

Offsite Improvements: All cracked or broken driveway approaches, curb, gutter, or sidewalk will be required to be replaced in accordance with the Public Works Standard Details and accessibility requirements, to the satisfaction of the Public Works Department. No additional street improvements will be required as part of the subdivision.

Utilities: The applicant has obtained will-serve letters from Soquel Creek Water District, Santa Cruz County Sanitation District, and PG&E.

Sanitary sewer for the project site is only available through a connection on Clares Street. The project requires cross-lot conveyance of sanitary sewer to connect through a recorded easement with the adjacent Wharf Road Manner mobile home park (Attachment 6) prior to reaching the Santa Cruz County Sanitation District facilities located along Clares Street. The Santa Cruz County Sanitation District only addresses the ability to serve the project and sewer pipe capacity. The Sewer Lateral Agreement and Grant of Easement between the Genge property and Wharf Road Manner HOA is the instrument that may allow further connections through the easement. At the time of publishing the report, the property owner received a will-serve letter from Santa Cruz County Sanitation District, but has yet verify the ability to connect additional lots through the easement. The property owner will need to verify the ability to connect additional lots through the easement prior to recording the Final Map (Condition No. 15). In addition, because Lot No.'s 1, 2 and 3 are creating additional cross-lot conveyance of sanitary sewer, an easement agreement will be required providing the limits of the sewer maintenance responsibility for each newly created lot within the subdivision to the public main prior to approval of the Final Parcel Map (Condition No. 16). Condition of Approval No. 27 requires the applicant complete utility installations or will-serve commitments to serve the subdivision, prior to recording the Final Parcel Map.

**California Environmental Quality Act (CEQA):** This project involves a three-lot Minor Land Division that is in compliance with zoning and the General Plan. The parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15315 – Minor Land Divisions. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

#### **Minor Land Division Findings:**

- A. That the proposed map is consistent with applicable general and specific plans.**  
The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and all lots can accommodate the existing and proposed development.
- B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**  
The proposed subdivision map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity as conditioned.
- C. That the site is physically suitable for the type of development.**  
The use of the property will be single-family residential, lot sizes meet the minimum dimensional standard for the R-1 zone district, and all yard setbacks will be consistent with zoning standards. Further, the project, as conditioned, will require all future development to obtain a Design Permit. All newly created parcels can accommodate compliant developments. The applicant has demonstrated the building envelope by showing setbacks on the Tentative Parcel Map.
- D. That the site is physically suitable for the proposed density of development.**  
A geotechnical report prepared for the property concludes that the site is suitable for the land division, and the proposed parcel configuration offers a shared driveway easement with lots of sufficient size to ensure development without the need for site standard exceptions or variances. The subject site is surrounded by residences developed to an urban density.

**E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

No mapped or observed sensitive habitats or threatened species exist on site, as the site is developed and surrounded by a residential neighborhood developed to an urban density. The project is categorically exempt from further review under the California Environmental Quality Act as it is a land division of less than 5 parcels within an urbanized area.

**F. That the design of the subdivision or type of improvements will not cause serious public health problems.**

The existing parcel fronts Wharf Road. The new parcels will comply with the City's development standards, with one direct access point at Wharf Road, and newly created parcels taking access via a newly created private access driveway easement. The project will implement requirements of the Traffic Safety Study prepared by Dudek dated August 20, 2025, improving safety.

**G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The project has a recorded easement with the Wharf Road Manner for cross-lot conveyance of sanitary sewer. The Santa Cruz County Sanitation District has the ability to serve the project with connection at Clares Street.

**Conditions of Approval:**

General Conditions

1. The project approval consists of a Tentative Parcel Map for a Minor Land Division to subdivide an existing 0.478-acre lot into three lots, with an existing residence to remain on Lot No. 2 located at 2091 Wharf Road (APN 034-241-05). Lot No. 1 will be 5,000 square feet, Lot No. 2 will be 8,621 square feet, and Lot No. 3 will be 7,184 square feet. The Minor Land Division is approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on June 4, 2026, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The Tentative Parcel Map approval granted pursuant to the Planning Commission action shall remain in effect for two years to June 4, 2028. Failure to apply for Final Parcel Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted pursuant to the City of Capitola Municipal Code and the State Subdivision Map Act. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code Section 17.156.080.
3. Prior to construction, demolition, or utility work associated with subdivision improvements, a building permit and/or improvements permit shall be secured by the applicant.
4. All future development shall be required to adhere to the review processes and development standards as established by the City's Zoning Codes and Standards.
5. During construction or demolition, any activity shall be subject to a 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

Planning Department Conditions

6. Prior to approval of the Final Parcel Map, all Planning fees associated with Permit #22-0067 shall be paid in full.

7. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, reasonable attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. The City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.
8. Prior to approval of the Final Parcel Map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director and City Engineer. 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 and City Engineer.
9. Prior to approval of the Final Parcel Map, the improvement plans shall demonstrate that any existing overhead utility lines within the property, and any new utility lines will be underground to the nearest utility pole.
10. All encroachments crossing the property line or within setbacks shall be removed prior to approval of the Final Parcel Map.
11. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
  - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
  - b. The property owners and/or project manager shall notify the Community Development Department immediately.
  - c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
12. If human bones are discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.
13. Prior to Final Parcel Map approval, 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 include the following:

- a. Compensate for the removed tree(s) at a ratio of at least two trees or more for each one tree removed. The project proposes to remove 6 trees; therefore, the project shall plant a minimum of 12 new trees across the project site.
- b. Required replacement trees shall be fifteen gallon or larger, and shall be non-fruit bearing.
- c. The project shall demonstrate a tree canopy coverage of fifteen percent consisting of flowering, deciduous trees and evergreen trees on each proposed lot.
- d. The plan shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

The landscape plan shall be incorporated into the improvement plans for the project.

14. Building Permit No. 20240262 issued by the Building Division for site improvements on proposed Lot No. 2 for the demolition of the existing garage, construction of a new carport and miscellaneous site improvements, including driveway shall be finalized and certificate of occupancy obtained prior to Final Parcel Map approval.
15. The property owner shall provide verification that the Sewer Lateral Agreement and Grant of Easement between the Genge property and Wharf Road Manner HOA will allow two additional sanitary sewer connections prior to Final Parcel Map approval.
16. The property owner shall prepare an easement agreement for newly created Lot No.'s 1, 2 and 3 that addresses the cross-lot conveyance of sanitary sewer, and the limits of the sewer maintenance responsibility for each newly created lot within the subdivision to the public main prior to Final Parcel Map approval.

Public Works Department Conditions:  
**Prior to Final Parcel Map Approval**

17. Prior to Final Parcel Map approval, the applicant shall demonstrate that no buildings or structures will span multiple legal parcels. This shall be accomplished through removal or modification of the existing garage, or by approval of a demolition or modification plan acceptable to the City.
18. A formal shared driveway easement agreement shall be prepared and recorded in the Office of the County Recorder prior to Final Parcel Map approval.
19. Prior to approval of the Final Parcel Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.
20. Prior to approval of the Final Parcel Map, the applicant shall submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
21. Prior to submitting the Final Parcel Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.

22. The owner (applicant) shall submit four (4) copies of a Final Parcel Map in substantial conformance with the approved Tentative Parcel Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Parcel Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
- a. One copy of map checking calculations.
  - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Parcel Map.
  - c. One copy of each map referenced on the Final Parcel Map.
  - d. One copy of each document/deed referenced on the Final Parcel Map.
  - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
  - f. One copy of the approved Tentative Parcel Map.
23. The applicant shall submit as part of the improvement plans for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Parcel Map.
24. Interior monuments shall be set at each lot corner, prior to approval of the Final Parcel Map.
25. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Parcel Map, in substantial conformance with the approved Tentative Parcel Map and conditions of approval, prior to Final Parcel Map approval.
26. An Encroachment Permit issued by the Public Works Department is required for all improvements in any portion of the public right-of-way or of a public easement.
27. Prior to Final Parcel Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
28. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer.

**Project Conditions of Approval (to be printed in the plan set):**

29. The project shall be constructed in accordance with the revised Stormwater Control Plan and Improvement Plans prepared and certified by Ramsey Civil Engineering, Inc. and dated June 24, 2025, as approved by the Public Works Director and in compliance with the City's Post Construction Requirements (PCRs) for a Tier 2 project.
30. The project shall comply with the recommendations provided in the Traffic Safety Study prepared by Dudek dated August 20, 2025, and shall include the following:
- Install a Side Road warning sign (Manual on Uniform Traffic Control Devices [MUTCD] sign W2-2) for southbound traffic on the existing speed message sign pole, located north of the Project driveway and near the Wharf Road Manor driveway
  - Remove the existing fence and trees as indicated by the applicant's agent/architect along the property frontage
  - Maintain vegetation within the clear sight triangles such that low hanging branches or foliage would not impede sight distance

31. Complete and include on a plan sheet the Storm Water and Low Impact Development (LID) Assessment Checklist. Clearly mark all LID design measures on the site plans. The LID checklist can be found on the City's website.
32. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures in compliance with Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
33. Public Works Standard Detail STRM-BMP (Stormwater Pollution Prevention and Protection for Construction Projects) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction activities shall comply with this standard detail.
34. Ramsey Civil Engineering shall provide description signage for bioretention facilities.
35. Ramsey Civil Engineering shall provide wet seals and signatures on all revised plan sheets submitted to the City and applicable regulatory agencies.
36. The Engineer of Record shall inspect construction of stormwater management improvements and certify to the City in writing that the improvements were constructed in conformance with the approved design drawings, Stormwater Control Plan and the City's Post Construction Requirements.
37. The Engineer of Record shall submit record drawings for all stormwater management improvements upon completion of construction.
38. Prior to project final, the applicant shall submit a final Operation and Maintenance Plan, including any revisions resulting from changes made during construction, for approval by the Public Works Director and recordation in the Office of the County Recorder.
39. The applicant shall enter into and record any agreements identified in the Stormwater Control Plan related to ownership, inspection access, abatement rights, and long-term maintenance of the stormwater treatment BMPs.
40. Prior to any land disturbance, the applicant shall notify the Public Works Department at least 24 hours in advance to schedule a pre-site inspection to verify initial compliance with the approved stormwater temporary construction erosion and sediment control measures.
41. Prior to any work in the City road right-of-way, the contractor shall obtain an encroachment permit. No material or equipment storage may be placed in the road right-of-way.
42. Prior to project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced pursuant to the Public Works Standard Details and accessibility requirements, to the satisfaction of the Public Works Department.
43. Construction activities shall comply with the construction noise limitations set forth in Capitola Municipal Code §9.12.010(B).
44. The construction site shall be kept free of debris. Tracking of mud, dirt, or gravel into the public right-of-way shall be prevented and corrected daily. All temporary BMPs shall be properly maintained throughout construction.

**Attachments:**

1. 2091 Wharf Road -Minor Land Division Tentative Parcel Map
2. 2091 Wharf Road – Improvement Plans
3. 2091 Wharf Road – Existing Site Conditions
4. 2091 Wharf Road -Dudek Traffic Safety Study
5. 2091 Wharf Road - Tree Plan
6. 2091 Wharf Road -Sewer Lateral Agreement and Grant of Easement

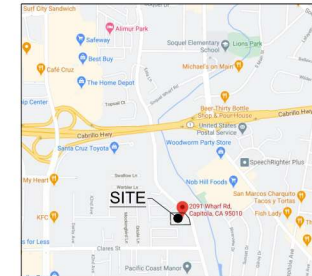
Report Prepared By: Gina Paolini, Principal Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

# TENTATIVE MAP 3-LOT MINOR LAND DIVISION FOR GENGE RESIDENCE

APN: 034-241-05  
2091 WHARF ROAD, CAPITOLA, CA 95010



MAP DATA © GOOGLE  
**VICINITY MAP**  
N.T.S.

**RAMSEY CIVIL ENGINEERING, INC.**  
CIVIL ENGINEERING  
LAND PLANNING  
PROJECT MANAGEMENT  
CONSTRUCTION SUPPORT  
GSD AND QSP SERVICES

2905 KRISTIE COURT  
SANTA CRUZ, CA 95065  
TEL (831) 462-2905  
www.ramseycivilengineering.com



DAVID RAMSEY DATE  
RCR# 73735

APN# 034-241-05  
PLAN TYPE  
RESIDENTIAL MLD

**TENTATIVE MAP**  
**3 LOT MINOR LAND DIVISION**  
2091 WHARF ROAD, CAPITOLA, CA. 95010

**PROJECT DATA**

**OWNER & SUBDIVIDER**  
JOE & DEBBIE GENGE  
2091 WHARF ROAD  
CAPITOLA, CA 95010

**OWNERS AGENT**  
RAMSEY CIVIL ENGINEERING, INC.  
2905 KRISTIE COURT  
SANTA CRUZ, CA 95065  
(831) 462-2905

**SOILS ENGINEER**  
TBD

**EXISTING ZONING**  
R-1+ SINGLE FAMILY RESIDENTIAL

**EXISTING USE**  
ONE (1)- SINGLE FAMILY RESIDENCE

**PROJECT DESCRIPTION**

PROPOSED PROJECT INCLUDES A 3-LOT MINOR LOT DIVISION AND A DESIGN PERMIT FOR TWO NEW SINGLE-FAMILY HOMES ON THE NEWLY CREATED LOTS. THE EXISTING STRUCTURE (ON LOT 2) SHALL REMAIN.

**PROPOSED USE**

THREE (3)- SINGLE FAMILY RESIDENCES

**WATER SUPPLY**

SOQUEL CREEK WATER DISTRICT

**SEWER DISPOSAL**

COUNTY OF SANTA CRUZ SANITATION DISTRICT

**GAS & ELECTRIC**

PACIFIC GAS & ELECTRIC

**AREA SUBJECT TO INUNDATION**

N/A

**TOTAL AREA OF SITE**

26,805± S.F. / 0.476± ACRES

**SURVEY**

TOPOGRAPHIC SURVEY FOR THIS PROJECT OBTAINED FROM MULTIPLE SOURCES.

BOUNDARY SURVEY FOR THIS PROJECT PROVIDED BY ALPHA LAND SURVEYS, INC. JOB NO. 2021-205. DATED 09/21/2021.

**BENCHMARK**

SURVEY CONTROL SET MAG NAIL BENCHMARK ELEVATION = 100.00' (ASSUMED DATUM)

**BASIS OF BEARINGS**

BEARINGS FOR THIS SURVEY ARE BASED ON THE SOUTHERN BOUNDARY OF THE LANDS OF TIMMONS AS SHOWN ON THAT MAP ENTITLED "RECORD OF SURVEY OF THE LAND OF ARTHUR L. AND PRISCILLA TIMMONS" FILED FOR RECORD IN VOLUME 69 OF MAPS AT PAGE 90, SANTA CRUZ COUNTY RECORDS, AND WAS ESTABLISHED BETWEEN MONUMENTS FOUND AS SHOWN.

BASIS OF BEARINGS: 89°40'00"W

**INDEX OF SHEETS**

SHEET NO.	DESCRIPTION
TM-1	TENTATIVE MAP
SHEET 1 OF 1	
C1.0	BOUNDARY SURVEY BY ALPHA LAND SURVEYS, INC.
C1.0	SITE PLAN
C2.0	GRADING & DRAINAGE PLAN
C2.1	DRIVEWAY PROFILES
C2.2	SECTIONS
C2.3	FRONTAGE IMPROVEMENTS
C3.0	UTILITY PLAN
C3.0	STORMWATER CONTROL PLAN
C4.1	STORMWATER NOTES & DETAILS
C5.0	UTILITY PLAN
C6.0	EROSION CONTROL PLAN & DETAILS

**ABBREVIATIONS**

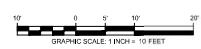
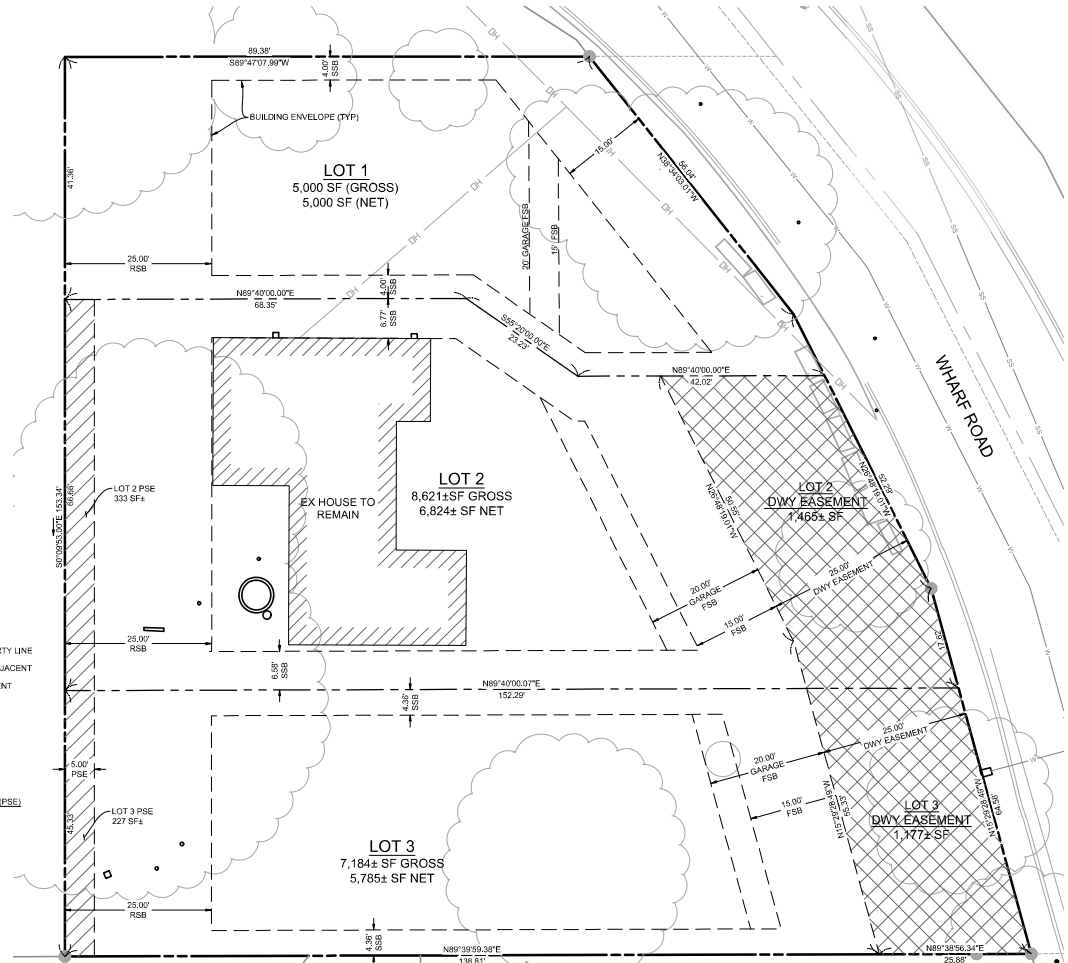
CBC	CALIFORNIA BUILDING CODE
DWY	DRIVEWAY
E	EAST, ELECTRICAL
EX	EXISTING
FSB	FRONT SETBACK
MIN	MINIMUM
N	NORTH
NE	NORTHEAST
NTS	NOT TO SCALE
NW	NORTHWEST
PL	PROPERTY LINE
PSE	PRIVATE SEWER EASEMENT
R	RIGHT-OF-WAY
RSB	REAR SETBACK
S	SOUTH, SLOPE
SF	SQUARE-FOOT
SHT	SHEET
SSB	SIDE SETBACK
STD	STANDARD
SW	SIDEWALK, SOUTHWEST
W	WEST, WATER

**LEGEND**

---	EX PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	PROPERTY LINE-ADJACENT
---	PROPOSED EASEMENT
---	FENCE
---	SETBACK LINE

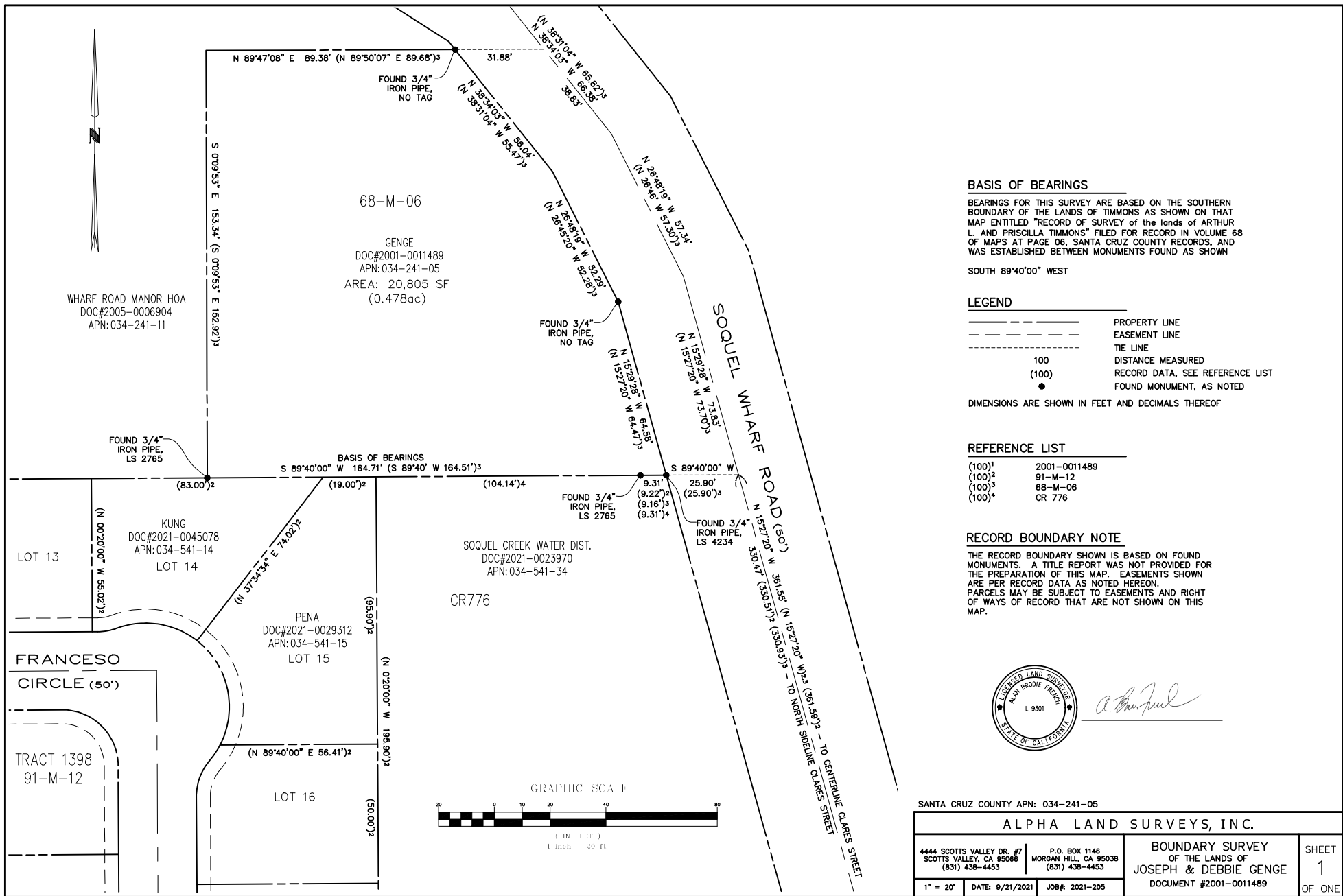
**HATCH LEGEND**

[Hatched Box]	PRIVATE SEWER EASEMENT (PSE)
[Cross-hatched Box]	DRIVEWAY EASEMENT



DRAWN BY: GS  
DESIGNED BY: DMR  
DATE: 01/17/2025  
SCALE: AS NOTED  
PROJECT NO: 21-026  
SHEET:

**TM-1**



**BASIS OF BEARINGS**

BEARINGS FOR THIS SURVEY ARE BASED ON THE SOUTHERN BOUNDARY OF THE LANDS OF TIMMONS AS SHOWN ON THAT MAP ENTITLED "RECORD OF SURVEY OF THE LANDS OF ARTHUR L. AND PRISCILLA TIMMONS" FILED FOR RECORD IN VOLUME 68 OF MAPS AT PAGE 06, SANTA CRUZ COUNTY RECORDS, AND WAS ESTABLISHED BETWEEN MONUMENTS FOUND AS SHOWN

SOUTH 89°40'00" WEST

**LEGEND**

- PROPERTY LINE
- EASEMENT LINE
- TIE LINE
- 100 DISTANCE MEASURED
- (100) RECORD DATA, SEE REFERENCE LIST
- FOUND MONUMENT, AS NOTED

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF

**REFERENCE LIST**

- (100)<sup>1</sup> 2001-0011489
- (100)<sup>2</sup> 91-M-12
- (100)<sup>3</sup> 68-M-06
- (100)<sup>4</sup> CR 776

**RECORD BOUNDARY NOTE**

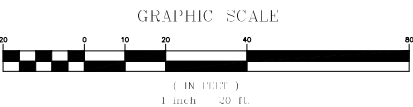
THE RECORD BOUNDARY SHOWN IS BASED ON FOUND MONUMENTS. A TITLE REPORT WAS NOT PROVIDED FOR THE PREPARATION OF THIS MAP. EASEMENTS SHOWN ARE PER RECORD DATA AS NOTED HEREON. PARCELS MAY BE SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD THAT ARE NOT SHOWN ON THIS MAP.



*Alan French*

SANTA CRUZ COUNTY APN: 034-241-05

<b>ALPHA LAND SURVEYS, INC.</b>		<b>BOUNDARY SURVEY OF THE LANDS OF JOSEPH &amp; DEBBIE GENGE</b>	SHEET <b>1</b> OF ONE
4444 SCOTTS VALLEY DR. #7 SCOTTS VALLEY, CA 95066 (831) 438-4453	P.O. BOX 1148 MORGAN HILL, CA 95038 (831) 438-4453		
1" = 20'	DATE: 9/21/2021	JOB#: 2021-205	





**ESTIMATED EARTHWORK QUANTITIES**

485 CUBIC YARDS EXCAVATION  
 105 CUBIC YARDS EMBANKMENT  
 380 CUBIC YARDS NET EXCAVATION

- NOTES**
- ESTIMATE DOES NOT INCLUDE UTILITY TRENCH VOLUMES OR ANY OVEREXCAVATION, IF REQUIRED BY SITE CONDITIONS.
  - ESTIMATE ASSUMES A 15% COMPACTION FACTOR ON ALL FILL MATERIAL AND A 0% EXPANSION FACTOR ON ALL CUT MATERIAL.
  - PRIOR TO COMMENCEMENT OF WORK CONTRACTOR SHALL CONFIRM THAT ESTIMATES ARE CORRECT.
  - EXCESS MATERIAL SHALL BE DISPOSED OF OFFSITE AT AN APPROVED DISPOSAL SITE.

**RAMSEY CIVIL ENGINEERING NOTES:**

- ALL GRADING WORK AND CONSTRUCTION OF IMPROVEMENTS SHALL BE DONE IN ACCORDANCE WITH THE CBC 2019.
- NO CHANGES ON THESE PLANS SHALL BE MADE WITHOUT PRIOR APPROVAL OF RAMSEY CIVIL ENGINEERING, INC.
- EROSION CONTROL PLANS SHALL BE PERMITTED AND FILED WITH THE APPLICABLE AGENCIES PRIOR TO ANY CONSTRUCTION OR GRADING OPERATIONS.
- THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO, OR USES OF, THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
- ROOF DOWNSPOUTS SHALL DISCHARGE AWAY FROM BUILDING FOUNDATION PER 2019 CBC, AND DIRECTED TO GRADE TO DRAIN.
- ALL COMPACTION TO BE DETERMINED USING THE LATEST EDITION OF ASTM D157.
- THE TYPES, LOCATIONS, SIZES, AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE IMPROVEMENT PLANS WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. THE CONTRACTOR SHALL PERFORM THEIR OWN FIELD INVESTIGATION PRIOR TO CONSTRUCTION TO VERIFY UTILITY LOCATIONS. CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS, AND DEPTHS OF SUCH UNDERGROUND UTILITIES. THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, IF AT ANYTIME THE CONTRACTOR IS UNSURE OF UTILITY LOCATIONS. A CERTIFIED UNDERGROUND UTILITY LOCATOR SHALL BE OBTAINED AT THE COST OF THE CONTRACTOR, FOR ONSITE UTILITIES, OR CONTACT U.S.A. (OR 811) FOR OFFSITE UTILITIES.
- ALL UTILITY STRUCTURES TO REMAIN WITHIN AREAS EFFECTED BY THE CONSTRUCTION WORK ON THIS PROJECT, INCLUDING, BUT NOT LIMITED TO CLEANOUTS, WATER VALVES, AND FALL BOXES SHALL BE ADJUSTED TO GRADE BY THE CONTRACTOR WHETHER SHOWN ON THESE PLANS OR NOT. CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH ALL PUBLIC OR PRIVATE UTILITY COMPANIES.
- ALL AREAS TO BE GRADED ACCORDING TO THE GRADES SHOWN ON THESE PLANS. A 1% MINIMUM SLOPE FOR DRAINAGE SHALL BE APPLIED IF NO GRADES ARE SHOWN, SUBJECT TO THE APPROVAL OF THE PROJECT ENGINEER.
- CONTRACTOR SHALL GRADE EVENLY BETWEEN SPOT ELEVATIONS.
- CONTRACTOR SHALL VERIFY THE CONTENTS AND THICKNESS OF THE BUILDING SLAB SECTION (I.E. CONCRETE, SAND, ROCK) WITH THE STRUCTURAL PLANS PRIOR TO COMMENCEMENT OF GRADING OPERATIONS.
- ALL GRADING, TRENCHING, SHORING, PAVING, AND CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE O.S.H.A REGULATIONS.
- CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF THE CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONNEL AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR AGREES TO DEFEND, INDEMNIFY, AND HOLD DESIGN PROFESSIONALS AND CITY REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE NEGLIGENCE OF THE DESIGN PROFESSIONAL.
- THE OWNER ACKNOWLEDGES THAT THE PARCEL DOES AND WILL CONTINUE TO RECEIVE UPSTREAM RUNOFF, AND THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE PATHWAY (NATURAL AND/OR MAN-MADE) THROUGH THE PARCEL, AND THAT THE COUNTY & FLOOD CONTROL DISTRICT(S) ARE NOT RESPONSIBLE FOR THE UPSTREAM RUNOFF OR FOR THE MAINTENANCE OF THE DRAINAGE PATHWAY.

**RAMSEY CIVIL ENGINEERING, INC.**  
 CIVIL ENGINEERING  
 LAND PLANNING  
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2905 KRISTIE COURT  
 SANTA CRUZ, CA 95065  
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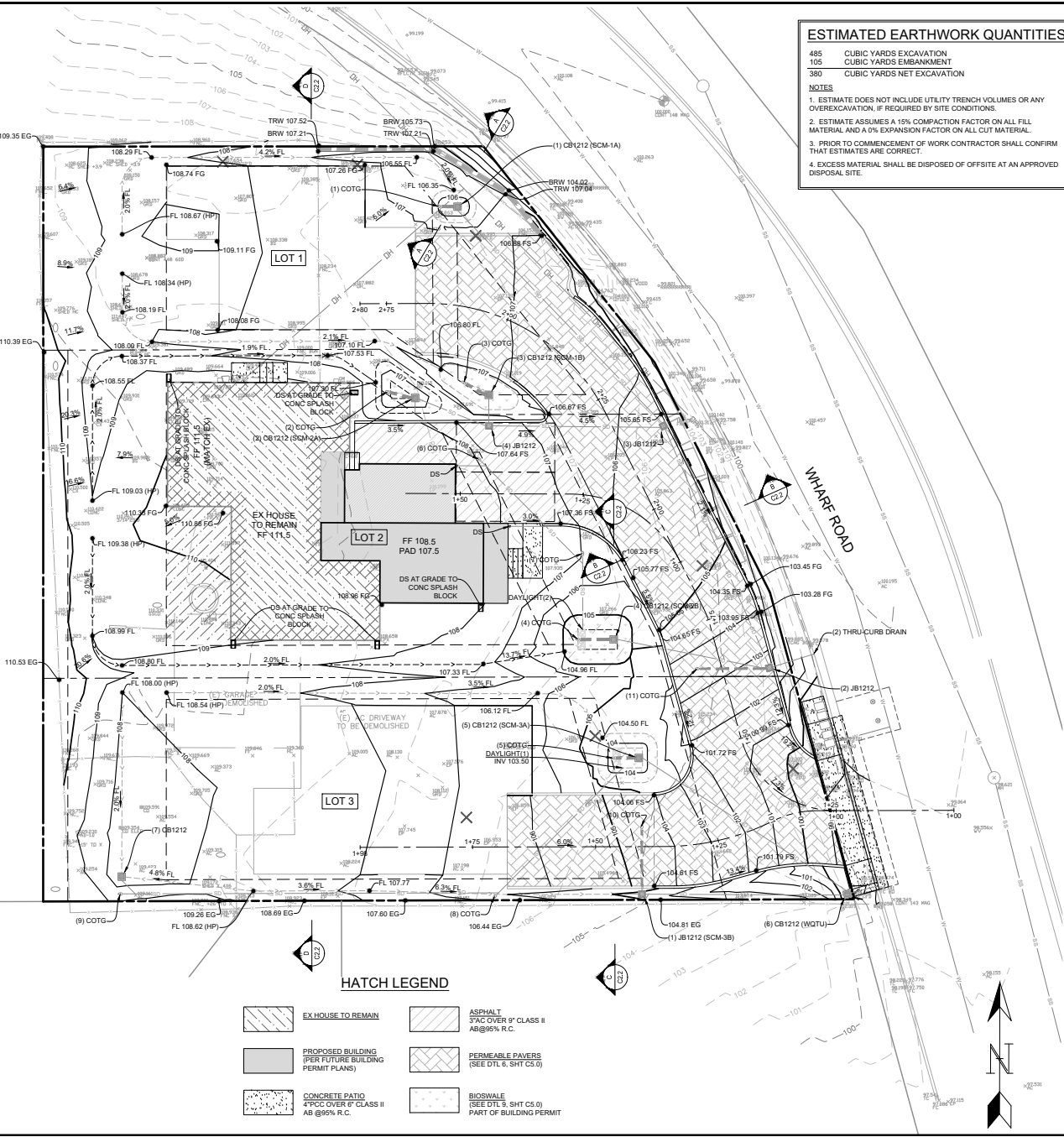
DAVID RAMSEY DATE  
 REC# 7375

APN# 034-241-05  
 PLAN TYPE  
 RESIDENTIAL MLD

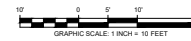
**GRADING AND DRAINAGE PLAN**  
**3 LOT MINOR LAND DIVISION**  
 2091 WHARF ROAD, CAPITOLA, CA. 95010

JUNCTION BOXES (JB)	CLEANOUTS (COTG)	CATCH BASINS (CB)
STRUCTURE INFO	STRUCTURE INFO	STRUCTURE INFO
(1) JB1212 (SCM-3B) RIM: 104.68 6" SD INV IN: 102.79 (N) 6" SD INV OUT: 102.79 (E)	(1) COTG RIM: 106.44 6" PERF INV OUT: 102.66 (E)	(1) CB1212 (SCM-1A) RIM: 106.08 6" SD INV IN: 102.66 (W) 6" SD INV OUT: 102.49 (SE)
(2) JB1212 RIM: 102.59 6" SD INV IN: 99.53 (NW) 6" SD INV IN: 99.53 (W) 6" SD INV IN: 101.68 (W) 6" SD INV OUT: 99.53 (E)	(2) COTG RIM: 107.20 6" PERF INV OUT: 103.63 (E)	(2) CB1212 (SCM-2A) RIM: 107.05 6" SD INV IN: 103.63 (W) 6" SD INV OUT: 103.46 (E)
(3) JB1212 RIM: 105.63 6" SD INV IN: 100.96 (NW) 6" SD INV IN: 100.96 (W) 6" SD INV OUT: 100.96 (SE)	(3) COTG RIM: 106.96 6" PERF INV OUT: 103.13 (SE)	(3) CB1212 (SCM-1B) RIM: 106.55 6" SD INV IN: 103.13 (NW) 6" SD INV OUT: 102.96 (S)
(4) JB1212 RIM: 107.39 6" SD INV IN: 102.90 (W) 6" SD INV IN: 102.90 (E) 6" SD INV OUT: 102.90 (E)	(4) COTG RIM: 104.25 6" PERF INV OUT: 101.00 (E)	(4) CB1212 (SCM-2B) RIM: 104.75 6" SD INV IN: 101.16 (W) 6" SD INV OUT: 100.95 (E)
(5) JB1212 (SCM-3A) RIM: 106.37 6" SD INV OUT: 104.15 (S)	(5) COTG RIM: 106.97 6" PERF INV OUT: 104.88 (SE)	(5) CB1212 (SCM-3A) RIM: 104.25 6" SD INV IN: 101.00 (W) 6" SD INV OUT: 97.98 (SE)
(6) COTG RIM: 106.37 6" SD INV OUT: 103.87 (NE)	(6) COTG RIM: 106.51 6" SD INV OUT: 104.63 (E)	(6) CB1212 (WDTU) RIM: 99.50 6" SD INV IN: 97.50 (NW) 6" SD INV IN: 97.50 (W) 2" DIP INV OUT: 98.49 (E)
(7) COTG RIM: 104.60 6" SD INV OUT: 103.06 (S)	(7) COTG RIM: 104.60 6" SD INV OUT: 103.06 (S)	(7) CB1212 RIM: 107.54 6" SD INV OUT: 104.64 (SE)
(8) COTG RIM: 104.60 6" SD INV OUT: 103.06 (S)	(8) COTG RIM: 104.60 6" SD INV OUT: 103.06 (S)	(8) CB1212 (WDTU) RIM: 104.60 6" SD INV OUT: 103.06 (S)

- GRADING PLAN NOTES:**
- GRADING ON INDIVIDUAL LOTS IS SHOWN FOR REFERENCE ONLY. IMPROVEMENTS AND GRADING (INCLUDING UTILITIES) SHALL BE INSTALLED AND DESIGNED WITH INDIVIDUAL BUILDING PERMITS.
  - SEE SHEET C3.0 FOR ALL UTILITY INFORMATION, INCLUDING STORM PIPE DATA.
  - REFER TO SHEET C2.1 FOR PROPOSED DRIVEWAY PROFILES.
  - PROPOSED CLEANOUT TO GRADE PER DETAIL 1, C5.0.
  - PROPOSED GRADED SWALES PER DETAIL 3, C5.0.



**HATCH LEGEND**

NO.	DATE	DESCRIPTION	REVISION BLOCK

DRAWN BY: GS  
 DESIGNED BY: DMK  
 DATE: 06/24/2025  
 SCALE: AS NOTED  
 PROJECT NO: 21-026  
 SHEET: C2.0

**RAMSEY**  
 CIVIL ENGINEERING, INC.  
 CIVIL ENGINEERING  
 LAND PLANNING  
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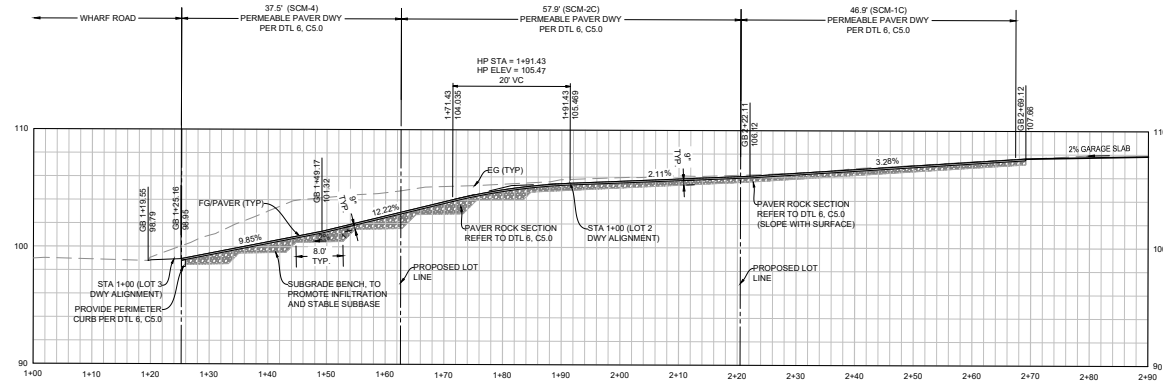


DAVID RAMSEY DATE  
 RCE# 73735

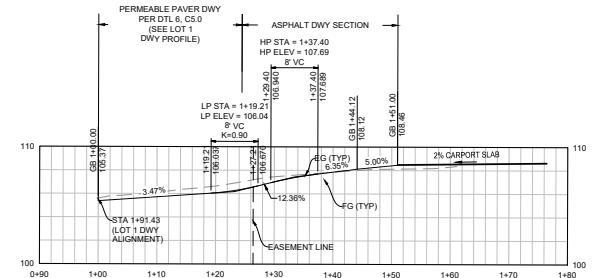
APN# 034-241-05

PLAN TYPE  
 RESIDENTIAL MLD

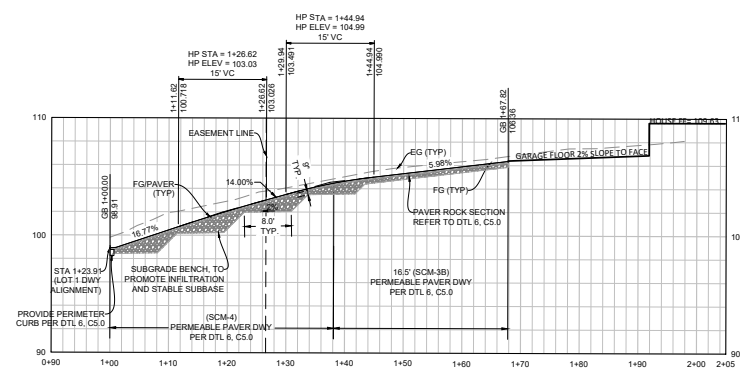
DRIVEWAY PROFILES  
**3 LOT MINOR LAND DIVISION**  
 2091 WHARF ROAD, CAPITOLA, CA. 95010



**LOT 1 - DRIVEWAY PROFILE**  
 H: 1"=10'  
 V: 1"=5'



**LOT 2 - DRIVEWAY PROFILE**  
 H: 1"=10'  
 V: 1"=5'



**LOT 3 - DRIVEWAY PROFILE**  
 H: 1"=10'  
 V: 1"=5'



**811**  
 Know what's below.  
 Call before you dig.

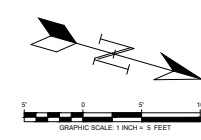
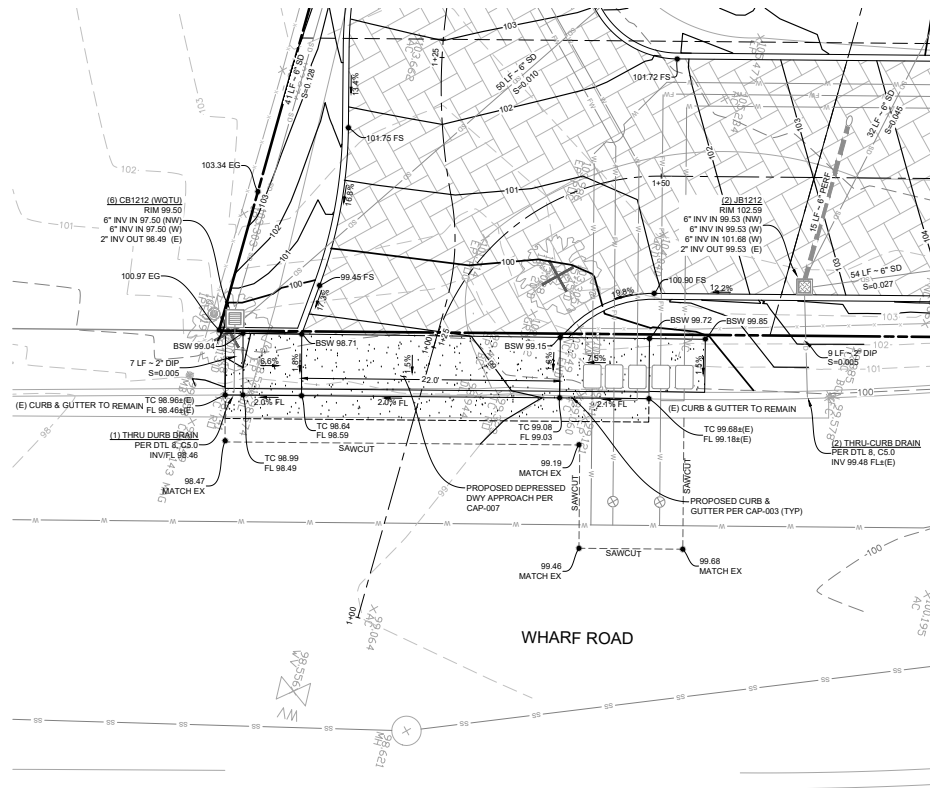
NO.	DATE	REVISION	BY	DESCRIPTION

DRAWN BY: GS  
 DESIGNED BY: DMR  
 DATE: 06/24/2025  
 SCALE: AS NOTED  
 PROJECT NO: 21-026  
 SHEET: **C2.1**



**RAMSEY CIVIL ENGINEERING NOTES:**

1. ALL GRADING WORK AND CONSTRUCTION OF IMPROVEMENTS SHALL BE DONE IN ACCORDANCE WITH THE CBC 2019.
2. NO CHANGES ON THESE PLANS SHALL BE MADE WITHOUT PRIOR APPROVAL OF RAMSEY CIVIL ENGINEERING, INC.
3. EROSION CONTROL PLANS SHALL BE PERMITTED AND FILED WITH THE APPLICABLE AGENCIES PRIOR TO ANY CONSTRUCTION OR GRADING OPERATIONS.
4. THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO, OR USES OF, THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
5. ROOF DOWNSPOUTS SHALL DISCHARGE AWAY FROM BUILDING FOUNDATION PER 2019 CBC, AND DIRECTED TO GRADE TO DRAIN.
6. ALL COMPACTION TO BE DETERMINED USING THE LATEST EDITION OF ASTM D1557.
7. THE TYPES, LOCATIONS, SIZES, AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE IMPROVEMENT PLANS WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. THE CONTRACTOR SHALL PERFORM THEIR OWN FIELD INVESTIGATION PRIOR TO CONSTRUCTION TO VERIFY UTILITY LOCATIONS. CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS, AND DEPTHS OF SUCH UNDERGROUND UTILITIES. THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED. IF AT ANYTIME THE CONTRACTOR IS UNSURE OF UTILITY LOCATIONS, A CERTIFIED UNDERGROUND UTILITY LOCATOR SHALL BE OBTAINED AT THE COST OF THE CONTRACTOR, FOR ONSITE UTILITIES, OR CONTACT U.S.A. (OR 811) FOR OFFSITE UTILITIES.
8. ALL UTILITY STRUCTURES TO REMAIN WITHIN AREAS EFFECTED BY THE CONSTRUCTION WORK ON THIS PROJECT, INCLUDING, BUT NOT LIMITED TO CLEANOUTS, WATER VALVES, AND PULL BOXES SHALL BE ADJUSTED TO GRADE BY THE CONTRACTOR WHETHER SHOWN ON THESE PLANS OR NOT. CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH ALL PUBLIC OR PRIVATE UTILITY COMPANIES.
9. ALL AREAS TO BE GRADED ACCORDING TO THE GRADES SHOWN ON THESE PLANS. A 1% MINIMUM SLOPE FOR DRAINAGE SHALL BE APPLIED IF NO GRADES ARE SHOWN, SUBJECT TO THE APPROVAL OF THE PROJECT ENGINEER.
10. CONTRACTOR SHALL GRADE EVENLY BETWEEN SPOT ELEVATIONS.
11. CONTRACTOR SHALL VERIFY THE CONTENTS AND THICKNESS OF THE BUILDING SLAB SECTION (I.E. CONCRETE, SAND, ROCK) WITH THE STRUCTURAL PLANS PRIOR TO COMMENCEMENT OF GRADING OPERATIONS.
12. ALL GRADING, TRENCHING, SHORING, PAVING, AND CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE O.S.H.A REGULATIONS.
13. CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF THE CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONNEL AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR AGREES TO DEFEND, INDEMNIFY, AND HOLD DESIGN PROFESSIONALS AND CITY REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.
14. THE OWNER ACKNOWLEDGES THAT THE PARCEL DOES AND WILL CONTINUE TO RECEIVE UPSTREAM RUNOFF, AND THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE PATHWAY (NATURAL AND/OR MAN-MADE) THROUGH THE PARCEL AND THAT THE COUNTY & FLOOD CONTROL DISTRICT(S) ARE NOT RESPONSIBLE FOR THE UPSTREAM RUNOFF OR FOR THE MAINTENANCE OF THE DRAINAGE PATHWAY.



DRAWN BY:	GS
DESIGNED BY:	DHR
DATE:	06/24/2025
SCALE:	AS NOTED
PROJECT NO:	21-026
SHEET:	C2.3

**RAMSEY CIVIL ENGINEERING, INC.**  
 CIVIL ENGINEERING  
 LAND PLANNING  
 PROJECT MANAGEMENT  
 CONSTRUCTION SUPPORT  
 GSD AND GPS SERVICES

2905 KRISTIE COURT  
 SANTA CRUZ, CA 95065  
 TEL (831) 462-2905  
 www.ramseycivileng.com



DAVID RAMSEY DATE  
 RCE# 73735

APN# 034-241-05  
 PLAN TYPE  
 RESIDENTIAL MLD

**FRONTAGE IMPROVEMENTS**  
**3 LOT MINOR LAND DIVISION**  
 2091 WHARF ROAD, CAPITOLA, CA. 95010

NO.	DATE	DESCRIPTION	REVISION BLOCK



APN# 034-241-05

PLAN TYPE  
RESIDENTIAL MLD

UTILITY PLAN  
**3 LOT MINOR LAND DIVISION**  
2091 WHARF ROAD, CAPITOLA, CA. 95010

NO.	DATE	DESCRIPTION	REVISION BLOCK

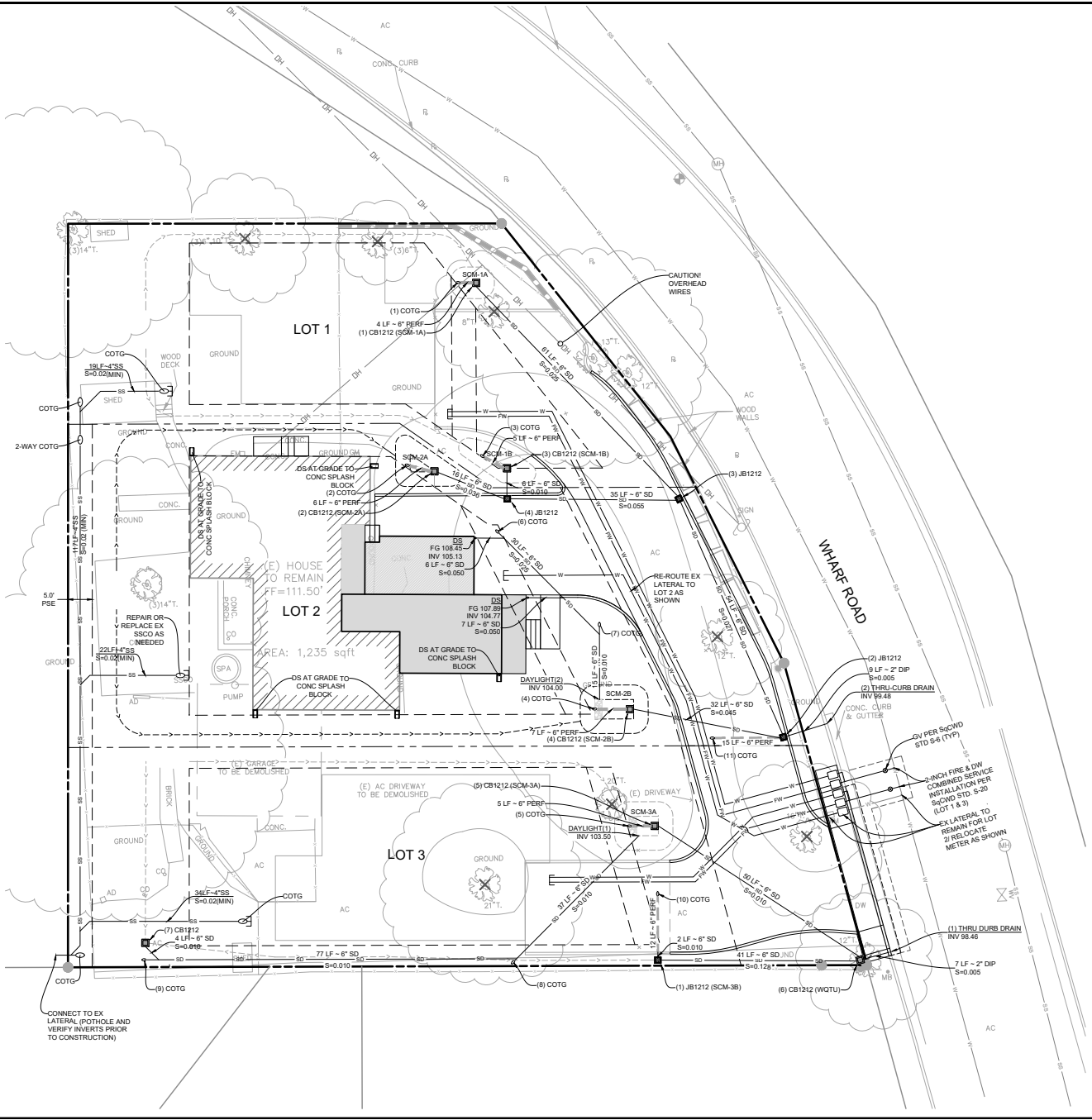
DRAWN BY: GS  
DESIGNED BY: DMR  
DATE: 06/24/2025  
SCALE: AS NOTED  
PROJECT NO: 21-206  
SHEET: C3.0

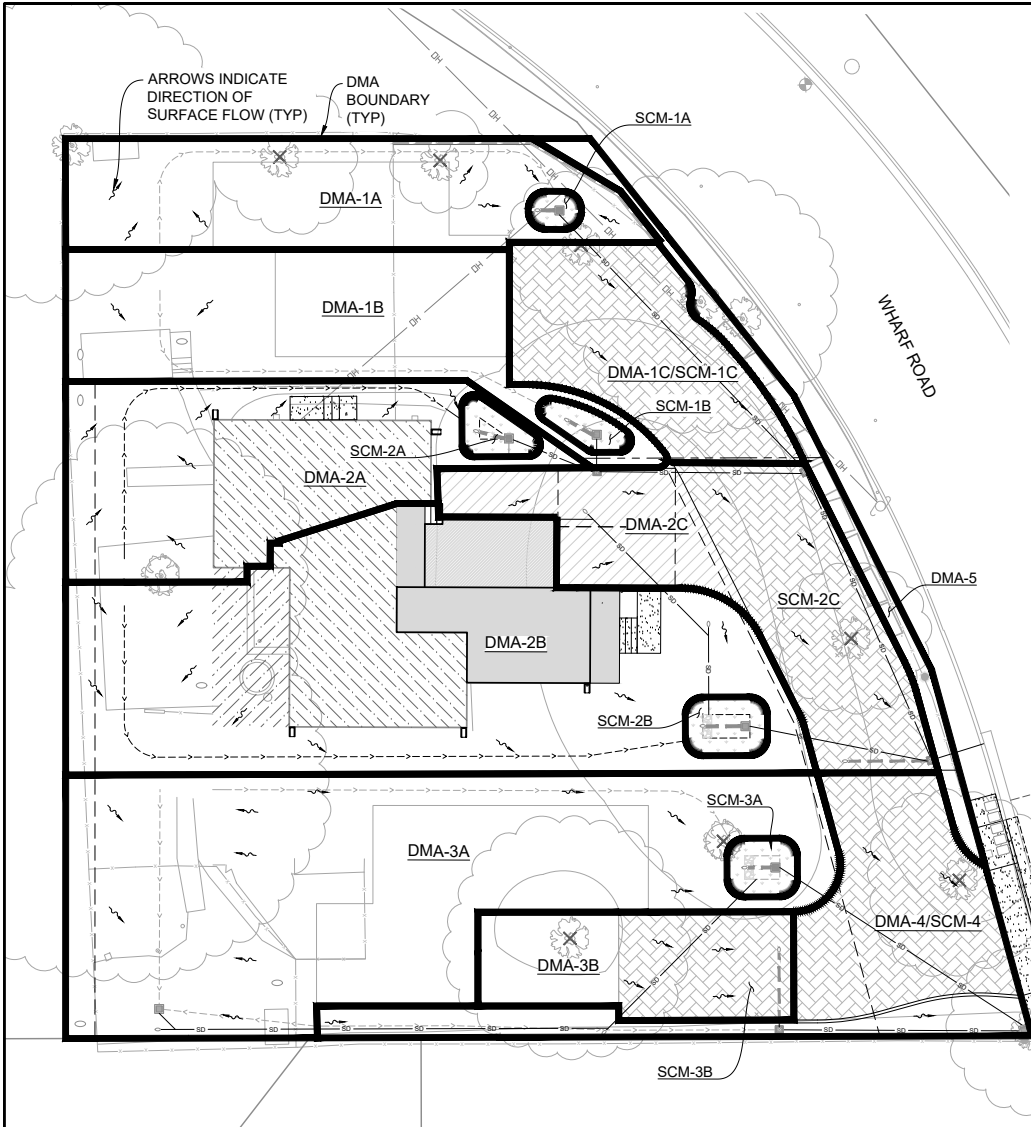


JUNCTION BOXES (JB)	CLEANOUTS (COTG)	CATCH BASINS (CB)
STRUCTURE INFO	STRUCTURE INFO	STRUCTURE INFO
(1) JB1212 (SCM-3B) RIM: 104.68 6.0" SD INV IN: 102.79 (N) 6" SD INV OUT: 102.79 (E)	(1) COTG RIM: 106.44 6" PERF INV OUT: 102.66 (E)	(1) CB1212 (SCM-1A) RIM: 106.08 6.0" PERF INV IN: 102.66 (W) 6" SD INV OUT: 102.49 (SE)
(2) JB1212 RIM: 102.59 6.0" SD INV IN: 99.53 (NW) 6.0" SD INV IN: 99.53 (W) 6.0" PERF INV IN: 101.68 (W) 2" DIP INV OUT: 99.53 (E)	(2) COTG RIM: 107.20 6" PERF INV OUT: 103.63 (E)	(2) CB1212 (SCM-2A) RIM: 107.05 6.0" PERF INV IN: 103.63 (W) 6" SD INV OUT: 103.46 (E)
(3) JB1212 RIM: 105.63 6.0" SD INV IN: 100.96 (NW) 6.0" SD INV IN: 100.96 (W) 6" SD INV OUT: 100.96 (SE)	(3) COTG RIM: 108.95 6" PERF INV OUT: 103.13 (SE)	(3) CB1212 (SCM-1B) RIM: 106.55 6.0" PERF INV IN: 103.13 (NW) 6" SD INV OUT: 102.96 (S)
(4) JB1212 RIM: 107.39 6.0" SD INV IN: 102.90 (W) 6.0" SD INV IN: 102.90 (N) 6" SD INV OUT: 102.90 (E)	(4) COTG RIM: 104.25 6" PERF INV OUT: 101.00 (E)	(4) CB1212 (SCM-2B) RIM: 104.75 6.0" PERF INV IN: 101.16 (W) 6" SD INV OUT: 100.95 (E)
(5) JB1212 RIM: 105.63 6.0" SD INV IN: 102.90 (W) 6.0" SD INV IN: 102.90 (N) 6" SD INV OUT: 102.90 (E)	(5) COTG RIM: 107.95 6" SD INV OUT: 104.88 (SE)	(5) CB1212 (SCM-3A) RIM: 104.25 6.0" PERF INV IN: 101.00 (W) 6" SD INV OUT: 97.98 (SE)
(6) JB1212 RIM: 107.39 6.0" SD INV IN: 102.90 (W) 6.0" SD INV IN: 102.90 (N) 6" SD INV OUT: 102.90 (E)	(6) COTG RIM: 106.97 6" SD INV OUT: 104.15 (S)	(6) CB1212 (WGTU) RIM: 99.50 6.0" SD INV IN: 97.50 (NW) 6.0" SD INV IN: 97.50 (W) 2" DIP INV OUT: 98.49 (E)
(7) JB1212 RIM: 105.37 6" SD INV OUT: 103.87 (NE)	(7) COTG RIM: 108.51 6" SD INV OUT: 104.63 (E)	(7) CB1212 RIM: 107.34 6" SD INV OUT: 104.64 (SE)
(8) JB1212 RIM: 104.60 6" SD INV OUT: 103.06 (S)	(8) COTG RIM: 104.60 6" SD INV OUT: 103.06 (S)	

UTILITY PLAN NOTES:

1. THE EXISTING SEWER LATERAL SHALL BE VIDEO INSPECTED AND A DIGITAL COPY OF THE VIDEO SHALL BE PROVIDED TO THE COUNTY SANITATION DEPARTMENT PRIOR TO A BUILDING PERMIT BEING ISSUED. ADDITIONALLY, DOCUMENTATION STATING THE LIMITS OF SEWER MAINTENANCE RESPONSIBILITY FROM THE LIMIT OF THIS SUBJECT PARCEL ALL THE WAY TO THE PUBLIC MAIN SHALL BE PROVIDED.
2. UTILITIES SHOWN ON INDIVIDUAL LOTS, ARE SHOWN FOR REFERENCE ONLY. DESIGN AND INSTALLATION SHALL BE FINALIZED DURING BUILDING PERMIT PHASE.
3. STORM SYSTEM WITHIN SHARED DRIVEWAY SHALL BE INSTALLED AS PART OF THE SUBDIVISION "COMMON" IMPROVEMENTS. WATER SERVICES WITHIN SHARED DRIVEWAY SHALL BE INSTALLED TO THE PROPOSED METER LOCATIONS. METERS WILL NOT BE ISSUED UNTIL BUILDING PERMITS ARE OBTAINED.
4. COTG PER DETAIL 1, C5.0.
5. 2-WAY COTG PER DETAIL 2, C5.0.



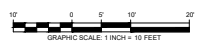


BIOFILTRATION SCM AREAS					
DMA NAME	DMA AREA (SF)	POST-PROJECT SURFACE TYPE	DMA RUNOFF FACTOR	DMA AREA x RUNOFF FACTOR	SCM NAME
DMA-1A	625 SF	ROOF & PAVING	1	625 SF	SCM-1A
	52 SF	SCM AREA	0.1	5 SF	
<b>TOTAL</b>	<b>1052 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>105 SF</b>	SCM SIZING FACTOR(MIN SCM SIZE)PROPOSED SCM SIZE
					0.04 29 SF 52 SF
DMA-1B	728 SF	ROOF & PAVING	1	728 SF	SCM-1B
	93 SF	SCM AREA	0.1	9 SF	
<b>TOTAL</b>	<b>1122 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>112 SF</b>	SCM SIZING FACTOR(MIN SCM SIZE)PROPOSED SCM SIZE
					0.04 34 SF 85 SF
DMA-2A	754 SF	ROOF & PAVING	1	754 SF	SCM-2A
	90 SF	SCM AREA	0.1	9 SF	
<b>TOTAL</b>	<b>1238 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>124 SF</b>	SCM SIZING FACTOR(MIN SCM SIZE)PROPOSED SCM SIZE
					0.04 36 SF 98 SF
DMA-2B	2115 SF	ROOF & PAVING	1	2115 SF	SCM-2B
	132 SF	SCM AREA	0.1	13 SF	
<b>TOTAL</b>	<b>2244 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>223 SF</b>	SCM SIZING FACTOR(MIN SCM SIZE)PROPOSED SCM SIZE
					0.04 94 SF 132 SF
DMA-3A	1307 SF	ROOF & PAVING	1	1307 SF	SCM-3A
	112 SF	SCM AREA	0.1	11 SF	
<b>TOTAL</b>	<b>3005 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>301 SF</b>	SCM SIZING FACTOR(MIN SCM SIZE)PROPOSED SCM SIZE
					0.04 85 SF 112 SF
PERMEABLE PAVEMENT SCM AREAS					
DMA NAME	DMA AREA (SF)	POST-PROJECT SURFACE TYPE	DMA RUNOFF FACTOR	DMA AREA x RUNOFF FACTOR	SCM NAME
DMA-1C	1162 SF	PERMEABLE PAVING	0.5	581 SF	SCM-1C
	0 SF	IMPERMEABLE PAVING	1	0 SF	
<b>TOTAL</b>	<b>1162 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>0 SF</b>	SCM SIZING FACTOR REQ STORAGE V PROVIDED STORAGE V RATIO OF IMPERVIOUS TO PERVIOUS
					1.22 IN (85th PERCENTILE STRM) 59 CF 1162 SF x (9 IN/12) x 0.4 = 349 CF n/a
DMA-2C	1158 SF	PERMEABLE PAVING	0.5	579 SF	SCM-2C
	0 SF	LANDSCAPE	0.1	0 SF	
<b>TOTAL</b>	<b>1867 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>1288 SF</b>	SCM SIZING FACTOR REQ STORAGE V PROVIDED STORAGE V RATIO OF IMPERVIOUS TO PERVIOUS
					1.22 IN (85th PERCENTILE STRM) 131 CF 1158 SF x (9 IN/12) x 0.4 = 347 CF 0.61
DMA-3B	384 SF	ROOF & PAVING	1	384 SF	SCM-3B
	0 SF	LANDSCAPE	0.1	0 SF	
<b>TOTAL</b>	<b>934 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>659 SF</b>	SCM SIZING FACTOR REQ STORAGE V PROVIDED STORAGE V RATIO OF IMPERVIOUS TO PERVIOUS
					1.22 IN (85th PERCENTILE STRM) 67 CF 550 SF x (9 IN/12) x 0.4 = 165 CF 0.70
DMA-4	1142 SF	PERMEABLE PAVING	0.5	571 SF	SCM-4
	568 SF	LANDSCAPE	0.1	57 SF	
<b>TOTAL</b>	<b>1710 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>628 SF</b>	SCM SIZING FACTOR REQ STORAGE V PROVIDED STORAGE V RATIO OF IMPERVIOUS TO PERVIOUS
					1.22 IN (85th PERCENTILE STRM) 64 CF 1,142 SF x (9IN/12) x 0.4 = 343 CF n/a
DMA-5	473 SF	LANDSCAPE	0.1	47 SF	SCM-4
	473 SF	LANDSCAPE	0.1	47 SF	
<b>TOTAL</b>	<b>473 SF</b>	<b>LANDSCAPE</b>	<b>0.1</b>	<b>47 SF</b>	SELF-TREATING LANDSCAPE AREA

**HATCH LEGEND**

	EX HOUSE TO REMAIN		ASPHALT (IMPERMEABLE PAVING)
	PROPOSED BUILDING		PERMEABLE PAVERS
	CONCRETE (IMPERMEABLE PAVING)		BIOSWALE

**STORMWATER CONTROL PLAN NOTES:**  
 1. THE PROPOSED BIOFILTRATION AREAS HAVE BEEN SIZED BASED ON THE 4% RULE. SEE DETAIL 9, C5.0 FOR MORE INFORMATION.  
 2. SEE DETAIL 6.C.5.0 FOR THE PERMEABLE PAVEMENT DETAILS.



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 SANTA CRUZ, CA 95065  
 TEL (831) 462-2905  
 www.ramseyengineering.com

DAVID RAMSEY DATE  
 RCE# 73735

APN# 034-241-05  
 PLAN TYPE  
 RESIDENTIAL MLD

**3 LOT MINOR LAND DIVISION**  
 2091 WHARF ROAD, CAPITOLA, CA. 95010

DATE	
REVISION	
BY	
NUMBER	

**811**  
 Know what's below.  
 Call before you dig.

DRAWN BY:	GS
DESIGNED BY:	DMR
DATE:	06/24/2025
SCALE:	AS NOTED
PROJECT NO:	21-026
SHEET:	C4.0

- Clean up leaks, drips and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces. Use dry cleanup methods whenever possible. Water may only be used in minimum quantities to prevent dust.
- Portable toilets are used, ensure that the leasing company properly maintains the toilets and promptly makes repairs. Conduct visual inspections for leaks.
- Protect vegetation and trees from accidental damages from construction activities by surrounding them with fencing or tree arming.

**Advanced Planning**

Site development shall be fitted to the topography and soils in order to minimize the potential for erosion.

- Soil grading/clearing, limits, easements, setback, sensitive or critical areas, trees, drainage courses, and buffer zones must be delineated on site to prevent excessive or unnecessary disturbances and exposure prior to construction.
- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place straw erosion control blankets.
- Conduct grading operations in phases in order to reduce the amount of disturbed areas and exposed soil at any one time. Unspecifically approved on the project's drainage plan, grading, sediment and erosion control plan, clearing, excavation and grading shall not be conducted during rainy weather. All rain season grading shall be in accordance with Capitola Municipal Code Chapter 15.28.
- Control the amount of runoff crossing your site especially during excavation by using berms or temporary drainage ditches or bio-swales to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.

**Materials & Waste Handling**

- Practice containment "Source Reduction" by estimating carefully and minimizing waste when ordering materials.
- Dispose of excess materials such as asphalt, concrete, scrap metal, solvents, degreasers, paper, and vehicle maintenance materials whenever possible.
- Dispose of all waste properly by ensuring that materials that cannot be recycled are taken to an appropriate land fill or disposal of all hazardous waste. Never bury waste materials or leave them in the street or near a creek or drainage channel.

**Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance**

Many landscaping activities and practices expose soils and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals to the storm drain during irrigation or rain events. Other exterior amenities such as ponds, pools and spas require regular maintenance using chlorine and/or copper based algaecides. Water treated with these chemicals is toxic to aquatic life and should never be discharged to the storm drain.

**Landscaping & Garden Maintenance**



- Protect stockpiles and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- Schedule grading and excavation during dry weather.
- Use temporary check drains or ditches to direct runoff away from storm drains & drainage channels.
- Protect storm drain inlets with sandbags, gravel filter bags, straw wattles, filter fabric or other sediment controls.
- Re-vegetation is an excellent form of erosion control for any site.
- Never dump or leave soil, mulch, or other landscape products in the street, gutter, or storm drain.

**Ponds/Fountains/Pool/Spa Maintenance**

- When draining a pond, fountain, pool or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department. The City will provide guidance on handling special cleaning waste, flow rate restrictions and barrier prevention.

**Preventing Water & Sediment Runoff**

Effective erosion and sediment control measures must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment in the site's storm water discharge relative to pre-construction levels. During the rain season, erosion control measures must also be located if all appropriate locations along the site's perimeter and at all inlets to the storm drain system. Effective methods to protect storm drain inlets include sand bag barriers, heavy rubber mats to cover and seal the inlet, and sediment traps or basins. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (CBMP) Handbook, California Stormwater Quality Association (CSQA).

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-BMP-2	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

**Stormwater Pollution Prevention and Protection for Construction Projects**

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When asphalt, paint, concrete and other harmful pollutants from construction sites and home construction projects get splashed, leaked or washed into the street or storm drain they can damage sensitive creek 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 has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.


In addition to the following mandatory BMPs, the Central Coast Regional Water Quality Control Board (Regional Water Board) under the State Water Resources Control Board (State Water Board) requires coverage under and adherence to the Construction Activities Storm Water General Permit, or CGP, to require storm water runoff from construction sites. In general, any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than 25,000 sq ft, requires coverage under the CGP. Construction activities associated with a Linear/Underground Projects (LUPs) also require coverage under the CGP. It should be noted that the CGP is not applicable to projects that are exempt from the CGP (see the CGP for more information). The CGP (including water area) must be done by a qualified SWPPP developer (CGP), respectively. More information on the CGP and OSGD/BMPs may be found at [http://www.waterboards.ca.gov/gwrp/\\_assets/coswqgrams/StormwaterCGPpermits.html](http://www.waterboards.ca.gov/gwrp/_assets/coswqgrams/StormwaterCGPpermits.html)

**General Construction & Site Supervision**

All construction BMPs, sediment and erosion control must be installed prior to beginning construction and maintained throughout the project duration. Compliance with the CGP and below BMPs is required year round.

- General Principles**
- 1. Keep on-site site and ensure good housekeeping practices are used.
  - 1. Maintain equipment properly.
  - 1. Keep materials away from streets, gutters, storm drains and drainage channels.
  - 1. Ensure dust control water does not leave the site or discharge to storm drains.
  - 1. Train your employees on these BMPs and familiarize them with storm water issues prior to beginning work. Inform your subcontractors about storm water requirements and be sure that they also abide by these BMPs.
  - 1. Refer to the following approved references for BMP selection, implementation, and on-site management (most recent versions unless otherwise noted):
    - Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.
    - Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG)
    - Construction Site Best Management Practices (BMPs) Handbook, California Stormwater Quality Association (CSQA)
    - Construction Site Best Management Practices (BMPs) Manual, Storm Water Quality Association, Capitola

- Good Housekeeping Practices**
- 1. Designate one area of the site located away from storm drains, drainage swales, and creeks for auto parking and heavy equipment storage, vehicle maintenance equipment maintenance.
  - 1. To prevent off-site tracking of dirt, provide site entrances with stabilized aggregate surfaces to provide a free wash area on the site, but away from storm drains or drainage channels. Mud, dirt, gravel, sand and other materials tracked or dropped on city streets must be cleaned up to prevent washing into the storm drains.
  - 1. Keep materials and soil stockpiles out of the rain and prevent runoff contamination from the site. Store materials, stockpiles and excavation soils under cover and protected from wind, rain, and runoff. Cover exposed piles of construction materials or soil with plastic sheeting or temporary roofs. Before rainfall events, sweep and remove material from surfaces that drain to storm drains and/or drainage channels.
  - 1. Place trash cans around the site to reduce litter. Dispose of non-hazardous construction wastes in covered dumpsters or recycling receptacles.
  - 1. Keep dumpster lids closed and secured. For dumpsters or bins that don't have a lid, cover them with tarp or plastic sheeting, secured around the exterior of the dumpster or place them under temporary roofs. Never clean out a dumpster by hosing it down on the construction site.

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION FOR CONSTRUCTION PROJECTS</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-BMP-1	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

**Concrete, Cement, & Masonry Products**

- Concrete, cement, masonry products, sediment or Portland cement water shall never be discharged into or allowed to reach the storm drain system.
- Avoid mixing excess amount of fresh concrete or cement mortar on-site.
- During site cleanup, ensure that the slurry water does not run off into the street or storm drain system. The discharge of slurry to the storm drain system is prohibited. Dried slurry must be cleaned up and disposed of properly.
- Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system. If a concrete transit mixer is used, a suitable washout box, excavator or self-washing mixer able to contain waste material shall be provided on-site.
- Never wash or rinse mixing containers and tools into the gutter, street, storm drain inlet, drainage ditches or water body. If conducting sidewalk work, material stockpiles must be removed and cleaned up by the end of each day. Sweep or collect unused materials and debris that remain on pavement and dispose of properly.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite. Ensure that nothing has drifted towards the street, gutter or catch basin.

**Site Clean Up**

- Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage.
- The street, sidewalk and other paved areas may not be cleaned by washing or by dividing sediment, concrete, asphalt, or other particles into the storm drain system. If water is used to flush sediment or particles from pavement, the water must be directed to a landscaped or grassy area large enough to absorb all the water.
- If conducting road or sidewalk work, materials stockpiles must be removed and cleaned up by the end of each work day.
- Discarded building materials and demolition wastes must never be left in a street, gully, or waterway. Dispose of all wastes properly including leftover paint and chemicals. Materials that cannot be reused or recycled/must be taken to the landfill or disposed of as hazardous waste.

Signed and Agreed to by:  
Project Owner or General Contractor  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-BMP-5	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

**POST CONSTRUCTION STORMWATER REQUIREMENTS**

The Central Coast Regional Water Quality Control Board (Water Board) has implemented Post Construction Requirements or PCRs for all new development and redevelopment projects located within the jurisdiction of a small Municipal Separate Storm Sewer System (MS4) that is subject to the Phase I Statewide permit. The City of Capitola is one such jurisdiction.

**Application.** All applicants to the Community Development and other Building Departments are required to complete the Storm Water Permit Application (SWPPA) form if planning a development or redevelopment project to identify the necessity and level of compliance with PCRs. Projects include single family homes, duplex and multi-family units, commercial buildings, and industrial facilities, among other projects. The PCR compliance criteria are provided, as follows:

Tier*	Detached Single Family Homes	All Others (Commercial, Industrial, Two- & Multi-Family Homes)
Exempt	New/Replaced impervious area < 2,500 sq ft	New/Replaced impervious area < 2,500 sq ft
Tier 1	New/Replaced impervious area ≥ 2,500 sq ft	New/Replaced impervious area ≥ 2,500 sq ft
Tier 2	New/Replaced impervious area ≥ 5,000 sq ft	New/Replaced impervious area ≥ 5,000 sq ft
Tier 3	New/Replaced impervious area ≥ 10,000 sq ft	New/Replaced impervious area ≥ 10,000 sq ft

\* The numbers correspond to "Performance Requirements" identified in the Water Board Resolution for PCRs.  
1. Impervious area = concrete, pavement, hardscape – essentially any surface that will not allow water to infiltrate into the ground.  
2. Net impervious area = the difference between post-project and pre-project impervious areas.  
3. sq. ft = square feet

**Technical Guide.** Development and/or redevelopment projects require a certain measure of consideration when planning the site layout/design, preparing the construction documents, and preparing for long-term maintenance of storm water facilities that may be needed. For projects that are not exempt, site design must incorporate PCRs in accordance with one of the City's stormwater technical guidance documents for PCRs. For Tier 1 projects, refer to the "Tier 1 Stormwater Technical Guidance for Post Construction Requirements." For Tier 2 and Tier 3 projects, refer to the "Tier 2 and Tier 3 Stormwater Technical Guidance for Post Construction Requirements."

Both documents are available at the Community Development and Building Departments and can also be downloaded from the City's website: <http://www.cityofcapitola.org/>

These guidance documents include reference links and jurisdictional resources, stormwater control plan templates, and template operators and maintenance forms; permit application checklists are also included in the guidance documents to ensure the applicant provides the proper documentation required toward satisfying the PCRs upon application submitted to the City.

**Design Standards.** Specific storm water design standards, including bioretention swales, detention facilities, etc. may be found in the most recent version for the California Stormwater Quality Association (CSQA) "Stormwater Best Management Practices Manual" for:

- New Development and Redevelopment
- Industrial and Commercial
- Municipal

The City accepts best management practices, design standards, and site design measures detailed in these references for implementation on certain projects within the City's jurisdiction, as long as the practices, standards, and measures are suitable for the project. The intended application will be described in detail in the guidance documents.

**Fees.** Fees associated with reviews pertaining to storm water management are available at the City Planning Department.

**Enforcement.** Storm water management enforcement is described in Chapter 13.16 of the City's Municipal Code.

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-PCR-1	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

**Painting, Varnish & Application of Solvents & Adhesives**

Flammable, volatile and other hazardous chemicals that are harmful to people and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or spills. Paint materials and wastes, adhesives and cleaning fluid should be recycled when possible or properly disposed to prevent these substances from entering the storm drains and waterways.

**Handling of Surface Coatings**

- Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains. Wastewater runoff containing paint or paint thinner must never be discharged into the storm drain system.
- When there is a risk of a spill reaching the storm drain, nearby storm drain inlets must be protected prior to starting painting.

**Removal of Surface Coatings**

- Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint or varnish stripping residues, chips and dust from marine paints or varnishes, or paints containing lead, mercury or tributyltin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor. Paint may be hosed for lead based paint stripping to a local, state-certified laboratory.
- When stripping or cleaning buildings with high-pressure water, block storm drains to prevent flow cracks and the Monterey Bay.
- Wash water from painted buildings containing pre-1978 can contain high amount of lead even if paint chips are not present. Before stripping paint of a constructed pre-1978 building's exterior with water under high pressure, test paint for lead by taking paint scrapings to a local, state-certified laboratory.

**Clean-Up of Surface Coatings**

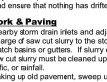
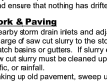
- Never clean brushes or rinse paint or varnish containers into a gutter, street, storm drain, French drain or creek.
- For water based paints, paintout brushes to the extent possible and rinse into an interior sink drain that goes to the sanitary sewer.
- For oil based paints, paint out brushes to the extent possible and clean with thinner or solvent. Filter and use thinner and solvents where possible. Dispose of excess liquids and residue as hazardous waste.
- When thoroughly dry, empty paint cans, used brushes, rags and drop cloths may be disposed of as garbage.

**Disposal of Surface Coatings**

- Recycle, return to supplier, or donate unopened water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste. Varnish, thinners, solvents, glass and cleaning fluids must be disposed of as hazardous waste.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite, and ensure that nothing has drifted toward the street, gutter or catch basin.

**Roadwork & Paving**

- Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
- The discharge of sawdust slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters. If slurry enters the storm drain system, remove material immediately.
- Dried, saw slurry must be cleaned up and properly disposed so that it will not be carried into the storm drain system by wind, traffic, or rainfall.
- After breaking up old pavement, sweep up materials and recycle as much as possible. Properly dispose of non-recyclable materials.
- Cover and seal slurry storm drain inlets and manholes before applying seal coat, slurry seal, etc. Leave covers in place until the oil sealer is dry.
- In the event of rain during construction, divert runoff around work areas and cover materials.
- Park paving machines over drip pans or absorbent materials.
- Never wash washers or stockpiles of aggregate concrete, asphalt or steel on a storm drain inlet. Collect and return to aggregate base stockpile or dispose of in the trash.
- Remove and clean up stockpiles (e.g. asphalt and sand) by the end of each week or if during the rainy season, by the end of each day. Stockpiles must be removed by the end of each day if they are located in a public right-of-way.

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-BMP-4	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

Building Permit No: \_\_\_\_\_

**Storm Water and Low Impact Development Assessment (LID) Checklist**

SECTION 1: Project Information  
Project Address: 2091 Wharf Road APN: \_\_\_\_\_  
Project is a:  New Development  Remodel

Proposed Development Area and Impervious Area:  
Parcel Area: 0.477 acres  
Existing impervious surface area 10,011 sq ft  
(pavement, buildings, hardscape - any surface that will not allow water to infiltrate into the ground)

Amount of new impervious surface area that will be created: 2,953 sq ft  
Amount of impervious surface area that will be replaced: 5,222 sq ft  
Post-project impervious surface area: 8,175 sq ft

SECTION 2: Site planning and LID design measures  
LID design measures shall be clearly marked on the site plans

Check the applicable box and provide a short description of measure and location

- Conserve natural areas, riparian areas and wetlands  
Description: No disturbance to riparian areas or wetlands proposed
- Concentrate impervious on the least-sensitive portions of the site and minimize grading  
Description: Grading to provide to the minimum extent feasible
- Direct roof runoff into cisterns or rain barrels  
Description: \_\_\_\_\_
- Direct roof downspouts to landscaped areas or rain gardens  
Description: bioretention areas proposed
- Use pervious pavement (pervious concrete or asphalt, turf block, crushed aggregate, etc.)  
Description: permeable pavement proposed
- Disperse runoff from paved area to adjacent pervious areas  
Description: concrete paths drain to adjacent landscape areas

Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly. Sediment must be installed so that the design around each fence does not create additional erosion and fills down slope of the fence.

Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces. Often, earth moving activities require use and storage of heavy equipment. Properly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids onto the construction site are common sources of storm drain pollution.

**Earth Moving Activities & Heavy Equipment**

- Soil excavation and grading operations require large amounts of soil that can be transported into storm drains when handled improperly. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces. Often, earth moving activities require use and storage of heavy equipment. Properly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids onto the construction site are common sources of storm drain pollution.

**Site Planning**

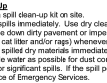
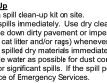
- Maintain all heavy equipment, inspect frequently for leaks, and repair leaks immediately upon discovery.
- Perform major auto or heavy equipment maintenance, repair jobs and vehicle or equipment washing off-site.
- If you must drain and replace motor oil, radiator coolant or other fluids on site, use drip pans, plastic sheeting or drop cloths to catch drips and spills. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste. Recycle whenever possible.
- Do not use diesel oil to lubricate equipment parts or clean equipment. Only use water for creating cleaning.
- Cover exposed 1 1/2 wheel chases and other city or grassy equipment during all rain events.

**Practices During Construction**

- Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- Protect down slope drainage courses, creeks and storm drains with wattles or temporary drainage swales.
- Use check dams or ditches to divert runoff around excavations. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (BMP) Handbook, California Stormwater Quality Association (CSQA).
- Cover stockpiles and excavated soil with secured tarp or plastic sheeting.

**Soil Clean Up**

- Maintain a spill clean-up kit on site.
- Clean up spills immediately. Use dry cleanup methods if possible.
- Never hose down dry pavement or impervious surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter and/or rags) whenever possible and properly dispose of absorbent materials.
- Sweep up spilled dry materials immediately. Never attempt to wash them away with water or bury them.
- Use as little water as possible for dust control. If water is used, ensure it does not leave soil or discharge to storm drains.
- Call 911 for significant spills. If you spill a significant hazardous liquid and/or if during the rainy season, you must also report it to the State Office of Emergency Services.

NOT TO SCALE		STANDARD DRAWINGS FOR <b>STORMWATER POLLUTION PREVENTION AND PROTECTION</b>	DRAWN BY: M.P.	DRAWN: 2/14	REV:
DRAWN BY: M.P.			CHECKED BY: S.E.J.	DRAWING No. STRM-BMP-3	
STATION ADDRESS PUBLIC WORKS DEPARTMENT					

**RAMSEY CIVIL ENGINEERING INC.**  
LAND PLANNING AND DESIGN  
ARCHITECTURE  
CONSTRUCTION SUPPORT  
GIS AND GPS SERVICES

2905 KRISTIE COURT  
SANTA CRUZ, CA 95065  
TEL (831) 462-2905  
WWW.RAMSEYENGINEERING.COM



DAVID RAMSEY LICENSE NO. 14574 DATE REEX 7/3/15

APN# 034-241-05

PLAN TYPE  
RESIDENTIAL MLD

**STORMWATER CONTROL - NOTES & DETAILS**

**3 LOT MINOR LAND DIVISION**

2091 WHARF ROAD, CAPITOLA, CA. 95010

DATE	DESCRIPTION

DRAWN BY:	GS
DESIGNED BY:	DMR
DATE:	06/24/2009
SCALE:	AS NOTED
PROJECT NO:	21-006
SHEET:	

**811**  
Call before you dig.  
Know what's below. Call before you dig.

**C4.1**







## MEMORANDUM

---

**To:** Joe & Debbie Genge, Project Applicants  
**From:** Lisa Valdez, Senior Transportation Planner  
Amanda Meroux, T.E., Transportation Engineer  
**Subject:** Traffic Safety Study for 2091 Wharf Road, Capitola, California  
**Date:** May 2, 2025  
**cc:** Donna Emigh, Agent for Project  
Dennis Pascua, Dudek  
**Attachment(s):** Figures 1–2  
Attachment A – Speed Survey  
Attachment B – Collision Data

---

This memorandum provides a safety analysis for the proposed minor land division (MLD) project located at 2091 Wharf Road (proposed Project) in the City of Capitola (City). The analysis includes a summary of the existing transportation conditions in the vicinity of the site, including existing road conditions, speed data and collision history, and a horizontal sight distance analysis at the Project’s driveway on Wharf Road. The purpose of the analysis is to determine whether additional improvements will be needed to alert motorists of vehicles, pedestrians, and bicyclists at, or near, the Project’s driveway due to the existing curve on Wharf Road.

## 1 Project Description

Figure 1 presents the proposed Project site plan. The proposed Project would subdivide an existing single-family residential parcel into three lots and build two additional single-family homes on the project site. The location of the existing driveway on Wharf Road would not change, however the driveway would be lowered by two feet or more. The new driveway would serve all three residences. As part of the Project, the existing trees and fencing along the Project frontage would be removed, and the fence would not be reinstalled. No-off-site improvements are proposed.

## 2 Existing Conditions

### 2.1 Wharf Road

Wharf Road is a two-lane north-south undivided road. It is classified as a Minor Arterial and has a posted speed limit of 25 miles per hour (mph). A Class II bike lane (on-street painted lane) is located on both sides of the road and a sidewalk is provided on the east side of the road. The segment of Wharf Road near the Project site has horizontal curves, limiting sight distance along the road. Multiple warning signs and message boards are provided along Wharf Road, including a bicycle warning sign and a speed message sign with flashing beacon on the west

side of the road near the existing Wharf Road Manor driveway (2155 Wharf Road), a curve ahead warning sign on the west side of the road and north of the project driveway, and two yellow flashing beacon signs for both north and southbound traffic that read “Caution Watch for Entering Traffic”.

## 2.2 Existing Speed Data

The City of Capitola conducted an Engineering and Traffic Study in January 2020 (City of Capitola 2020) to evaluate the posted speed limit of roadways and streets in the City. The segment of Wharf Road, between Clares Street and Robertson Street, was evaluated as part of the study. Based on the Engineering and Traffic Study, this segment has an observed 85<sup>th</sup> percentile speed of 34 mph. Per the study findings, it was recommended that the existing posted speed limit of 25 mph be maintained. The speed data is provided as Attachment A.

Chapter 60 of the 7<sup>th</sup> Edition Highway Design Manual (HDM) defines the following terminology:

- **Design Speed:** A speed selected to establish specific minimum geometric design elements for a particular section of highway or bike path.
- **Operating Speed:** The speed at which drivers are observed operating their vehicles during free-flow conditions. The 85<sup>th</sup> percentile of the distribution of a representative sample of observed speeds is used most frequently to measure the operating speed associated with a particular location or geometric feature.

Consistent with the HDM, the 85<sup>th</sup> percentile operating speed of 34 mph, determined by the speed survey, was rounded to 35 mph and selected for use as the speed in the sight distance analysis.

## 2.3 Collision Data

Collisions from the last five years of available data (2019–2024) were collected and analyzed using the Transportation Injury Mapping System (TIMS) which aggregates collision data from the California Statewide Integrated Traffic Records System (SWITRS). Table 1 summarizes the collision data.

**Table 1. Wharf Road Collision History (2019- 2024)**

Year	Location	Crash severity	Crash Type	Direction	Reason	Conditions	Pedestrian/ Bicycle/ Truck Involved?
2023	Woosley Circle	Visible Injury	Head-on	SB	Unsafe speed	Daylight; clear	No
2023	Clares Street	Visible Injury	Broadside	SB	Improper left turn	Daylight; clear	Yes, bicycle
2024	2000 block	Visible Injury	Sideswipe	SB	Unsafe speed	Daylight; clear	Yes, bicycle. Bicyclist at fault

**Note:** Source: UC Berkely, TIMS, 2025.

Along Wharf Road near the Project site, three collisions were recorded in the last five years, averaging less than one collision per year. All of the collisions were reported for the southbound direction on Wharf Road during daylight hours, with “visible injury” reported as the crash severity. Two of the collisions involved bicyclists, however, one of

the accidents reported the bicyclist to be at fault due to unsafe speed. Attachment B contains the collision history data from TIMS.

### 3 Vehicle Sight Distance Analysis

A preliminary stopping sight distance (SSD) and intersection sight distance (ISD) analysis were conducted to determine whether sufficient unobstructed sight distance is available within the existing right-of-way of Wharf Road at the Project driveway. The analysis was conducted using the methodology from the American Association of State Highway Transportation Officials' (AASHTO) Geometric Design of Highways and Streets ("Green Book") (AASHTO 2018), which serves as the industry standard guide for highway and street design research and practices.

Stopping sight distance (SSD) is the distance needed for a vehicle traveling at a specified design speed to react, assess, and then stop when an object crosses its path of travel. This sight distance analysis indicates the minimum visibility that is required for an approaching vehicle to stop safely if a vehicle from the Project driveway enters or exits the approaching road. The driver should also have an unobstructed view of the intersection, including any traffic-control devices, and sufficient lengths along the intersecting road to permit the driver to anticipate and avoid potential collisions. Sight distance for vehicles entering a major road from a driveway or minor road should exceed stopping sight distance to enhance traffic operations and provide sufficient sight distance to anticipate and avoid collisions.

The Project driveway operates as a full access, one-way stop-controlled intersection, with the stop-control on the minor approach to Wharf Road. Therefore, the ISD for the Project access driveway was determined by using methodology provided in AASHTO under- Intersections with Stop Control on the Minor Road. The ISD for vehicles exiting this driveway to travel northbound onto Wharf Road was analyzed under Case B1 – Left Turn from Stop, and the ISD for vehicles exiting this driveway to travel southbound onto Wharf Road was analyzed under Case B2 – Right Turn from Stop. For the purposes of this analysis, a design speed of 35 mph was assumed along Wharf Road. AASHTO standard time gap variables for passenger cars stopped on the Project driveway were used. Based on the existing traffic control, the minimum sight distance was calculated for the following scenarios:

- Stopping Sight Distance on Wharf Road
- Intersection Sight Distance 9.5.3.2 Case B – Stop control at the Project driveway
  - Case B1 – Left turn from stop
  - Case B2 – Right turn from stop

For vehicles entering Wharf Road from the Project driveway, the AASHTO method evaluates sight distance from a vehicle exiting the driveway to a vehicle approaching from either direction. The intersection sight distance is defined along intersection approach legs and across their included corners known as departure sight triangles. These specified areas should be clear of obstructions that might block a driver's view of potentially conflicting vehicles. Intersection sight distance is measured from a point 3.5-feet above the existing grade (driver's eye) along the potential driveway to a 3.5-foot object height in the center of the approaching lane on the roadway. A vehicle setback in a stopped position from the edge of shoulder was assumed for determining intersection sight distance.

Table 2 summarizes the intersection and stopping sight distance at the Project driveway. An exhibit comparing the design and measured available stopping and intersection sight distances is shown in Figure 2.

**Table 2. Project Driveway Sight Distance**

Type	Design Speed (mph)	Required Sight Distance (ft)	Sufficient Sight Distance?
SSD on Primary Road (looking north to driveway)	35	250 <sup>1</sup>	Yes
SSD on Primary Road (looking south to driveway)	35	250 <sup>1</sup>	No
ISD Case B1 - Left Turn	35	390 <sup>2</sup>	Yes
ISD Case B2 - Right Turn	35	335 <sup>3</sup>	No

**Note:**

- <sup>1</sup> AASHTO Table 3-1. Stopping Sight Distance on Level Roadways
- <sup>2</sup> AASHTO Table 9-9. Design Intersection Sight Distance – Case B2, Right Turn from Stop
- <sup>3</sup> AASHTO Table 9-9. Design Intersection Sight Distance – Case B1, Left Turn from Stop

**South of Project Driveway**

As shown in Figure 2, Wharf Road extends in a straight alignment from the project driveway to the south. As such, sufficient stopping sight distance and intersection sight distance are available along Wharf Road and at the project driveway. The property fence line ends before the driveway curb cut, and while there is dense tree cover within the clear sight triangle, the existing landscaping (e.g., trees or other vegetation) was observed to be maintained such that no low-hanging branches or foliage would impede the sight distance.

Furthermore, a yellow flashing beacon reading “Caution Watch for Entering Traffic” is placed approximately 125-foot north of the Clares Street intersection along Wharf Road.

**North of Project Driveway**

As shown in Figure 2, due to the curvature of Wharf Road north of the project driveway, the required stopping sight distance of 250 feet would not be met for vehicles traveling southbound on Wharf Road and approaching the driveway. The following objects are present within the clear sight triangle left-turning movements as identified in Figure 2:

- Existing fence along property line<sup>1</sup>
- Raised berm along property frontage
- Dense trees with canopy heights approximately 20- to 30-feet
- One (1) utility pole

The utility pole would not be considered a significant obstruction to sight distance at the driveway. Utility/sign poles have diameters low enough to allow drivers to see around them without presenting as a barrier to clear lines of sight. Additionally, as noted for the area south of the project driveway, while there is dense tree cover within the clear sight triangle, the existing landscaping (e.g., trees or other vegetation) was observed to be maintained such that no low-hanging branches or foliage would impede the sight distance.

<sup>1</sup> Applicant’s agent/architect has indicated that the fence will be removed per e-mail correspondence (Donna Emigh, March 20, 2025).

A yellow flashing beacon reading “Caution Watch for Entering Traffic” is placed approximately 75-feet north of the project driveway along Wharf Road, and a speed feedback sign is located north of the Project driveway and near the Wharf Road Manor driveway.

Due to the raised berm, existing fence, and curvature of Wharf Road north of the Project driveway, the intersection of the Project driveway and Wharf Road does not meet the sight distance requirements pursuant to applicable AASHTO design standards.

## 4 Recommendations

Based on the analysis above, the sight distance at the Project driveway is not met. However, due to the minimal change in land use (from one single family home to three single family homes), the proposed removal of the existing fence and vegetation along the Project frontage, the existing warning signs along Wharf Road, and the low recorded collision rate, no physical changes to the site access are proposed at this time. Additionally, multiple warning signs and message boards already exist along Wharf Road, including a sign warning of bicyclists ahead, a speed feedback sign and two yellow flashing beacon signs for both north and southbound traffic that read “Caution Watch for Entering Traffic” as shown in Figure 2. However, the following recommendations are made:

- Install a Side Road warning sign (Manual on Uniform Traffic Control Devices [MUTCD] sign W2-2) for southbound traffic on the existing speed message sign pole, located north of the Project driveway and near the Wharf Road Manor driveway.
- Remove the existing fence as indicated by the applicant's agent/architect along the property frontage. While the intersection sight distance will continue to be substandard due to the raised berm and curvature of the roadway, removal of the fence would likely improve some visibility at the Project driveway.
- Maintain vegetation within the clear sight triangles such that low hanging branches or foliage would not impede sight distance.

## 5 References

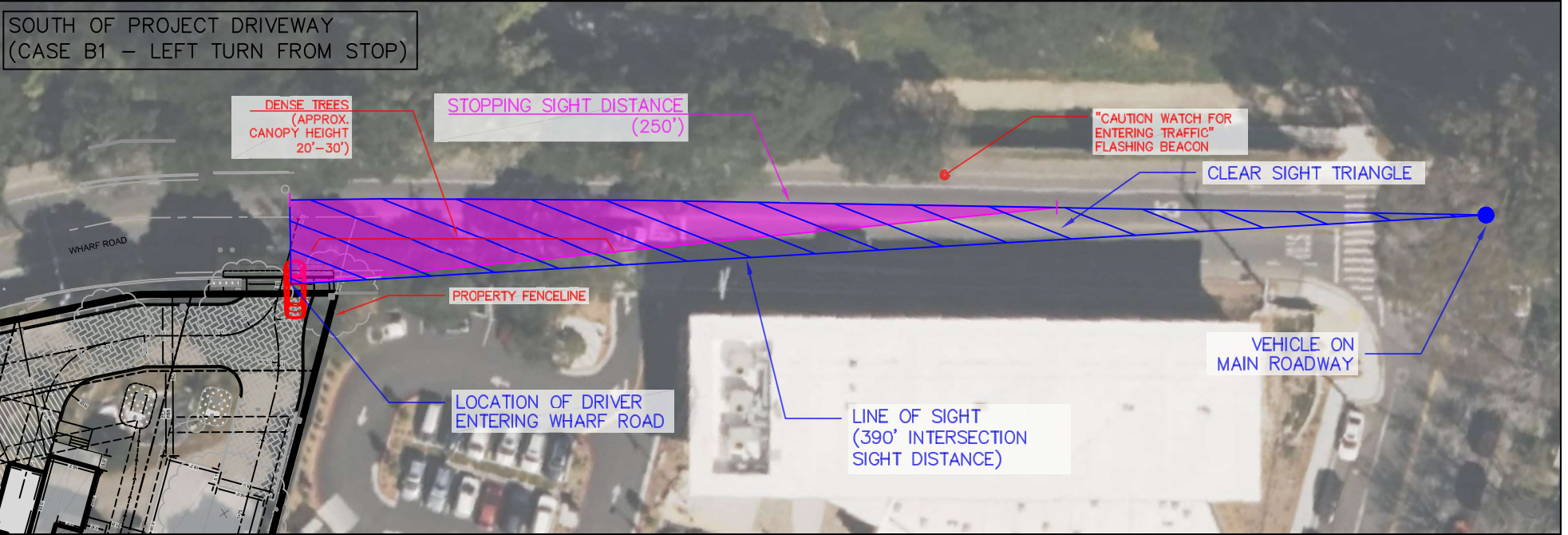
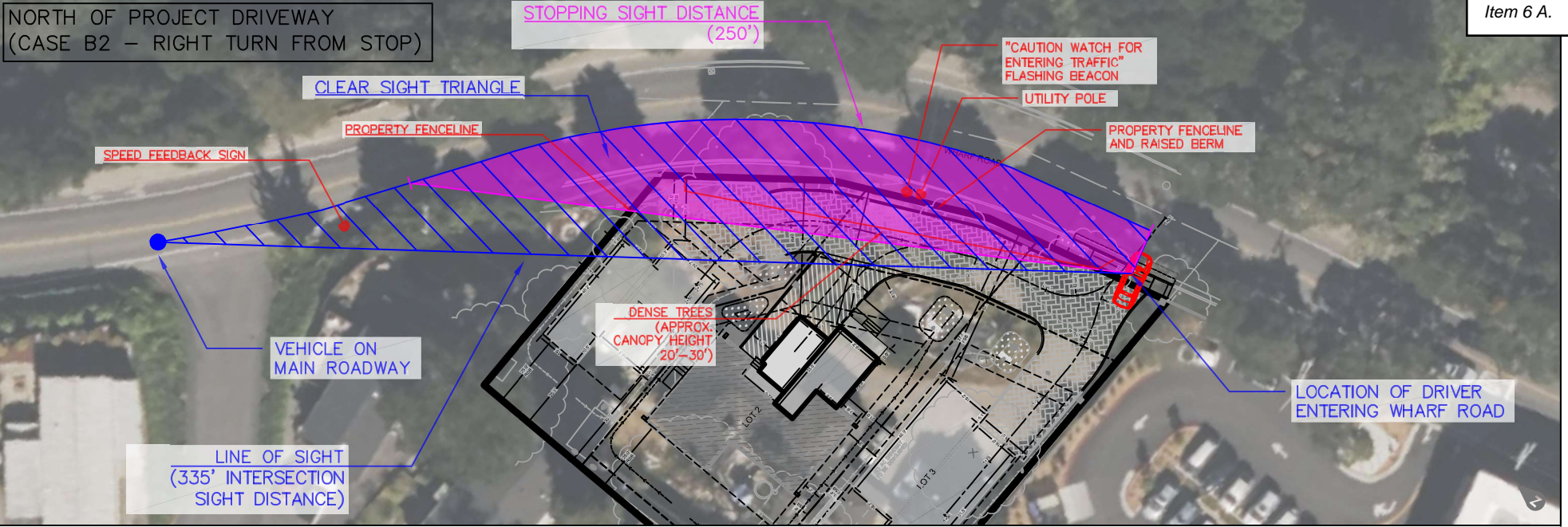
American Association of State Highway Transportation Officials' (AASHTO). 2018. A Policy on Geometric Design of Highways and Streets. 7<sup>th</sup> Edition.

City of Capitola. 2020. City of Capitola Engineering and Traffic Study. January. Accessed April 21, 2025. [https://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/22239/final\\_2020\\_engineering\\_and\\_traffic\\_study.zip.pdf](https://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/22239/final_2020_engineering_and_traffic_study.zip.pdf)

University of California, Berkely. Transportation Injury Mapping System (TIMS). 2025. <https://tims.berkeley.edu/>

United States Department of Transportation, Federal Highway Administration. 2023. Manual on Uniform Traffic Control Devices for Streets and Highways, 11<sup>th</sup> Edition. December 19. Accessed April 21, 2025. [https://mutcd.fhwa.dot.gov/hfm/2003r1/part2/fig2c-08\\_longdesc.htm](https://mutcd.fhwa.dot.gov/hfm/2003r1/part2/fig2c-08_longdesc.htm)





SOURCE: Bing Maps 2025; Ramsey Civil Engineering 2025

FIGURE 2

Intersection Sight Distance Analysis

# Attachment A

## Speed Study

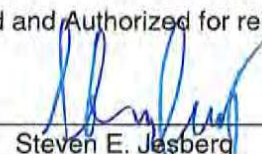
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# **City of Capitola Engineering and Traffic Study 2020**



**Data collected January 2020**



<b>Street:</b>	Wharf Rd
<b>Limits:</b>	Between Clares St & Robertson St
<b>Direction:</b>	NB
<b>Factors</b>	
<b>A. <u>Prevailing Speed Data</u></b>	
Location of Survey	Wharf Rd 170' N/O Woolsey Cir
Date of Survey	1/23/2020
Posted Speed Limit (mph)	25 mph
# Speed Data Collected	215
85 <sup>th</sup> Percentile (mph)	34 mph
10 mph Pace	26-35
Percent in Pace	84%
<b>B. <u>Traffic Factors</u></b>	
Width	30
Length of Segment (mi.)	0.34
Street Classification	Minor Arterial
<b>C. <u>Collision History</u></b>	
Date Range Covered	1/1/2017-12/31/2019
Total Accidents	Seven total collisions and three injuries
<b>D. <u>Roadway Conditions</u></b>	
Adjacent Land Use	It is primarily residential.
Roadway Geometrics	Two-lane roadways. Sidewalks are present on the east side of the roadway, and a pedestrian crosswalk in the middle of the segment. The segment features horizontal curves and steady incline.
Comments	After evaluating current critical and pace speeds, it is recommended that a 25-mph speed limit be implemented to be in concurrence with section 2B.13 of the MUTCD. The 25-mph speed limit was obtained by a 5-mph reduction of the critical speed of 35 mph due to the number of access points, residential district density (as defined in section 515). A second 5 mph deduction is made due to a series of horizontal curves which restrict sight distance and for pedestrian and bicyclist safety.
Speed Limit Change?	Yes
<b>Existing Speed Limit: 25 MPH</b>	<b>Recommended Speed Limit: 25 MPH</b>
This Survey conforms to section 627 and 40802 of the California Vehicle Code section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic.	
Approved and Authorized for release by the City of Capitola Public Works:	
<b>Signed:</b> 	<b>Title:</b> City Engineer
Steven E. Jasberg	

# Attachment B

## Collision Data

---

# Crash Details for: Case ID 9612769

## Crash Information

County	Santa Cruz		
City	Capitola		
Date & Time (M/D/Y)	07/19/2023 13:58		
Location (Intersection)	Wharf Rd & Woolsey Cir		
Dist. & Dir. from Intersection	304.00 ft North		
State Highway	No		
Geocoded Location	Not geocoded		
Type of Crash	A - Head-On		
Motor Vehicle Involved With	I - Fixed Object		
Crash Severity	3 - Injury (Other Visible)		
PCF Violation Category	03 - Unsafe Speed		
Weather	A - Clear		
Alcohol Involved	Yes		
Pedestrian Crash	No	Bicycle Crash	No
Motorcycle Crash	No	Truck Crash	No

## Parties: 1

Party Number	Party Type	Statewide Vehicle Type	At Fault	Party Direction	Movement Preceding Collision
1	1 - Driver (including Hit and Run)	A - Passenger Car/Station Wagon	Yes	South	B - Proceeding Straight

## Victims: 1

Party Number	Victim Role	Victim Gender	Victim Age	Victim Degree of Injury
1	1 - Driver	M - Male	43	6 - Suspected Minor Injury

# Crash Details for: Case ID 9646818

## Crash Information

County	Santa Cruz		
City	Capitola		
Date & Time (M/D/Y)	11/28/2023 15:30		
Location (Intersection)	Wharf Rd & Clares St		
Dist. & Dir. from Intersection	238.00 ft North		
State Highway	No		
Geocoded Location	Not geocoded		
Type of Crash	D - Broadside		
Motor Vehicle Involved With	G - Bicycle		
Crash Severity	3 - Injury (Other Visible)		
PCF Violation Category	08 - Improper Turning		
Weather	A - Clear		
Alcohol Involved	No		
Pedestrian Crash	No	Bicycle Crash	Yes
Motorcycle Crash	No	Truck Crash	No

## Parties: 2

Party Number	Party Type	Statewide Vehicle Type	At Fault	Party Direction	Movement Preceding Collision
1	1 - Driver (including Hit and Run)	A - Passenger Car/Station Wagon	Yes	South	E - Making Left Turn
2	4 - Bicyclist	L - Bicycle	No	South	B - Proceeding Straight

## Victims: 1

Party Number	Victim Role	Victim Gender	Victim Age	Victim Degree of Injury
2	4 - Bicyclist	M - Male	15	6 - Suspected Minor Injury

# Crash Details for: Case ID 9762043

## Crash Information

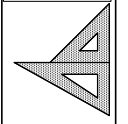
County	Santa Cruz		
City	Capitola		
Date & Time (M/D/Y)	11/07/2024 12:19		
Location (Intersection)	Wharf Rd & Wharf Rd 2000 Blk		
Dist. & Dir. from Intersection	At Intersection		
State Highway	No		
Geocoded Location	Not geocoded		
Type of Crash	B - Sideswipe		
Motor Vehicle Involved With	G - Bicycle		
Crash Severity	3 - Injury (Other Visible)		
PCF Violation Category	03 - Unsafe Speed		
Weather	A - Clear		
Alcohol Involved	No		
Pedestrian Crash	No	Bicycle Crash	Yes
Motorcycle Crash	No	Truck Crash	No

## Parties: 2

Party Number	Party Type	Statewide Vehicle Type	At Fault	Party Direction	Movement Preceding Collision
1	4 - Bicyclist	L - Bicycle	Yes	South	B - Proceeding Straight
2	1 - Driver (including Hit and Run)	B - Passenger Car with Trailer	No	South	E - Making Left Turn

## Victims: 1

Party Number	Victim Role	Victim Gender	Victim Age	Victim Degree of Injury
1	4 - Bicyclist	M - Male	72	6 - Suspected Minor Injury



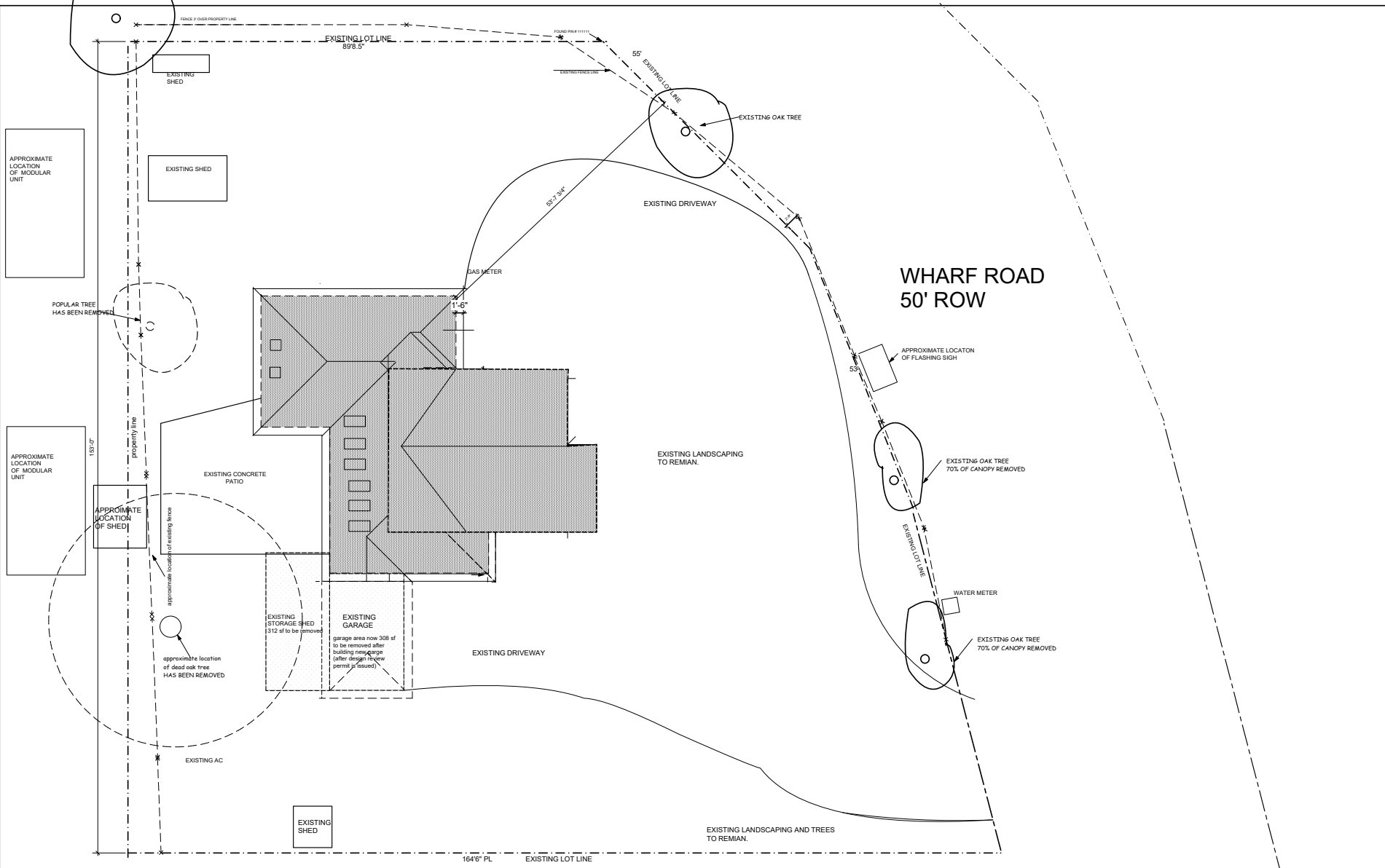
EXISTING SITE PLAN  
FOR  
2091 WHARF ROAD

TREE AND SITE CONDITIONS  
GENGE

APR 14  
DRAWN BY  
GENGE

SHEET:  
T-1

SHEETS



1 SITE PLAN  
Scale: 1/8" = 1'-0"





2012-0041124 08/28/2012 09:45:02 AM  
OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$72.00  
COUNTY TAX: \$2.75  
CITY TAX: \$2.75



EASE  
15 PGS  
RCD157

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

Joe or Debbie Genge  
2091 Wharf Road  
Capitola, CA 95010

Documentary Transfer Tax = \$5,500 Space above this line for Recorder's use.

**SEWER LATERAL AGREEMENT AND GRANT OF EASEMENT**

1. The parties to this agreement are the Wharf Road Manor Homeowners' Association, Inc. ("Association"), which owns the real property described in Exhibit A, attached hereto, which is commonly known as APN 034-241-11 ("Park parcel"), and Joseph Genge and Deborah Genge ("Genge"), the owners of the real property described in Exhibit B ("Genge Parcel"), commonly known as APN 034-241-05.
2. The parties wish to formalize an easement appurtenant to the Genge parcel and to specify the obligations of the parties concerning maintenance, repair and replacement and relocation of a sewer line (hereafter the "Line") that is generally located parallel to, and approximately 24 feet from, the southerly boundary of the Park parcel, and which runs from the Genge Parcel to the point where the subject Line empties into another sewer line. The latter line is located in a strip on land that is ten feet wide and adjacent to the westerly boundary of the Park parcel.
3. Association hereby grants an easement appurtenant to the real property described in Exhibit B to use the existing lateral sewer Line, and, under the terms and conditions hereafter specified, to maintain and replace the Line. The Association also grants the right of reasonable access to the area in which the pipe is located for the purpose of inspection, maintenance and repair; however, no mobilehome shall be moved for such activities. Maintenance and repair activities shall be conducted to minimize disturbances to the Park parcel and to the daily activities of those using the Park parcel.
4. That portion of the sewer Line that is located easterly of any part of the lateral utilized by the Association, or easterly of any mobilehome located on the Park property, will be referred to as the "Genge only" part of the sewer Line, in recognition of the fact that that portion of the Line

benefits the Genge parcel, but not any of the mobilehomes located within the Park parcel. The remaining portion of the Line will be referred to as the "shared Line" because it is used both by the Park parcel and by the Genge parcel.

5. If there is a blockage of the Genge only part of the Line, the owners of the Genge parcel shall be solely responsible for the cost of correcting the blockage. If there is a blockage of the shared portion of the Line and the identity of the party causing the blockage can clearly be established, the cost of curing the blockage shall be paid by the party causing the blockage; otherwise the cost will be shared equally between the Association and the owner of the Genge parcel. "Blockage" as used in this paragraph does not include the kinds of repairs that are described in the next paragraph.
6. In the event that the Line needs repair or replacement because it is crushed, broken or antiquated, the owners of the Genge parcel shall be solely responsible for such costs for the Genge only portion of the Line. For the shared portion of the Line, the Association will be responsible for one-half of the expenses. Repair/replacement/ maintenance costs shall also include any expenditure necessary to restore the Park parcel as nearly as possible to the condition it was in immediately prior to the repair/replacement/maintenance work. It shall also include the costs of any required sewer lateral repair permit from the Santa Cruz County Sanitation District. The appropriate party shall arrange for such permit and for the District Inspector to evaluate repair work for approval prior to backfilling any excavated and repaired sewer lateral.
7. In situations where expenses are to be shared, or where Genge is solely responsible for costs of repair/replacement/maintenance that must be performed on the Park parcel, the Association will be entitled to make the final determination about the scope of the work and the identity of those who will perform it, provided that: (a) Any work requiring a contractor's license is performed by a licensed contractor; and (b) The Association (except where that is infeasible because of an emergency) must confer in advance with the owner of the Genge parcel about the scope of repair/ replacement/maintenance those who will perform the work, and bids and estimates (unless the need for repairs is such an emergency that such conferral process is not feasible). For non-emergency repairs/replacement/maintenance, there will be at least a ten-day conferral period (or any shorter time agreed to by the parties). "Emergency" refers to situations where the problem must be corrected immediately because sewage from one or more occupied units cannot presently flow through the Line. A good faith determination by the Manager of the Park that an emergency exists will be binding on the parties.

8. In the event that: (a) repairs are necessary for some part of the Line, and (b) the Association determines that in the long run it is desirable to relocate some or all of the Line (for instance, relocating the Line where there are little or no improvements on the surface above the Line), the Line shall be relocated to the location determined by the Association and the cost of the relocation will be part of the repair costs apportioned as otherwise provided in this Agreement.
9. All parties in advance shall submit their projected share of necessary funds to the Treasurer of the Association or the Managing entity for the Association. Such funds shall be maintained by the Treasurer of the Association. If any party fails to properly advance funds as required by this paragraph, the other party, at its option, may advance such funds. The advanced amount is payable on demand and will bear interest at the rate of ten percent (10%) from the date the funds were advanced.
10. An owner of the Genge parcel may terminate its rights and future obligations under this Agreement by written notice to the Association and by recording a Quitclaim Deed for the Park parcel. That owner will, in addition to relinquishing any easement rights in the Park parcel, then be free of any repair/replacement/maintenance costs that have not been incurred, but would continue to be responsible for costs or obligations incurred prior to the receipt of notice.
11. In case of any action to interpret or enforce this agreement, including but not limited to actions to obtain payments or advances required by this agreement, the prevailing party in any such action will be entitled to reasonable attorney's fees.
12. If occupants of the Park parcel permanently cease to use the lateral Line (or any replacement Line located within the easement area), then the owner of the Genge parcel will be solely responsible for all maintenance and repair expenses of the Line.
13. If the Genge parcel gets access to the Sanitation District lines by any other route, it shall immediately inform the owner of the Park parcel and relinquish its easement rights over the Park parcel by means of a written deed or similar instrument that is recordable and in a form that will clearly relinquish easement rights herein created.
14. If this agreement, the grant of easement, or any action of the owners of the Genge parcel causes an increase in the Sanitation District fees to the owner of the Park parcel, the owner of the Genge parcel shall reimburse the owner of the Park parcel for any such increases.

- 15. The burdens and benefits of this Agreement shall run with the properties described in Exhibits A and B. If either party's property is hereafter divided, the formula set forth herein for sharing repair/replacement/maintenance costs shall be correspondingly apportioned. For instance, if the Genge parcel were to be divided into two lots, each such lot would be required to pay twenty-five percent (25%) of the costs of repairing the shared Line.
- 16. Notices contemplated by this agreement shall be in writing and sent by first class mail addressed as follows:

To Association:

c/o John Stewart Company  
104 Whispering Pines, Suite 200  
Scotts valley, CA 95066

To Genge:

Joe and Debbie Genge  
2091 Wharf Rd.  
Capitola, CA 09010

Such Notices shall be deemed received three days after mailing. Either party may, by written notice to the other, change the address at which it/they will receive notices.

- 17. As soon as this Agreement has been approved as to form by the Association's attorney, it will be executed by the Genges, who will deliver it, with their signatures acknowledged in accordance with Civil Code Section 1185, and \$5,000 to Association in the form of a check payable to Wharf Road Manor Homeowners Association. Upon receipt of a certified check, or when an uncertified check has cleared the bank, the qualified officers of the Association will promptly execute the Agreement, cause their signatures (in their capacity as officers) to be acknowledged in accordance with Section 1185, and deliver it to Genge's attorney, Richard Manning, for recordation. If it has not yet recorded such a document, the Association shall concurrently deliver a Statement of Authority, verified and acknowledged in accordance with Corporation Code Section 18120. Genge will pay recordation fees. Manning shall promptly provide conformed copies to the Association of the recorded documents.

So agreed:

ASSOCIATION

Dated May 31, 2012

Wharf Road Manor HOA

By: [Signature]

Dana Michelosen  
WRM Bd President

Dated 5-25-2012 Valerie Genge  
Dated 5-24-2012 William Genge  
Approved as to Form:  
\_\_\_\_\_

Notary Public  
See Attached

GENCE

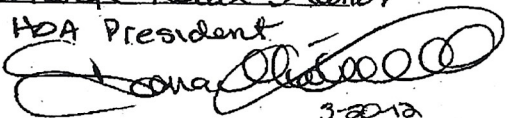
Dated \_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_

Approved as to Form:

Wentworth Road Manor  
HBA President  
  
3-2012

## Exhibit A

SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, CITY OF CAPITOLA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEING A PART OF THE RODEO RANCHO, AND BEGINNING ON THE WESTERLY SIDE OF THE COUNTY ROAD LEADING FROM SOQUEL TO SOQUEL WHARF AT THE SOUTHEASTERLY CORNER OF LANDS CONVEYED BY FRANK P. DAUBENBISS AND LOUISA DAUBENBISS TO WERNER WOOLSEY AND ALICE I. WOOLSEY BY DEED DATED SEPTEMBER 10, 1929, AND RECORDED IN VOLUME 159 AT PAGE 485, OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY, FROM SAID PLACE OF BEGINNING AN IRON PIPE BEARS WEST 12.93 FEET DISTANT; THENCE LEAVING SAID ROAD AND ALONG THE SOUTHERLY BOUNDARY OF SAID LAST MENTIONED LANDS WEST 384.03 FEET TO A PIPE STANDING AT THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF GALBRAITH, SOUTH 4 DEGREES EAST 180.00 FEET TO AN IRON PIPE; THENCE LEAVING SAID BOUNDARY EAST 599.90 FEET TO THE WESTERLY SIDE OF SAID FIRST ABOVE MENTIONED COUNTY ROAD AND FROM WHICH AN IRON PIPE BEARS WEST 12.93 FEET DISTANT; THENCE ALONG THE WESTERLY SIDE OF SAID ROAD NORTH 38° 32' WEST 8.01 FEET TO A STATION; NORTH 57° 32' WEST 112.83 FEET AND NORTH 48° 47' WEST 170.70 FEET TO THE PLACE OF BEGINNING.

PARCEL TWO:

BEING A PORTION OF RANCHO ARROYO DEL RODEO AND A PORTION OF THE PARCEL OF LAND CONVEYED TO REV. JOSEPH M. PHELAND AND ARMELINE E. LA FRENIER BY DEED RECORDED IN VOLUME 716 OF OFFICIAL RECORDS AT PAGE 185, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE AT THE SOUTHWESTERN CORNER OF SAID PHELAN PARCEL; THENCE ALONG THE WESTERN BOUNDARY OF SAID PARCEL NORTH 04° 05' WEST 154.60 FEET TO THE SOUTHWESTERN CORNER OF LANDS CONVEYED TO ELLIS A. STRMISKA, ET UX., BY DEED RECORDED IN VOLUME 1244 OF OFFICIAL RECORDS AT PAGE 510, SANTA CRUZ COUNTY RECORDS; THENCE ALONG THE SOUTHERN BOUNDARY OF SAID LANDS OF STRMISKA EAST 282.41 FEET TO A 1/2 INCH IRON PIPE; THENCE LEAVING SAID BOUNDARY OF STRMISKA SOUTH 04° 05' EAST 152.96 FEET TO A 1/2 INCH IRON PIPE ON THE SOUTHERN BOUNDARY OF SAID LANDS OF PHELAN; THENCE ALONG SAID BOUNDARY SOUTH 89° 40' WEST 282.31 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:

A PORTION OF THE RANCHO ARROYO DEL RODEO AND A PORTION OF THE LAND CONVEYED TO REV. JOSEPH M. PHELAND AND ARMELINE E. LA FRANIER BY DEED RECORDED IN VOLUME 716 OF OFFICIAL RECORDS AT PAGE 185, SANTA CRUZ COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE AT THE NORTHEASTERN CORNER OF THE LAND CONVEYED TO ELLIS STRMISKA, ET UX, BY DEED RECORDED IN VOLUME 1735 OF OFFICIAL RECORDS AT PAGE 128 SANTA CRUZ COUNTY RECORDS; THENCE ALONG THE NORTHERN BOUNDARY OF SAID LANDS OF PHELAN EAST 50.00 FEET TO A 1/2 INCH IRON PIPE; THENCE LEAVING SAID BOUNDARY, SOUTH 4° 05' EAST 152.68 FEET TO THE SOUTHERN BOUNDARY OF SAID LANDS OF PHELAN; THENCE ALONG SAID SOUTHERN BOUNDARY SOUTH 89° 40' WEST 50.00 FEET TO THE SOUTHEASTERN CORNER OF THE ABOVE MENTIONED STRMISKA PARCEL; THENCE ALONG THE EASTERN BOUNDARY OF SAID LANDS OF STRMISKA, NORTH 4° 05' WEST 152.96 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND BEING A PORTION OF THE LANDS DESCRIBED IN THE DEED TO REV. JOSEPH M. PHELAN, ET AL, RECORDED IN VOLUME 716 AT PAGE 185 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

Ex. A, p. 1

THE WESTERLY 60 FEET MEASURED PARALLEL TO THE WESTERLY LINE OF THAT CERTAIN PROPERTY DESCRIBED AS BEGINNING AT THE NORTHEASTERN CORNER OF THE LANDS DESCRIBED IN THE DEED TO TITLE INSURANCE AND TRUST COMPANY, A CALIFORNIA CORPORATION, RECORDED MAY 6, 1966 IN VOLUME 1762 AT PAGE 622 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND RUNNING THENCE FROM SAID PLACE OF BEGINNING ALONG THE NORTHERN BOUNDARY LINE OF SAID LANDS OF PHELAND EAST 164.00 FEET TO A POINT; THENCE LEAVING SAID BOUNDARY LINE AT RIGHT ANGLES SOUTH 150.00 FEET, A LITTLE MORE OR LESS, TO A POINT ON THE SOUTHERN BOUNDARY LINE OF SAID LANDS OF PHELAN; THENCE ALONG SAID BOUNDARY LINE SOUTH 89° 40' WEST 150.00 FEET, A LITTLE MORE OR LESS, TO THE SOUTHEASTERN CORNER OF SAID LANDS OF TITLE INSURANCE AND TRUST COMPANY; THENCE ALONG SAID BOUNDARY LINE NORTH 4° 05' WEST 150.68 FEET TO THE PLACE OF BEGINNING.

APN: 034-241-11

Ex. A, p 2

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Order No. : 217475-A

**EXHIBIT "B"**

The land referred to is situated in the State of California, County of Santa Cruz, in the unincorporated area, and is described as follows:

Beginning at the Southwest corner of land conveyed to Allan E. Lundberg, et ux., by Deed recorded July 17, 1933 in Volume 245 of Official Records at Page 369, Santa Cruz County Records, which said Southwest corner is on the Easterly boundary of land conveyed to Elsie Crews, et vir, by deed recorded in Volume 216, Page 303, Official Records of said County; thence along said Easterly boundary of land of Crews, South 4° 00' East 185.00 feet, a little more or less, to the Northwest corner of the land conveyed to Francesco Bertolucci, by Deed recorded April 14, 1915 in Volume 165 of Deeds, Page 460, Records of Santa Cruz County; thence along the North boundary of said land of Bertolucci Easterly 676 feet, a little more or less, to the Westerly line of the County road leading from Soquel to the Soquel Wharf, so called; thence along the Westerly line of said County road Northwesterly to the Southeast corner of above mentioned land conveyed to Allan E. Lundberg, et ux; thence along the South boundary of said land of Lundberg West 599.90 feet, a little more or less, to the place of beginning.

Being the same land conveyed to Frank P. Daubenbiss by Deed filed for record December 12, 1887 in Volume 57 of Deeds, Page 466, Records of Santa Cruz County.

Excepting therefrom the land conveyed to Werner Woolsey, et ux., by Deed recorded in Volume 159, Page 485, Official Records and the land conveyed to Allan E. Lundberg, et ux., by Deed recorded in Volume 245, Page 369, Official Records of said County.

Excepting therefrom that portion of premises described in the Deed to Ellis A. Strmiska, et ux., recorded December 15, 1965 in Book 1735, Page 128, Official Records of Santa Cruz County.

Excepting therefrom that portion of premises described in the Deed to Ellis A. Strmiska, et ux., recorded May 6, 1966 in Volume 1762, Page 623, Official Records of Santa Cruz County.

Excepting therefrom the land conveyed to Ellis Strmiska and Lena Strmiska, et ux., recorded by Deed in Volume 1895, Page 714, Official Records of Santa Cruz County.

Assessor's Parcel Number: 034-241-06

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that:

1. I am the duly elected and acting Secretary of the Wharf Road Manor Homeowners' Association, Inc., a California corporation (the "Corporation");

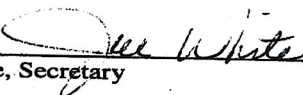
2. Attached hereto is a true and correct copy of the Sewer Lateral Agreement and Grant of Easement that was duly and validly adopted and approved by the Corporation on 2-9, 2012 (the "Agreement"); the Agreement was adopted by at least a majority of the members of the Board of Directors of the Corporation present at a regular meeting of the Board of Directors, which meeting was duly called, convened and held in accordance with the Bylaws of the Corporation and at which meeting a quorum was present and acting throughout;

3. All actions of the Board of Directors of the Corporation taken on 2-9, 2012, including the adoption of the Agreement, were taken in accordance with the Corporation's Articles of Incorporation and Bylaws;

4. The members of the Board of Directors of the Corporation on the date hereof are, and the members of the Board of Directors of the Corporation as of 2-9, 2012, were, the duly elected, appointed, qualified and acting members of the Board of Directors of the Corporation; and

5. The Agreement has not been altered, amended or repealed, and the approvals and authorizations stated in the Agreement is in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have executed this Certificate on the 31 day of May, 2012.

  
name, Secretary

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of Santa Cruz  
On May 24, 2012 before me, B. Fein, Notary Public  
personally appeared Debbie Genge

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Sewer Lateral Agreement and Grant of Easement

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of Santa Cruz  
On 5/25/12 before me, Gabriel Saul Coren NOTARY PUBLIC,  
personally appeared Joseph K. Gerge

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Signature Gabriel Saul Coren  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Sewer Lateral Agrmt & Grant of Easement  
Document Date: 5/25/12 Number of Pages: 5

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Cruz

On May 31, 2012 before me, Amy Gear, notary public

personally appeared Dana Michelosen



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Amy Gear  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

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Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Cruz

On May 31, 2012 before me, Amy Gear, notary public

personally appeared Jill White

Here Insert Name and Title of the Officer

Name(s) of Signer(s)

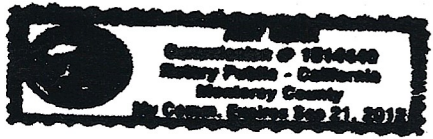
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Amy Gear

Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

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**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**ILLEGIBLE NOTARY SEAL DECLARATION**

(Govt. Code 27361.7)

Name of Notary : Amy Gear

State and County of Commission : California - Monterey County

Date Commission Expires : Sep. 21, 2012

Commission Number : 1814440

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ILLEGIBLE NOTARY SEAL STAMPED ON THE ATTACHED DOCUMENT.

Richard Manning  
(Signature of Affiant)

28 August 2012  
Date:

Santa Cruz, CA.  
Place of Execution:

THIS IS TO CERTIFY THAT BEARING THE SEAL OF THE COUNTY  
RECORDER OF SANTA CRUZ COUNTY CALIFORNIA THIS IS A CORRECT  
COPY OF A DOCUMENT FILED/RECORDED IN THE RECORDS OF SANTA  
CRUZ COUNTY CALIFORNIA

COUNTY RECORDER

SEAN SALINAS

*Seal Signature*  
DATE

# Capitola Planning Commission

## Agenda Report



**Meeting:** June 4, 2026

**From:** Community and Economic Development Department

**Subject:** Citywide Municipal Code Amendments

**Project Description:** Application #26-0259 Work session on upcoming amendments to the Municipal Code pertaining to incentives for community benefits, accessory dwelling units, and tattoo establishments. Future amendments, if adopted, would be applicable Citywide. Zoning code will require California Coastal Commission certification prior to taking effect in the Coastal Zone.

**Recommended Action:** Receive update on potential Municipal Code amendments, provide direction on preferred approach to the amendments, and continue the public hearing to the July 16, 2026, Planning Commission meeting.

**Property Owner:** Municipal Code amendments will apply to properties Citywide

**Representative:** Ben Noble, Consultant

Katie Herlihy, Community and Economic Development Director

**Background:** In 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (Housing Element). The Housing Element establishes goals and policies for housing production in Capitola as required by state law. The Housing Element also contains programs with required City actions to implement Housing Element policies. The City must complete these actions by the dates specified for each program.

Since adopting the 2023-2031 Housing Element, the City has completed a number of Zoning Code amendments required by the Housing Element. In 2024 City adopted Zoning Code amendments relating to corner duplexes, lot consolidation incentives, parking standards, housing on religious sites, emergency shelters, office uses in commercial zones, the design review process, and other topics. In 2025 the City adopted Residential Multifamily (RM) Zone amendments to facilitate multi-family development and amended the City's accessory dwelling unit (ADU) regulations for consistency with state law. Earlier in 2026 the City completed the Capitola Mall Zoning Code Amendments to facilitate housing production on the Capitola Mall property as called for by the Housing Element.

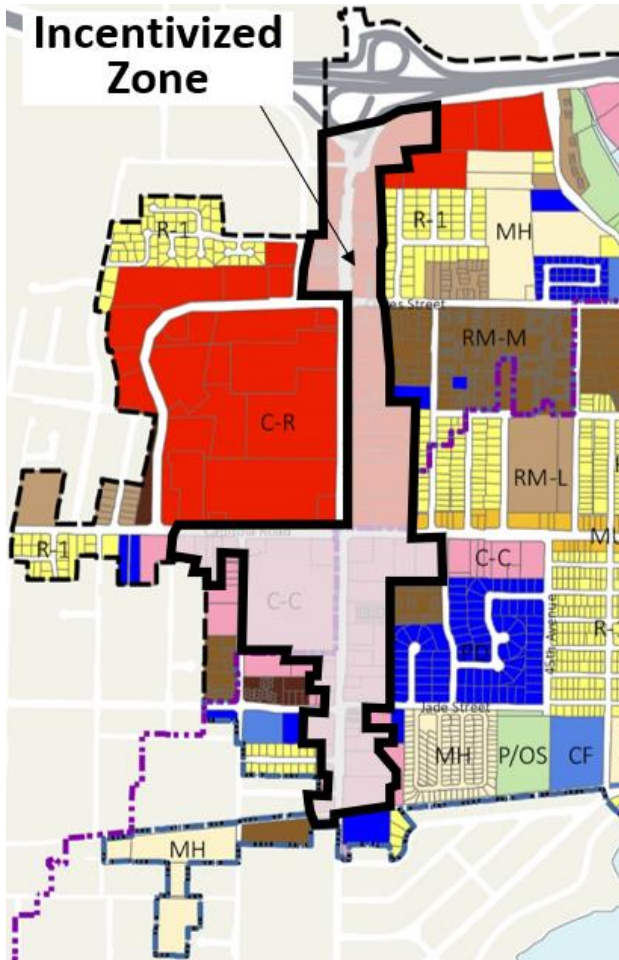
**Discussion:** One remaining Zoning Code amendment required by the Housing Element Program 1.4 concerns Chapter 17.88 (Incentives for Community Benefits), including expansion of the incentivized zone boundary and revisions to the list of qualifying community benefits. In addition, further amendments to the City's ADU regulations are needed to maintain consistency with recent changes in state law. Staff also recommends amendments relating to tattoo establishments to address legal considerations associated with the City's existing prohibition and to establish appropriate zoning, permitting, and operational standards for this use.

### **Amendment Topic 1 – Incentivized Zone:**

**Existing Chapter 17.88:** Zoning Code Chapter 17.88 (Incentives for Community Benefits) established incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. Eligible projects are limited to 1) projects in the regional commercial (C-R) or community commercial (C-C) zoning districts on a property that fronts 41<sup>st</sup> Avenue (excluding the Capitola Mall property) or Capitola Road between Clares Street and 42<sup>nd</sup> Avenue; or 2) a hotel in the former Capitola Theater site in the Mixed-Use Village zoning district. Figure 1 below shows the "incentivized

zone” boundary in the C-R and C-C zoning districts and Figure 2 shows the former Capitola Theater Site. The Capitola Mall property was previously in the incentivized zone but removed with the Capitola Mall Zoning Code Amendments adopted earlier this year.

**Figure 1: Existing CC/CR Incentivized Zone**



**Figure 2: Former Capitola Theater Site**



Currently, the development standards in the C-C and C-R zone are similar. The C-C zone allows a maximum floor area of 1.0 and the C-R zone a higher max floor area of 1.5. Both zones have a maximum height of 40 feet.

Chapter 17.88 allows eligible projects in the C-C and C-R zones an increased height to 50 feet and 2.0 FAR for projects that provide a substantial benefit to the community. For a hotel on the former Capitola Theater site, the City may allow an increased FAR up to 3.0 and increased building height not to exceed the elevation of the bluff behind the site. Additional important provisions in Chapter 17.88 include the following:

- To be eligible for increased height and FAR, a project must provide one or more community benefit listed in 17.88.040. These include public open space, public infrastructure, pedestrian and bicycle facilities, public parking, public art, among others
- Redevelopment of the Capitola Mall was listed as a community benefit. The Capitola Mall Zoning Code Amendments adopted earlier in 2026 separated increased height and FAR on the Capitola Mall property from the community benefits process in Chapter 17.88. Instead, a proposed project

on the Mall property is now entitled to increased height and FAR if it complies with new objective standards.

- Community benefits provided must be greater than and in addition to the minimum otherwise required by the City or other public agency.
- The project applicant must submit a pro-forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.
- A project requesting increased height and/or FAR requires “conceptual review” by both Planning Commission and City Council to receive preliminary input on whether the request for incentives is worthy of consideration.
- To approve the increased height and/or FAR, the City Council must find the proposed amenities will provide a “substantial benefit to the community.” When making this finding, the City shall consider whether the “benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.”

Since adoption of the program in 2020, no project has utilized these provisions. Staff believes the existing process and findings create uncertainty and have not effectively incentivized projects to provide community benefits beyond minimum City requirements.

Housing Element Program: Housing Element Program 1.4 calls for the City to “expand the incentivized zone for increased FAR and height to facilitate mixed use development, targeting commercial corridors where key sites are identified for RHNA, in exchange for an expanded list of community benefits that complement mixed use residential development (such as childcare facilities, recreation areas, etc.)” Sites identified for RHNA in the Housing Element are shown with a pink outline in Attachment 4. Outside of the 41<sup>st</sup> Avenue corridor, these sites are concentrated on commercial areas of Capitola Road, Bay Avenue, and Capitola Avenue.

Coastal Commission Input: Amendments to Chapter 17.88 will require certification by the Coastal Commission for areas within the coastal zone. Staff discussed the amendments with Coastal Commission staff, who expect that the Coastal Commission will support amendments which implement the Housing Element. However, Coastal Commission staff suggested changes to Chapter 17.88 affecting a Village Hotel project may present challenges and possibly delay or complicate Coastal Commission certification. For this reason, Coastal Commission staff recommends the City prepare amendments affecting a Village Hotel project as part of a future, separate effort.

Preliminary Draft Amendments: Preliminary draft amendments to Chapter 17.88 for Planning Commission review and comments are provided as Attachment 1. Given Coastal Commission staff input, the Village hotel is addressed in a new Chapter 17.90 :Incentives for a Village Hotel with Community Benefits (Attachment 2). Amended Chapter 17.88 applies only to eligible properties outside of the Village. This approach enables the City to amend Chapter 17.88 as needed for Housing Element implementation while maintaining existing requirements for a Village hotel project.

Draft amendments to Chapter 17.88 aim to facilitate infill development in appropriate locations by replacing subjective requirements with objective standards. This approach is similar to the Capitola Mall amendments and aims to increase certainty for applicants, the community, and the City. Noteworthy substantive changes to Chapter 17.88 include the following

- **Eligibility:** Expands incentivized zone to properties that front Bay Avenue between Highway 1 and Hill Street on the east side of Bay Avenue or between Highway 1 and Center Street on the west side of Bay Avenue.

- **Allowable Benefits:** Adds community benefits that complement mixed use residential development (open space, public parks, bicycle facilities, transit center, and public parking) and new revenue-generating uses (hotel, new commercial) to reflect current economic development priorities. Removes benefits which can be required or incentivized in other portion of the code (historic resources, green building, public art).
- **New Incentives:** Allows a maximum hotel height of up to 60 feet in the eligible areas outside the Central Village.
- **Approval Process:** Removes pro forma analysis requirement. Replaces finding that “the proposed amenities will provide a substantial benefit to the community” with “the project conforms with all applicable standards.” Adds objective standards to specify the requirements of the community benefits.

### Topic 1 – Requested Planning Commission Input:

Expanded Boundary: The draft amendments to Chapter 17.88 would expand the incentivized zone boundary to include parcels fronting Bay Avenue, as shown in Figure 3. This area contains a concentration of Housing Element RHNA opportunity sites identified in Attachment 4 and is well suited to accommodate additional mixed-use and residential development. The area is served by transit, has good vehicular access, is within walking distance of existing commercial services and amenities, and is bordered in several locations by existing non-residential uses.

**Figure 3: Expanded Incentivized Zone Boundary**



The Housing Element Sites Inventory (Attachment 4) also identifies a concentration of RHNA opportunity sites along Capitola Avenue north and south of Bay Avenue. Staff does not recommend expanding the incentivized zone to these areas because they are more constrained by circulation and access limitations, and additional development intensity could create greater compatibility impacts for adjacent residential neighborhoods.

Staff requests Planning Commission input on the following question:

- **Where should the incentivized zone boundaries be expanded?**

Permits Required for Hotel: Currently, hotels require approval of both a Conditional Use Permit (CUP) and a Design Permit, each reviewed by the Planning Commission at a noticed public hearing. Approval of these permits requires the Planning Commission to make the findings specified in Section 17.24.070 for the CUP and Section 17.120.080 for the Design Permit.

To help facilitate hotel development in the incentivized zone, the City could modify the existing permit requirements. One option would be to eliminate the CUP requirement for hotels, similar to the approach recently adopted for the Capitola Mall property. Another option would be to eliminate both the CUP and Design Permit requirements and allow hotels by-right subject to objective standards. Alternatively, the City could maintain the existing discretionary review process.

The City’s economic consultant, Keyser Marston, has advised that reducing discretionary review requirements could help attract hotel development by increasing certainty and reducing entitlement timeframes.

If the City reduces or eliminates discretionary permit requirements for hotels, staff recommends adopting new objective standards to address issues that are currently evaluated through discretionary review findings. As summarized in Table 1 below:

- If the City maintains the existing permit requirements (Option 1), no additional standards would be necessary.
- If the City eliminates the CUP requirement but retains Design Permit review (Option 2), staff recommends adopting new objective operational standards to address issues currently considered through CUP findings.
- If the City eliminates both the CUP and Design Permit requirements (Option 3), staff recommends adopting both objective operational and design standards for hotel projects.

**Table 1: Options for Hotel Permits and Standards**

	<b>Option 1 (Existing)</b>	<b>Option 2 (Same As Mall)</b>	<b>Option 3</b>
<b>Permits Required</b>	CUP and Design Permit	Design Permit Only	Allowed By-Right. No Discretionary Permits Required.
<b>New Objective Standards</b>	No new standards	New operational standards to replace CUP considerations and findings in 17.124.060 and 17.124.070. [1]	Operational standards (same as Option 1) plus new design standards to replace Design Permit criteria and findings in 17.120.070 and 17.120.080. [2]

*[1] Operational standards may address hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts; public services and infrastructure; property maintenance; site access and internal circulation; internal site layout.*

*[2] Design standards may address building placement and orientation, parking placement and design, building massing, and facade and roof design.*

Staff requests Planning Commission input on the following question:

- **What permits should the City require for a hotel in the incentivized zone?**
- **What, if any, new standards should apply to hotel projects?**

**Hotel Incentive:** The draft amendments to Chapter 17.88 would allow a maximum hotel height of 60 feet and a maximum FAR of 2.0 for projects in the incentivized zone. Existing Chapter 17.88 currently allows a maximum FAR of 2.0 and building height of 50 feet.

The City's economic consultant, Keyser Marston, has advised that a maximum FAR of 2.0 is generally sufficient for hotel development because most projects are expected to utilize surface parking due to the cost of structured parking. Keyser Marston also recommends increasing the maximum hotel height from 50 feet to 60 feet to better accommodate contemporary four-story hotel development, including adequate floor-to-floor heights, rooftop screening, and architectural design flexibility.

Staff requests Planning Commission input on the following questions:

- **Do you support increasing the allowed hotel height to 60 feet in the incentivized zone?**
- **Should the City consider any additional modifications to development standards to help facilitate hotel development in the incentivized zone?**

**Minimum Commercial Space and Hotel Rooms:** The draft amendments to Chapter 17.88 include a new "fiscal benefit" category under which a project would be eligible for increased height and FAR if it includes either a new hotel or new commercial space. Staff requests Planning Commission direction regarding the minimum amount of hotel development or commercial space that should be required to qualify for this incentive.

For reference, the Capitola Mall amendments established minimum thresholds for Tier 2 and Tier 3 projects. Tier 2 projects require either a hotel with a minimum of 120 guest rooms and 3,600 square feet of meeting space, or at least 35,000 square feet of new commercial space. Tier 3 projects require at least 200,000 square feet of new commercial space. These thresholds were informed by market analysis prepared by Keyser Marston regarding the upper range of anticipated market demand on the Capitola Mall property.

Staff requests Planning Commission input on the following questions:

- **Should the fiscal benefit category establish a minimum number of hotel rooms? If so, what minimum should apply?**
- **What minimum amount of new commercial space should be required to qualify for the incentive?**

**Other Comments:** In addition to the specific questions above, staff also requests Planning Commission feedback on any other aspects of the draft amendments to Chapter 17.88.

- **Does the Planning Commission have any additional input on the draft amendments to Chapter 17.88?**

**Amendment Topic 2 – Accessory Dwelling Units:** In 2025, the state enacted AB 1154 and SB 543 which amend state ADU and JADU law. These laws revise the process and timeframe for cities to review and act on ADUs and JADUs, modify owner occupancy requirements for JADUs, and clarify ADU provisions which also apply to JADUs.

Attachment 3 contains draft amendments to Chapter 17.74 (Accessory Dwelling Units) to bring the City's ADU regulation into conformance with AB 1154 and SB 543. Noteworthy changes include the following:

- Clarifies city process for reviewing and acting on ADU and JADU applications (17.74.030.A)
- Requires JADU owner-occupancy only if JADU has shared sanitation facilities with primary dwelling (17.74.030.K)

- Allows combining two ADUs and one JADU (subject to limited standards) on a single-family lot (17.74.050)

## Topic 2 – Requested Planning Commission Input

Staff requests Planning Commission input on the following question:

- **Does the Planning Commission have any comments on the draft ADU ordinance amendments?**

**Amendment Topic 3 – Tattoo Establishments:** Municipal Code Chapter 9.08 (Tattoo Establishments) currently states that “It is unlawful to maintain or conduct a tattoo establishment or to maintain and conduct a tattooing business in the city.” This prohibition was established in 1962.

The Zoning Code does not currently identify tattoo establishments as a separate land use. In the absence of Chapter 9.08, tattoo establishments would generally be classified as a personal service use and would be permitted in commercial and mixed-use zoning districts where personal services are allowed.

**Legal Considerations:** The City’s existing prohibition on tattoo establishments presents legal concerns given court decisions establishing that tattooing and the business of tattooing constitute protected First Amendment expression. Courts have generally found that local governments may regulate tattoo establishments through reasonable zoning and operational standards, but may not impose outright prohibitions.

**Recommended Amendments:** Given these considerations, staff recommends that the City repeal Chapter 9.08 and amend the Zoning Code to allow tattoo establishments in appropriate zoning districts subject to reasonable land use and operational standards. Within the Zoning Code, staff recommend establishing tattoo establishments as a separate land use in the allowed land use tables. Staff recommends the following new definition for tattoo establishments:

“Tattoo Establishment” means a business that provides tattooing or related body art services, including the application of permanent ink or pigment to the skin through the use of needles or similar instruments. Accessory retail sales and related services customarily associated with tattooing are included.”

Staff is requesting Planning Commission feedback on which zoning districts tattoo establishments should be allowed in, including the C-C, C-R, MU-V, and MU-N zones. Staff does not recommend allowing tattoo establishments in the Industrial zoning district in order to preserve industrial land for industrial and employment-generating uses. Personal service uses are also not currently permitted in the Industrial district. .See Attachment 5 (Zoning Map) for commercial and mixed-use zone locations.

Staff is also requesting guidance of whether a Conditional Use Permit should be required to allow the City to evaluate site-specific operational compatibility issues while still allowing tattoo establishments in appropriate commercial locations.

The Planning Commission may also wish to consider whether minimum separation requirements should apply between tattoo establishments and schools, youth-oriented uses, or other tattoo establishments. Spacing requirements that effectively prohibit tattoo establishments citywide could increase legal risk.

In California, the legal age to get a tattoo is 18 years old. The Planning Commission may want to consider new objective operational standards for tattoo establishments. Potential standards could include:

- Limiting hours of operation.
- Requiring compliance with all applicable county and state health regulations for body art facilities.
- Requiring all tattooing activities to occur entirely within an enclosed building.

- Limiting noise, amplified sound, odors, glare, and other nuisances detectable beyond the property line.
- Requiring storefront and exterior maintenance, including graffiti removal and litter control.

### **Topic 3 – Requested Planning Commission Input**

Staff requests Planning Commission input on the following questions:

- **In which zoning districts should tattoo establishments be allowed? What permits should be required?**
- **Should the City establish operational standards for tattoo establishments? If so, which standards should be included?**
- **Should the City establish any minimum separation requirements?**

### **Summary of Requested Planning Commission Input**

Staff requests Planning Commission input on the following questions:

#### **Topic 1 – Incentivized Zone:**

- Where should the incentivized zone boundaries be expanded?
- What permits should the City require for a hotel in the incentivized zone?
- What, if any, new standards should apply to hotel projects?
- Do you support increasing the allowed hotel height to 60 feet in the incentivized zone?
- Should the City consider any additional modifications to development standards to help facilitate hotel development in the incentivized zone?
- Should the fiscal benefit category establish a minimum number of hotel rooms? If so, what minimum should apply?
- What minimum amount of new commercial space should be required to qualify for the incentive?
- Does the Planning Commission have any additional input on the draft amendments to Chapter 17.88?

#### **Topic 2 – Accessory Dwelling Units:**

- Does the Planning Commission have any comments on the draft ADU ordinance amendments?

#### **Topic 3 – Tattoo Establishments:**

- In which zoning districts should tattoo establishments be allowed? What permits should be required?
- Should the City establish operational standards for tattoo establishments? If so, which standards should be included?
- Should the City establish any minimum separation requirements?

**Next Steps:** City staff will use Planning Commission input to prepare public review draft amendments. The Planning Commission will hold hearing on July 16, 2026, to make a recommendation to the City Council. A City Council hearing to consider the amendments is planned for August 2026.

**CEQA:** Analysis of potential environmental impacts from the proposed amendments will be provided as part of public review of the proposed amendments.

**Attachments:**

1. Preliminary Draft Amendments to Zoning Code Chapter 17.88 (Incentives for Community Benefits)
2. Chapter 17.90 (Incentives for a Village Hotel with Community Benefits).
3. Preliminary Draft Amendments to Chapter 17.74 (Accessory Dwelling Units)
4. Housing Element RHNA Sites Map
5. Zoning Map

Report Prepared By: Ben Noble, Consultant

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

## Chapter 17.88

### INCENTIVES FOR COMMUNITY BENEFITS

#### Sections:

- 17.88.010 Purpose.
- 17.88.020 Incentives restricted to added benefits.
- 17.88.030 Eligibility.
- 17.88.040 Allowable benefits.
- 17.88.050 Available incentives.
- 17.88.060 Relationship to state density bonus law.
- 17.88.070 Application submittal and review.
- 17.88.080 Findings.
- 17.88.090 Post-decision procedures.

#### **17.88.010 Purpose.**

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along ~~41st Avenue commercial corridors~~ consistent with the vision for the corridors described in the general plan ~~and to encourage the development of a new hotel in the Village as called for by the general plan and the local coastal program (LCP).~~ This chapter does not apply to development on the Capitola Mall property.

#### **17.88.020 Incentives restricted to added benefits.**

The city may grant incentives only when the community benefits or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements.

#### **17.88.030 Eligibility.**

A. Eligibility for Incentive. ~~The city may grant incentives for~~ Eligibility for the incentives described in this chapter is limited to the following projects:

~~1. P~~ 1. P projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:

1a. Front 41st Avenue, excluding the Capitola Mall property; or

2b. Front Capitola Road between Clares Street and 42nd Avenue; or

3. Located within the Bay Avenue corridor between Highway 1 and Hill Street on the east side of Bay Avenue or between Highway 1 and Center Street on the west side of Bay Avenue.

~~2. A hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) in the mixed-use village zoning district.~~

B. Setback Required – 41st Avenue. Structures on properties fronting the east side of 41st Avenue must be set back a minimum of one hundred feet from the property line abutting a residential property.

#### **17.88.040 Allowable benefits.**

A. All Eligible Projects. The city may grant incentives to all eligible ~~projects-properties~~ as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits. ~~The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.~~

1. Public Open Space. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather, that satisfy the following:

a. The minimum amount of open space shall be 5 percent of project site area or 3,000 square feet, whichever is greater. This area must be provided in addition to the zoning district's minimum required landscaped open space.

Open space must be accessible to the general public at all times. ~~b. A minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs.~~

c. A minimum of one tree shall be planted per 400 square feet of open space.

d. The open space shall be publicly accessible for a minimum of 12 consecutive hours per day or during daylight hours, whichever is longer.

e. The open space shall be directly accessible and visible from a publicly accessible street or pathway.

f. The open space shall have a minimum dimension of 20 feet in any direction.

g. The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).

h. The open space shall include lighting for nighttime use.

i. Provision must be made for ongoing operation and maintenance in perpetuity. The open space must be either dedicated to the City or privately owned and maintained with dedication of a public access easement.

~~-The public space must either exceed the city's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.-~~

~~2. Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agency.~~

23. Pedestrian and Bicycle Facilities. A bicycle and pedestrian path internal to the project site that provides a new connection to two or more adjoining bicycle and pedestrian facilities (e.g., connecting 41<sup>st</sup> to 38<sup>th</sup> through Kings Plaza; connecting Bay Avenue to Peery Park through Nob Hill shopping center). The new internal path shall have a minimum total width of 18 feet, including a minimum 12-foot wide two-way cycle track and minimum 3-foot wide buffers on each side.

~~New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.~~

~~4. Low-Cost Visitor Serving Amenities. New or improved low-cost visitor serving recreational opportunities or accommodations within the Central Village area.~~

35. Transportation Options Transit Center. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions. Land dedication, public easements, and/or improvements for a relocated transit center consistent with Santa Cruz Metro plans and requirements.

47. Public Parking. A public parking structure that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. ~~Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the mixed-use village zoning district.~~

~~6. Historic Resources. Preservation, restoration, or rehabilitation of a historic resource.~~

~~8. Green Building. Green building and sustainable development features that exceed the city's green building award status.~~

~~9. Public Art. Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.~~

510. Child Care Facilities. Child care centers and other facilities providing daytime care and supervision to children that satisfy all of the following:

- a. The facility serves the general public and not solely tenants or employees;
- b. The facility provides services Monday through Friday for a minimum of eight hours per day between 8:00 a.m. and 5:00 p.m.;
- c. The facility contains a minimum of 5,000 square feet of indoor child care space;
- d. The facility is licensed for a minimum capacity of 40 children; and
- e. The operator commits to maintaining the child care use for a minimum period of 10 years.;

6. Fiscal Benefit. The project includes either:

- a. A new hotel; or
- b. At least [REDACTED] square feet of new commercial space located in a new building with no net loss of existing commercial space on the site.;

~~11. Other Community Benefits. Other community benefits not listed above, such as entertainment destinations, as proposed by the applicant that are significant and substantially beyond normal requirements.~~

~~B. 41st Avenue/Capitola Road Projects. In addition to the community benefits in subsection A of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares Street and 42nd Avenue (excluding the Capitola Mall property) that provide one or more of the following community benefits:~~

~~1. Surface Parking Lot Redevelopment. Redevelopment of existing surface parking lots fronting 41st Avenue and Capitola Road while introducing new sidewalk-oriented commercial buildings that place commercial uses along the street frontage.~~

#### **17.88.050 Available incentives.**

~~A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project as identified in Section 17.88.030 (Eligibility) that provides one or more of the benefits identified in Section 17.88.040 (Allowable Benefits) fronting 41st Avenue, Capitola Road between Clares Street and 42nd Avenue (excluding the Capitola Mall property):~~

- ~~A1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.~~
- ~~B2. An increase in the ~~maximum~~ permitted building height to a maximum of:~~
  - 1. to fifty feet 60 feet for hotels; and
  - 2. 50 feet for all other projects.

~~B. Village Hotel. The city may grant the following incentives to a proposed hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10):~~

- ~~1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.~~
- ~~2. An increase to the maximum permitted building height; provided, that:~~
  - ~~a. The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel;~~

~~b. The bluff behind the hotel remains visible as a green edge (i.e., the upper bluff (i.e., below the blufftop edge) and upper bluff vegetation shall remain substantially visible across the length of the project site) when viewed from the southern parking area along the bluff of Cliff Drive (i.e., the parking area seaward of Cliff Drive and closest to Opal Cliff Drive) and from the Capitola wharf;~~

~~e. Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed; and~~

~~The rooftop shall be aesthetically pleasing and shall not significantly adversely affect public views from Cliff Avenue on Depot Hill. In addition to modifications to avoid structural incursions into this view, this can be accomplished through design features on top of the roof as well (e.g., use of a living roof, roof colors and materials that reduce its visual impacts, etc.). Rooftop appurtenances (e.g., elevator shafts, HVAC units, vents, solar panels, etc.) shall be screened from public view and integrated into/within the above referenced rooftop design features to the greatest extent feasible.~~

#### **17.88.060 Relationship to state density bonus law.**

~~Nothing in this chapter prevents a project from utilizing density bonus, incentives/concessions and waivers under State Density Bonus Law (Gov. Code 65915). However, if a project utilizes the provisions of State Density Bonus Law, that project is not eligible for the separate incentives described in this chapter.~~

~~The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code.~~

#### **17.88.070 Application submittal and review.**

A. Request Submittal. A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.
2. All information needed by the city council to make the required findings described in Section 17.88.080 (Findings); ~~including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.~~

B. Conceptual Review. Prior to city action on a request for an incentive, the request shall be considered by the planning commission and city council through the conceptual review process as described in Chapter 17.114 (Conceptual Review). Conceptual review provides the applicant with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater Site Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater site the planning commission or city council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.

D. Planning Commission Recommendation. Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The city council shall also review and act on other permits required for the project requesting incentives.

#### **17.88.080 Findings.**

~~A. All Eligible Projects.~~ The city council may approve the requested incentives for ~~all~~ an eligible projects only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

~~A1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.~~

~~2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive project conforms with all applicable objective standards.~~

~~B3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.~~

~~4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.~~

~~5. If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.~~

~~B. Village Hotel. In addition to the findings in subsection A of this section, the city council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:~~

~~1. The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.~~

~~2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.~~

~~3. Hotel siting and design will (a) minimize impacts to public views, including views of the beach and Village from vantage points outside of the Village and from Cliff Avenue and Depot Hill behind the hotel; and (b) does not adversely impact any significant public views of the coastline as identified in the LCP's land use plan.~~

~~4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options.~~

**17.88.090 Post-decision procedures.**

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits.

## Chapter 17.9088

### INCENTIVES FOR A VILLAGE HOTEL WITH COMMUNITY BENEFITS

#### Sections:

- 17.8890.010 Purpose.
- 17.8890.020 Incentives restricted to added benefits.
- 17.8890.030 Eligibility.
- 17.8890.040 Allowable benefits.
- 17.8890.050 Available incentives.
- ~~17.88.060—Relationship to state density bonus law.~~
- 17.8890.0670 Application submittal and review.
- 17.8890.0780 Findings.
- 17.8890.0890 Post-decision procedures.

#### **17.8890.010 Purpose.**

This chapter establishes incentives for the development of a new hotel in the Village ~~applicants to locate and design-development projects~~ in a manner that provides substantial benefits to the community. These incentives are intended to ~~facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan and to~~ encourage the development of a new Village hotel ~~in the Village~~ as called for by the general plan and the local coastal program (LCP).

#### **17.8890.020 Incentives restricted to added benefits.**

The city may grant incentives for a Village hotel only when the community benefits or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements.

#### **17.8890.030 Eligibility.**

~~A. Eligibility for Incentive.~~ The city may grant incentives provided in this chapter ~~for the following projects:~~

~~1. Projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:~~

~~a. Front 41st Avenue; or~~

~~b. Front Capitola Road between Clares Street and 42nd Avenue; or~~

~~e. Are located on the Capitola Mall site.~~

~~2. Aa~~ hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) in the mixed use village zoning district.

~~B. Setback Required—41st Avenue. Structures on properties fronting the east side of 41st Avenue must be set back a minimum of one hundred feet from the property line abutting a residential property. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)~~

#### **17.8890.040 Allowable benefits.**

~~A. All Eligible Projects.~~ The city may grant incentives to all eligible projects as identified in Section 17.88.030 (Eligibility) a Village hotel project that provides one or more of the following community benefits. The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.

~~1A.~~ Public Open Space. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision

must be made for ongoing operation and maintenance in perpetuity. The public space must either exceed the city’s minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.

B2. Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agency.

C3. Pedestrian and Bicycle Facilities. New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.

D4. Low-Cost Visitor Serving Amenities. New or improved low-cost visitor serving recreational opportunities or accommodations within the Central Village area.

E5. Transportation Options. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.

F6. Historic Resources. Preservation, restoration, or rehabilitation of a historic resource.

G7. Public Parking. A public parking structure that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the mixed use village zoning district.

E8. Green Building. Green building and sustainable development features that exceed the city’s green building award status.

F9. Public Art. Public art that exceeds the city’s minimum public art requirement and is placed in a prominent and publicly accessible location.

G10. Child Care Facilities. Child care centers and other facilities providing daytime care and supervision to children.

H11. Other Community Benefits. Other community benefits not listed above, such as entertainment destinations, as proposed by the applicant that are significant and substantially beyond normal requirements.

~~B. 41st Avenue/Capitola Road Projects. In addition to the community benefits in subsection A of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares Street and 42nd Avenue or on the Capitola Mall site that provide one or more of the following community benefits:~~

~~1. Capitola Mall Block Pattern. Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40th Avenue south into the mall property to form a new pedestrian friendly private interior street.~~

~~2. Surface Parking Lot Redevelopment. Redevelopment of existing surface parking lots fronting 41st Avenue and Capitola Road while introducing new sidewalk oriented commercial buildings that place commercial uses along the street frontage.~~

~~3. Transit Center. Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.~~

~~4. Affordable Housing. Affordable housing that meets the income restrictions applicable in the affordable housing ( AH) overlay zone. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)~~

**17.8890.050 Available incentives.**

~~A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project fronting 41st Avenue, Capitola Road between Clares Street and 42nd Avenue, or on the Capitola Mall site:~~

~~1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.~~

~~2. An increase in the maximum permitted building height to fifty feet.~~

~~B. Village Hotel.~~ The city may grant the following incentives to an eligible proposed Village hotel ~~on the former-Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10)project:~~

~~A1.~~ An increase in the maximum permitted floor area ratio (FAR) to 3.0.

~~B2.~~ An increase to the maximum permitted building height; provided, that:

~~1a.~~ The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel;

~~2b.~~ The bluff behind the hotel remains visible as a green edge (i.e., the upper bluff (i.e., below the blufftop edge) and upper bluff vegetation shall remain substantially visible across the length of the project site) when viewed from the southern parking area along the bluff of Cliff Drive (i.e., the parking area seaward of Cliff Drive and closest to Opal Cliff Drive) and from the Capitola wharf;

~~3e.~~ Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed; and

~~4d.~~ The rooftop shall be aesthetically pleasing and shall not significantly adversely affect public views from Cliff Avenue on Depot Hill. In addition to modifications to avoid structural incursions into this view, this can be accomplished through design features on top of the roof as well (e.g., use of a living roof, roof colors and materials that reduce its visual impacts, etc.). Rooftop appurtenances (e.g., elevator shafts, HVAC units, vents, solar panels, etc.) shall be screened from public view and integrated into/within the above-referenced rooftop design features to the greatest extent feasible.

~~17.88.060 — Relationship to state density bonus law.~~

~~The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code.~~

**17.8890.0670 Application submittal and review.**

A. Request Submittal. A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.
2. All information needed by the city council to make the required findings described in Section 17.8890.080 (Findings), including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.

B. Conceptual Review. Prior to city action on a request for an incentive, the request shall be considered by the planning commission and city council through the conceptual review process as described in Chapter 17.114 (Conceptual Review). Conceptual review provides the applicant with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater Site Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater site the planning commission or city council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.

D. Planning Commission Recommendation. Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice

and Hearings). The city council shall also review and act on other permits required for the project requesting incentives.

**17.8890.0780 Findings.**

~~A. All Eligible Projects.~~ The city council may approve the requested incentives for all-eligible proposed Village hotel projects only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

- ~~A1.~~ The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.
- ~~B2.~~ There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.
- ~~C3.~~ The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.
- ~~D4.~~ The project minimizes adverse impacts to neighboring properties to the greatest extent possible.
- ~~E5.~~ If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.

~~B. Village Hotel. In addition to the findings in subsection A of this section, the city council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:~~

- ~~F1.~~ The design of the hotel respects the scale and character of neighboring structures and enhances Capitola’s unique sense of place.
- ~~G2.~~ The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
- ~~H3.~~ Hotel siting and design will (a) minimize impacts to public views, including views of the beach and Village from vantage points outside of the Village and from Cliff Avenue and Depot Hill behind the hotel; and (b) does not adversely impact any significant public views of the coastline as identified in the LCP’s land use plan.
- ~~I4.~~ Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options.

**17.8890.0890 Post-decision procedures.**

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for a Village hotel with community benefits.

## Chapter 17.74

### ACCESSORY DWELLING UNITS

#### Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Permitting process.
- 17.74.040 General requirements.
- 17.74.050 Units subject to limited standards.
- 17.74.060 Units subject to full review standards.
- 17.74.070 Units requiring a design permit.
- 17.74.080 Development standards.
- 17.74.090 Objective design standards.
- 17.74.100 Deviation from standards.
- 17.74.110 Findings.
- 17.74.120 Deed restrictions.
- 17.74.130 Incentives.

#### **17.74.010 Purpose.**

A. This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 66310 through 66342. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

B. It is the city's intent for this chapter to be consistent with state law as it is amended from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

#### **17.74.020 Definitions.**

Terms used in this chapter are defined as follows. If a definition below conflicts with a definition in Chapter 17.160 (Glossary), the definition below controls.

A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. "Attached accessory dwelling unit" means an accessory dwelling unit that:

1. Shares at least one common wall with the primary dwelling unit; and
2. Is not fully contained within the existing space of the primary dwelling unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.

D. "Internal accessory dwelling unit" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

E. "Junior accessory dwelling unit" means an accessory dwelling unit no more than five hundred square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.

F. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

GF. “Multifamily dwelling” means a structure on a single lot with two or more attached dwelling units.

FH. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or
2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

IG. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second-story living space above a ground-floor garage or other accessory structure. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

#### **17.74.030 Permitting process.**

A. When Consistent with Standards.

##### 1. Ministerial Approval.

a. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required.

b.- A building permit application may be submitted concurrently with the administrative permit application.

##### 2. Time Period for City Action.

a. The city shall determine whether an application to create or serve an ADU accessory dwelling unit is complete and provide written notice of this determination to the applicant not later than 15 business days after receiving the application.

b. If the city determines an application is incomplete, the city shall provide the applicant with a list of incomplete items and a description of how the application can be made complete. The list and description shall be provided with the written notice required by Paragraph (a) above.

c. After receiving a notice that the application was incomplete, an applicant may submit to the city additional application materials to cure and address the items that are deemed to be incomplete by the city.

d. In the review of additional application materials submitted pursuant to Paragraph (c) above, the city shall not require the application to include an item that was not included in the list required by paragraph (b) above.

e. If an applicant submits additional application materials pursuant to Paragraph (c) above, the city shall determine whether the additional materials remedied all incomplete items listed in the determination issued pursuant to Subsection (b) above. The city shall provide written notice of this determination to the applicant not later than 15 business days after receiving the additional materials.

f. If the city does not make a timely determination as required by this subsection, the application shall be deemed to be complete.

g2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the city shall either approve or deny an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

h4. If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new single-family or multifamily dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.

i. If the city has not approved or denied the completed application within 60 days, the application shall be deemed approved.

### 3. Comments for Denied Applications.

a3. If the city denies an application for an accessory dwelling unit, the city shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

b. Written comments required by Paragraph (a) above shall be provided to the applicant not later than 15 business days after the city denies the application.

c. If the city determines an application is incomplete or denies the application, the applicant may appeal the decision to the Planning Commission and may appeal the Planning Commission decision to the City Council. The city shall make a final decision on the appeal not later than 60 business days after receiving the applicant's written appeal.

### 45. Garage Demolition.

a. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

b. The applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

## B. Two-Story Units.

1. Planning commission approval of a design permit is required for a two-story accessory dwelling unit (attached or detached) with a height greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1.

2. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit ("separate construction") and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

#### E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
2. The City may issue a CDP waiver pursuant to Section 17.44.090 (De minimis waiver of a CDP) for a proposed accessory dwelling unit in the coastal zone. The City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission. To be eligible for a CDP waiver, the proposed accessory dwelling unit must comply with all of the following:
  - a. The accessory dwelling unit complies with all standards in this chapter and may be approved with no public hearing required. b. The accessory dwelling is not located:
    - i. In an area subject to coastal hazards as defined by Section 17.44.040(F);
    - ii. Within 200 feet of a cliff edge; or
    - iii. In an environmentally sensitive habitat area (ESHA) as defined by Section 17.44.040(J), including categorical ESHA areas identified in Section 17.64.020 (Applicability).
  - c. The accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City's certified Local Coastal Program.
3. A CDP waiver for an accessory dwelling unit shall comply with all requirements in Section 17.44.090 that apply to other types of development with the exception that the City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission.
4. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that:
  - a. A public hearing for a CDP application for an accessory dwelling unit is not required as provided in Section 17.74.030(A)(1); and
  - b. The City may issue a CDP waiver for an accessory dwelling unit as provided in Section 17.74.030(E)(2)

#### F. Historic Resources.

1. A proposed accessory dwelling unit is subject to the requirements in Chapter 17.84 (Historic Preservation) if all of the following apply:
  - a. The property is in the coastal zone;
  - b. The accessory dwelling unit requires a design permit; and
  - c. The property contains a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

2. Compliance with Chapter 17.84 is not required for accessory dwelling unit applications that do not meet all criteria in Paragraph 1 above.

G. Correction of Violations. The city shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units. The following provisions apply to a building permit application for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020.

1. The city shall not deny a building permit due to the accessory dwelling unit or junior accessory dwelling's violation of building standards or its noncompliance with this section unless the building official or their designee deems the unit substandard pursuant to Section 17920.3 of the Health and Safety Code.

2. The city shall provide the applicant a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem the unit substandard.

3. Prior to submission of a building permit application, the city shall inform the homeowner that they may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting a permit application.

4. A homeowner applying for a building permit is not required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code.

5. Upon receiving a building permit application, the building inspector may inspect the unit for compliance with health and safety standards and provide recommendations to comply with the standards necessary to obtain a building permit. If the building inspector finds noncompliance with health and safety standards, the city shall not penalize the applicant and shall approve necessary permits to correct noncompliance with health and safety standards.

~~1. Except as provided in subsection (H)(2) of this section, the city shall not deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:~~

~~a. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.~~

~~b. The accessory dwelling unit or junior accessory dwelling unit does not comply with Government Code Sections 66314 through 66332 or this chapter.~~

~~2. The city may deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020, if the city makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.~~

~~3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)~~

#### **17.74.040 General requirements.**

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and

2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050 (Units subject to limited standards).

C. Residential Mixed Use. If an existing or proposed dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more existing or proposed attached dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if sprinklers are not required for the primary residence. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary), and notwithstanding any other provision to the contrary, rental of an accessory dwelling unit shall be for a term longer than 30 days.

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66341.

H. Guaranteed Allowance.

1. Maximum building coverage, floor area ratio, front setbacks, private open space standards in Section 17.74.080 (Development standards) and privacy impact standards in 17.74.090.B (Privacy Impacts) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of ~~floor area~~ interior livable space, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

2. An accessory dwelling unit may deviate from a building coverage, floor area ratio, front setbacks, or private open space standard no more than the minimum necessary to allow for eight hundred square feet of floor area.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

3. If any portion of an existing structure crosses a property line (excluding attached dwelling units bisected by a property line along the common wall), the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

a. Be built on a permanent chassis;

b. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and

c. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall ~~comply with all~~ be subject to the same standards and permitting requirements/procedures as accessory dwelling units described in this chapter unless otherwise indicated.

2. Occupancy.

a. If the JADU has shared sanitation facilities with the existing structure, ~~the~~ The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property

b. Owner-occupancy is not required if the JADU has separate sanitation facilities or unless if the property is owned by a governmental agency, land trust, or housing organization, ~~in which case owner-occupancy is not required.~~

3. Sanitation Facilities.

a. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

L. Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) an SB 9 residential development with two units on each lot has been approved for construction pursuant to Chapter 17.75 of this code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1052 § 4, 2022; Ord. 1043 § 2 (Att. 2), 2020)

**17.74.050 Units subject to limited standards.**

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create any of the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units. Accessory dwelling units subject to limited standards may be combined on a single parcel as allowed by the site and lot conditions.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit and one junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of an existing accessory structure shall be limited to accommodating ingress and egress.
2. The unit has exterior access from the proposed or existing single-family dwelling.
3. The side and rear setbacks are sufficient for fire and safety.
4. The junior accessory dwelling unit complies with Government Code Sections 66333 through 66339.

B. Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. ~~The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units).~~ The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.
2. Maximum floor area: eight hundred square feet of livable space.
3. Maximum height: sixteen feet or as allowed by Government Code Section 66321(b)(4).

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and
2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. Up to two detached accessory dwelling units are allowed on a lot with a proposed multifamily dwelling. On a lot with an existing multifamily dwelling, up to eight detached accessory dwelling units are allowed, not to exceed the number of existing units on the lot. The accessory dwelling units must comply with the following:
  - a. Maximum height: sixteen feet or as allowed by Government Code Section 66321(b)(4).
  - b. Minimum rear and side setbacks: four feet.
2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

**17.74.060 Units subject to full review standards.**

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

A. Attached Accessory Dwelling Units. An attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1.

B. Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet

in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1. (Ord. 1043 § 2 (Att. 2), 2020)

#### 17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

A. Accessory Dwelling Units – Additional Height Allowance. A detached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height that requires design review as specified in Table 17.74-1.

B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards). (Ord. 1043 § 2 (Att. 2), 2020)

#### 17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

**Table 17.74-1: Development Standards**

ADU Type/Location	Standard
<b>Unit Size, Maximum [11]</b>	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
<b>Floor Area Ratio, Maximum [24]</b>	As required by zoning district [32]
<b>Setbacks, Minimum [43,54]</b>	
Front	Same as primary dwelling [65]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
<b>Building Coverage, Maximum</b>	
R-M zoning district	40% [32]
All other zoning districts	No maximum
<b>Height, Maximum [43]</b>	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
Detached ADU – Ministerial Approval	16 ft. [98] [109]
Detached ADU – With Design Permit	22 ft.

ADU Type/Location	Standard
Private Open Space, Minimum [87]	48 sq. ft. [32]

## Notes:

[1] Calculated as interior livable space.

[24] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[32] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).

[43] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[54] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[65] See also subsection B of this section (Front Setbacks) and Section 17.74.040.H.

[76] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.

[87] Private open space may include screened terraces, decks, balconies, and other similar areas.

[98] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

[109] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

## B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit, except that increased front setback requirements do not apply to an accessory dwelling unit created by converting or replacing an existing structure.
2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

## C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:
  - a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
  - b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.
  - c. Within Setback Areas.
    - i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
    - ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
  - d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.

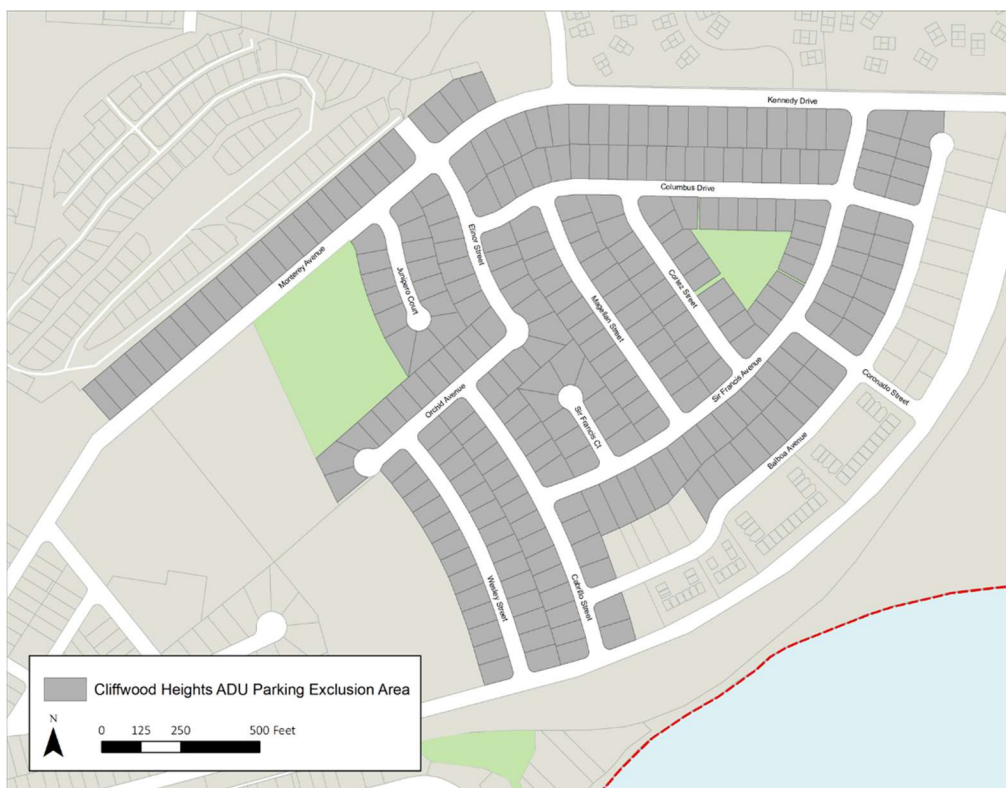
2. Outside of Coastal Zone or in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.

- a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
- b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.
- c. No off-street parking is required for an accessory dwelling unit in the following cases:
  - i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 66313(m).
  - ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.
  - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
  - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.
  - vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.
- d. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city's adopted local coastal program.

- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.
- b. Where the primary residence is served by three or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

**Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area**



(Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

**17.74.090 Objective design standards.**

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

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.

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.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies proposed as part of an accessory dwelling unit that requires a design permit 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.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-historic property in the coastal zones and all properties outside the coastal zone [1]		Historic property in the coastal zone [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]
Exterior Preservation	No requirement	No requirement	See 17.74.090.E.1	No requirement

## Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. The following standards apply in the coastal zone to an ADU attached to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

1. The attached ADU may not obscure, damage, or destroy the exterior of a historic structure on its historically significant building face(s), including associated roofline(s).
2. Historically significant building face means any character-defining building elevation which abuts a street or public access easement. A structure may have more than one historically significant face.
3. Preservation requirements extend to all associated elements of a character-defining building face including, but not limited to, porches, windows, doors, trim, and cladding.

**17.74.100 Deviation from standards.**

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings). (Ord. 1043 § 2 (Att. 2), 2020)

**17.74.110 Findings.**

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. Detached accessory dwelling units with a height that requires design review as specified in Table 17.74-1.; and
2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. (Ord. 1043 § 2 (Att. 2), 2020)

**17.74.120 Deed restrictions.**

A. Prior to issuing a certificate of occupancy for a junior accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The junior accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The junior accessory dwelling unit may not be sold separately from the primary dwelling.
3. Restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the junior accessory dwelling unit.

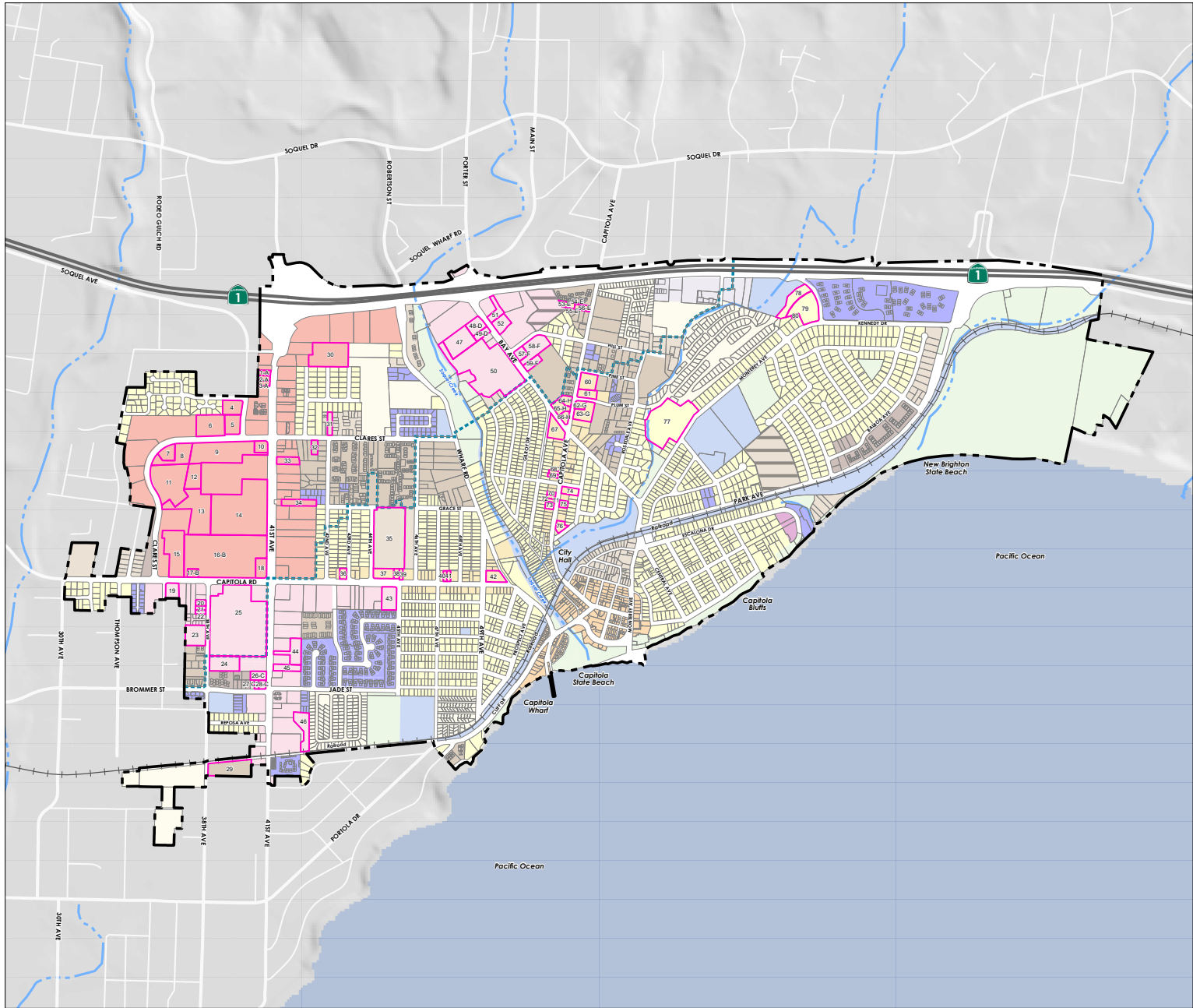
C. The deed restriction shall lapse upon removal of the junior accessory dwelling unit. (Ord. 1043 § 2 (Att. 2), 2020)

**17.74.130 Incentives.**

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence. (Ord. 1043 § 2 (Att. 2), 2020)



HOUSING ELEMENT UPDATE: 6TH CYCLE  
SITES INVENTORY ANALYSIS

**RHNA SITES**

**MAP FEATURES**

- City Limit
- Selected Sites for Analysis
- Coastal Zone Boundary

**ZONING DESIGNATIONS**

- Residential Zoning Districts**
- R-1 - Single Family Residential
  - RM-L - Multi-Family Residential, Low Density
  - RM-M - Multi-Family Residential, Medium Density
  - RM-H - Multi-Family Residential, High Density
  - MH - Mobile Home Park
- Mixed-Use Zoning Districts**
- MU-V - Mixed Use Village
  - MU-N - Mixed Use Neighborhood
- Commercial and Industrial Zoning Districts**
- C-R - Regional Commercial
  - C-C - Community Commercial
  - I - Industrial
- Other Zoning Districts**
- P/OS - Parks and Open Space
  - CF - Community Facility
  - PD - Planned Development
  - VS - Visitor Serving

**NOTES**  
 Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The City of Capitola makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

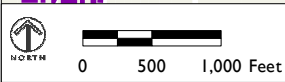
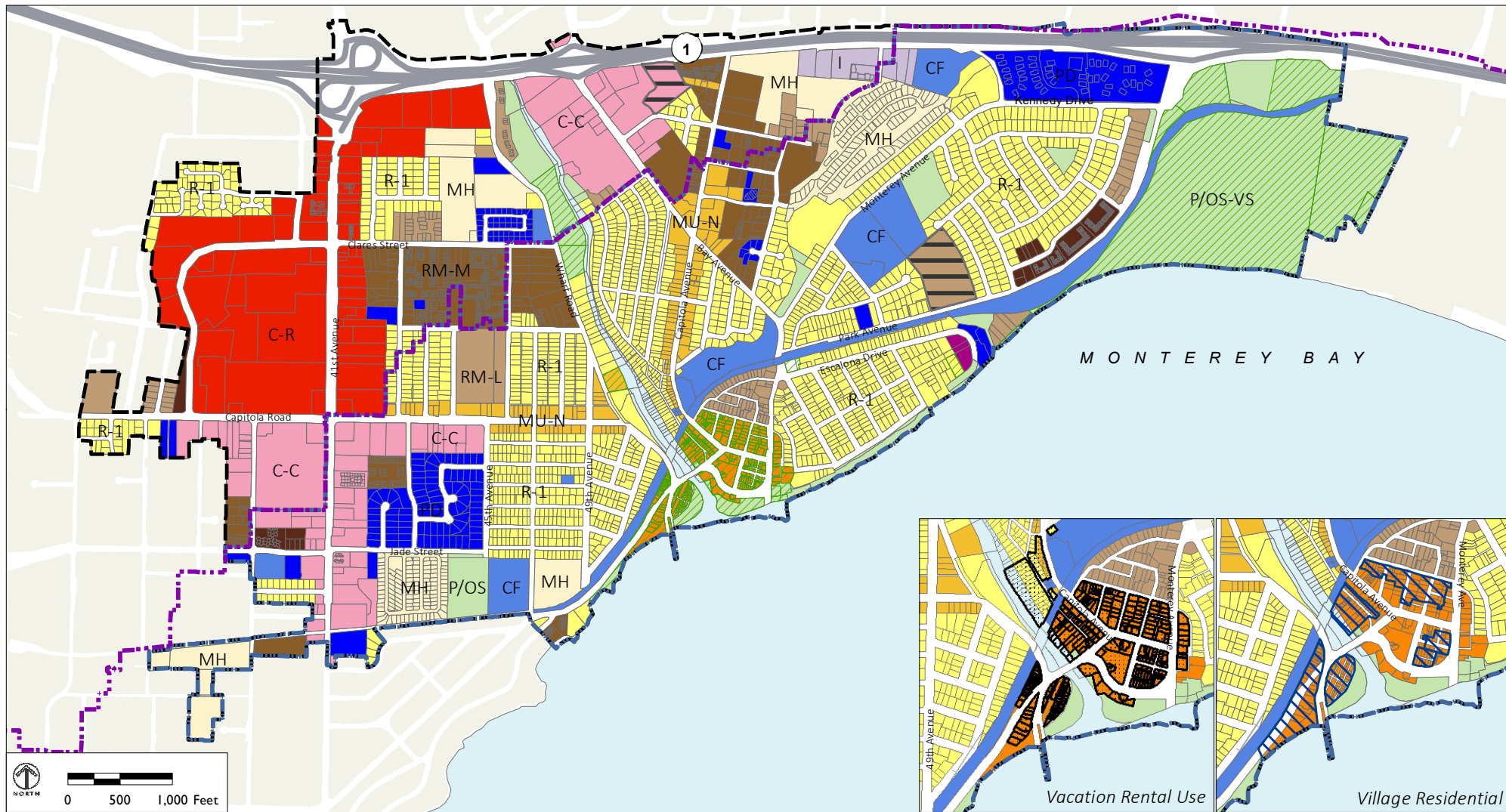


Base map and data from City of Capitola and Santa Cruz County GIS data. Direct all inquires to the City of Capitola Planning Division at (831) 475-7300 or at [planning@ci.capitola.ca.us](mailto:planning@ci.capitola.ca.us).  
 Drawn by: RRM Design Group; Created on: February 29, 2024.  
 ArcMap GIS, Version 10.8.1, Redlands, CA, USA

FEBRUARY 29, 2024



CITY OF CAPITOLA  
ZONING MAP



**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

**Other Zoning Districts**

- I - Industrial
- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

**Overlay Zones\***

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

**City Limit**

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017.

Zoning Map Certified  
June 9, 2021  
by CA Coastal Commission

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