

# Capitola Planning Commission

## Agenda Report



**Meeting:** April 6, 2023

**From:** Community Development Department

**Address:** 207, 209, 209A, 211 Esplanade

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**Permit Number:** #23-0104

**APN:** 035-211-03

Design Permit, Historic Alteration Permit, and Coastal Development Permit for façade modifications at 207, 209, 209A, and 211 Esplanade located in the Mixed Use Village (MU-V) zoning district.

Environmental Determination: Categorical Exemption 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes, Fuse Architects

### **Applicant Proposal:**

The applicant is proposing façade improvements for 207 Esplanade (My Thai Beach), 209 Esplanade (Bay Bar and Grill), 209A Esplanade (Pizza My Heart) and 211 Esplanade (The Sand Bar) located within the Mixed-Use Village (MU-V) zoning district. The four eating and drinking establishments are separate tenants located within one commercial structure. The applicant is seeking a design permit, historic alteration permit, and coastal development permit (CDP) to update the exterior façade and make a minor floorplan modification to Pizza My Heart.

### **Background:**

The structure was severely damaged during the January 5, 2023, atmospheric river storm. Following the storm, the structure was identified as dangerous and limited occupancy was allowed for structural and utility repairs to ensure safety and bring the building back into operation. Interior rehabilitation improvements are well underway for the structure with occupancy permitted in Pizza My Heart and active construction within My Thai Beach, Bay Bar and Grill, and the Sand Bar. The owner is now focusing on the damage to the exterior of the building and replacement of windows, doors, and exterior finishes.

On March 2, 2023, the Planning Commission reviewed a concept for the exterior renovations which created a cohesive look between the four tenants with white stucco and wood and tile accents throughout (Attachment B). During the hearing, the Planning Commission provided feedback to maintain individual identities for the frontage of each tenant to keep within the character/pattern of the village. The commission also suggested that the proposed matching sign style be differentiated between tenants.

On March 28, 2023, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: stated that a revocable encroachment permit will be required for improvements in the public right of way and provided standard conditions of approval.

Building Official, Robin Woodman: stated that building permits and plans are required for all siding changes and any associated framing modifications. Also, plans shall be included with the permit applications showing how the building is waterproofed. Any electrical fixtures added or changed require a permit and Energy Compliance Documents to be submitted with building permit. Accessibility shall not be impacted by any of the building modifications.

Senior Planner, Brian Froelich: asked for a detail on the materials for the canopy and corbels. Also directed the applicant that core ten is not an appropriate material along the sidewalk or above the lagoon.

Architect, Scott Martin of RRM Design provided direction to the applicant on the proposed design including:

- Extend the façade to the top of parapet wall or remove the additional height on parapet.
- The Sandbar windows and doors should be the same material throughout.
- Removal of recessed doors creates loss of gathering space, building articulation, and pedestrian experience.
- Add detail of awning, fascia, and corbels
- French doors and divided lights in windows are not compatible with new façade improvements.
- Clarify materials for bay bar and grill.
- Utilize lighting above alcoves to prevent issues with trespass at night.
- Strongly suggest removing all vinyl windows from commercial elevation.

On March 29, 2023, following the Development and Design Review meeting, the applicant submitted updated elevations. The updated design addressed the majority of the committee recommendations. The one exception being the vinyl windows at My Thai Beach continue to be included in the proposal due to the applicant having already installed the windows after the storm as in-kind replacements as allowed by code.

On March 30, 2023, RRM Design provided a memo finding the modifications in alignment with the design permit review criteria of zoning code section 17.120.070 (Attachment 5).

#### **Discussion:**

The existing structure at 207 – 211 Esplanade is a potentially historic, one-story commercial building with four tenants. The property is located within the Capitola Village along the Esplanade an area which experiences substantial foot traffic by tourists and residents. The structure is flanked by coastal access on each side; direct access to the beach on the south and a walkway with view access overlooking the lagoon to the north. This block of the Esplanade is unique with structures located on the front property line adjacent to the sidewalk and the buildings located on top of pilings above the lagoon. There are views of the lagoon and ocean off the back of the building. Located in close proximity to the beach and over the lagoon, the property is susceptible to the impacts associated with storms, waves, and runoff.

The current design under review implements the Planning Commission direction to maintain individual identities for the frontage of each tenant and keep within the character/pattern of the village. The four tenants each have unique exteriors. My Thai Beach includes including warm off-white smooth finish stucco, vinyl sliding windows, and western red cedar window surrounds. The Bay Bar Grill applies a green smooth finish stucco with Wood windows and doors. Pizza My Heart modified the entry to include a recessed entry and recessed exit for patrons to continue in one direction through the building within the to-go establishment. The exterior finishes for Pizza My Heart include off-white smooth stucco in the parapet wall, ribbed tile accent on the front wall, clear western red cedar in the recessed entry and exit, and wood windows and doors. The Sand Bar incorporates dark western red cedar into the doorways, a blue ribbed tile accent on the front façade, clear western red cedar within the parapet, and wood windows and door. A new awning is proposed in the same location as the existing one with new finishes. The proposed awning includes a dark wood fascia with red cedar soffit. New steel corbels are proposed with a black powder coat. The awning is carried throughout the entire front façade bringing a unifying design feature between the four individual tenant spaces.

#### Historic Alteration Permit

The structure at 207-211 Esplanade is included in Capitola's Historic Context Statement and included in the 2005 Historic Structures List. The 2005 Historic Structures List includes historic and potentially historic structures; identifies if they are included in federal, state, or local historic registers, surveys, or

studies; and references a state historical resource code regarding the historic status. The historic resource code for 207-211 Esplanade is 7N which correlates to “needs to be reevaluated”.

Capitola’s Historic Context Statement does not include an individual descriptions of the structure but describes the entire block of buildings from 199 Esplanade (Tacos Morenos) to 231 Esplanade (Margaritaville) as follows:

*“1999 – 231 Esplanade. Eclectic Capitola Esplanade. The Esplanade has evolved since the 1920’s to its present configuration. This restaurant row is in a continual state of remodeling from changing ownerships and periodic storm damage. The Bandstand is the oldest continuing operation.”*

Staff prepared photo documentation of the modifications to the site and structures since the 1920s. The photos document that the current structure was not built during the establishment of the Capitola Village. The existing structure was built in 1950 and has been modified significantly over the years. Staff did not require a review of the historic significance of the property. The structure may be eligible for historic designation on the basis of the location and fitting within the broad historical patterns of the village. Based on this assessment, the design should maintain the scale of the historic pattern along the street.

#### Design Permit

Exterior modifications to an existing commercial structure that do not increase the floor area of the structure require a minor design permit. Due to the sensitivity of the site, the community development director required design review by a contracted architect, Scott Martin of RRM Design. As previously mentioned, RRM Design reviewed all three iterations of the design and provided a final email on the current version under review by Planning Commission (Attachment 2). Essentially, the architect found the latest design to primarily address the noted concerns, but also provide a few final comments. The project architect believes they have responses to the remaining comments and is preparing to address them at the hearing.

#### **CEQA:**

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The proposed project will not impact the scale and historic pattern along the Esplanade; therefore, the project qualifies for this CEQA exemption.

#### **Recommendation:**

Staff recommends the Planning Commission approve project application #23-0104 based on the following Conditions and Findings for Approval.

#### **Attachments:**

1. Concept 3 Color and Material - Current Application: March 29, 2023
2. Concept 3 Renderings – Current Application
3. Design Review Memo - RRM Design
4. Second Concept: March 28, 2023 Façade Proposal
5. First Concept: March 2, 2023
6. Photo Comparison over the years

#### **Conditions of Approval:**

1. The project approval consists of facade modifications to an existing commercial structure with four tenants at 207 – 211 Esplanade. The proposed project does not modify the existing FAR. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6, 2023, 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. At time of submittal for building permit review, the applicant shall include a site drainage plan showing the location of all downspouts and the direction of flow.
6. 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.
7. Prior to issuance of building permit, all Planning fees associated with permit #23-0104 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any 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.
12. 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
13. 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.

14. 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.
15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
16. 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.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

#### **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 Architectural and Site Review Committee, and the Planning Commission have reviewed proposed façade modifications and determined complies with the development standards of the MU-V (Mixed Use Village) zoning district.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff and the Planning Commission have reviewed the application for facade modifications to a commercial structure and determined the project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The proposed facade modifications to a commercial structure will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
- D. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

The Community Development Staff, the Architectural and Site Review Committee, a contracted architect, and the Planning Commission have reviewed the application. The proposed façade modifications to a commercial residence comply with all applicable design review criteria in Section 17.120.070.

- E. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. (Ord. 1017 § 2 (Exh. A) (part), 2018)**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the facade modifications. The project will maintain the character, scale, and development pattern along the Esplanade.

**Historic Alteration Permit Findings:**

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

Community Development Staff and the Planning Commission have reviewed the proposed facade modifications and the proposed design maintain spatial relationships along the street façade.

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

Community Development Staff and the Planning Commission have reviewed the proposed design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.

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

No addition is proposed.

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

Community Development Staff and the Planning Commission have reviewed the proposed design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.

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

No archeological resources exist within the 1950s structure.

- F. The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Community Development Staff and the Planning Commission have reviewed the proposed façade modifications to the commercial structure. Section 15331 of the CEQA Guidelines categorically exempts rehabilitation projects of historic resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic buildings. The proposed project is consistent with the Secretary of the Interior's Standards and no adverse environmental impacts were discovered by Planning Staff during the review of the proposed project.

**Coastal Development Permit Findings:**

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

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

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

The proposed project will not negatively impact public landmarks and/or public views.

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

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

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

The project involves façade improvements and will not negatively impact low-cost public recreational access.

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

The project involves façade improvements and will not negatively impact visitor serving opportunities.

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

The project involves façade improvements 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 project complies with all applicable design criteria, design guidelines, area plans, and development standards.

**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 façade improvements. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the MUV zoning district.

Prepared By: Brian Froelich