



FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

April 18, 2023

Chuck Hammers
209 Esplanade
Capitola, CA 95010

RE: **Notice of Final Action on Project Application #23-0104**

207, 209, 209A, 211 Esplanade #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.

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

Environmental Determination: Categorical Exemption 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes

The above matter was presented to the Planning Commission on April 6, 2023, and was **approved**, with the following findings and conditions. Any modifications to the staff report are indicated below in ~~strikeout~~ and underline notation. *Please note that this project includes a Coastal Development Permit, which is appealable to the Coastal Commission pursuant to Coastal Act Section 30603 and City Zoning Ordinance Section 17.44.150. **The Coastal Development Permit will not be effective until after the Coastal Commission's 10 working day appeal period has expired and no appeal has been filed.** The Coastal Commission's appeal period begins the first working day after receipt by the Coastal Commission of adequate notice of this final City action. Any such appeal must be made directly to the California Coastal Commission's Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office at (831) 427-4863.

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.
18. All new doors and windows shall not open or swing into the public right of way or beyond the exterior wall into the sidewalk pedestrian path.
19. The individual identity and design of the tenant spaces shall be maintained to reflect the historic pattern and character of the village.

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.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (April 18, 2025) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,

Brian Froelich, AICP
Senior Planner

cc: Coastal Commission