

Capitola Planning Commission

Agenda Report



Meeting: August 17, 2023

From: Community Development Department

Topic: 836 Bay Avenue

Permit Number: #22-0438

APN: 036-011-17

Design Permit to replace an existing gas station canopy structure and a Sign Permit with Variance requests for a new wall sign, located within the C-C (Community Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Akhtar Javed

Representative: Kurt Wagenknecht, John Sevo, Filed: 10.11.22

Recommended Action: Staff recommends the Planning Commission approve application #22-0438 based on Conditions and Findings for Approval.

Applicant Proposal: The applicant is proposing to demolish an existing gas station canopy and construct a new 1,913 square-foot canopy in the same location. The application also includes a new wall sign on the canopy which requires a variance to exceed the maximum number of wall signs and maximum sign area for the site.

Background: On November 11, 2017, the Planning Commission approved the construction of a new car wash adjacent to the existing gas station and convenience store.

On July 5, 2023, Development and Design Review Staff reviewed the current application for a new canopy with wall sign and provided the applicant with the following direction:

Public Works Representative: No comment.

Building Department Representative, Eric Martin: No comment.

Senior Planner, Brian Froelich: Informed the applicant that a variance would be required for the additional wall signage.

Following the Development and Design Review meeting, the applicant revised the plans to clarify the existing and proposed signs and submitted a variance request.

Development Standards: The following table outlines the zoning code requirements for development in the C-C (Community Commercial) zoning district. The applicant is seeking variance requests for the maximum number of wall signs and the maximum sign area.

| Development Standards | | |
|--|---|--|
| Building Height | | |
| CC regulation | | Proposed |
| | 40 ft. | 19 ft. |
| Accessory structures same as primary structures 17.52.020(C) | | |
| Setbacks | | |
| | C-C Regulation | Proposed |
| Front | 15 feet from curb or street edge and; allows a ten-foot sidewalk along the property frontage. | 19 ft. 4 in. |
| Rear | 0 ft. | 85 ft. 9 in. |
| Side | 0 ft. | North: 92 ft. 6 in. South: 63 ft. 9 in. |

Discussion: The site is located along the Bay Avenue commercial corridor and is bordered by the Highway 1 on-ramp to the north, the U.S. Post Office to the east, and a commercial office building to the south. The site layout consists of a convenience store with a single gas station canopy in front and an automatic car wash to the north.

Design Permit: The applicant is proposing a 1,913-square-foot replacement gas station canopy at the Chevron service station. Pursuant to Table 17.120-1, nonresidential accessory structures greater than 300 square feet in size require a design permit that must be approved by the Planning Commission.

The existing canopy has a pitched frame with low vehicle clearance, which has resulted in repeated impacts by vehicles. The new canopy is proposed with a flat roof for a consistent minimum clearance of 16 feet and a total height of 19 feet, including the fascia panels. The canopy fascia panels utilize aluminum composite material coated with blue and white colored bands to match the Chevron franchise theme. Overall site landscaping was recently improved with the construction of the car wash and will not be altered. The existing pump stations will also remain unaltered.

When considering design permit applications, the Planning Commission evaluates applications to ensure that they satisfy the applicable design permit criteria of Zoning Code section 17.120.070(A-S), to ensure the proposed design satisfies the 19 listed criteria, to the extent the criteria apply. The design criteria are included as Attachment 3. In the staff's review of the application, the proposed replacement structure complies with the applicable *Design Review Criteria* (Attachment 3).

Parking

Required parking is not affected by the replacement gas station canopy. The proposal does not remove existing parking and does not expand functional business areas or increase the number of pump stations.

Sign Permit

The property includes one 26-square-foot "Food Mart" wall sign on the convenience store and one 39-square-foot monument sign along Bay Avenue. The proposal includes one new "Chevron Hallmark" logo wall sign on the front elevation of the new canopy structure. The new sign is

approximately 4 square feet in size. Pursuant to the sign code Table 17.80-1 and Table 17.80-6, the total signage for the site may be 1 square foot per linear foot of shopfront, not to exceed 50 square feet. The convenience store has a shopfront of 60 linear feet, which allows a cumulative sign area of 50 square feet for the site. Sign standards also limit the site to one wall sign. The cumulative signage results in an area of approximately 69 square feet and a total of two wall signs; therefore, a variance is required for both standards.

Additionally, wall signs are required to comply with the following underlined standards of §17.80.080(F):

1. Standards for wall signs in each zoning district are as shown in Table 17.80-6. Within the Community-Commercial zoning district, this includes up to one wall sign per shopfront, a maximum projection of 12 inches, and a maximum area of 1 square foot per linear foot of shopfront, not to exceed 36 square feet.

Staff Analysis: The convenience store has a shopfront of 60 linear feet. The proposed sign is approximately four square-feet. The sign will project less than 12 inches.

2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.

Staff Analysis: The sign will be mounted parallel to the building's face.

3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.

Staff Analysis: The wall is internally illuminated and constructed with an acrylic face and metal cabinet, attached directly to the canopy fascia paneling.

4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.

Staff Analysis: The proposed wall sign will be flat and provide 16 feet of overhead clearance for vehicles.

5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.

Staff Analysis: The sign code includes an exception for gas and service stations pursuant to §17.80.080(H).

6. On a corner lot, one wall sign is allowed per street frontage.

Staff Analysis: There is currently one wall sign on the property. The applicant is applying for a variance for one additional wall sign on the canopy.

Variance

The applicant is seeking a variance to allow one additional wall sign and to exceed the maximum allowed cumulative sign area of 50 square feet for a total of 69 square feet.

Pursuant to §17.128.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

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

Staff Analysis: There are no unique circumstances applicable to the subject property due to the physical characteristics of the lot; however, the subject property is occupied by one business that operates with three distinct structures and commercial uses including a car wash, gas station, and convenience store. The combination of two to three uses is typical for gas stations within Capitola, with most having at least a convenience store. When compared to other properties in the vicinity or in the same zone as the subject property, multiple businesses located on the same lot would be entitled to their own signage based on their individual shop frontage. For example, each business within the Nob Hill shopping center is permitted a wall sign.

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

Staff Analysis: The Chevron and Shell gas stations at the corner of Capitola Road and 41st Avenue are located within C-C zoning and enjoy the privilege of multiple wall signs and cumulative sign areas in excess of the fifty-square feet limit. Each of these businesses has a wall sign on the canopy and the convenience store. The strict application of the zoning code would deprive the applicant of privileges enjoyed by other properties in the same zoning district.

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

Staff Analysis: The variance enables the subject property to have signs similar to previous signage approvals by the City for gas stations in the same zone as the subject property.

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

Staff Analysis: The variance involves a four-square-foot wall sign on the new canopy structure and will not negatively impact the public, properties or improvements in the vicinity or in the same zone as the subject property.

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

Staff Analysis: The Chevron station at 1650 41st Avenue includes fuel pumps and a convenience store and was approved with a large monument sign and multiple wall signs for both the convenience store and the gas station canopy. The Shell station at 1649 41st Avenue has two pump island canopies, a car wash, and a convenience store and includes a monument sign, two canopy wall signs, a car wash sign, and a wall sign for the convenience store. Both sites are located within the C-C zoning district. Therefore, the variance does not constitute a grant of special privilege.

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

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

CEQA: Section 15302 exempts projects involving the replacement or reconstruction of structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project involves the replacement of an existing gas station canopy in the same location and will not increase the number of pump stations. No adverse environmental impacts were discovered during review of the proposed project.

Attachments:

1. 836 Bay Avenue – Plan Set
2. 836 Bay Avenue – Variance Letter
3. Design Review Criteria

Conditions of Approval:

1. The project approval consists of the demolition of an existing gas station canopy structure and the construction of a new 1,912-square-foot replacement canopy. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 17, 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. 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 building permit, all Planning fees associated with permit #22-0438 shall be paid in full.
8. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
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.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the project. The proposed demolition and replacement of a gas station canopy structure with additional signage complies with the development standards of the C-C (Community Commercial) 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 to demolish and replace a gas station canopy structure with additional signage. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15302 of the CEQA Guidelines exempts projects involving the replacement or reconstruction of structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project involves the replacement of an existing gas station canopy with attached signage in the same location. The project will not increase the number of pump stations. No adverse environmental impacts were discovered during review of the proposed project.

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

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

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

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

Sign Permits Findings:

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the project. With the granting of a variance for the maximum number of wall signs and maximum sign area, the proposed wall sign complies with all applicable signage provisions of the general plan, local coastal program, zoning code, and area plans.

- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).

Community Development Staff and the Planning Commission have reviewed the application for the additional wall sign. With the granting of a variance for the maximum number of wall signs and maximum sign area, the project complies with the applicable sign standards of the C-C (Community Commercial) zoning district.

- C. The proposed sign will not adversely impact the public health, safety, or general welfare. Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.
- D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site. Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site. With the granting of a variance for the maximum number of wall signs and maximum sign area, the project complies with limitations on the number and total size of signage.
- E. The proposed signs are restrained in character and no larger than necessary for adequate identification. Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site. Site signage serves multiple uses, provides for adequate identification of branding and various services, and is comparable to similar uses within the City.

Variance Findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
There are unique circumstances applicable to the subject property that do not generally apply to other properties. The subject property is occupied by one business but operates with distinct uses: a car wash, gas station, and convenience store. The combination of uses is typical for gas stations within Capitola, with most having at least a convenience store. Were each use to be separate businesses located on adjacent lots they would be entitled to their own signage based on their shop frontage.

The subject property is adjacent Bay Avenue to the west and Highway 1 to the north, visually and functionally similar to a corner lot, although the northern side is a highway on-ramp and not a street. Corner lot gas stations are typically entitled to a second monument sign on the secondary street frontage.
- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.
State law requires gas stations to post fuel prices that are visible to motorists prior to entering the station, specifically limiting signage flexibility to all gas stations. Additionally, the subject property also operates a convenience store and car wash, but the zoning code does not afford additional signage because they are part of the same business on the same property. Most gas stations are located along 41st Avenue and are under a different

zoning as the subject property, however, each would be similarly impacted were they to seek new or additional signage.

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

The variance enables the subject property to include franchise branding which reflects multiple commercial uses and is similar to previous signage approvals by the City in the same zone as the subject property.

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

The variance involves a four-square-foot wall sign on the new canopy structure and will not negatively impact the public, properties or improvements in the vicinity or in the same zone as the subject property.

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

The Chevron station at 1650 41st Avenue includes fuel pumps and a convenience store and was approved with a large monument sign and multiple wall signs for both the convenience store and the gas station canopy. The Shell station at 1649 41st Avenue has two pump island canopies, a car wash, and a convenience store and includes a monument sign, two canopy wall signs, a car wash sign, and a wall sign for the convenience store. Both sites are located within the C-C zoning district. Therefore, the variance does not constitute a grant of special privilege.

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

The subject property is located outside the Coastal Zone.