

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, June 05, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Paul Estey

**Commissioners:** Courtney Christiansen, Matthew Howard, Nathan Kieu, Susan Westman

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance, Commissioners Howard, Kieu, Westman, Christensen, and Chair Estey.*
2. **Additions and Deletions to the Agenda** - *None*
3. **Oral Communications**

- *Goran Klepic*

4. **Planning Commission/Staff Comments**

*Commissioner Westman congratulated Commissioner Christiansen on the success of the Capitola Wharf Master Plan Survey; Director Herlihy announced the Twilight Summer Concert series begins next Wednesday at 6:00 PM; the new Capitola Makers Market on the wharf will be June 22<sup>nd</sup> at 10:00 AM.*

5. **Consent Calendar**

- A. **Approval of May 1, 2025 Planning Commission Minutes**

- B. **4770 Opal Street**

Project Description: Application #25-0143. APN: 034-065-04. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing single-family residence and construction of a new residence and attached JADU. The project is located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider application #25-0143 and approve the project based on the attached Conditions and Findings for Approval.

***Motion to approve Items 5A and 5B: Vice Chair Christensen***

***Second: Commissioner Kieu***

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

**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 replacement single-family dwelling and attached junior accessory dwelling unit comply with the development standards of the R-1 zoning district. Specifically, all of the requirements of Capitola Municipal Code §17.74.060 have been met. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for a single-family dwelling and attached junior accessory dwelling unit, which are allowed uses within the R-1 zoning district. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence or accessory dwelling unit in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a single-family dwelling and an attached junior accessory dwelling unit within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

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

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residential project complies with all applicable design review criteria in Section 17.120.070.

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

Community Development Staff and the Planning Commission have all reviewed the application for the single-family residence and junior ADU. The design of the home, with stucco and horizontal redwood board, wood-trimmed windows, shallow-framed open gable roof with exposed and rafter tails, will fit in nicely with the existing neighborhood. The JADU is fully integrated into the overall design. The project will maintain the character, scale, and development pattern of the neighborhood.

**Coastal Development Permit Findings:**

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

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

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

The proposed project is located on private property at 4770 Opal Street. The project will not negatively impact public landmarks and/or public views.

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

The proposed project is located at 4770 Opal Street. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance

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

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

The site is private property which does not possess coastal access or resources. 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 and attached junior accessory dwelling unit and will not negatively impact visitor serving opportunities.

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

The project involves the construction of a single-family dwelling and attached junior accessory dwelling unit and will not negatively impact coastal resources.

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

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

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

The project involves the construction of a single-family dwelling and attached junior 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.

**Conditions of Approval:**

1. The project approval consists of the demolition of an existing single-family residence and construction of an 1,831 square-foot single-family dwelling and a 336 square-foot junior accessory dwelling unit. The maximum Floor Area Ratio for the 3,280 square foot property is 56% (1,837 square feet). The total FAR of the project is 66.1% with a total of 2,167 square feet. The project is subject to the guaranteed allowance for the 336 square-foot JADU. The effective FAR without the JADU is 55.8%, 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 5, 2025, 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.

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5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 trees to be removed from the property. At least two trees shall be planted and/or remaining on site, not including the fern tree. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0143 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of 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.
13. 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).
14. 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.
15. 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.

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16. 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
17. 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.
18. 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.
19. 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.
20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. 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.
23. 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.
24. 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.
25. Prior to issuance of a Certificate of Occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
  - c. The dwelling shall be restricted to the allowable size; and the property owner must occupy occupancy either the primary dwelling unit or the junior accessory dwelling unit on the property.
  - d. The deed restriction shall lapse upon removal of the accessory dwelling unit.

## 6. Public Hearings

### A. Partner Agencies Presentation

Project Description: Partner Agencies Presentation

**Recommended Action:** This item is informational only. No action is required. Staff recommends the Planning Commission receive the presentations and may ask questions or provide feedback to agency representatives.

***Multiple partner agencies presented.***

***Public Comments: None***

### B. 4820 Opal Cliff Drive

Project Description: REQUEST TO CONTINUE. Application #25-0231. APN: 034-463-04. Coastal Development Permit for a pin pier wall bluff retreat mitigation device in the R-1 (Single Family) Zoning District and CZ (Coastal Overlay) zone. This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Statutory Exemption

Property Owner: Jon Khazam, HOA Representative

Representative: Jon Khazam HOA Representative, Filed: 5/01/2025

**Recommended Action:** Staff recommends the Planning Commission continue the item to a date uncertain to allow the applicant more time to provide updated project information.

***Motion to continue Application #25-0231 to a date to be determined:***

***Commissioner Westman***

***Second: Vice Chair Christensen***

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

### C. 511 Escalona Drive

Project Description: Application #25-0066. APN: 036-125-02. Design Permit amendment and Variance request to construct an upper-story deck that deviates from applicable design standards. Original project includes first- and second-story additions to a single-family dwelling and a conversion Accessory Dwelling Unit (ADU), located within the R-1 (Single-Family Residential) zoning district. The project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider application #25-0066 and approve the project based on the attached Conditions and Findings for Approval.

**Associate Planner Sesanto presented the staff report.**

**Public Comment:**

- ***Valerie Hart***

***Motion to approve Application #25-0066 based on the attached Conditions and***

***Findings: Commissioner Westman***

***Second: Vice Chair Christensen***

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

**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. With the granting of a variance, the proposed deck complies with development standards of the R-1 zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the upper-story deck. With the granting of a variance, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15301 of the CEQA Guidelines exempts minor alterations to existing private structures involving negligible or no expansion of existing or former use. This approval is a modification to prior 2019, 2020, and 2023 approvals, which are cumulatively exempt under Section 15301(e). The modified approval involves aesthetic alterations which do not result in an expansion of use within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

The Planning Commission reviewed the project and determined that the proposed deck will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

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

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

Community Development Staff and the Planning Commission have reviewed the application for the upper-story deck. The proposed deck blends with the overall design of the home with cement fiber shingle and is located along a street frontage. The project will maintain the character, scale, and development pattern of the neighborhood.

**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.**

Compared to regular lots, corner lots have a more restrictive 10-foot street side setback and relaxed rear setback, in this case four feet. However, rear setbacks for upper-story decks are not differentiated for corner lots. Therefore, the difference between setbacks requirements of the habitable space and upper-story deck pose a unique circumstance

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in that the home can be located four feet from the rear property line but the second story deck must be located 27 feet, 8 inches from the property line.

**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.**

Rear and side setbacks on corner lots are adjusted in response to having multiple street frontages, with increased setbacks on the street side and reduced setbacks along the rear property line. However, the strict application of zoning code requirements does not provide similar relaxed rear setback for decks on corner lots; therefore, the requirements would deprive the subject property of comparable privileges enjoyed by other properties in the vicinity and within the R-1 zone.

**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 minimum side yard setback for decks is 10 feet. The applicant is requesting an 11-foot, 6-inch rear setback. Rear yards of reverse corner lots are treated similar to the side yards of typical lots. The requested variance requests a setback that is comparable to an interior side setback which is necessary to preserve opportunities afforded properties in the vicinity and within the R-1 zone.

**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 proposed deck faces a public street with minimal impacts to adjacent properties. Approval of the variance 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 identified at least three corner lots within the Depot Hill neighborhood that have non-conforming upper-story decks with respect to the rear setback, side setback, or both. Non-conforming upper-story decks on typical lots are more numerous with examples along all property sides. Therefore, the granting of a variance for the rear yard setback would not constitute a grant of special privilege.

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

The property will not impact nearby coastal resources.

**Conditions of Approval:**

1. The project approval includes a design permit amendment to convert a first-story roof to an upper-story deck, modifying the previously approved second-story addition and internal conversion ADU (approved ministerially). The permit amendment does not affect the floor area of the previous application. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 5, 2025, 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

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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 #25-0066 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
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

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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 17.81.160.
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. 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.
21. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
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. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The secondary dwelling unit shall not be sold separately from the primary dwelling.

## 7. Director's Report

*Director Herlihy announced the Capitola Rod and Custom Classic Car Show is Saturday, June 14<sup>th</sup>, the Wharf Master Plan Survey results are scheduled to go before the City Council on June 26<sup>th</sup> at 4:30 PM; the 41<sup>st</sup> Avenue corridor study is underway, public outreach and stakeholder meetings will start in July; interpretive signs on the wharf will be installed June 26<sup>th</sup>; the Cliff Drive*

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*Resiliency Project will begin updating Zoning Codes and the Land Use Program, with a community meeting to update the public in the near future.*

- 8. Adjournment** – *The meeting adjourned at 7:10 PM. The next regularly scheduled meeting of the Planning Commission is on July 17, 2025 at 6:00 PM.*

Signed by:  
  
ATTEST: \_\_\_\_\_  
Rosie Wyatt, Deputy City Clerk