

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, November 03, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

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#### 1. Roll Call and Pledge of Allegiance

Commissioners Mick Routh, Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk

Chair Wilk called the meeting to order at 7 P.M. Commissioners Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, and Chair Wilk were present.

#### 2. Oral Communications

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

##### B. Public Comments

No public comments.

##### C. Commission Comments

No Commission Comments.

##### D. Staff Comments

Director Katie Herlihy informed Commissioners staff is working on upgrading the broadcast system in the new year and will continue to hold hybrid meetings.

#### 3. Approval of Minutes

- A. Approve August 18, 2022, Regular Planning Commission Meeting Minutes
- B. Approval September 1, 2022, Regular Planning Commission Meeting Minutes
- C. Approve October 6, 2022, Regular Planning Commission Meeting Minutes

**Motion: Approve all minutes.**

**Result: Passed, 5-0 (Unanimous)**

**Mover:** Commissioner Westman

**Second:** Commissioner Christiansen

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

#### 4. Consent Calendar

Commissioner Newman requested items to be taken separately due to not being able to vote on item B; 401 Capitola Avenue.

##### A. 602 El Salto Drive

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**Permit Number: #22-0215**

**APN: 036-142-03**

Design Permit to demolish an existing residence and construct a new two-story, single-family residence and detached garage, 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 appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Kelly

Representative: Dennis Norton, Filed: 05.23.22

No Commissioner Comments.

**Motion: Approve the Design Permit and Coastal Development Permit with the following Conditions and Findings.**

**Result: Passed, 5-0 (Unanimous)**

**Mover:** Commissioner Routh

**Second:** Commissioner Westman

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

**Conditions of Approval:**

1. The project approval consists of the demolition of an existing residence and the construction of a 3,724 square-foot single-family residence and 550 square-foot detached garage. The maximum Floor Area Ratio for the 9,108 square foot property is 48% (4,372 square feet). The total FAR of the project is 47% with a total of 4,284 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all

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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 12 trees to be removed from the property. The three replacement trees proposed within the Sacramento Avenue public right-of-way shall be located on the subject property (602 El Salto Drive) in addition to any trees planted on the adjacent parcel. Alteration to the tree planting plan shall be consistent with CMC §12.12.190 and be approved by the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #22-0215 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 a building permit, the applicant shall submit a Minor Revocable Encroachment Permit for the landscaping in the right-of-way. The revocable encroachment agreement shall be completed prior to project final.
13. 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.
14. 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).
15. 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.
16. 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.
17. 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
18. 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.

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19. 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.
20. 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.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
23. 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.
24. At time of submittal for building permit review, landscape plan(s) shall be revised such that the hot tub is not located within the front yard (El Salto Drive) or the exterior side yard (Sacramento Avenue), which includes the area between the minimum required setback(s) and the nearest line of the primary structure.
25. 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 single-family residence complies with the 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 a new single-family residence. As conditioned 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 one single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a single-family residence within the Single-Family Residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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**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 single-family residence 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 single-family residence 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 single-family residence. The design of the home with sweeping porches, standing metal seam roof, and shingle and horizontal board siding will fit in nicely with the existing neighborhood. 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 602 El Salto Drive. 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 602 El Salto Drive. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance 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 project involves a replacement single-family residence and will not negatively impact low-cost public recreational access.

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

The project involves a replacement single-family residence and will not negatively impact visitor serving opportunities.

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

The project involves a replacement single-family residence 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.

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**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 a replacement single-family residence 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.

**B. 401 Capitola Avenue**

**Permit Number: #22-0282**

**APN: 035-131-11**

Item to be continued and renoticed for future Planning Commission meeting. Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

No Commissioner Comments.

**Motion: Continue the item to be re-noticed for a future Planning Commission meeting.**

**Result: Passed, 4-0**

**Mover:** Commissioner Routh

**Second:** Commissioner Westman

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Routh

**Abstain:** Commissioner Newman

**5. Public Hearings**

**A. 935 Balboa Avenue**

**Permit Number: #22-0397**

**APN: 036-232-13**

Appeal of an administrative denial of a tree removal permit to remove one mature eucalyptus tree, located within the RM-L (Multi-Family Residential, Low Density) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Joe Stokley

Appellant: Moe Hassan and Tony Sharifi, Filed: 09.19.22

Associate Planner Sean Sesanto presented the staff report.

Commissioner Newman asked if there are replacement requirements. Associate Planner Sesanto confirmed staff would not have conditioned the application with a replacement requirement.

Moe Hassan, appellant and owner of adjacent 1001 Balboa Avenue expressed his concerns of having a large eucalyptus so close to his duplex and for his tenants. Mr. Hassan referenced the photographs he provided that he believed justified the removal of the tree. Mr. Hassan also expressed openness to plant new trees.

Duque Florencio Williams, a tenant of one of the affected properties, spoke in favor of preserving the tree because of its beauty and by the arborist recommendation.

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Tony Sharifi, co-owner of 1001 Balboa Avenue, provided virtual comment in support of removal of tree. Sharifi expressed desire to act proactively rather than waiting for the tree to be damaged during storms or other failure, given the size of the tree.

Joe Stokley, the applicant and owner of 935 Balboa Avenue expressed his concern for substantial damage and risk to safety should the tree failure above their properties.

Commissioner Christiansen asked if there had been any neighborhood input regarding the tree removal or preservation. Appellant Hassan stated he was not aware of any objections.

Commissioner Newman stated that staff reviews tree applications appropriately within the parameters of the City's ordinance, but also that the ordinance itself is rigid for staff, while the Planning Commission has broader interpretative discretion. Commission Newman also stated that there are plenty of other eucalyptus trees, that the species itself is not native, and the original arborist report by Mr. Fouts rated the tree risk as moderate. Commissioner Newman indicated his support for the removal.

Commissioner Routh felt there was a risk to property owners, that approving the tree removal would not be negatively impactful on the area, granting the removal would be consistent with similar decisions made by the Planning Commission, and indicated his support of granting the removal.

Commissioner Westman commented the removal will not be detrimental to the overall eucalyptus grove. Commission Westman felt the staff evaluation was appropriate given their scope of review but noted the Planning Commission has greater review authority and supported the removal.

Commissioner Christiansen concurred with Commissioners Newman, Routh, and Westman.

Chair Wilk stated he had personally walked the area and appreciated the analysis by staff but felt safety and risk were principal considerations. He further noted that the City Council had overturned a prior Planning Commission denial. Chair Wilk stated he felt that approving the removal would be reasonable and consistent.

**Motion: Approve the appeal and grant the tree removal permit with the following Conditions and Findings.**

**Result: Passed, 5-0 (Unanimous)**

**Mover:** Commissioner Newman

**Second:** Commissioner Christiansen

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

Director Herlihy asked the Commission to clarify if they supported revised findings for approving the appeal, including that the removal is in the public interest with respect to the condition of the tree, the presence of a safety concern without mitigation, the risk for unreasonable property damage, and that there are no feasible alternatives short of tree removal. The Planning Commission agreed with the revised findings by consensus.

**Conditions:**

1. The appeal approval consists of the reversal of the administrative denial of a tree removal permit for a blue gum eucalyptus tree. The Planning Commission heard the appeal on November 3, 2022, and upheld the appeal, allowing the removal of the eucalyptus tree.

**Findings:**

**A. The removal of the tree is in the public interest with respect to the condition of the tree.**

The removal of the tree is in the public interest with respect to the condition of the tree. Although the tree is in a good state of health and growth, there are some structural considerations due to the codominant stems. Overall risk, when considering both severity of outcome and likelihood of

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occurrence is moderate, given the size and proximity of the tree to residential structures.

**B. The tree poses a safety concern without mitigation.**

The tree poses a safety concern without mitigation with respect to failures.

**C. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.**

The tree poses an unreasonable risk to cause property damage. Overall risk, when considering both severity of outcome and likelihood of occurrence is moderate, given the size and proximity of the tree to residential structures.

**D. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.**

Although the arborist identified alternatives to removal, the Planning Commission finds these alternatives to be infeasible due to their inability to adequately mitigate the risk of a significant failure event.

**E. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.**

The property is not located within an environmentally sensitive habitat area but is contrary to the purposes of the Community Tree and Forest Management ordinance as there are feasible alternative mitigations are recommended by the arborist over removal.

**B. 216 Central Avenue**

**Permit Number: #20-0103**

**APN: 036-122-22**

Design Permit, Historic Alteration Permit, Minor Modification for the required parking space dimensions, and Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence 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 appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

Associate Planner Sean Sesanto presented the staff report.

Commissioner Routh asked if a variance had been granted for the nonconforming cost calculation before. Associate Planner Sesanto stated at least one had been granted before at 124 Central Avenue under similar circumstances.

Brigitte Estey, a property owner along Escalona Drive, spoke in favor of the project and felt the project was a compatible with the historic rehabilitation criteria.

Commissioner Newman commented they have granted variances before due to historic preservation.

Commissioner Westman commented the applicant redesigned to address the concerns of the historians.

**Motion: Approve the Design Permit, Historic Alteration Permit, Coastal Development Permit, Variance, and Minor Modification with the following Conditions and Findings.**

**Result: Passed 5-0 (Unanimous)**

**Mover: Commissioner Westman**



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**Secunder:** Commissioner Routh

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

**Conditions of Approval:**

2. The project approval consists of 770 square-feet of first- and second-story additions to a historic, nonconforming residence. The maximum Floor Area Ratio for the 4,486 square foot property is 52% (2,333 square feet). The total FAR of the project is 50.5% with a total of 2,267 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
3. 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.
4. 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.
5. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
6. 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.
7. 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.
8. 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.
9. 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.
10. Prior to issuance of building permit, all Planning fees associated with permit #20-0103 shall be paid in full.
11. 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.

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12. 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.
13. 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.
14. 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).
15. 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.
16. 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.
17. 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
18. 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.
19. 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.
20. 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.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

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23. 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.
24. 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.
25. Prior to issuance of a building permits, the applicant shall submit a preservation plan to the satisfaction of the Community Development Department. In addition to Condition #25(a), the plan shall specify differentiation of new horizontal boards from the existing horizontal board width.
26. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
  - a. Prior to the remodel of the historic residence, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be remodeled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weatherproof area.
  - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
  - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

**Design Permit Findings:**

- G. 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 proposed additions to an existing residence. With the granting of a variance to the side setback of the primary residence, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

- H. 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 additions to an existing residence and new attached garage. With the granting of a variance to the side setback of the primary residence, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (Single-Family Residential) zoning district. With approval of a variance for the nonconforming construction calculation and minor modification for the minimum required parking dimensions, the project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services. The project has also been found to be consistent with Section 15300.2(f) for modifications to historical resources.

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

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

**K. 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. With the granting of a variance to the side setback of the primary residence, the proposed complies with all applicable design review criteria in Section 17.120.070.

**L. 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. The remodeled design preserves the original front elevation of the historic structure and focuses new massing towards the rear of the building. The project will maintain the character, scale, and development pattern of the neighborhood.

**Historic Alteration 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 remodel of the historic structure and determined the additions are located such that they limit publicly visible alterations that would impact the historic character and the structure will retain the character-defining features identified by the architectural historian.

**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 project and determined that distinctive design will be preserved by retaining the distinctive cross-gable roof, shed-roofed entry porch, horizontal wood siding, and wood window surrounds.

**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.**

Community Development Staff and the Planning Commission have reviewed the proposed additions to the structure and determined that they are focused to the rear of the structure and non-primary elevation. The second story addition has been located behind the existing cross-gable ridgeline to create spatial separation. Use of exterior materials matches the original sections but will be differentiated with different board and detail widths.

**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 project and determined that historic features will be preserved, reused, and repaired to the extent possible. The additions are located such that the remove and replace non-original sections of the structure and removal of original materials and features will be limited.

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

Community Development Staff and the Planning Commission have reviewed the proposed

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involves additions to an existing residence will not impact archeological resources.

**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.**

Staff Analysis: There are unique circumstance applicable to the subject property includes a historic residence which is protected within the municipal code and under CEQA. The nonconforming section portion of the structure is also the best-preserved and most visible front elevation.

- 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 proposed modifications complies with all height, setback, and FAR requirements. The strict application of the zoning code requirements for both nonconforming and historic preservation would deprive the subject property of development alternatives typically available such as demolition.

- 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 is necessary to preserve the ability to construction additions in a manner consistent with current development standards and historic preservation.

- 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 will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The variance allows additions which comply with the maximum floor area ratio (FAR) with while preserving historically significant portions of the structure.

- 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 variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to its historic status. In 2014, a similar variance was granted at 124 Central Avenue for an addition to a nonconforming historic structure. The application at 124 Central Avenue also included alterations greater than 80 percent of the fair market value.

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

Staff Analysis: The variance will not adversely impact coastal resources.

**Minor Modification Findings:**

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.**

Staff Analysis: The proposed parking arrangement enables the project to provide the required number of onsite parking spaces, including the covered parking requirement.

- B. The modification will not adversely impact neighboring properties or the community at large.**

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Staff Analysis: The proposal increases overall parking opportunities for the site and, indirectly, the neighborhood. Although the garage space is considered substandard it meets the minimum dimensions of a 9-foot wide by 18-foot deep tandem space.

**C. The modification is necessary due to unique characteristics of the subject property, structure, or use.**

Staff Analysis: Site parking is directly constrained by the historic structure, the existing driveway and garage, and the narrowing of the lot. Capitola lots typically have a minimum depth of at least 70 feet. On corner lots where parking may be arranged on the exterior side, lots typically have a minimum depth of at least 40 feet, which would allow for two compliant uncovered spaces. The driveway area has a lot depth (width) that tapers to less than 34 feet. The unique shape of this lot prevents the ability to arrange tandem parking spaces with straight approaches. Expanding the existing forward garage would limit accessibility and siting of the two uncovered spaces.

**D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.**

Staff Analysis: The proposed parking arrangement provides the required number of on-site spaces, the required number of covered spaces and has been designed to comply with parking requirements in all respects except parking dimension. The substandard garage space will accommodate most modern vehicles.

**E. The modification will not establish a precedent.**

Staff Analysis: The site is subject to irregular shape and dimensions, an existing-nonconforming garage, and a historic structure. The proposed modification has been evaluated on a site- and project- specific basis and will not establish a precedent.

**F. The modification will not adversely impact coastal resources.**

Staff Analysis: The subject property does not contain coastal resources. Additional on-site parking will not adversely impact coastal resources in the area.

**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 216 Central Avenue. 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 216 Central Avenue. The proposed project will maintain or enhance 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 project will not negatively impact low-cost public recreational access.

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

The project will not negatively impact visitor serving opportunities.

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

The project involves residential additions on private property and will not negatively impact coastal resources.

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**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.**

With the granting of a variance for the nonconforming construction calculation and a minor modification for the parking dimensions of the covered space, 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 additions to an historic residence 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.

**C. 2022 Zoning Code Amendments**

**Permit Number: #22-0441**

**APN: All Zoning Districts**

Project description: Draft ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

Director Herlihy introduced Ben Noble of Ben Noble planning and asked to show the remaining topics up for discussion.

Ben Noble presented on five (5) remaining topics needing amendments to update the new code. On October 20, 2022 the commission made changes to five (5) of the ten (10) substantive changes. Ben provided information on each proposed amendment and the reason for the change. Ben Noble asked the Commission for direction and for recommendation for the City Council to adopt the amendments.

The following table summarizes the proposed amendments and the Planning Commission direction:

Topic	Proposed Edit	Planning Commission Direction
Second Story Decks and Balconies	<ul style="list-style-type: none"> <li>○ Count toward FAR</li> <li>○ Cannot face side yard</li> <li>○ Increased front, side, and rear setbacks</li> <li>○ Cannot project more than 6 feet from wall</li> </ul>	<ul style="list-style-type: none"> <li>○ 150 SF exception to FAR</li> <li>○ Cannot face side yard</li> <li>○ Increased front, side, and rear setbacks</li> <li>○ Cannot project more than 6 feet from wall</li> <li>○ Require screening for rear deck on sides</li> </ul>
Roof Decks	<ul style="list-style-type: none"> <li>○ Prohibit in R-1 and adjacent to R-1</li> <li>○ 5-foot setback from building wall closest to property line</li> <li>○ Allow railings to project above maximum zone height</li> </ul>	Accepted with one modification to also prohibit in the Mixed-Use Village.
Electric Vehicle Charging Stations	<ul style="list-style-type: none"> <li>○ Mirror state law for # of EV ready spaces</li> <li>○ Prohibit digital advertising</li> <li>○ Digital screen 2 sf max</li> </ul> <p>Require landscape screening</p>	Accepted

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Generator	<ul style="list-style-type: none"> <li>○ Only allow in rear yard</li> <li>○ Limit testing 8 am to 8 pm</li> <li>○ Prohibit Use for RV or trailers in residential zones</li> </ul>	Accepted with addition: <ul style="list-style-type: none"> <li>○ 65 dBL max or sound proof</li> <li>○ Limit use to power outage or emergency</li> </ul> Clarify setback
Minor Modifications	Allow Community Dev. Director to issue minor mods on administrative permits	Only all CDD to issue minor modifications for parking dimensions
Monarch Cove Inn	Rezone to VS/R-1 <ul style="list-style-type: none"> <li>○ Include conditions that residential use be in conjunction with view easement or vacation rental</li> </ul>	Accepted

Commissioner Westman requested action for staff to update Figure 17.16-1 Riverview-Terrance area.

Commissioner Westman requested definition of invasive species and Planning Commission agreed to remove; The planting of invasive species is prohibited from section C: Visitor Serving Properties on page 53.

**Motion: Positive recommendation to City Council on Draft ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, as amended during the hearing.**

**Result: Passed 5-0 (Unanimous)**

**Mover:** Commissioner Westman

**Second:** Commissioner Routh

**Yea:** Commissioner Wilk, Commissioner Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

## 6. Director's Report

Director Herlihy reported on the following:

- 1.) Stakeholder meetings included a series of eight (8) meetings which provided feedback on current housing and the 6<sup>th</sup> cycle housing element.
- 2.) There is a new revenue stream for affordable housing called Permanent Local Housing Allocation (PLHA) Funding, which is part of SB 2 which passed in 2018. There is a seventy-five (75) dollar real estate transaction fee which the state has been collecting. In a five year period, Capitola is expected to receive over a half million dollars. City Council will discuss at the next meeting on November 10, 2022.
- 3.) The City pre-approved ADU's have been approved by the Building Official. There is now an ADU page on the website which includes the new guide and the pre-approved ADU plans.
- 4.) The next Planning Commission Meeting on December 1, 2022, will include the Arborist report regarding the tree outside of City Hall that has caused damage on the sidewalk.
- 5.) The next Planning Commission Meeting on December 1, 2022, will include the calendar for 2023 and a proposed new start time.
- 6.) Paper plans will not be required based on Commission feedback.

## 7. Commission Communications

No Commission communications.



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**8. Adjournment**

The meeting was adjourned at 9:24 pm to the next Regular Meeting of the Planning Commission on December 1, 2022.

**ATTEST:**

DocuSigned by:

*Julia Moss*

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City Clerk's Office