City of Capitola
Planning Commission Meeting Minutes
Thursday, August 18, 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

1. Roll Call

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

2. Oral Communications – None

A. Additions and Deletions to the Agenda - None

B. Public Comments – None

C. Commission Comments – None

D. Staff Comments

Director Herlihy noted that City Council meeting will go hybrid next week, (August 15, 2022). Three Councilmembers will be present and two will participate remotely. Planning Commissioners will be asked to volunteer to participate in in-person meeting at the end of this meeting.

3. Consent Calendar
A. 3720 Capitola Road & 1610 Bulb Avenue
Permit Number: #22-0149
APN: 034-18-114 and 031-12-139
Request to Continue. Conceptual Review for (1) future annexation of 1610 Bulb Avenue into Capitola City limit and (2) Community Benefit Application for Senior Living facility at 3720 Capitola Road and 1610 Bulb Avenue in the Community Commercial (CC) Zoning District.
Environmental Determination: To be determined
Property Owner: Zurite LLC and Frank DeBernado
Representative: Zurite LLC and Frank DeBernado

Director Herlihy noted that there's a request to continue item A, 3720 Capitola Road & 1610 Bulb Avenue without a date certain.

B. 1350 49th Avenue
Permit Number: #22-0035
APN: 034-068-14
Permit amendment for a Design Permit and Variance to construct first- and second-story additions on an existing single-family residence with a variance to the required side yard setback located at 1350 49th Avenue within the R-1 (Single-Family) 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: Rick Aberle
Representative: John Hofacre, Filed: 01.31.22

Motion: Approve Items 3.A and 3.B
Result: Passed, 5:0 (Unanimous)
Mover: Commissioner Christiansen
Seconder: Vice Chair Westman
Yea: Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

Conditions of Approval:

1. The project approval consists of a 680 square-feet of first- and second-story additions with a variance for the side yard setback. The maximum Floor Area Ratio for the 3,216 square foot property is 57% (1,883 square feet). The total FAR of the project is 57% with a total of 1,832 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 August 18, 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 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 building permit, all Planning fees associated with permit #22-0035 shall be paid in full.

9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

10. 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.

11. 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.

12. 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).

13. 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.

14. 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.

15. 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

16. 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.

17. 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.

18. 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.

19. 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.

20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

21. 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.

22. 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.

23. Prior to issuance of a building permit, the applicant shall provide documentation of a signed access agreement that references the existing encroachment and includes permission from the owner(s) of 1335 Prospect Avenue to access the northerly side yard of 1335 Prospect Avenue to conduct the work as described in the amended permit.

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 proposed 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 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 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.

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

Section 15332 of the CEQA Guidelines exempts projects characterized as in-fill development meeting the described conditions. The proposed project involves additions to an existing single-family residence located in the R-1 (Single-Family Residential) zoning district. 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.

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 reviewed the proposed additions. 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.

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. 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.

F. 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 design of the remodeled residence will fit in nicely with the existing neighborhood. 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.

Staff Analysis: The lot has an irregular shape as a four-sided polygon with no parallel sides. Typical lots in the Jewel Box neighborhood are rectangular in shape and measure approximately 40 feet wide by 80 feet deep. The subject lot is unique in that it is wide but lacks depth, ranging from 29 to 46 feet. The frontage is 60 feet wide, and the side lot lines are 30 feet deep on the south side and 71 feet deep on the north side. The required 15-foot front yard setback and 20 percent rear yard setback result in a limited and narrow building envelope. The unique lot shape provides an atypical area in which to locate a rectangular garage.

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: Most properties in the vicinity and zone in which the property is located area able to accommodate the required 10-foot by 20-foot covered parking space due to the fact they are regularly shaped.

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: Most R-1 properties within the vicinity possess covered parking spaces.

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 granting of a variance enables the property to provide on-site covered parking which is both required by residential development standards will reduce street parking demand. 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.

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 majority of properties within the neighborhood either possess garages, have lot shapes and sizes better able to accommodate the strict application of side setbacks, or both. 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 variance will not negatively impact coastal resources.

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 1350 49th 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 1350 49th 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.

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 side setback of the primary residence 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 existing 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.

4. Public Hearings

A. Wharf Road Tree Removals
Permit Number: #22-0243
Wharf Road and Stockton Avenue Intersection

Tree Removal Permit for the removal of two canary island pine trees located within the MU-V (Mixed Use Village) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: City of Capitola
Representative: City of Capitola, Filed: 06.06.2022
Associate Planner Sean Sesanto presented the report on tree removal.
Recommendation: Approve project #22-0243 based on the conditions of finding and approval.

Commissioner Routh asked questions on repair costs estimates of property damage caused by the trees to be removed.

Public Works Director Steve Jersberg responded that it's in the range of $10,000-$15,000.

Commissioner Christiansen asked for clarification if tree removal is the preferred course of action.

Public Works Director Steve Jersberg clarified that removing both trees was preferred; the neighbors have been on it for years. The removed trees will be replaced by palm trees.

Chair Wilk: asked clarification questions on sidewalk, sewage, safety and how many trees are planned to replace the two trees proposed for removal.

There was no public comment.

Commissioner Routh expressed concern on three trees removed in Capitola in the last 18 months primarily for lack of maintenance. We must do more to protect our trees.

Commissioner Newman expressed support for staff recommendation and observed that older large trees don't last forever; planting newer, younger replacement trees can be the option.

Commissioner Westman agreed and said; removing the large trees needing and planting two replacements may be more appropriate in the future.

Chair Wilk expressed concern on safety and property damage and observed that there's no rational for removing the trees.

Director Herlihy noted that a woman recently emailed in her public comments, she was unable to access the meeting.

Associate Planner Sean Sesanto summarized the recently received public comments and noted that the comments were favorable. The trees are a hazard; it is better to have them removed

Motion: Approve staff recommendation with the following conditions and findings:

Result: Passed; 3:2
Mover: Commissioner Newman
Seconder: Vice Chair Westman.
Yea: Vice Chair Westman, Commissioner Christiansen, Commissioner Newman
Nay: Chair Wilk, Commissioner Routh

Conditions of Approval:

1. The project approved consists of a tree removal permit for the removal of two canary island pine trees within the public right-of-way at the intersection of Wharf Road and Stockton Avenue. The project is approved as described in the staff report by the Planning Commission on August 18,

2022, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Following the removals, the City shall replant trees at a 1:1 ratio.

Findings:

A. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.
Both trees have caused substantial damage to public property including the adjacent sidewalk, curb, and gutter. The trees have the potential to cause further unreasonable property damage.

B. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.
The Planning Commission reviewed the application and staff review and found that there are no feasible alternatives to tree removal that could be implemented that would stop existing property damage or reduce risk to life and property without seriously harming or killing the tree. Specifically, root pruning and root barriers may not reasonably stop future damage to public property. Furthermore, root pruning close to the tree trunks may worsen the health and stability of the trees and increase risk of total tree failures.

C. The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).
The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

D. 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. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

5. Director's Report

Director Herlihy noted that on September 22, 2022, the City Council will hear the appeal on 1410 Prospect Avenue, (the single-family home that will be reconstructed.)

Secondly, Commissioners Wilk, Christiansen, and Westman volunteered to participate in-person at the September 1, 2022, Planning Commission meeting. Commissioners Newman and Routh will zoom in.

6. Commission Communications

Commissioner Westman expressed disappointment on the repaving of Bay Avenue.

7. Adjournment

The meeting was adjourned at 7:36PM to the next Regular Meeting of the Planning Commission on September 1, 2022.

ATTEST/Approved by the Planning Commission

DocuSigned by:
Julia Moss
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Julia Moss, City Clerk's Office