

City of Capitola

Planning Commission Meeting Agenda

Wednesday, January 22, 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 Estey, Howard, Kieu, Westman, Chair Christiansen

2. **Additions and Deletions to the Agenda**

No additional materials.

3. **New Business**

A. Oath of Office of all newly appointed Planning Commissioners.

The Deputy City Clerk administered the Oath of Office to Matthew Howard and Nathan Kieu.

B. Nomination and Appointment of Chair and Vice Chair

Motion to appoint Paul Estey as Chair for 2025: Commissioner Westman

Second: Commissioner Howard

Voting Yea: Commissioners Estey, Howard, Kieu, Westman, Christiansen

Motion to appoint Courtney Christiansen as Vice Chair for 2025: Commissioner Westman

Second: Chair Estey

Voting Yea: Commissioners Howard, Kieu, Westman, Christiansen, Chair Estey

C. Appointment of a Planning Commissioner Representative to the Art and Cultural Commission.

Motion to appoint Courtney Christiansen as the Planning Commission Representative to the Art and Cultural Commission: Commissioner Westman

Second: Chair Estey

Voting Yea: Commissioners Howard, Kieu, Westman, Vice Chair Christiansen, Chair Estey

4. **Oral Communications: None**

5. **Planning Commission/Staff Comments**

Director Herlihy informed the Planning Commission that the Community Development Department has begun working on the multi-family zoning update after starting the process last year. A community meeting is planned for February 25th, 2025, in the City's Community Room at 6:00 PM.

City Clerk Gautho congratulated the new Commissioners on their appointment and advised the Commission that the joint City Council Meeting originally scheduled for January 16th had to be pushed out and she will be in touch soon with a rescheduled date.

6. Consent Calendar

A. Approval of December 5th, 2024, Planning Commission Meeting Minutes

B. 2025 Regular Meeting Schedule

Recommended Action: Adopt the 2025 Regular Meeting Schedule of the Planning Commission.

C. 216 Central Avenue

Project Description: Application #25-0040. APN: 036-122-22. Request for a two-year permit extension of Permit #20-0103. 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.

Recommended Action: Consider request and approve a two-year permit extension for Permit #20-0103 based on the original Conditions and Findings for Approval.

Permit Extension Finding:

- A. The applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner, and the time extension is consistent with all applicable provisions of the zoning code.**

Community Development Staff and the Planning Commission have reviewed the application to extend the original permit approval and found the applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner. The two-year permit extension complies with all applicable provisions of the zoning code.

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. 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 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

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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.

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 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 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 Permit Findings:

A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.

Community Development Staff and the Planning Commission have reviewed the proposed 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 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.**

There are unique circumstances 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.**

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.**

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.**

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.**

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

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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

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.

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.

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.

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.

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.

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.

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.

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.

Conditions of Approval:

1. The approval consists of a two-year time extension of permit #20-0103. The project 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 project was originally approved by the Planning Commission on November 3, 2022. The proposed permit extension is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 22, 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.

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4. 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.
5. 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.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, 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.
8. 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.
9. Prior to issuance of building permit, all Planning fees associated with permit #20-0103 and #25-0040 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.
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.

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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.
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. 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.
24. 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.
25. 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

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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.

Commissioners Howard and Kieu abstained from Item 6A as they weren't present for the December 5, 2024, meeting. Chair Estey recused himself from Item 6C due to proximity to the project.

Motion to approve Item 6A: Commissioner Westman

Second: Vice Chair Christiansen

Voting Yea: Commissioner Vice Chair Christiansen, Chair Estey

Abstain: Commissioners Howard, Kieu

Motion to approve Item 6B: Commissioner Westman

Second: Vice Chair Christiansen

Voting Yea: Commissioners Howard, Kieu, Westman, Vice Chair Christiansen, Chair Estey

Motion to approve Item 6C: Commissioner Westman

Second: Vice Chair Christiansen

Voting Yea: Commissioners Howard, Kieu, Westman, Vice Chair Christiansen,

Abstain: Chair Estey

7. Public Hearings

A. 1550 45th Avenue

Project Description: Application #24-0145. APN: 034-032-19. Design Permit for first- and second-story additions and attached accessory dwelling unit to an existing single-family residence and a Variance request for the minimum required setback for an attached garage. The project is 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 #24-0145 and approve the project based on the attached Conditions and Findings for Approval.

Associate Planner Sesanto presented the staff report.

Public Comment: None

The Commission discussed how front entrances are defined on corner lots and setback requirements on corner lots.

Motion to approve Item 7A: Vice Chair Christensen

Second: Commissioner Kieu

Voting Yea: Commissioners Howard, Kieu, Westman, Vice Chair Christiansen, Chair Estey

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 (Single-Family Residential) zoning district. With the granting of a variance, 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 proposed residential project. 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 §15303(b) of the CEQA Guidelines exempts new construction or conversion of existing structures for a single-family residence and a secondary dwelling unit and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves alterations to an existing single-family residence, including the partial conversion to include a secondary dwelling unit. The project is located 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 single-family residence will not be detrimental to 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 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 all reviewed the application for the remodeled single-family residence and internal accessory dwelling unit. The project improves the site while retaining some of the existing residences' style. The two units maintain the scale, character, 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.**

The subject property has a lot width of 40 feet and depth of 80 feet, which is comparable to properties within the R-1 zone. However, compared to regular lots, corner lots have a more restrictive 10-foot street side setback and relaxed rear setback, typically four feet. As is the case in this application, corner lot standards result in longer, narrower homes with garages accessed from the side rather than the front. When accounting for side setbacks, minimum required garage dimensions, and the five-foot garage setback from the primary building wall, a typical 40-foot-wide lot has little or no design margin for compliance. Therefore, access of a corner lot from the side property line poses an unusual circumstance in the application of the five-foot garage articulation requirement when compared to other properties in the R-1 zone.

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.

Eleven nearby corner lots within the R-1 zone were evaluated, all along 45th Avenue. Ten of the properties include garages, seven of which are attached garages accessed from the side property line (45th Avenue). Only one of the seven attached garages complies with the 5-foot setback requirement. The strict application of this requirement on a would deprive the subject property of a design commonly enjoyed on similar properties in the same 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.

As described in Finding A, corner lot development standards limit practicality of front-facing garages and are typically accessed from the side instead. Eleven nearby corner lots within the R-1 zone were evaluated, all along 45th Avenue. Ten of the properties include garages, seven of which are attached garages accessed from the side (45th Avenue). Only one of the seven attached garages complies with the five-foot setback requirement. The granting of a variance would preserve a property right possessed by corner lots within the vicinity and 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 garage design results in a full-sized garage meeting the on-site parking goals. The design is comparable to nearby corner lots within the R-1 Zone. 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.

Eleven nearby corner lots within the R-1 zone were evaluated, seven of which have attached garages. Only one of the seven identified properties complies with the five-foot garage articulation standard. The variance does 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 consists of a single-family remodel, including first- and secondary-story additions, and conversion of existing space into an accessory dwelling unit. The approval includes a Variance for the requirement that attached garages must be set back

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five feet from the building front wall. The maximum Floor Area Ratio for the 3,198 square foot property is 57% (1,822 square feet). The total FAR of the project is 68.2% with a total of 2,182 square feet, including a 360 square-foot accessory dwelling unit that is subject to the Guaranteed Allowance. The project is 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 January 22, 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.
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 all Planning Commission requirements. The plan shall identify planting 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 #24-0145 shall be paid in full.
9. 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.
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

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Chapter 13.16 Storm Water Pollution Prevention and Protection. Site runoff shall not drain onto adjacent parcels or over sidewalks.

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 all outdoor lighting shall be shielded and directed downward

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such that the lighting is not directly visible from the public right-of-way or adjoining properties.

23. 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.
24. Prior to a issuance of a Certificate of Occupancy, 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. For junior accessory dwelling units:
 - i. The dwelling shall be restricted to the allowable size; and
 - ii. 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.

B. 1955 41st Avenue, Unit B-8

Project Description: Application #24-0470. APN: 034-261-53. Conditional Use Permit for a wine bar with indoor and outdoor seating that serves a small plates menu and offers live music (Type 42 License). The building is located within the C-R (Regional Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0470 and approve the project based on the attached Conditions and Findings for Approval.

Senior Planner Frolich presented the staff report.

Public Comment: None

Motion to approve Item 7B: Commissioner Howard

Second: Commissioner Kieu

Voting Yea: Commissioners Howard, Kieu, Westman, Vice Chair Christiansen, Chair Estey

Conditional Use Permit Findings:

A. The proposed use is allowed in the applicable zoning district.

Community Development Staff and the Planning Commission have reviewed the project. The sale of alcohol for on-site consumption at a bar or lounge is categorized as a conditional use within the C-R (Regional Commercial) zoning district.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the proposed business location and plan to offer beer and wine for onsite consumption, and it complies with the intent of the C-R zoning district.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

Community Development Staff and the Planning Commission have reviewed the

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proposed use and determined it is consistent with the commercial center, existing uses in the vicinity, and future mixed use within mall redevelopment.

D. The proposed use will not be detrimental to the public health, safety, and welfare.

Community Development Staff and the Planning Commission have reviewed the proposed Conditional Use Permit and determined it will not be detrimental to the public health, safety, or welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed wine bar is part of a building that has a mix of tenants and is adequately served by utilities, services, and infrastructure.

F. 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 facilities, such as licensing, provided the project involves negligible or no expansion of use. The proposed project involves a conditional use permit within an existing commercial space to include the sale of beer and wine for onsite consumption. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

Conditions of Approval:

1. The Conditional Use Permit allows a beer and wine establishment with on-site consumption at 1955 41st Avenue, unit B-8. The Conditional Use Permit is approved as outlined in the analysis of the staff report reviewed and approved by the Planning Commission on January 22, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The applicant shall maintain an active business license with the City of Capitola. The applicant shall maintain an active license through the California Department of Alcoholic Beverage Control (ABC) so long as alcohol is sold.
3. Prior to opening, all Planning fees associated with permit #24-0470 shall be paid in full.
4. 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.
5. 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 Capitola Municipal Code Chapter 17.156.
6. Conditional Use Permits are issued to the underlying property. An approved Conditional Use Permit may be assigned to future tenants of the same tenant space. The Conditional Use Permit shall expire and become void if the permitted use is abandoned or discontinued for one year or longer. The permit cannot be transferred off the site on which the approval was granted.
7. No signs are approved as part of this application. The applicant shall apply for a Building Permit, prior to installation of exterior signage.

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- 8. Prior to live entertainment on the property, the applicant shall obtain and maintain an Entertainment Permit pursuant to Chapter 5.24 issued by the Police Department.
- 9. Prior to construction, a building permit shall be secured for any renovation or modifications to the tenant space authorized by this permit. Kitchen equipment, ventilation systems, and grease trap systems may require plan review or additional permits issued by the Fire Department, Health Department, or Sanitation Department.
- 10. Patio furniture shall have high-quality, durable materials that can withstand inclement weather. All outdoor furniture shall be maintained or replaced including but not limited to tables, chairs, umbrellas, heating equipment, etc. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced immediately. Umbrellas shall be made with a UV rated fabric and may not include logos, labels, or advertising.
- 11. Bicycle parking shall be provided for two short-term bike parking spaces. The location, design and specifications of the bike parking spaces/racks shall be included in the plans for Building Permit plan check.

8. Director's Report

Director Herlihy announced that the February 6th Planning Commission is cancelled due to lack of items on the agenda. In addition, she provided updates on the Highway 1 southbound ramp at Bay Avenue, which is scheduled to open in the next 2-3 weeks; the Rispin Park Project, which is on hold due to an issue with a PG&E power pole; reminded Commissioners of the previously mentioned community meeting February 25th; informed Commissioners of an upcoming training opportunity through the League of California Cities; and advised the Commission that the City Council will be making an appointment to fill the Council vacancy at their meeting on January 30th.

- 9. **Adjournment** – The meeting was adjourned at 6:47 PM. The next regularly scheduled meeting of the Planning Commission will be on March 6th at 6:00 PM.

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