

City of Capitola

Planning Commission Meeting Minutes

Thursday, March 07, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

Commissioners: Paul Estey, Gerry Jensen, Susan Westman, Peter Wilk

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:00 PM. In attendance, Commissioners Estey, Westman, Wilk, Vice Chair Jensen, and Chair Christiansen.

2. Additions and Deletions to the Agenda

None.

3. Additions and Deletions to the Agenda

The Clerk confirmed the additional materials added for Items 7A and 7B.

4. Oral Communications

Goran Kelpic, Soquel resident, commented on illicit drug issues that he sees in his community and the local police response to these issues.

5. Planning Commission/Staff Comments

Director Herlihy provided an update on the upcoming closures of Capitola Avenue bridge and Highway 1.

Vice Chair Jensen asked about any upcoming training programs sponsored or hosted by the City.

6. Consent Calendar

A. 417 Riverview Avenue

Project Description: Historic Alteration Permit #23-0487 for repair and modifications to a historic single-family residence. The project is located within the R-1 (Single-Family Neighborhood) zoning district, APN: 035-132-06.

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

Recommended Action: Consider Permit #23-0487 and approve the project based on the attached Conditions and Findings for Approval.

Motion to Approve Item 6A: Commissioner Westman

Seconded: Commissioner Estey

Voting Yea: Commissioners Estey, Westman, Vice Chair Jensen, Chair Christiansen

Abstaining: Commissioner Wilk

Conditions of Approval:

1. The project approval includes a Historic Alteration Permit for the renovation and rehabilitation of a historic single-story, single-family residence. The project will not result in an increase of floor

area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 7, 2024, 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 #23-0487 shall be paid in full.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to 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.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. 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.
20. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
 - a. Prior to the remodeling of the historic residence, the applicant shall catalog all existing details of the structure.
 - b. 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.
21. The project shall reflect recommendations made in the historic evaluation letter, including:
 - a. Final selection of replacement exterior doors.
 - b. Documentation of the existing chimney and construction of the chimney panels.
 - c. Composite siding matching the existing siding boards. The Community Development Department may approve alternative products or materials. The key consideration is matching the original siding appearance.

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 modifications to a single-family residence and determined it will retain and preserve the appearance of the creek-facing elevation, maintain spatial all relationships, and allow the structure to continue the existing residential use.

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 rehabilitation and determined that the replacement exterior cladding and false chimney will match and preserve the original appearance of the residence.

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 rehabilitation and determined that it will not add new massing except for the front porch, which is in scale with the existing structure.

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.

The severely deteriorated materials will be replaced to match the original design. New siding material will utilize modern alternatives for enhanced durability against the riparian and flood-prone setting.

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

The project affects previously disturbed areas and will not impact archeological resources.

F. The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The project involves rehabilitation of a historic single-family residence with no new floor area within the R-1 (single-family residential) zoning district. The project has been found to be consistent with Section 15300.2(f) regarding modifications to historical resources and no adverse environmental impacts were discovered during review.

B. 203 Fanmar Way

Project Description: Design Permit for a second-story addition to a nonconforming single-family residence located within the RM-L (Multi-Family Low Density) zoning district. The project is in the Coastal Zone but does not require a Coastal Development Permit.

Recommended Action: Staff recommends the Planning Commission approve application #24-0025 based on the Conditions and Findings of Approval.

Motion to Approve Item 6B: Commissioner Westman

Seconded: Vice Chair Jensen

Voting Yea: Commissioner Westman, Vice Chair Jensen, Chair Christiansen

Abstaining: Commissioners Estey, Wilk

Conditions of Approval:

Planning Conditions

1. The project approval consists of construction of a new 1,460 square-foot single-family dwelling. The maximum Floor Area Ratio for the 2,625 square foot property is 58% (1,523 square feet). The total FAR of the project is 57% with a total of 1,460 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 March 7, 2024, 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. 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #24-0025 shall be paid in full.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
12. 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.
13. 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. Please show exterior lighting fixture locations and provide manufacturer specifications with the plans for Building Permit plan check.
14. The proposed second floor balcony shall provide privacy screening along the side elevation with plans for Building Permit plan check.
15. The applicant shall install one tree with a minimum 20 foot wide canopy at maturity on the property, prior to final inspection.

Public Works Conditions

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. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
18. 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.

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 home addition complies with the applicable development standards of the R-1 via RM-L zoning district.

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

Community Development Staff and the Planning Commission have reviewed the application for a single-family residence. The proposed single-family home addition will comply 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(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 381 square feet of floor area, so this exemption applies. No adverse environmental impacts were discovered during project review by Planning Department Staff.

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 single-family home additions 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 home addition 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 single-family home addition. The farmhouse design maintains the character of the neighborhood, which has a majority and variety of traditional architectural styles and smaller number of contemporary homes. The proposed project complies with all measurable development standards for the zone and is similar in scale to nearby developments on Capitola Avenue.

7. Public Hearings

A. 1400 Wharf Road – Capitola Wharf

Project Description: Amendment for permit #20-0141 to the approved Design Permit and Conditional Use Permit for the rehabilitation, repair, and expansion of the historic Capitola Wharf. The amendment includes designs for a replacement entry gate, exterior finish to the new restrooms, lighting, a donor wall, and an updated monument sign. The Capitola Wharf is located at 1400 Wharf Road within the PF (Public Facilities) zoning district, at APN: 034-072-01, -02. This project received a Coastal Development Permit issued by the California Coastal Commission.

Recommended Action: Review Wharf Enhancement amendments for permit #20-0141 permit, provide direction on location on donor panels, exterior finish for restroom, and monument sign, and approve final design with recommendations.

Vice Chair Jensen recused himself from this item due to his involvement with CWEP, but first provided the following statement: "I have been advised by the City Attorney to recuse myself from this item due to my voluntary role as leader of the Capitola Wharf Enhancement Committee. While I comply with the recusal, I must express my disagreement with this decision for the record.

It is a well-established practice for City leaders, both elected and appointed, to actively participate in and lead volunteer efforts that benefit our community. Regrettably, the decision to enforce recusal in this instance sets a concerning precedent that may deter future civic engagement and leadership in community projects where no financial interest is involved.

I urge the City to reconsider this stance and advocate for a more transparent and consistent approach in evaluating potential conflicts of interest. The current position contradicts previous allowances for participation and poses a risk to the spirit of volunteerism and community leadership that is vital to our city's progress.

Consequently, to ensure continuity and clarity, I request that the City publish its recusal analysis as an advisory notice. This notice should be made available to any individual currently serving or prospectively seeking to serve in any decision-making capacity governed by the Political Reform Act. It should be included in all marketing materials, such as the city website and applications for service, and specifically provided as a notice to those currently serving who may not be fully aware of the implications of this analysis.

I am providing this statement to the clerk for inclusion in the minutes."

Chair Christiansen recused herself from this item due to her employment with Fuse Architects.

Straws were drawn to determine the temporary Chair for this item. Commissioner Wilk was determined to be the temporary Chair.

Director Herlihy presented the staff report.

Dan Townsend, Fuse Architects, provided a statement regarding their proposal and certain design details.

Gayle Ortiz, Capitola Wharf Enhancement Project, provided a statement regarding certain Wharf Enhancement design features, funding, and statements on behalf of CWEP describing the group's preferences on various design elements.

Carin Hanna, resident, provided her opinion of various design elements related to the banners, lighting, donor and art panels, entry gate, and restrooms.

Laurie Hill, resident, commended Fuse for their design and provided her opinion of several design elements, including the entry gate and city logo, entry pillars and accompanying artwork, restrooms, and the donor and art panels.

Director Herlihy provided several points of clarification regarding questions about the Wharf design elements.

Commissioner Estey opened the Commission deliberation with a discussion regarding the entry gate details, viewing stations, fish art inlays, lighting, and sign.

Commissioner Westman commented on the entry gate design, mosaic artwork, lighting, donor panels, sign, light post design and color choices, and banner option.

Joe Polondrani, CWEP member, commented on the banner possibilities and other details of the proposed light poles.

Commissioner Wilk provided his comments on the sign, donor signs, restroom finishing, lighting, and the entry gate design.

The Planning Commission provided direction to modify the following items in preparation for the next meeting:

- 1. Bathroom: Install vertical wood clad on the bathrooms.*
- 2. Entry Archway: Mosaic tile should extend to the cap (remove the dragon), dragon could be implemented into the archway or elsewhere, consider decreasing fluted stone to four-inch width, and remove illumination on pillars.*
- 3. Gate: Remove the city logo.*
- 4. Site plan: Create a full site plan of the wharf. Identify the location of the water fill station, foot wash, bronze fish scavenger hunt, and viewing stations on site plan.*

5. *Signs: Remove the Capitola Wharf monument sign and the Wharf to Wharf monument from the project*
6. *Donor panels: Provide additional information on artwork, size, and locations.*

Motion to Approve 10 steel dark light poles without banner signs, 40 benches, 10 garbage cans, 4 tables, and 4 viewing stations as recommended: Commissioner Westman

Seconded: Commissioner Estey

Voting Yea: Commissioners Westman, Wilk, Estey

Abstaining: Vice Chair Jensen, Chair Christiansen

Conditions of Approval:

1. The project affirms the original approval of a Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration for the rehabilitation and repair of the historic Capitola Wharf. The project is conditioned under the existing Conditions of Approval for permit #20-0141 by the Planning Commission on June 4, 2020, except as modified through conditions imposed by the Planning Commission during the May 4, 2023, hearing and the March 7, 2024 hearing.

B. 413 Capitola Avenue

Project Description: Design Permit to demolish an existing small office building and construct a new two-story, single-family residence with an attached JADU; located within the MU-N (Mixed Use Neighborhood) zoning district. The proposal includes a request for a Parking Variance to provide one parking space where two are required.

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: Review and approve project application #23-0524 with the recommended Conditions and based on the Findings for Approval.

Commissioners Westman and Wilk recused themselves from the item due to living within 500ft of the project site.

Senior Planner Froelich presented the staff report.

Bess Wiersema, designer, spoke about their project proposal including a description of the project's inspiration and design choices.

The commissioners then engaged in a discussion with the applicant and staff regarding certain details including the parking variance request, loft ceiling height, front and rear façade and other design elements, privacy considerations, and implications of the JADU designation.

Dan Townsend, Fuse Architects, provided comments on the variance request and the JADU, and questioned details of the landscape plan. The Commission relayed those same questions to Staff and there was an ensuing discussion regarding the landscape coverage percentage proposed on the property.

Motion to Approve Item 6B: Vice Chair Jensen

Seconded: Commissioner Estey

Voting Yea: Commissioner Estey, Vice Chair Jensen, Chair Christiansen

Abstaining: Commissioners Westman, Wilk

Conditions of Approval:

Planning

1. The project approval consists of construction of a new 1,384 square-foot single-family dwelling. The maximum Floor Area Ratio for the 1,456 square foot property is 100% (1,456 square feet). The total FAR of the project is 95% with a total of 1,384 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 March 7, 2024, 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. 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #-23-0524 shall be paid in full.
6. 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.
7. 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.
8. 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.
9. Prior to issuance of building permits, submit construction operation plans showing the area to be used for scaffolding, debris box, and port-o-john during construction of the 2nd and 3rd story to ensure necessary OSHA clearances from power lines are met.
10. 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.
11. 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.

12. 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.
13. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
14. 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.
15. 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. Please provide all exterior lighting manufacturer's specifications on the plans for Building permit plan check.
16. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a No Rise Study, performed by a licensed engineer, in which verification of the structure's impact on the floodplain or floodway is provided.
17. Elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and 3) prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.
18. Plans submitted for Building Permit plan check shall replace the concrete with permeable pavers at the north side walkway.
19. The proposed pittosporums to be installed in the rear yard shall be a tree subspecies. Please provide additional species information on the plans for Building Permit plan check.
20. Prior to issuance of Building Permits for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
 - c. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.

Public Works

21. Prior to a project final inspection, 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.
22. Prior to issuance of building permits, submit a utility plan and sidewalk improvement plan that shows the location of utility vaults, proposed curb cut, cross slope, running slope and elevation of the driveway.

23. 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.
24. 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).
25. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
26. 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.
27. 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.

Planning Commission Added Conditions

28. The applicant shall work with Planning staff to modify the interior floor plan to allow a 10-foot by 20-foot clear parking space in the garage. The final plans shall be accepted by the Community Development Director, prior to submittal of plans for Building Permit plan check.
29. The plans submitted for Building Permit plan check shall demonstrate compliance with the minimum landscaping requirements per section 17.72.050.

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 project. With approval of a Variance for reduction of one parking space and exception requests for the rear and side setbacks, the proposed single-family residence complies with the applicable development standards of the MU-N (Mixed Use Neighborhood) zoning district.

- 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 a single-family residence. With approval of a Variance for reduction of one parking space and exception requests for the rear and side setbacks, the proposed single-family residence will comply 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 15303(a) of the CEQA Guidelines exempts the construction of small facilities or structures, including a single-family residence in a residential zone, or up to three single-family

residences in an urbanized area, and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a new single-family residence in an urbanized area, located within the MU-N (Mixed Use Neighborhood) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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.

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.

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. The proposed single-family residence 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 for the single-family residence. The coastal Mediterranean design is unique and still maintains the character of the neighborhood, which has a variety of traditional and modern architectural styles. The project complies with height standards for the zone and is similar in scale to nearby developments on Capitola Avenue.

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 413 Capitola 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 413 Capitola Avenue. 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 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 single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves a 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 MU-N (Mixed Use Neighborhood) zoning district.

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 new single-family residence on an existing mixed-use zoned lot. The proposed project is consistent with the LCP goals for appropriate coastal development and land uses. The residential use is consistent with allowed uses of the MU-N (Mixed Use Neighborhood) zoning district.

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 is small by Capitola standards, which is acknowledged by section 17.20.040[3] that allows the Planning Commission to reduce setbacks for lots between the Trestle and 431 Capitola Avenue without requiring a Variance. This specific area of the City includes 15 lots that average 1,594 square feet and the subject property is 1,384 square feet. The property is also irregular in shape with angled front, side, and rear lot lines, and several jogs on the south side property line. The property is located within a flood zone, which limits new development of habitable space below the base flood elevation. On a typical small to medium sized lot (2,800-4,000 sf) two parking spaces account for 10-14% of the lot size. In this case, two standard parking spaces would account for 29% of the lot area.

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: Numerous properties within the vicinity and/or same zoning district provide no parking or less than required. Several have received parking variances while others are long-standing nonconforming properties. The subject property has limited space for parking, driveway access, setbacks, and accommodating a reasonable development. The applicant is seeking a reduction for one parking space in an area that has many properties with a similar parking deficiency condition.

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: Numerous properties within the vicinity and/or same zoning district have less than the required parking. The subject property has limited adequate space to provide parking, a driveway, and accommodate setbacks. Granting a variance for one parking space enables the subject property to develop a two-bedroom home with a JADU.

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 project involves a single-family residence and JADU and will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property.

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

Staff Analysis: Most of the R-1 and MU-N zoned properties in the vicinity have some parking deficiency relative to the current standard. Several of the properties were issued variances while

others are long standing conditions. Mitigating this existing condition in the area is that this block has the unique option of the City's largest public parking facility within 500 feet.

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

Staff Analysis: The property will not impact nearby coastal resources.

C. Housing Element Update

Description: Updates on 6th Cycle Certification, Implementation Plan, and Annual Report.

Recommended Action: Accept the presentation.

Director Herlihy presented the staff report.

8. Director's Report

None.

9. Adjournment – *The meeting was adjourned at 8:38 PM to a special meeting on March 21th at 5:00 PM.*