

# Capitola Planning Commission

## Agenda Report

**Meeting:** November 6, 2025

**From:** Community and Economic Development Department

**Address:** 506 A Pine Street



**Project Description:** Application #24-0138. APN: 036-022-10. Design Permit for a second-story addition to an existing duplex and new detached, two-story residential unit on a 0.28-acre site located at 506 Pine Street, within the Residential Multifamily-Medium (RM-M) zone district. This project is not located within the Coastal Zone.

Environmental Determination: Categorical Exemption

**Recommended Action:** Planning Commission consider Permit #24-0138, and approve the Design Permit pursuant to the findings and analysis included in the staff report and subject to the Conditions of Approval.

Property Owner: Jim and Claudia Kelly, Owners

Representative: Daniel Saphorghan, Apto Consulting

**Applicant Proposal:** The project consists of a Design Permit for the remodel and second story addition to an existing duplex and the addition of a new detached, two-story residential unit. Project plans have been provided (Attachment 1). The following are the proposed unit details:

Table 1- Project Unit Details						
Unit No.	Existing Unit Size	Proposed Unit Size	Existing Bedrooms	Proposed Bedrooms	Existing Garage	Proposed Garage
A	809 square feet	809 square feet	2	2	247 square feet	334 square feet
B	809 square feet	1,616 square feet	2	3	247 square feet	247 square feet
C	N/A	1,801 square feet	N/A	3	N/A	576 square feet

The project site is located in the RM-M zone district. The subject site is bordered to the north, east, and west by residential development. Commercial development is located to the south along Pine Street and Capitola Avenue.

The existing duplex's architectural style most closely resembles a "California Ranch" style. A similar style is proposed for the detached unit in an attempt to match the existing style. Minor modifications are proposed to the existing site plan by maintaining the current site topography and uphill driveway that provides access to Pine Street. The only major modification to the site plan consists of the addition of the detached unit. The project will include new landscaping.

**Background:** The site is developed with an existing 2,112 square foot duplex structure, paved driveway, and landscaping. Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

Table 2 – Property Data	
Lot Depth	124.98 feet
Lot Width	98.5 feet
Gross Lot Area	12,310 square feet

The Planning Department received the subject application on March 15, 2024.

**Development and Design Review:** On September 18, 2025, the Development and Design Review team reviewed the application and provided the applicant with the following direction and recommendations:

Public Works Representatives, Erika Senyk and Kailash Mozumder highlighted Condition No.'s 26 and 33, stating that these are substantial construction requirements being placed on the project and the property owner should be made aware of the requirements. The retaining wall structure design should be provided on the plans. The frontage requirements are likely to require a 5- foot cut and substantial retaining wall will be required.

Condition 26. Complete and submit the attached Storm Water Low Impact Development Assessment Checklist. Clearly mark all LID design measures on the site plans.

Condition 33. 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.

Representative Senyk stated that for multi-family projects, third party storm water review will be required. The storm water plan needs to comply with City and State requirements. The City will help facilitate the review by third party. An Operation and Maintenance Agreement will be required for the project.

Contract Building Official, Lihn Tran stated that the size of the project will not trigger ADA requirements. A soils report is required. Review of the plans indicates for the Unit A garage that a man door has not been provided. This will need to be corrected.

Principal Planner, Gina Paolini explained that there should be a distinct material change for the pathway and how it interfaces with the new sidewalk and driveway. The landscape plans do not indicate whether there is a separate meter for the landscape, and the owner should understand that this will be a requirement.

**Development Standards:** The following table outlines the Zoning Code requirements for development in the RM-M zoning district. Based upon this analysis, the proposed project complies with the standards of the RM-M zone district.

Table 3 – RM-M Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Compliance
<b>Site Requirements</b>			
Building Coverage	40 percent	36.7 percent	Complies
Density	1 unit per 2,900 square feet (4 units)	3 units	Complies
Parking	2 per unit	2 per unit	Complies
<b>Structure Requirements</b>			
<b>Setbacks</b>			
Front	Main-15 feet minimum	Unit C- 37.3 feet Unit A- 12 feet	Complies (deck projection allowed)

Table 3 – RM-M Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Compliance
Rear	15% of lot depth (18.7 feet)	Unit B- 11.2 feet <sup>1</sup> Unit C-18.7 feet	Complies
Interior Side –west	10% of lot width (max. 7 feet)	Unit C – 7 Feet	Complies
Interior Side - east	10% of lot width (max. 7 feet)	Units A and B – 3.7 feet <sup>1</sup>	Complies
2 <sup>nd</sup> Story Deck	Front- 15 feet	Unit C – 37.3 feet	Complies
Deck (19 -30 inches above grade)	Front- 5 feet into setback	Unit A - 3.3 feet	Complies
Height, Maximum	30 feet	30 feet	Complies
Common Open Space	15% (1,846 square feet)	6,300	Complies
Private Open Space	48 square feet per individual unit	Unit A- 279 square feet Unit B- 63 square feet Unit C-256 square feet	Complies

**Discussion:** This section outlines the project's consistency with the Zoning Code and Objective Design Standards.

### Zoning Code Requirements

**Nonconforming Structures:** The existing duplex is nonconforming to the rear and interior east side setback. When altering a nonconforming structure, structural alterations are limited in accordance with Section 17.92.070 (Permissible Structural Alterations) of the Capitola Municipal Code (CMC). As required by the code, a construction cost breakdown has been completed for the project (Attachment 2). The total construction/remodel costs will not exceed 67.5 percent of the present fair market value of the structure. The calculation does not exceed eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), therefore proposed structural alterations can be made.

**Building Height:** Pursuant to CMC Section 17.48.020.A (Measurement of Height), height is measured as the vertical distance from the assumed ground surface to the highest point of the building. Assumed ground surface means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. The project is proposing a 30-foot building height, with a 3:12 slope. The property has a gentle rise from Pine Street, with a driveway grade ranging from 3.6 percent before it gently levels off to 0.35 percent. Grading for the building pad and driveway will be minimal, with 48 cubic yards of cut required for the new unit. The project would comply with the maximum height limit of 30 feet.

### Private and Common Open Space

Pursuant to CMC Section 17.16.030, 50 percent of the units in a multi-family development are required to have at minimum 48 square feet of private open space. The project has been designed with private

<sup>1</sup> Structural alterations of nonconforming structures, as defined in Section 17.160.020, shall be limited as follows: at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping costs and architectural costs. If that cost, added to the costs (similarly calculated) of other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made. (Ord. 1043 § 2 (Att. 2), 2020; Ord. 873 § 11 (part), 2004; Ord. 761 § 1, 1993. Formerly 17.72.070)

open space for each unit, compliant with the code requirements. Units A and C have large private deck areas. Unit B has 63 square feet of private deck area. The project has 6,300 square feet of common open space.

**Parking Requirements:** In accordance with Table 17-76-2 of CMC Chapter 17.76 (Parking and Loading), multifamily dwellings 751 square feet or larger must provide 2 parking spaces per unit. The project is required to provide six parking spaces. Unit A will have one covered and one uncovered parking space, and Units B and C will have two covered parking spaces each.

**Design Review and Objective Standards:** The proposed architectural design is “California Ranch”, with materials consisting of stacked stone, stucco, vinyl windows, and asphalt shingle roof. The street facing facade includes varied building wall materials, decks and balconies to add visual interest and distinction. The project includes a gabled shingle roof on both the detached unit and the existing structure, with a 3:12 slope.

Design Permits for multifamily residential projects are reviewed by a City-contracted design professional prior to review and action by the Planning Commission. RRM Design Group was contracted by the City to complete the third-party review, and overall architectural evaluation of the project in accordance with CMC Chapter 17.82 (Objective Standards for Multifamily and Mixed-Use Residential Development). RRM Design Group prepared a detailed evaluation for the project dated April 24, 2025 (Attachment 3). The applicant has responded to the review memo (Attachments 4). The applicant has addressed all the requested changes, except those addressing public realm and façade.

**Pedestrian Environment and Public Realm:** RRM Design Group recommended that the site plan be revised to create a pedestrian connection from the existing duplex and proposed detached unit primary entries to the public realm to allow for safe passage for residents and guests. A pedestrian walkway, a minimum of six feet in width, is required to provide a connection between the public street and all building entrances. Residents should not be required to walk in a driveway to reach their unit. The applicant has requested an exception to this requirement and proposes a varied colored surface material adjacent to the driveway to satisfy the requirement.

It was also recommended that the floor plan of the detached unit be revised to allow for a street facing primary entry to further solidify the connection with the public realm. The applicant is seeking an exception to the entry requirement. The intent of the building placement, orientation, and entry standards are to:

1. Support cohesive neighborhoods and social interaction with outward-facing buildings.
2. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character.
3. Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).
4. Provide adequate area behind buildings for parking.

The applicant has continued with the existing layout with entry and parking facing interior to the site, due to the topography of the site, and the distance from the street. The three units on site will have a social connection and all parking will be interior to the site. Although a pedestrian connection has not been provided from the site to the public sidewalk, a distinct material change adjacent to the driveway will be provided to support a path of travel.

**Façade:** The objective design standards require that for street-facing windows, the glass be inset a minimum of three inches from the exterior wall or from surface to add relief to the wall surface. RRM Design Group recommended that the plans be revised for the detached unit to comply with the requirement. The applicant has stated that the proposed framing does not allow for the required inset, and they are requesting a deviation from the requirement. No alternative method is proposed.

**Landscaping:** Pursuant to CMC Section 17.72.050 (Required landscape areas), all required property frontages are required to be landscaped and maintained. RRM Design Group recommended the

installation of a fast-growing evergreen buffer species between the existing residential homes and the proposed second story addition on Unit B and the new Unit C. The landscape plan has been revised to include a landscape buffer along the western property line to comply with this recommendation. The project proposes removal of a 16-inch oak tree along the western property line. The applicant indicates that two, fifteen-gallon, *Schinus molle* (Peruvian pepper tree) are proposed at the rear of the property, as replacement trees.

The landscape irrigation system is required to be on a separate dedicated water meter (Section 17.72.050 B2). The applicant will be required to comply with this requirement.

The project will be required to demonstrate compliance with the Soquel Creek Water District's Maximum Allowable Water Use as required by Section 17.72.060 B1.

**Deviations Requested:** An applicant may request deviation from one or more standards through the design permit process. The Planning Commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement that proceeds the standard. The applicant is requesting the following deviations from the City's Objective Design Standards:

1. CMC Section 17.82.060.B.3.b – Building Entry Orientation – No alternative method proposed.
2. CMC Section 17.82.060.B.4- Pedestrian Walkway – Alternative method proposed.
3. CMC Section 17.82.080.B2.b- Windows and Doors – No alternative method proposed.

The applicant is upgrading the new structure to be consistent with the proposed new residential unit. Because of site constraints and the orientation of the existing duplex, it may be appropriate to orientate the new residential unit interior to the site. The street facing façade has decks and varied building materials to add interest along the street frontage. Although a clear pedestrian walkway has not been provided, a colored material change will be provided along the driveway to encourage pedestrian use along the periphery of the driveway. For the project windows, no alternative method of compliance has been proposed, and because this is a new structure, staff has required the objective standard be complied with. Condition No. 22 requires compliance with CMC Section 17.82.080.B2.b- Windows and Doors.

**California Environmental Quality Act (CEQA):** This project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(b) - New Construction, and 15304(b) - Minor Alterations to Land. The Community Development Director has further determined that the six exceptions to the use of a categorical exemption do not apply to this project (CEQA Guidelines Section 15300.2).

#### **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.**

The Community Development Department, Development and Design Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The existing structure has been identified as nonconforming. Because the costs of improvements will not exceed 80 percent of the fair market value, the improvements and addition are permitted. The proposed project, as conditioned, consists of long range and implementation planning documents. The project complies with the City's Design Review Criteria.

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

The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed three-unit, multi-family development complies with all development standards of the RM-M zoning district, except for the

identified nonconforming setbacks which may remain unaltered. The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.

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

The project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(b) - New Construction, and 15304(b) - Minor Alterations to Land. None of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). The project will not have a significant adverse effect on the environment.

**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 multifamily development will not have an impact to public, health, safety, and welfare. The buildings will be fire sprinkled and will be served by all necessary public utilities.

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

The Community Development, Design and Development Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The proposed three-unit, multifamily development and supporting improvements will comply with the applicable design review criteria as described by RRM Design Group.

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

The project site is located within the RM-M zoning District, surrounded by residential and commercial/office uses. The design complies with the City of Capitola standards. The proposed use does not introduce any new or unusual impacts.

## **Conditions of Approval:**

### General Conditions

1. The project approval consists of a Design Permit for a second-story addition to an existing duplex and new detached, two-story unit on a 0.28-acre site located at 506 Pine Street. Design Permit No. 24-0138 is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 6, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. This permit shall expire 24 months from the date of issuance unless exercised. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.

5. 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.
6. 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.
7. 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.
8. The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.
9. Green Waste is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.
10. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

#### Planning Department Conditions

11. Prior to making any changes to the 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.
12. Prior to issuance of a building permit, all Planning fees associated with Permit #24-0138 shall be paid in full.
13. Air-conditioning equipment or other mechanical equipment shall be screened from view and fall within allowable city-permitted decibel levels. Additional details showing equipment locations and any mechanical screens shall be shown on the building permit plans.
14. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. 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.

15. Prior to issuance of a building permit, the Building Permit plans will be routed for plan approval to the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District and Central Fire Protection District.
16. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Capitola, its agents, officers, and employees from any claim, action, or proceeding against the City of Capitola or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the Applicant's or permittee's defense of said claims, actions or proceedings.
17. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property and any new utility lines will be underground to the nearest utility pole.
18. Prior to occupancy, the Landscape Architect shall certify in writing that the landscaping and irrigation has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Community Development Director.
19. 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.
20. Trees approved for removal within this development application may not be removed prior to issuance of a building permit.
21. The 16-inch oak tree removed for the project shall be replaced with two, 15-gallon trees, to be installed prior to final occupancy.
22. Prior to issuance of a building permit, the project plans shall be revised to demonstrate compliance with CMC Section 17.82.080.B2.b- Windows and Doors, requiring that the street-facing windows be inset a minimum of three inches from the exterior wall or from surface to add relief to the wall surface.

#### Public Works Department Conditions

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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
24. Prior to issuance of building permits, the applicant shall submit a stormwater management plan, prepared and certified by a Registered Civil Engineer, to the satisfaction of the Director of Public



Works which complies with Capitola Municipal Code Section 13.16.090 Post Construction Stormwater Management and implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

25. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures (e.g., access to construction site, equipment and material storage locations and duration of placement, stockpile protection location and detail, wattle locations and detail, inlet protection detail, containment of trash/debris, location of portable toilet and containment/protection, etc.). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
26. Complete and submit the attached Storm Water Low Impact Development Assessment Checklist. Clearly mark all LID design measures on the site plans.
27. New sidewalk will be required across the full frontage of the property. Please revise the plans to show that a full run of sidewalk will be installed per Public Works Standard Details and to the satisfaction of the Public Works Department. The standard details can be accessed on the City's website here: <https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>

#### Prior to Final Occupancy

28. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review, approval and recorded in the Office of the County Recorder by the Public Works Director.
29. Prior to final occupancy approval the applicant shall enter into and record in the Office of the County Recorder, any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of the stormwater treatment BMPs.
30. The Engineer of Record shall inspect and provide record drawings of construction of stormwater management improvements and certify to the City that the construction meets the intent of the approved design drawings, Stormwater Control Plan, and City Post Construction Requirements. Public Works Standard Conditions of Approval (to be printed in the plan set)
31. Public Works Standard Detail BMP STRM (Stormwater Pollution Prevention and Protection for Construction Projects) (attached) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
32. 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.
33. 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.
34. Prior to 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

35. Site runoff shall not drain onto adjacent parcels or over sidewalks.
36. 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. General Site Maintenance: Keep work site clear of debris and be aware of tracking mud, dirt, gravel into the street, and sweep daily, cover all stockpiles and excavation spoils. Practice good housekeeping and maintain temporary construction BMPs.

**Attachments:**

1. 506 Pine Street - Project Plans – October 11, 2025
2. 506 Pine Street - Construction Cost Breakdown
3. 506 Pine Street - RRM Design Review Memo – April 24, 2025
4. 506 Pine Street - Applicant's Response to Design Review Memo

Report Prepared By: Gina Paolini, Principal Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director