

City of Capitola

Planning Commission Meeting Minutes

Thursday, January 18, 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 6:00PM. In attendance, Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman.

2. New Business

Commissioner Wilk moved to nominate Courtney Christiansen as Chair. Commissioner Jensen seconded the motion, and the Commission voted unanimously to appoint Courtney Christiansen as Chair of the Capitola Planning Commission.

Susan Westman moved to nominate Gerry Jensen as Vice Chair. Commissioner Wilk seconded the motion, and the Commission voted unanimously to appoint Gerry Jensen as Vice Chair of the Capitola Planning Commission.

3. Additions and Deletions to the Agenda

Associate Planner Sesanto confirmed that one additional material was added to the agenda - one turning radius site plan for Item 6B.

4. Oral Communications

Goran Kelpic, resident of Santa Cruz County, spoke about a vandalism issue he sees at Jade Street Park.

5. Planning Commission/Staff Comments

Commissioner Wilk commended staff for the recent tree giveaway, stating that while he initially opposed the program, it was a smashing success and he's pleased with the outcome. In addition, he commended the tree replacement program.

He commented about the comments and revisions that staff often provide to applicants within their Conditions of Approval. He urged the rest of the Commission to look more closely at the Conditions to see if they are necessary.

Vice Chair Jensen thanked Susan Westman for her work as Chair over the last year. He commented on the recent storm damage on the Capitola Esplanade. He then recommended that the Commission meet to discuss Commissioner Wilk's concern and other procedural matters including the architecture and site committee.

Commissioner Westman recommended that the Commission meet for a workshop soon to discuss this topic.

Director Herlihy commented that the next Planning Commission has no items currently scheduled for the February 1 meeting and this meeting could be a good candidate for this type of discussion.

Commissioner Westman then proposed that the Commission send Director Herlihy their comments directly via email to ensure that these topics are agendaized and discussed sooner rather than later.

6. Public Hearings

A. 605 Escalona Drive

Project Description: Permit #23-0374. Design Permit for first- and second-story additions with a Variance to the side yard setback on an existing single-family residence located within the R-1 (Single-Family Residential) zoning district, at APN: 036-142-12. 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 Permit #23-0374 and either approve the application as proposed or provide direction on reducing the rear massing and continue the application to a future meeting.

Planner Sesanto presented the Staff Report.

Commissioner Wilk asked staff to explain the privacy wall requests that they made of the applicant. Associate Planner Sesanto noted the code requires screening, but the code does not specify a height for the screening. Director Herlihy cited the code section. Commissioner Estey and Vice Chair Jensen asked if any additional comments or feedback were received from neighbors.

Chair Christiansen opened the public hearing.

Property owner Frank Mecozzi spoke about his application, the proposed variance, and other details of the project.

Valerie Hart, designer of the project, spoke about the rear massing variance and the timeline of the design, the character of the structure and neighborhood, and other details of the project.

TJ Welch spoke to support the project, stating that he appreciates seeing a family with kids moving into a neighborhood typically inhabited by older people. He believes the issue regarding the variance was created by the City by changing the zoning of the neighborhood in 1979, not due to anything that the applicants have done. He also supported the idea of reinstating the Architectural and Site Review Committee of old.

Chair Christiansen closed the public hearing.

Commissioner Wilk began the Commission comments by stating his concerns regarding the landscape plan. He asked the applicant if they preferred not to modify the landscaping. Mr. Mecozzi stated that he would leave the landscaping alone in the interest of focusing more of his resources on the permitting and construction of the home itself, rather than the landscaping.

Commissioner Westman supported the project but disagreed with Commissioner Wilk's comment about the landscape plan.

Commissioner Estey agrees that the variance is a non-issue, and the applicants shouldn't be penalized by the City's rezoning back in 1979. He also questioned Ms. Hart's decisions related to the rear massing. His main concern is setting a precedent for future projects. There was a discussion between Ms. Hart and Commissioner Estey related to the design choices regarding the massing.

Vice Chair Jensen commented on the privacy screening height increase proposed by staff. There was a discussion between commissioners regarding code and privacy screening exceptions made to prior projects.

Property owner Jennifer Fribourgh commented about the deck screening height, stating she prefers it to be a normal deck and deferred the height decision to the Commission.

Commissioner Wilk supported reducing the privacy screening to 42 inches and deferring the landscape plan until a later date. Vice Chair Jensen asked about permeability and stormwater rules relating to the landscape.

Director Herlihy spoke about the process the city allows for temporary occupancy prior to the landscape installation being complete.

Commissioner Wilk moved to approve the application as recommended by staff with the exception that the required privacy screening does not need to exceed a height of 42 inches. Vice Chair Jensen seconded.

Motion to approve Item 6A with added condition: Commissioner Wilk

Seconded: Vice Chair Jensen

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

Voting No: Commissioner Westman

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. With approval of a Variance for the first-story side setback, the proposed single-family residence complies with the applicable development standards of the R-1 (Single-Family Residential) 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. With approval of a Variance for the first-story side setback, the proposed single-family residence will comply with, 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 15301(e)(2) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible no expansion of use, including additions to existing structures that will not result in an increase of more than 10,000 square feet, provided that (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and; (B) the area in which the project is located is not environmentally sensitive. The project involves additions to a single-family dwelling within the R-1 (Single-Family Residential) zoning district. The development is permissible in the General Plan and the project is not located in an environmentally sensitive area.

- 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 remodel will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed single-family residence complies with all applicable design review criteria in Section

17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the application for the single-family residence. The cottage theme maintains the character of the neighborhood, which has a variety of traditional 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 605 Escalona Drive. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 605 Escalona Drive. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves a 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 R-1 (Single-Family Residential) 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 commercial 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 R-1 (Single-Family Residential) 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: 605 Escalona Drive has an angled front lot line which is not common throughout Capitola. Because side setbacks on four-sided lots are calculated as an average between the front and rear lot widths, required side setbacks are slightly larger (about an inch) due to the angle of the front property line.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: The Depot Hill neighborhood was zoned multi-family from the time of the City Incorporating (1949) until 1979. The change to single-family zoning in 1979 altered the development standards, including setbacks, for the entire neighborhood. There are many structures in the Depot Hill neighborhood with non-conforming setbacks due to the 1979 zone change. The granting of a variance would enable the applicant to construct the proposed additions without moving the garage wall half a foot.

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: Several properties in the vicinity have substandard side setbacks similar to the condition found on the subject property. The granting of a variance would enable the applicant to construct the proposed additions without requiring removal of an existing nonconforming garage side wall.

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 proposed additions will meet current development standards, including setbacks. 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. The garage is located four-feet, five-inches from the side property line, allowing adequate space during an emergency for access around the home.

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: Two properties along the south side of Escalona Drive have substandard setbacks. Substandard side setbacks are more common on the north side of Escalona Drive, where the average lot widths are narrow. Many properties on the north side of the street have non-conforming side setbacks. The variance acknowledges an existing garage side wall and does not constitute a grant of special privilege.

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

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

Conditions of Approval:

1. The project approval consists of the remodel of an existing single-family dwelling. The maximum Floor Area Ratio for the 6,354 square foot property is 48% (3,050 square feet). The total FAR of the project is 45.6% with a total of 2,896 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 January 18, 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, all Planning fees associated with permit #23-0374 shall be paid in full.
7. 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.
8. 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.
9. 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.
10. 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).
11. 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.
12. 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.
13. During construction, 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.
14. Prior to issuance of Certificate of Occupancy, 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.

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 any 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. 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.
20. 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. Outdoor lighting fixture specifications shall be included with the plans submitted for building permit plan check.
21. 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.
22. The required permanent privacy screen for the upper-story deck does not need to exceed 42 inches in height.

B. 417 Capitola Avenue

Project Description: Permit #23-0330 Design Permit to demolish an existing commercial building (Baash) and construct a new single-family dwelling with a Variance request for the floor area ratio, a Minor Modification request for the maximum driveway width, and exception requests to the rear and side setbacks. The project is located within the MU-N (Mixed Use Neighborhood) zoning district, at APN: 035-131-04. The project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Recommended Action: Consider Permit #23-0330 and either approve the project as proposed or provide direction on recommended revisions to the design and continue the application to a future meeting.

Chair Christiansen introduced Item 6B, and Director Herlihy explained the conflicts of interest within this item. Chair Christiansen is employed by the applicant, and Commissioners Wilk and Westman live within 500ft of the site. Due to rule of necessity, one of these Commissioners must participate despite the conflicts in order to maintain a quorum. Chair Christiansen and Commissioner Wilk were recused, and Commissioner Westman participated as determined by random drawing of straws.

Associate Planner Sesanto presented the staff report.

Commissioner Estey asked about feedback that was provided by staff before the item was brought to the Commission.

Vice Chair Jensen opened the public hearing.

Dan Townsend, owner and applicant, thanked staff for their work and briefly spoke about the project.

Commissioner Westman described her concern with the Planning Commission dictating the character and the direction of the City, which she sees as being an eclectic mix of residential and commercial buildings with varying designs. She appreciates certain modern redevelopments that have been completed in the City but has a hard time reconciling this project being constructed on this particular site, given all of the constraints due to size, shape, etc.

Commissioner Estey agreed with Commissioner Westman's concerns and initially shared many of the same concerns, but in the end, appreciated the design and believes it will be a nice addition to the City. His main concern is the juxtaposition between this modern design and the old, unattractive design of City Hall across the street.

Vice Chair Jensen discussed his concerns related to variances and creating precedents that are set by approving projects like this. A discussion ensued regarding the character of the City and the direction that City is going, some of which relate back to the City's strategic plan and long-term vision. Commissioner Westman is concerned for a future Capitola Ave that is filled with 3-story flat roof structures that max out their sites and lack character.

Vice Chair Jensen allowed the applicant to respond to these concerns. Mr. Townsend appreciated the comments and explained the process of coming up with creative solutions to difficult design constraints. He clarified that the application is only seeking 1 variance, as well as minor modifications, but overall stressed that Capitola is a mix of designs of varying inspirations and decades. Dan Gomez, co-applicant and owner, commented on the eclectic mix of character within the City, which they want to protect. However, his opinion is that the mix of old and new is what gives communities charm. He provided some rationale for certain features of the design and commented on the effect that these types of projects have on the community.

Commissioner Estey moved approval of the application as presented by Staff. Seconded by Commissioner Westman.

Motion to approve Item 6B: Commissioner Estey

Seconded: Commissioner Westman

Voting Yea: Commissioner Estey, Westman, Vice Chair Jensen

Abstaining: Commissioner Wilk, Chair Christiansen

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 the garage floor area, a Minor Modification for the maximum driveway width, 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 the garage floor area, a Minor Modification for the maximum driveway width, and exception requests for the rear and side setbacks, the proposed single-family residence will comply with, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section 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 contemporary design 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:

I. 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.

J. The project maintains or enhances public views.

The proposed project is located on private property at 417 Capitola Avenue. The project will not negatively impact public landmarks and/or public views.

K. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 417 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.

L. 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.

M. The project maintains or enhances opportunities for visitors.

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

N. The project maintains or enhances coastal resources.

The project involves a single-family residence and will not negatively impact coastal resources.

O. 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.

P. 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 commercial 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:

G. 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, closer to a half-lot in terms of floor area. The property is also irregular in shape with angled front, side, and rear lot lines. The property is also located within a flood zone, which limits new development of habitable space below the base flood elevation. The ground-floor hallway is located below the base flood elevation, and although counted as a part of the heated space and the floor area ratio, is prohibited from being habitable. Although the code exempts up to 250 square feet of garage area for small lots such as 417 Capitola Avenue, the subject property has a larger two-car garage to meet its full parking requirements.

H. 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 have limited front setbacks but do not provide covered parking or the full amount of required parking. The subject property has limited adequate space for both parking and driveway access. Development standards and design considerations of the MU-N zone also suggest structures should be located along the street frontage with parking areas away from the public view and primary entrances should be oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment. The applicant is seeking a variance to floor area for the enclosed second parking space in an effort to comply with zoning standards and design considerations.

I. 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 limited front setbacks but do not provide covered parking or the full amount of required parking. The subject property has limited adequate space for both parking and driveway access. Development standards and design considerations of the MU-N zone also emphasize forward massing along the street with parking areas away from the public view. Granting a variance for the floor area enables the subject property to bring the structure massing towards the street, limit open parking area in the front yard, and still meet all parking requirements.

J. 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 will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property.

K. 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: There are several R-1 and MU-N zoned properties in the vicinity that exceed the maximum allowed floor area ratio, even after accounting for garage floor area credits due to lot size. Several properties behind the subject property exceed their allowed FAR, including two on Blue Gum Avenue and another on Riverview Avenue. A mixed-use structure at 411 Capitola Avenue also exceeds the maximum allowed FAR.

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

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

Minor Modification Findings:

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

Staff Analysis: The proposed 10-foot, seven-inch driveway is compatible with the immediate surroundings and provides a minimum necessary width for a functioning driveway.

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

Staff Analysis: The proposed deviation will not reduce offsite parking and will improve vehicle movement and transition to and from the street.

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

Staff Analysis: The portion of Capitola Avenue is known for small, narrow properties that warrant additional flexibility regarding dimensional standards. Lot limitations along this portion of Capitola Avenue are already acknowledged in the zoning code, which allows reduced setbacks without the approval of a variance or minor modification. Driveway width limitations are directly related to unique lot dimensions and granting a deviation would enhance driveway function and traffic flow.

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

Staff Analysis: The proposed minor modification allows for a driveway that is consistent with residential driveways in Capitola.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

Staff Analysis: The modification is consistent with the general plan and local coastal program.

F. The modification will not establish a precedent.

Staff Analysis: A 10-foot, seven-inch wide driveway will not establish a precedent or special privilege. The driveway is comparable to or narrower than many properties along Capitola Avenue that have driveways.

G. The modification will not adversely impact coastal resources.

Staff Analysis: The proposed driveway and minor modification will not impact coastal resources.

Conditions of Approval:

1. The project approval consists of construction of a new 1,700 square-foot single-family dwelling. The maximum Floor Area Ratio for the 1,700 square foot property is 100% (1,700 square feet). The total FAR of the project is 100% with a total of 1,700 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 January 18, 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, all Planning fees associated with permit #23-0330 shall be paid in full.
7. 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.
8. 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.
9. 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.
10. 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).

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. Prior to issuance of building permits, submit construction plans showing the area to be used for scaffolding etc. during construction of the 2nd and 3rd story to ensure necessary OSHA clearances from power lines are met.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

22. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
23. 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.
24. 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.

7. Director's Report

Director Herlihy gave an update regarding the City's website and where new and existing businesses can find information.

She commented on the Tesla Charging Station near the Burger King at 41st Avenue, which is under construction. She explained why the project did not come before the Commission for approval.

She then updated the Commission about the Housing Element, which was not certified by the State after the most recent submission.

She announced that the building permit was issued for the affordable housing project on Capitola Rd.

She also gave an update about the Wharf, stating that an item will be heard by the Commission in March.

There was an update to the Senior Housing project conceptual design proposal at Capitola Rd and Bulb Ave, which will come to the City Council next week.

She finally gave an update on the recent storm in December 2023 stating that 3 residences were affected. She thanked Vice Chair Jensen for coordinating efforts during and in response to this storm.

Commissioner Estey asked for an update regarding the Capitola Mall site review study. He also had a few questions regarding other comments from the HCD in the Housing Element.

Vice Chair Jensen asked for an update on 600 Park Ave, which is now on the market. He then asked about a rumor he heard about a potential application for a new business in the Capitola Mercantile. He asked about a Public Works-related pumping issue in the aftermath of the December storm. He asked about the Planning Commission's role in the City Council's upcoming strategic plan and Director Herlihy provided an update.

Commissioner Westman asked about the State's new law regarding parking spaces near crosswalks.

9. **Adjournment** – *The meeting was adjourned to the next regularly scheduled meeting of the Planning Commission on February 1, 2024, at 6:00 PM.*