

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, October 06, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

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#### 1. Roll Call

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

#### 2. Oral Communications – None

##### A. Additions and Deletions to the Agenda - None

##### B. Public Comments – None

##### C. Commission Comments – None

##### D. Staff Comments

Director Herlihy noted that there are four participants on zoom; there are no hands raised.

##### E. Consent Calendar

###### A. 216 Central Avenue

**Permit Number: #20-0103**

**APN: 036-122-22**

Request to continue. Design Permit, Historic Alteration Permit, a Minor Modification for the required parking space dimensions, and a Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: TBD

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

**Motion: Approve Request to continue.**

**Result: Passed, 5:0 (Unanimous) Mover:** Commissioner Newman

**Second:** Commissioner Christiansen.

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

### 3. Public Hearings

#### A. 3720 Capitola Road & 1610 Bulb Avenue

**Permit Number: #22-0149**

**APN: 034-18-114 and 031-12-139**

Conceptual Review for (1) future annexation of 1610 Bulb Avenue into Capitola City limit and (2) Community Benefit Application for Senior Living facility at 3720 Capitola Road and 1610 Bulb Avenue in the Community Commercial (CC) Zoning District.

Environmental Determination: To be determined

Property Owner: Zurite LLC and Capitola Land Ventures LLC

Representative: Zurite LLC and Capitola Land Ventures LLC

Commissioner Newman recused himself because of a conflict.

Director Herlihy presented the staff report.

Architect Greg Irwin tried unsuccessfully to provide additional details because of a technical glitch.

Lee Cory, (designated to speak on behalf of Greg Irwin), tried unsuccessfully to assist with the presentation as the technical glitch persisted.

Commissioner Routh suggested going to next item while they figure this out.

Per consensus, the item was deferred to return soon after. No vote was required or taken.

The technical glitch persisted when the item returned. There was a consensus to defer the item to the next Planning Commission Meeting.

Commissioner Routh noted that this is a big project. The applicants should present in person; not on zoom.

**Motion: Defer the item to the next Planning Commission Meeting.**

**Result: Passed, 4-0-1**

**Mover:** Vice Chair Westman

**Second:** Commissioner Christiansen

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Routh

**Recused:** Commissioner Newman

#### B. 529 Capitola Avenue

**Permit Number: #22-0153**

**APN: 035-093-01**

Design Permit and Coastal Development Permit for the demolition of an existing detached garage and construction of a new two-story building with a two-car garage on the first floor and an ADU on the upper floor located within the MU-N (Mixed Use Neighborhood) zoning district.

Environmental Determination: Categorical Exemption 15301

Property Owner: Jim LaTorre

Representative: Dennis Norton, Filed: 04.19.2022

Vice Chair Westman recused herself because of a conflict.

Senior Planner Brian Froelich presented the staff report. Staff recommends the Planning Commission approve project #22-0153 based on conditions of approval and findings.

Public comment:

Dennis Norton, (designer for the applicant) stated that this is a good project and noted that he agreed with the staff report conclusion that the structure is not safe. He also agreed with the conditions of approval, except #12. He wanted to make sure the owner did not need to put existing utilities underground.

Planner Froelich concurred and stated that only new utilities would need to be placed underground.

Director Herlihy noted that there are six attendees on zoom; there are no hands raised.

**Motion: Approve the project**

**Result: Passed, 4-0-1**

**Mover:** Commissioner Routh

**Second:** Commissioner Newman

**Yea:** Chair Wilk, Commissioner Newman, Commissioner Routh and Commissioner Christiansen

**Recused:** Vice Chair Westman

### **Conditions of Approval**

1. 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 on October 6, 2022. All construction and site improvements shall be completed according to the approved plans.
2. 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.
3. Construction activity shall be subject to a 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

### Planning

4. The project approval consists of construction of a two-story detached building with a 485 square-foot two car garage on the first floor and a 563 square-foot ADU on the upper floor. The maximum Floor Area Ratio for the 4,000-square-foot property is 1:1 (4,000 square feet). The FAR of the project is 60.7% with a total of 2,428 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 October 6, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
5. 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.

6. 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 17.156.080.
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. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. 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.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0153 shall be paid in full.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, the building permit plans must show that ~~the any new overhead utility lines will be installed underground to the nearest utility pole and/or meter.~~
13. Exterior lighting shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots.
14. Before obtaining a building permit 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.
15. The applicant shall raise the sill height of the windows on the south side of the ADU to be a minimum of 60 inches above finished floor or treat any portion of the windows below 60 inches above finished floor with an opaque coating.

#### Public Works

16. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
17. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.

18. Prior to issuance of building permits, the applicant shall submit a stormwater applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
19. 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.
20. The applicant shall work with the Public Works Department to complete a Deferred Sidewalk Agreement in place of installing new curb, gutter, sidewalk, and curb ramp improvements.
21. 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.
22. The new driveway approach shall not change the existing flowline along the Beverly Drive frontage.

**Accessory Dwelling Unit Design Permit Findings:**

- A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.**

The proposed ADU utilizes a board and batten siding with colors consistent to the primary dwelling and a 2:12 roof pitch to coordinate with the dormer roof line of the primary dwelling. The exterior design is compatible with the primary dwelling on the parcel.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU utilizes materials and a two-story building form common within the neighborhood. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with, and maintains the scale of the neighborhood.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a single-bedroom ADU on a site that is being brought into parking compliance. The ADU will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential and mixed-use neighborhood with adequate water and sewer service.

- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The yard is well landscaped and provides ample outdoor open space for both units.

- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated in design and with conditions of

approval. The location and design of the ADU maintains a compatible relationship with adjacent properties.

- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The internal staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. The applicant is requesting consideration for clear windows facing the property on the south. Planning staff is recommending a condition that windows on the south façade have a minimum sill height of 60 inches or be opaque for portions of the windows below 60 inches. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch to the dormer, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

- J. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**

The applicant is requesting consideration for clear windows on the south façade. The applicant asserts that there is adequate landscape screening a distance between structures to maintain privacy. Planning staff has added condition #15, which represents a compromise between strict code compliance and the applicant's proposal.

#### **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 529 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 accessory dwelling unit (ADU) 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 an ADU and will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves an ADU and will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves an ADU 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 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) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves an ADU on a mixed-use lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

**C. 401 Capitola Avenue**

**Permit Number: #22-0282**

**APN: 035-131-11**

Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

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

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

Chair Wilk recused because of a conflict, as Commissioner Newman.

Senior Planner Brian Froelich presented the staff report. Staff recommends the Planning Commission continue project #22-0282 to the November 3, 2022, Planning Commission meeting

**Motion: Continue the item to next meeting.**

**Result: Passed, 3-0-2**

**Mover:** Commissioner Christiansen

**Second:** Commissioner Routh

**Yea:** Vice Chair Westman, Commissioner Christiansen, Commissioner Routh

**Recused:** Chair Wilk, Commissioner Newman

**4. Director's Report– None**

**5. Commission Communications– None**

**6. Adjournment**

The meeting was adjourned at 7:40PM to the next Regular Meeting of the Planning Commission on November 3, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, City Clerk's Office

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