

City of Capitola

Planning Commission Meeting Minutes

Thursday, December 05, 2024 – 5:00 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 5:00 PM. In attendance: Commissioners Estey, Westman, Wilk, Jensen, and Chair Christiansen.*
2. **Additions and Deletions to the Agenda** - *The Deputy City Clerk announced that erratum attachments to Items 6A and 6B were distributed as additional materials.*
3. **Oral Communications**
 - *Goran Klepic*

4. **Planning Commission/Staff Comments**

Commissioner Wilk requested that the next Planning Commission consider objective architectural design standards for development projects; advocated for municipal guidelines to help future development applicants; and provided comments about his experience as a Planning Commissioner.

Commissioner Jensen provided comments about his experience as a Planning Commissioner.

Director Herlihy provided an update on the Highway 1 onramp at Bay Avenue. Director Herlihy also announced that tree removal permits have been issued for removal of eucalyptus trees along Park Avenue, and that Park Avenue will be closed from 8:30 AM to 4:00 PM December 12th through 20th for the work to be completed.

5. **Consent Calendar**

- A. **Approval of September 5th, 2024 Planning Commission Meeting Minutes**
- B. **Approval of October 3rd, 2024 Planning Commission Meeting Minutes**
- C. **4750 Jewel Street**

Motion to approve Consent Calendar Items 5A and 5C: Commissioner Wilk
Second: Commissioner Westman
Voting Yea: 5-0

Motion to approve Consent Calendar Item 5B: Westman
Second: Wilk
Voting Yea: 4-0-1 (Estey - Abstain)

4750 Jewel Street

Project Description: Application #24-0345. APN: 034-064-03. Design Permit for the demolition of an existing single-family residence and the construction of a new single-family residence. The project is 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 not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0345 and approve the project based on the attached Conditions and Findings for Approval.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence complies with the development standards of the R-1 (Single-Family Residential) zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the proposed residence. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves the demolition and construction of a single-family. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residence complies with all applicable design review criteria in Section 17.120.070.

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

Community Development Staff and the Planning Commission have all reviewed the application for the new single-family residence. The project balances a mix of contemporary and classic design elements which will maintain the overall character and scale of the neighborhood.

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 4750 Jewel Street. 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 site 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 residential project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The residential project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project 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 single-family residence complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

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

The project involves a new single-family residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The project approval includes the demolition of an existing residence and the construction of a 1,881 square-foot single-family residence. The maximum Floor Area Ratio for the 3,359 square foot property is 56% (1,881 square feet). The total FAR of the project is 56% with a total of 1,881 square feet. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 5, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.

4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 3 palm trees to be removed from the property. Replacement tree(s) shall, at maturity, provide 15% canopy coverage as required for new construction. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans, unless modified consistent with condition #5.
9. Prior to issuance of building permit, all Planning fees associated with permit #24-0345 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
24. 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.
25. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.

6. Public Hearings

A. 4825 Opal Street

Project Description: Application #24-0148. APN: 034-064-23. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing residence and construction of a new single-family residence and attached ADU. The project is located within the R-1 (Single-Family Residence) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0148 and approve the project based on the Conditions and Findings for Approval.

Associate Planner Sesanto presented the staff report.

Public Comments:

- **Cove Britton**

The Commission requested clarification regarding the application’s square footage and discussed the application.

Motion to approve Application #24-0148 based on the Conditions and Findings of Approval: Commissioner Wilk

Second: Commissioner Estey

Voting Yea: 5-0

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence complies with the development standards of the R-1 (Single-Family Residential) zoning district. The proposed project is inconsistent with zoning standards related to accessory dwelling units (ADU) and the maximum allowed floor area ratio. The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the project has been conditioned to secure the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the proposed residence and attached accessory dwelling unit (ADU). The subject property has a maximum allowed floor area ratio (FAR) of 56% (1,837 square feet). The proposed project includes a Limited Standards ADU, which may exceed the allowed FAR, provided the ADU does not exceed 800 square feet in size and complies with height and setback standards. The project includes a 1,837 square foot primary dwelling and a 831 square foot ADU, for a proposed FAR of 81.4% (2,669 square feet). As proposed, the ADU exceeds the allowed size under a Limited Standards ADU by 31 square feet and the project exceeds the allowed FAR by 831 square feet. The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the project has been conditioned to comply with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves the demolition and construction of a single-family. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application and determined the proposed residence complies with all applicable design review criteria in Section 17.120.070.

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

Community Development Staff and the Planning Commission have all reviewed the application for the new single-family residence. The project balances a mix of contemporary and classic design elements with its Spanish Revival architecture. As proposed, the project exceeds the scale and development pattern of the neighborhood due to the previously identified inconsistencies with zoning standards relating to accessory dwelling units and the maximum allowed floor area ratio. The project has been conditioned to reduce the scale of the project to comply with code. Therefore, the project has been conditioned to maintain the overall character and scale of the neighborhood.

Limited Standards ADU Permit Findings:

A. The ADU provides a minimum rear and side setback of four feet.

The proposed ADU is four feet from rear and side property lines.

B. The ADU does not exceed eight hundred square feet in size.

The proposed ADU is 831 square feet in size, which exceeds the allowed size under a Limited Standards ADU. The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the project has been conditioned to comply with this finding.

C. The ADU has a maximum height of sixteen feet.

The proposed attached ADU is 23 feet and 6 inches in height. However, State law requires local agencies to permit an attached ADU up to 800 square feet in size and up to 25 feet in height, or the zoned height limit for the primary dwelling, whichever is less. The project is located within the R-1 zoning district, which allows a primary dwelling up to 25 feet in height.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

As proposed, the project has inconsistencies with zoning standards relating to accessory dwelling units and the maximum allowed floor area ratio, which are detailed in findings for the Design Permit and Accessory Dwelling Unit Permit. FAR limits and ADU standards are part of the Local Coastal Plan (LCP). The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the proposed development has been conditioned to conform to the City's certified 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 4825 Opal Street. 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 site 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 negatively affect natural habitats or natural resources.

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

The residential project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The residential project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project 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.

As proposed, the project has inconsistencies with zoning standards relating to ADUs and the maximum allowed floor area ratio (FAR), which are detailed in findings for the Design Permit and Accessory Dwelling Unit Permit. The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the proposed single-family residence and ADU have been conditioned to comply with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

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

The project involves a new single-family residence and attached accessory dwelling unit on a residential lot of record. The project has been conditioned for consistency with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The submitted plans, dated September 4, 2024, and reviewed by Planning Commission on December 5, 2024, do not comply with development standards related to accessory dwelling units (ADU) and the maximum FAR. The Design Permit, ADU permit, and Coastal Development Permit are conditionally approved as outlined herein, and as modified through conditions imposed by the Planning Commission during the hearing.

2. The maximum allowed FAR for the 3,280 square foot property is 56% (1,837 square feet), of which the primary dwelling complies. The applicant is seeking to apply the ADU guaranteed allowance to the project, however an ADU subject to the guaranteed allowance may not exceed 800 square feet. The submitted plans include a 831 square foot ADU, which exceeds the maximum floor area allowed under the guaranteed allowance by 31 square feet, which may be shifted to the primary dwelling. The plans reviewed by the Planning Commission on December 5, 2024, shall be revised to comply with the maximum FAR in addition to a guaranteed allowance ADU. At time of submittal for building permit review, the construction plans shall reduce the size of the ADU by at least 31 square feet. Floor area revisions shall be consistent with Chapter 17.48, to the satisfaction of the Community Development Director, or their designee.
3. At time of submittal for building permit review, the construction plans must show all upper floor windows serving the accessory dwelling unit as clerestory or opaque, unless they are located at least eight feet from all interior side and rear property lines.
4. At time of submittal for building permit review, the construction plans shall include cross-section(s) of the living area noted on the architectural plans demonstrating it does not have an internal height exceeding sixteen feet. Any changes or inconsistencies to internal heights that increase floor area must be offset by equal amount and may be subject to Planning Commission approval.
5. At time of submittal for building permit review, the construction plans shall show the location of all required parking spaces, and their minimum required dimensions are required by the zoning code.
6. Prior to issuance of a building permit, construction plans shall demonstrate the driveway does not exceed 40 percent of the width of the lot at the street line, unless otherwise authorized under Capitola Municipal Code Chapter 12.32.
7. 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 and conditioned by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
8. 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.
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. 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.
11. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

12. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
13. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit. Replacement tree(s) shall, at maturity, provide 15% canopy coverage as required for new construction. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans, unless modified consistent with Condition-~~#5~~ #9.
14. Prior to issuance of building permit, all Planning fees associated with permit #24-0148 shall be paid in full.
15. 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.
16. 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.
17. 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.
18. Prior to issuance of building permits, the applicant shall submit a site plan that includes temporary construction sediment and erosion control measures (e.g. access to the 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.
19. Prior to issuance of a building permit, 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).
20. The applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. 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.
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. 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

23. 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.
24. 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.
25. 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.
26. 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.
27. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
28. 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.
29. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
30. 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.
31. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
32. Prior to a issuance of a Certificate of Occupancy, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

- a. The deed restriction shall lapse upon removal of the accessory dwelling unit.

B. 4855 Opal Street

Project Description: Application #24-0149. APN: 034-064-24. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing residence and construction of a new single-family residence and attached ADU. The project is located within the R-1 (Single-Family Residence) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0149 and approve the project based on the Conditions and Findings for Approval.

Associate Planner Sesanto presented the staff report.

Public Comment:

- **Cove Britton**

The Commission discussed the overall square footage allowance and the application.

Motion to approve Application #24-0149 based on the Conditions and Findings of Approval: Commissioner Westman

Second: Commissioner Jensen

Voting Yea: 5-0

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence complies with the development standards of the R-1 (Single-Family Residential) zoning district. The proposed project is inconsistent with zoning standards related to accessory dwelling units (ADU) and the maximum allowed floor area ratio. The project approval includes a condition requiring the project to be reduced in size by at least ~~65~~ 31 square feet, of which 31 square feet must be reduced from the ADU. Therefore, the project has been conditioned to secure the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the proposed residence and attached accessory dwelling unit (ADU). The subject property has a maximum allowed floor area ratio (FAR) of 56% (1,837 square feet). The proposed project includes a Limited Standards ADU, which may exceed the allowed FAR, provided the ADU does not exceed 800 square feet in size and complies with height and setback standards. The project includes a ~~4,870~~ 1,837 square foot primary dwelling and a 831 square foot ADU, for a proposed FAR of ~~82.3%~~ 81.3% (~~2,698~~ 2,268 square feet). As proposed, the ADU exceeds the allowed size under a Limited Standards ADU by 31 square feet and with the primary dwelling, the project exceeds the allowed FAR by ~~865~~ 831 square feet. The project approval includes a condition requiring the project to be reduced in size by at least ~~65~~ 31 square feet, of which 31 square feet

must be reduced from the ADU. Therefore, the project has been conditioned to comply with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves the demolition and construction of a single-family. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application and determined the proposed residence complies with all applicable design review criteria in Section 17.120.070.

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

Community Development Staff and the Planning Commission have all reviewed the application for the new single-family residence. The project incorporates numerous elements of a classic craftsmen design. As proposed, the project exceeds the scale and development pattern of the neighborhood due to the previously identified inconsistencies with zoning standards relating to accessory dwelling units and the maximum allowed floor area ratio. The project has been conditioned to reduce the scale of the project to comply with code. Therefore, the project has been conditioned to maintain the overall character and scale of the neighborhood.

Limited Standards Accessory Dwelling Unit (ADU) Permit Findings:

A. The ADU provides a minimum rear and side setback of four feet.

The proposed ADU is four feet from rear and side property lines.

B. The ADU does not exceed eight hundred square feet in size.

The proposed ADU is 831 square feet in size, which exceeds the allowed size under a Limited Standards ADU. The project approval includes a condition requiring the ADU to be reduced in size by at least 31 square feet. Therefore, the project has been conditioned to comply with this finding.

C. The ADU has a maximum height of sixteen feet.

The proposed attached ADU is 23 feet and 6 inches in height. However, State law requires local agencies to permit an attached ADU up to 800 square feet in size and up to 25 feet in height, or the zoned height limit for the primary dwelling, whichever is less. The project is located within the R-1 zoning district, which allows a primary dwelling up to 25 feet in height.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

As proposed, the project has inconsistencies with zoning standards relating to accessory dwelling units and the maximum allowed floor area ratio, which are detailed in findings for the Design Permit and Accessory Dwelling Unit Permit. FAR and ADU standards are part of the Local Coastal Plan (LCP). The project approval includes a condition requiring the project to be reduced in size by at least ~~65~~ 31 square feet, of which 31 square feet must be reduced from the ADU. Therefore, the proposed development has been conditioned to conform to the City's certified 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 4855 Opal Street. 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 site 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 negatively affect natural habitats or natural resources.

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

The residential project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The residential project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project 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.

As proposed, the project has inconsistencies with zoning standards relating to accessory dwelling units (ADU) and the maximum allowed floor area ratio (FAR), which are detailed in findings for the Design Permit and Accessory Dwelling Unit Permit. The project approval includes a condition requiring the project to be reduced in size by at least ~~65~~ 31 square feet, of which 31 square feet must be reduced from the ADU. Therefore, the proposed single-family residence and ADU have been conditioned to comply with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

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

The project involves a new single-family residence and attached accessory dwelling unit on a residential lot of record. The project has been conditioned for consistency with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The submitted plans, dated September 4, 2024, and reviewed by Planning Commission on December 5, 2024, do not comply with development standards related to accessory dwelling units (ADU) and the maximum FAR. The Design Permit, ADU permit, and Coastal Development Permit are conditionally approved as outlined herein, and as modified through conditions imposed by the Planning Commission during the hearing.
2. The maximum allowed FAR for the 3,280 square foot property is 56% (1,837 square feet). The proposed primary dwelling is ~~4,870~~ 1,837 square feet, which exceeds the maximum FAR by ~~34~~ 31 square feet. The applicant is also seeking to apply the ADU guaranteed allowance to the project, however an ADU subject to the guaranteed allowance may not exceed 800 square feet. The submitted plans include a 831 square foot ADU, which exceeds the maximum floor area allowed under the guaranteed allowance by 31 square feet. The plans reviewed by the Planning Commission on December 5, 2024, shall be revised to comply with the maximum FAR in addition to a guaranteed allowance ADU. At time of submittal for building permit review, the construction plans shall reduce the project size by at least ~~65~~ 31 square feet, of which at least 31 square feet must be reduced from the ADU. Floor area revisions shall be consistent with Chapter 17.48, to the satisfaction of the Community Development Director, or their designee.
3. At time of submittal for building permit review, the construction plans must show all upper floor windows serving the accessory dwelling unit as clerestory or opaque, unless they are located at least eight feet from all interior side and rear property lines.
4. At time of submittal for building permit review, the construction plans shall include cross-section(s) of the living area noted on the architectural plans demonstrating it does not have an internal height exceeding sixteen feet. Any changes or inconsistencies to internal heights that increase floor area must be offset by equal amount and may be subject to Planning Commission approval.
5. At time of submittal for building permit review, the construction plans shall show the location of all required parking spaces, and their minimum required dimensions are required by the zoning code.
6. Prior to issuance of a building permit, construction plans shall demonstrate the driveway does not exceed 40 percent of the width of the lot at the street line, unless otherwise authorized under Capitola Municipal Code Chapter 12.32.
7. 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 and conditioned by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
8. 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.
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. 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.

11. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
12. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
13. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit. Replacement tree(s) shall, at maturity, provide 15% canopy coverage as required for new construction. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans, unless modified consistent with Condition-~~#5~~ #9.
14. Prior to issuance of building permit, all Planning fees associated with permit #24-0149 shall be paid in full.
15. 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.
16. 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.
17. 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.
18. Prior to issuance of building permits, the applicant shall submit a site plan that includes temporary construction sediment and erosion control measures (e.g. access to the 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.
19. Prior to issuance of a building permit, 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).
20. The applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. 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.

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. 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
23. 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.
24. 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.
25. 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.
26. 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.
27. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
28. 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.
29. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
30. 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.
31. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.

32. Prior to a issuance of a Certificate of Occupancy, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and

C. 709 Riverview Drive

Project Description: Application #24-0429. APN: 035-042-28. Design Permit, Coastal Development Permit, Tree Removal Permit for a new two-story residence and attached Accessory Dwelling Unit (ADU) within the R-1 (single-family) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve application #24-0429 based on the Findings and Conditions of Approval.

Commissioner Wilk recused himself due to a conflict of interest.

Senior Planner Froelich presented the staff report.

Public Comment:

- ***Brad Suchomel***
- ***Dennis Norton***
- ***Mario Beltramo***

The Commission discussed the impacts of canopy size and root size relating to the tree removal requested in the application.

Motion to approve Application #24-0429 based on the Conditions and Findings of Approval: Commissioner Estey

Motion amended to recommend that condition number 16 be removed; that a tree removal permit not be issued until the building permit is issued; and to include staff's recommended condition #25 regarding landscaping: Commissioner Westman

Amendment Accepted: Commissioner Estey

Second: Commissioner Westman

Voting Yea: 4-0-1 (Wilk - Abstain)

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU comply with the development standards of the R-1 zoning district. The project is consistent with the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for a new single-family residence and ADU. As conditioned the project complies with all applicable provisions of the zoning code and municipal code.

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

Section §15303(a) of the CEQA Guidelines exempts one single-family residence and accessory structures in single family zones. This project involves a single-family residence within the Single-Family Residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU 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 reviewed the application for the single-family residence and attached ADU. The design of the structures with standing metal seam roof, and horizontal and batten board siding will fit appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

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 709 Riverview 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 709 Riverview Drive in the Riverview Terrace neighborhood. The home is not located in an area with natural habitats or natural resources. The project, as conditioned, will mitigate vegetation and tree removal with new plantings and maintain the tree canopy goal defined by the City's Community Forest Management goals.

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

The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the construction of a single-family residence and ADU in a developed neighborhood 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) 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 a new single-family residence and ADU on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Accessory Dwelling Unit Design Permit Findings:

D. 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 exterior design matches all existing primary dwelling materials and colors.

E. The exterior design is in harmony with, and maintains the scale of, the neighborhood.

The proposed ADU utilizes materials and is on the first floor of the proposed residence. The exterior design is in harmony with and maintains the scale of the neighborhood.

F. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

The proposed project includes a studio ADU on a site that has compliant parking facilities. The ADU will not create excessive noise, traffic, or parking congestion.

G. 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 neighborhood with adequate water and sewer service.

H. 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 provides ample outdoor open space for both units.

I. 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 internal with the primary structure. 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 maintain a compatible relationship with adjacent properties.

- J. 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 proposed ADU is located on the first floor of the primary dwelling and minimizes privacy impacts to the greatest degree possible. The design of the ADU is indistinguishable from the design of the primary residence with siding materials matching the primary residence.

- K. 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.

- L. 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.

Conditions of Approval:

Planning

1. The project approval consists of construction of a new 2,508 square-foot single-family dwelling and 363 square-foot Accessory Dwelling Unit (ADU). The maximum Floor Area Ratio for the 5,367 square foot property is 49% (2,630 square feet). The project utilizes the Guaranteed Maximum Allowance to allow the ADU to exceed the maximum Floor Area allowance. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 5, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. Prior to making any changes to 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.

5. Prior to issuance of building permit, all Planning fees associated with permit #24-0429 shall be paid in full.
6. Prior to issuance of a building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
7. Prior to issuance of a building permit, the applicant plan approval may be required by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
8. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B.
9. Prior to issuance of 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.
10. 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.
11. 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.
12. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
13. 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.
14. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties. Please provide all exterior lighting manufacturer's specifications on the plans for Building permit plan check.
15. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
16. ~~To the extent practicable, tree removal shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If tree removal cannot be~~

~~performed during this period, precutting surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests with particular emphasis on nests of migratory birds if tree cutting will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate city staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for three days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present. The Tree Removal Permit shall not become effective until the Building Permit is issued.~~

17. Prior to issuance of Building Permits for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.

Public Works

18. Prior to project final, the applicant shall install new curb, gutter, and sidewalk along the property frontage to city standard 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.
19. 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.
20. 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.
21. 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).
22. 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.
23. 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.
24. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All

construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

Planning Commission

25. The applicant shall provide a revised landscape plan at the time of submittal for Building Permit plan check. The landscape plan shall include three, 24-inch box sized trees. The selected trees shall be a variety that is expected to achieve at least a 20-foot diameter canopy at maturity. The trees shall not be a fruit or palm variety. All landscaping in the front yard and required mitigation plantings shall be installed prior to issuance of Certificate of Occupancy.

D. Chapter 12.12 Community Tree and Forest Management

Project Description: Chapter 12:12 Community Tree and Forest Management Ordinance overview and discussion.

Recommended Action: Accept the presentation on Chapter 12:12 Community Tree and Forest Management and provide feedback on the existing ordinance.

Director Herlihy presented the staff report.

The Planning Commission discussed possible updates and changes to the tree ordinance.

7. Director's Report

Director Herlihy provided a presentation of all projects reviewed by the Planning Commission in 2024; recognized Chair Christensen for her work this year; and reminded the Planning Commission to complete a survey for the City's Strategic Plan Project.

The City Clerk advised the Planning Commission that the next City Council meeting will be held on December 12th, where new Council Members will be sworn in and Planning Commissioners appointed. The City Clerk also announced that there will be a joint Onboarding City Council and Planning Commission Meeting on January 16th.

Director Herlihy announced that the first Planning Commission meeting of 2025 will be held on January 22nd.

8. Adjournment - The meeting adjourned at 6:50 PM. The next Planning Commission meeting will take place on January 16, 2025, at 5:30 PM.

ATTEST:

Rosie Wyatt, Acting Deputy Clerk