

# Capitola Planning Commission

## Agenda Report



**Meeting:** January 22, 2025

**From:** Community Development Department

**Address:** 216 Central Avenue

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**Project Description:** Application #25-0040. APN: 036-122-22. Request for a two-year permit extension of Permit #20-0103. Design Permit, Historic Alteration Permit, Minor Modification for the required parking space dimensions, and 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.

**Recommended Action:** Consider request and approve a two-year permit extension for Permit #20-0103 based on the original Conditions and Findings for Approval.

Property Owner: Lorraine Krilanovich Lynn Jackson  
Representative: Scott Mitchell, Filed: 11/14/24

**Background:** On November 3, 2022, the Planning Commission approved permit #20-0103 for substantial additions and remodel to the single-family property. The Final Local Action Notice was issued on November 23, 2022. Condition 19 states “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.”

In October of 2024, the applicant submitted plans and payment to the City for building permit review. The applicant has demonstrated continued progress in the process and continues to expend resources in the effort to secure a building permit.

On November 14, 2024, the applicant submitted the application for an extension, prior to November 23, 2024, expiration date.

**Discussion:** The applicant is seeking a two-year extension to permit #20-0103. Pursuant to Capitola Municipal Code §17.156.080, an extension to a permit may be approved by the review authority which originally approved the permit. The review authority may approve up to two, two-year extensions (four years total) to a permit. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner.

Although the building permit application was filed near the expiration deadline, the property owner and project architect previously communicated financing difficulties well in advance to Planning staff. In the months leading up to their building permit submittal and extension request, the architect notified staff that situations had improved, and they intended to move forward.

The project has remained unchanged since the original Planning Commission approval. The applicant has provided a further description of their extension request in Attachment #4. If granted, the extension would be through November 23, 2026, two years from the original permit date. The review authority could grant one additional two-year extension to the permit in the future.

**CEQA:** Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (single-family residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project. Specifically, the project has been reviewed and found to be consistent with Section 15300.2(f) for modifications to historical resources.

**Attachments:**

1. 216 Central Avenue – Approved Plan Set
2. 216 Central Avenue – Final Local Action Notice and Project Conditions
3. 216 Central Avenue – Original PC Staff Report
4. 216 Central Avenue – Permit Extension Request

**Permit Extension Finding:**

- A. The applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner, and the time extension is consistent with all applicable provisions of the zoning code.**

Community Development Staff and the Planning Commission have reviewed the application to extend the original permit approval and found the applicant has proceeded in good faith and exercised due diligence in efforts to exercise the permit in a timely manner. The two-year permit extension complies with all applicable provisions of the zoning code.

**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 proposed additions to an existing residence. With the granting of a variance to the side setback of the primary residence, 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 additions to an existing residence and new attached garage. With the granting of a variance to the side setback of the primary 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 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (Single-Family Residential) zoning district. With approval of a variance for the nonconforming construction calculation and minor modification for the minimum required parking dimensions, the project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services. The project has also been found to be consistent with Section 15300.2(f) for modifications to historical resources.

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

The proposed project 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. With the granting of a variance to the side setback of the primary residence, the proposed 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. The remodeled design preserves the original front elevation of the historic structure and focuses new massing towards the rear of the building. The project will maintain the character, scale, and development pattern of the neighborhood.

**Historic Alteration Permit Findings:**

**A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.**

Community Development Staff and the Planning Commission have reviewed the proposed remodel of the historic structure and determined the additions are located such that they limit publicly visible alterations that would impact the historic character and the structure will retain the character-defining features identified by the architectural historian.

**B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that distinctive design will be preserved by retaining the distinctive cross-gable roof, shed-roofed entry porch, horizontal wood siding, and wood window surrounds.

**C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.**

Community Development Staff and the Planning Commission have reviewed the proposed additions to the structure and determined that they are focused to the rear of the structure and non-primary elevation. The second story addition has been located behind the existing cross-gable ridgeline to create spatial separation. Use of exterior materials matches the original sections but will be differentiated with different board and detail widths.

**D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that historic features will be preserved, reused, and repaired to the extent possible. The additions are located such that the remove and replace non-original sections of the structure and removal of original materials and features will be limited.

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

Community Development Staff and the Planning Commission have reviewed the proposed involves additions to an existing residence will not impact archeological resources.

**Variance Findings:**

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

There are unique circumstances applicable to the subject property includes a historic residence which is protected within the municipal code and under CEQA. The nonconforming section portion of the structure is also the best-preserved and most visible front elevation.

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

The proposed modifications complies with all height, setback, and FAR requirements. The strict application of the zoning code requirements for both nonconforming and historic preservation would deprive the subject property of development alternatives typically available such as demolition.

- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

The variance is necessary to preserve the ability to construction additions in a manner consistent with current development standards and historic preservation.

- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The variance allows additions which comply with the maximum floor area ratio (FAR) with while preserving historically significant portions of the structure.

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

The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to its historic status. In 2014, a similar variance was granted at 124 Central Avenue for an addition to a nonconforming historic structure. The application at 124 Central Avenue also included alterations greater than 80 percent of the fair market value.

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

The variance will not adversely impact coastal resources.

**Minor Modification Findings:**

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

The proposed parking arrangement enables the project to provide the required number of onsite parking spaces, including the covered parking requirement.

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

The proposal increases overall parking opportunities for the site and, indirectly, the neighborhood. Although the garage space is considered substandard it meets the minimum dimensions of a 9-foot wide by 18-foot deep tandem space.

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

Site parking is directly constrained by the historic structure, the existing driveway and garage, and the narrowing of the lot. Capitola lots typically have a minimum depth of at least 70 feet. On corner lots where parking may be arranged on the exterior side, lots typically have a minimum depth of at least 40 feet, which would allow for two compliant uncovered spaces. The driveway area has a lot depth (width) that tapers to less than 34 feet. The unique shape of this lot prevents the ability to arrange tandem parking spaces with straight approaches. Expanding the existing forward garage would limit accessibility and siting of the two uncovered spaces.

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

The proposed parking arrangement provides the required number of on-site spaces, the required number of covered spaces and has been designed to comply with parking requirements in all respects except parking dimension. The substandard garage space will accommodate most modern vehicles.

**E. The modification will not establish a precedent.**

The site is subject to irregular shape and dimensions, an existing-nonconforming garage, and a historic structure. The proposed modification has been evaluated on a site- and project- specific basis and will not establish a precedent.

**F. The modification will not adversely impact coastal resources.**

The subject property does not contain coastal resources. Additional on-site parking will not adversely impact coastal resources in the area.

**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 216 Central Avenue. The project will not negatively impact public landmarks and/or public views.

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

The proposed project is located at 216 Central Avenue. The proposed project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

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

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

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

The project will not negatively impact visitor serving opportunities.

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

The project involves residential additions on private property 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.**

With the granting of a variance for the nonconforming construction calculation and a minor modification for the parking dimensions of the covered space, 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 additions to an historic 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:**

1. The approval consists of a two-year time extension of permit #20-0103. The project consists of 770 square-feet of first- and second-story additions to a historic, nonconforming residence. The maximum Floor Area Ratio for the 4,486 square foot property is 52% (2,333 square feet). The total FAR of the project is 50.5% with a total of 2,267 square feet, compliant with the maximum FAR within the zone. The project was originally approved by the Planning Commission on November 3, 2022. The proposed permit extension is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 22, 2025, 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 demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
5. 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.
6. 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.

7. 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.
8. 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.
9. Prior to issuance of building permit, all Planning fees associated with permit #20-0103 and #25-0040 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. 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.
24. Prior to issuance of a building permits, the applicant shall submit a preservation plan to the satisfaction of the Community Development Department. In addition to Condition #25(a), the plan shall specify differentiation of new horizontal boards from the existing horizontal board width.
25. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
  - a. Prior to the remodel of the historic residence, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be remodeled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weatherproof area.
  - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
  - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director