



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, December 2, 2021 – 7:00 PM**

Chairperson            Mick Routh  
Commissioners        Courtney Christiansen  
                                 Ed Newman  
                                 Susan Westman  
                                 Peter Wilk

#### **NOTICE OF REMOTE ACCESS ONLY:**

In accordance with the current Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

#### **To watch:**

1. Attend Zoom Meeting (link and phone numbers below)

#### **To participate remotely and make public comment:**

1. Send email:
  - a. Prior to the meeting day, send additional materials to the Planning Commission via [planningcommission@ci.capitola.ca.us](mailto:planningcommission@ci.capitola.ca.us) by 5 p.m. the Tuesday before the meeting and they will be distributed to agenda recipients.
  - b. During the meeting, send comments via email to [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us)
    - Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item.
    - Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.
    - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
    - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
    - Emails received by [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us) outside of the comment period outlined above will not be included in the record.
2. Zoom Meeting (Via Computer or Phone)
  - a. Please click the link below to join the meeting:
    - <https://us02web.zoom.us/j/86295069909> (link is external)
    - If prompted for a password, enter **870549**
    - Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak
  - b. Dial in with phone:
    - Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
    - **1 669 900 6833**
    - **1 408 638 0968**
    - **1 346 248 7799**

- **1 253 215 8782**
- **1 301 715 8592**
- **1 312 626 6799**
- **1 646 876 9923**
- Enter the meeting ID number: **862 9506 9909**
- When prompted for a Participant ID, press #
- Press **\*9** on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. You may need to press **\*6** to enable talking. The timer will then be set to 3 minutes.

**REGULAR MEETING OF THE PLANNING COMMISSION – 7 PM**

*All correspondences received prior to 5:00 p.m. on the Tuesday preceding an Planning Commission Meeting will be distributed to Committee members to review prior to the meeting. Information submitted after 5 p.m. on that Tuesday may not have time to reach Committee members, nor be read by them prior to consideration of an item.*

*All matters listed on the Regular Meeting of the Capitola Planning Commission Agenda shall be considered as Public Hearings.*

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE****2. ORAL COMMUNICATIONS****A. Additions and Deletions to Agenda****B. Public Comments**

*Short communications from the public concerning matters not on the Agenda.*

*All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.*

**C. Commission Comments****D. Staff Comments****3. APPROVAL OF MINUTES****A. Planning Commission - Regular Meeting - Oct 7, 2021 7:00 PM****B. Planning Commission - Regular Meeting - Nov 4, 2021 7:00 PM****4. CONSENT CALENDAR**

*All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.*

**A. Consider the 2022 Meeting Schedule for the Planning Commission and Development Review Committee**

Consider the 2022 Meeting Schedule for the Planning Commission and Development Review Committee

**B. 109 Sacramento Avenue #21-0406 APN: 036-144-03**

Design Permit to expand an existing second-story deck on an existing single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Matt and Gretchen DiNapoli

Representative: Jay Plett, Filed: 09.03.21

**C. 1820 41st Avenue #A #21-0409 APN: 034-131-24**

REQUEST TO CONTINUE Conditional Use Permit Amendment to include delivery sales of alcohol and non-alcohol retail goods from an existing Retail Alcohol Establishment (BevMo) located in the C-R (Regional Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Chaboya Ranch

Representative: Philip Olson - BevMo, Filed: 10.11.21

**5. PUBLIC HEARINGS**

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

**A. New State of California Housing Legislation and Community Development Housing Workplan**

Update on New State of California Housing Legislation and Community Development Housing Workplan

**B. Prototype ADU Program**

Prototype Accessory Dwelling Unit (ADU) Program.

Representative: Katie Herlihy, Community Development Director

Applicant: City of Capitola

**6. DIRECTOR'S REPORT****7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT**

**APPEALS:** The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review Design Permit can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

**Notice regarding Planning Commission meetings:** The Planning Commission meets regularly on the 1<sup>st</sup> Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org). Need more information? Contact the Community Development Department at (831) 475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Televised Meetings:** Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org).



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, OCTOBER 7, 2021  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

**C. Commission Comments**

Commissioner Westman stated that she watched a recent community meeting that discussed the proposed Kaiser Permanente development voiced her concern regarding its traffic impacts at the Gross Road intersection and Capitola Mall's future development. She requested staff to provide continuous updates on the matter.

Chair Routh stated he contacted the Supervisor and suggested opening 40<sup>th</sup> Avenue as recommended on the EIR. He asked staff if the City should consider intervention. Commissioner Westman agreed. Community Development Director Katie Herlihy responded that the City submitted comments regarding traffic concerns and consideration for opening 40<sup>th</sup> Avenue which will have to be addressed in the EIR. She will provide updates as requested.

**D. Staff Comments**

Director Herlihy stated she will work with the City Attorney to determine changes that must be addressed following the passage of several pieces of housing legislation, and that the Commissioners should expect a future presentation.

**3. CONSENT CALENDAR**

**A. 1500 Wharf Road #21-0287 APN: Common Walkways 'B' through 'H'**

Master Sign Program for common area walkways of the Capitola Venetian Condominiums located within the MU-V (Mixed Use Village) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Note: Request to Continue to November 4, 2021

Environmental Determination: Categorical Exemption

Property Owner: Venetian Court HOA

Representative: Craig Nunes – Venetian Court HOA Filed: 07.09.21

Commissioner Newman recused himself due to proximity.

MOTION: Continue item to the November 4, 2021 meeting.

Minutes Acceptance: Minutes of Oct 7, 2021 7:00 PM (Approval of Minutes)

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Peter Wilk
<b>AYES:</b>	Susan Westman, Peter Wilk, Mick Routh
<b>RECUSED:</b>	Ed Newman
<b>ABSENT:</b>	Courtney Christiansen

#### 4. PUBLIC HEARINGS

##### A. 1425 49th Avenue #21-0075 APN: 034-064-11

Design Permit for a new single-family residence and accessory dwelling unit 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  
Property Owner: DRVO Builders  
Representative: Dennis Norton, Filed: 03.30.21

Assistant Planner Sean Sesanto presented the staff report.

Commissioner Wilk requested clarification from staff regarding the property's lot lines.

During public comment, applicant Dennis Norton provided additional information regarding the proposed parking spaces, and the easement.

Commissioner Wilk asked Mr. Norton whether he is requesting a variance with respect to the parking spaces, or does he want the Commission to approve the application as proposed without a variance? Mr. Norton responded he would like the Commission to approve the application as proposed, and he does not want to request a variance.

**MOTION:** Approve the design and coastal development permit with the following conditions and findings.

#### CONDITIONS

1. The project approval consists of the demolition of an existing cottage and the construction of a new 1,391 square-foot single-family residence and 446 square-foot attached accessory dwelling unit. The maximum Floor Area Ratio for the 3,280 square foot property is 56% (1,837 square feet). The total FAR of the project is 56% with a total of 1,837 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 7, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The site plan and landscape plan shall be updated to modify the parking space in the exterior side yard. The parking space shall be easily identifiable as a ribbon design space with two parallel strips of permeable paving no wider than two and one-half feet each. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
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 building permit, all Planning fees associated with permit #21-0075 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. 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.
11. 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.
12. 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).
13. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements or modifications that impact or interface with the public right of way. At a minimum, these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, or any modification to the curb/gutter/sidewalk. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact of the frontage of adjacent parcels.



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. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized public right-of-way.
17. 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
18. 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 new or replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards. Improvements in the right of way shall include a new sidewalk along 49<sup>th</sup> Avenue and an accessible curb ramp at the corner of 49<sup>th</sup> Avenue and Opal Street
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans unless approved by the Community Development Director.
20. 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.
21. 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.
22. 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.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. 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.

25. Prior to demolition of the existing structure, a pest control company shall resolve any pest issues and document that all pest issues have been mitigated. Documentation shall be submitted to the city at time of demolition permit application.

### **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 all reviewed the project. The proposed demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit is consistent with the general plan and the local coastal program.

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

The proposed the proposed demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit complies with all applicable provisions of the zoning code for the R-1 (Single-Family Residential) District.

- 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 single-family residence, or a second dwelling unit in a residential zone. The project involves the construction of a new single-family residence and accessory dwelling unit in the R-1 (Single-Family Residential) 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.**

The proposed demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. The project maintains the original residential use which is compatible with the Single-Family Residential (R-1) zoning district.

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

The proposed demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit complies with the applicable design review criteria in Section 17.120.070 of the zoning code.

- F. For projects in residential neighborhoods, 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 demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit. The design of the two-story home and ADU with horizontal siding, gabled roof ends, traditional rafters and braces, and composition shingle roof, will fit in nicely with the existing neighborhood.

### **ACCESSORY DWELLING UNIT FINDINGS**

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

The proposed attached ADU utilizes the same materials, design, height, and roof pitch as the proposed primary dwelling. The exterior design is compatible with the primary dwelling on the parcel.

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

The proposed attached ADU has a blended form with the primary dwelling. A two-story building form is common throughout the Jewel Box neighborhood. Therefore, the exterior design is in harmony with, and maintains the scale of the Jewel Box neighborhood.

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

The proposed project is situated on a full-sized residential lot and includes one parking space for the ADU. The ADU will not create excessive noise, traffic, or parking congestion.

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

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

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

The lot provides a new configuration that provides adequate landscaping and open space for both dwelling units. Access to the ADU is from the exterior side and the siting of the second-story deck is setback more than development standards require.

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

The proposed ADU is located along the street side yard. The siting of structure and parking leaves adequate light, air, solar access, and parking of adjacent properties. Window opening placements have taken adjacent properties into consideration.

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

The external staircase to the proposed second-story ADU faces the interior of the lot with side entry. The design of the ADU, with siding materials and massing identical to the attached primary residence, does not visually dominate it or the surrounding properties.

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Peter Wilk
<b>AYES:</b>	Susan Westman, Peter Wilk, Mick Routh
<b>ABSTAIN:</b>	Ed Newman
<b>ABSENT:</b>	Courtney Christiansen

## B. Prototype ADU Program

Prototype Accessory Dwelling Unit (ADU) Program.

Representative: Katie Herlihy, Community Development Director

Applicant: City of Capitola

Director Herlihy introduced members of Workbench, Jamileh Cannon, Omar Hasan and Alexandra Sklar, who presented the report on behalf of the City.

Director Herlihy also introduced Samatha Suter, owner and principal at Metta Urban Design, who is responsible for preparing documents and materials for the public.

Commissioner Wilk requested clarification on if an applicant can choose their own external finishes and be “pre-approved” under the program. He also asked how modifications to prototype designs would be handled. Director Herlihy responded that it will depend on the type of modification and determination by Building during plan review.

Commissioner Newman addressed the Commission’s general questions regarding the extent to which an applicant may deviate from the pre-approved design. He stated the plans were merely offered to save costs for the applicant, but the project would proceed through Capitola’s normal building permitting process. Director Herlihy agreed with Commissioner Newman and added that the pre-approved plans were building permit ready and meet building code requirements.

Commissioner Newman stated that it would be harmful to the community if applicants were forced to choose between the pre-approved prototypes for their ADU projects. Director Herlihy stated that the review process of ADU projects is the same whether it is a pre-approved design or not. A survey and permits will be required.

During public comment, Dennis Norton stated his opposition to the program. He stated that there are too many variables that are present at each site, and the prototype should not go past the design phase.

Linda Smith stated her opposition to the program. She stated she agreed with Commissioner Newman, and most of what Mr. Norton stated. She suggested that people should have the opportunity to design a unit that is right for their property. Chair Routh replied that applicants would have that option.

Commissioner Westman stated the program was meant to make the constructions of ADUs more affordable. She stated that the program is not meant to limit the applicant’s choices regarding the design of their unit.

**This is a presentation only. No action is required.  
Provided direction.**

**C. Outdoor Dining and Design Permit Ordinance**

Update to Zoning Ordinance/Local Coastal Plan Implementation Plan

Update to the City of Capitola Zoning Code including section 17.96.170 Outdoor Dining in Public Right of Way and Section 17.120.030 (Design Permits) When Required.

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.

Environmental Determination: Categorical Exemption 15305 and 15311

Property: The Zoning Code update affects all properties within Commercial Zones in the City of Capitola.

Representative: Katie Herlihy, Community Development Director, City of Capitola

Director Herlihy presented the staff report.

During public comment, Linda Smith stated her support for the ordinance, but would like further discussion regarding the bicycle and platform requirements. She is concerned with the potential for clutter, and she would like to see a design that would mitigate her concerns.

Mary McKittrick stated her opposition to the ordinance, and commented that the proposed ordinance is not an appropriate response to the COVID-19 epidemic.

Austin Krieger stated her opposition to the proposed ordinance due to its potential effect on the visitor's experience and lack of parking.

Dennis Norton expressed his support of the proposed ordinance and stated that it helps with the success and vitality of Capitola Village businesses. He also stated his concern that the outdoor spaces, as it is currently used, are unsafe in that they lack barriers between diners, vehicles, and the road.

Assistant Planner Sesanto posted written public comments on the Zoom screen for the Commission to review.

Commissioner Newman stated his concerns regarding the aesthetics of the outdoor dining spaces, the effectiveness of the lottery system and the Coastal Commission's imposed condition.

Commissioner Westman stated her concerns regarding the efficacy of the program, and would like the opportunity to review a prototype design that addresses her concerns. She also questioned the fairness of the program's approval process.

Commissioner Wilk stated his concern regarding the allocation of fees, and suggested that the City seek the community's input regarding the prototype design and program.

Chair Routh stated that Capitola Avenue should be excluded from the program, and a separate area be devoted for bike parking away from the outdoor dining spaces.

Director Herlihy sought clarification from the Commission as to the suggested approval process of the outdoor dining permits, and Capitola Avenue's exclusion from the program.

MOTION: Continue item to the November 4, 2021 meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Ed Newman
<b>AYES:</b>	Ed Newman, Mick Routh, Susan Westman, Peter Wilk,
<b>ABSENT:</b>	Courtney Christiansen

**D. Presentation on Nonconforming Structures and Permissible Structural Alterations**

Discussion on non-conforming structures and permissible structural alterations.  
 Representative: Katie Herlihy, Community Development Director.

Director Herlihy presented the staff report.

**This is a presentation only. No action is required.  
 Provided direction.**

**5. DIRECTOR'S REPORT**

Director Herlihy announced Deputy City Clerk Edna Basa’s departure, and that she accepted a new position.

**6. COMMISSION COMMUNICATIONS**

**7. ADJOURNMENT**

The meeting was adjourned at 9:30 P.M. to the next regular meeting of the Planning Commission on November 4, 2021.

Approved by the Planning Commission

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 Chloe Woodmansee, Clerk to the Commission

Minutes Acceptance: Minutes of Oct 7, 2021 7:00 PM (Approval of Minutes)



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, NOVEMBER 4, 2021  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE
2. ORAL COMMUNICATIONS
  - A. Additions and Deletions to Agenda – none
  - B. Public Comments – none
  - C. Commission Comments
  - D. Staff Comments

Director Herlihy said that several additional materials had been received for Items 4.A and 5.B.

**3. APPROVAL OF MINUTES**

**A. Planning Commission - Regular Meeting - Aug 19, 2021 7:00 PM**

MOTION: Approve minutes from the August 19, 2021, regular Planning Commission meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Wilk
<b>SECONDER:</b>	Westman
<b>AYES:</b>	Newman, Westman, Wilk, Routh, Christiansen

**B. Planning Commission - Regular Meeting - Sep 2, 2021 7:00 PM**

MOTION: Approve minutes from the September 2, 2021, regular Planning Commission meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Wilk
<b>SECONDER:</b>	Westman
<b>AYES:</b>	Newman, Westman, Wilk, Routh, Christiansen

**4. CONSENT CALENDAR**

**A. 115 Saxon Avenue #21-0339 APN: 036-131-02**

Design Permit to convert a roof to a second-story deck on a single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Brian and Danielle Wiese, Filed: 07.28.21

This item was pulled from the Consent Calendar to allow for Council discussion and public comment. Commissioner Newman was recused. Assistant Planner Sesanto presented a brief staff report.

Commissioner Wilk confirmed that the second story complies with the six-foot set-back requirement.

Minutes Acceptance: Minutes of Nov 4, 2021 7:00 PM (Approval of Minutes)

In response to a question, Planning Assistant Sesanto explained that on the side of the opposing property the proposed design is nonconforming.

In public comment, neighbor John Shenk expressed concern with the proposed design's imposing nature and its negative impact on the neighborhood. He stated that moving the wall back is desired.

Commissioner Wilk confirmed that the application did not require a variance.

Commissioner Westman recommended the item be continued to a future Planning Commission meeting, to give the applicant and their neighbor an opportunity to resolve privacy concerns and make revisions.

MOTION: Continue item to the December 2, 2021, Planning Commission Meeting

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Courtney Christiansen
<b>SECONDER:</b>	Susan Westman
<b>AYES:</b>	Westman, Wilk, Routh, Christiansen
<b>RECUSED:</b>	Newman

## 5. PUBLIC HEARINGS

### A. 111 Capitola Avenue #21-0408 APN: 035-241-04

Amendment to Conditional Use Permit for alcohol sales to include beer and wine at the English Ales tasting room located within the C-V (Central Village) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: John Kettmann

Representative: Peter Blackwell, English Ales Brewery, Filed: 09/13/2021

Community Development Director Herlihy presented a staff report.

Commissioner Christiansen commented that this business has positively contributed to the Village community.

There was no public comment.

Commissioner Wilk commented that in general the Planning Commission has been approving more liquor licenses and spoke to his concern with encouraging noise and unruliness in the Village. Commissioner Westman agreed that further discussion about general strategy would be beneficial.

MOTION: Approve amendment to Conditional Use Permit for alcohol sales, with the following conditions and findings.

## CONDITIONS

1. The project approval consists of an amendment to the Conditional Use Permit for alcohol sales (English Ales Brewery) and a 158-square-foot tasting room within a 775-square-foot commercial structure. The amendment is to allow the sale of beer and wine onsite. The proposed project is approved as indicated approved by the Planning Commission on November 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.



2. The primary use on the site is retail related to English Ales Brewery and includes the sale of beer for offsite consumption. The tasting room is limited to a maximum of 160 square feet of area open to customers for tasting with a maximum of 6 seats.
3. A copy of the approved Department of Alcoholic Beverage Control (ABC) Permit must be filed with the Community Development Department prior to initiating on-site beer and wine sales. The Conditional Use Permit was amended on November 4, 2021, to allow the sale of beer and wine at 111 Capitola Avenue.
4. The conditional use permit will expire in the case where the conditionally permitted use has not been exercised within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit. Applications for extension may be submitted by the applicant prior to permit expiration, pursuant to Municipal Code section 17.81.160.
5. Compliance with all conditions of approval and the ABC license requirements and conditions 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 issue in a timely manner may result in permit revocation.
6. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
7. 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.
8. 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.

### **FINDINGS**

**A. The proposed use is allowed in the applicable zoning district.**

The tasting room is allowed within the MU-V zoning district with a Conditional Use Permit for the sale of alcohol. A tasting room is considered a retail establishment with limited onsite area for consumption.

**B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The retail space with alcohol sales and a tasting room with six seats or less with the added allowance of wine consumption is consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan

**C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**

111 Capitola Avenue is located in the Mixed Use Village zoning district, an area with a variety of eating and drinking establishments and retail establishments. Allowing the consumption of wine to patrons at the tasting room is compatible with existing land uses in the vicinity of the property.

**D. The proposed use will not be detrimental to the public health, safety, and welfare.**  
Allowing beer and wine sales at the English Ales Tasting Room will not be detrimental to public health, safety, and welfare.

**E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

111 Capitola Avenue is properly located within the Mixed Use Village and adequately served by services and infrastructure.

**F. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves a retail space with alcohol sales and a tasting room with six seats or less with a duplicate Type 23 alcohol license for the sale of beer and wine for on-site consumption within the MU-V (Mixed Use Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Wilk
<b>SECONDER:</b>	Courtney Christiansen
<b>AYES:</b>	Newman, Westman, Wilk, Routh, Christiansen

**B. 1500 Wharf Road #21-0287 APN: Common Walkways 'B' through 'H'**

Master Sign Program for common area walkways of the Capitola Venetian Condominiums located within the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Venetian Court HOA

Representative: Craig Nunes – Venetian Court HOA Filed: 07.09.21

Assistant Planner Sesanto presented a staff report.

During public comment, an email was received in support/ in opposition to the master sign permit. Craig Nunes, president of the Venetian Court HOA, spoke in support of the proposed sign program.

Chair Routh commented that he'd heard the noted police calls had only been made on behalf of a couple specific residents; Mr. Nunes responded that police have been called several times by many people.

Commissioner Westman said she supported the Sign Program if the Commission made a few word modifications.

Commissioner Routh commented that the Coastal Commission's recommended sign language is different than the applicant's sign language. He said he did not want to prohibit people sitting on the seawall.

MOTION: Approve the Master Sign Program and Coastal Development Permit, using the language recommended by the Coastal Commission, with the following conditions and findings.

### **CONDITIONS**

1. The project approval is for a Coastal Development Permit and Master Sign Program for the Venetian Court Condominiums at 1500 Wharf Road. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 4, 2021, except as modified through conditions imposed by the Planning Commission during the meeting.
2. The Master Sign Program shall consist of the following:
  - a. Location:
    - i. One freestanding sign is permitted at each of the four locations marked with a circle on the site map.
    - ii. One gateway sign is permitted at each of the three gate locations marked with a triangle on the site map.
  - b. Minor changes to the sign color or style may be approved by the Community Development Director or their designee with and administrative sign permit and building permit.
  - c. Changes in sign locations and/or content are subject to an amendment to the Master Sign Program by Planning Commission.
  - d. Sign Dimensions: gateway and freestanding signs cannot exceed the following dimensions:
    - i. Maximum sign height: 18"
    - ii. Maximum sign width: 18"
  - e. Illumination: The signs shall not include illumination.
  - f. Gateway signs content:
 

*Venetian Court  
Residences  
No smoking  
No bikes, no skateboards,  
No noise after 10 PM  
Please Respect our  
Private Homes*
  - g. Pathway signs content:
 

Venetian Accessway  
We welcome you to use the pathways to access Capitola Beach  
Please do not sit, stop, loiter, or obstruct the pathway  
Skateboarding, bicycling, and skating are prohibited
3. Minor alterations to signs covered in Condition #2 may be issued by the Community Development Director or their designee with an administrative sign permit and building permit.
4. Pathway signs shall use the language suggested by California Coastal Commission staff on May 5, 2021 as listed above in Condition #2(g).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #21-0287 shall be paid in full.
7. 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.
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. 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. 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.

### **SIGN PERMIT FINDINGS**

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**  
Community Development Staff and the Planning Commission have reviewed the project. The proposed master sign program complies with the development standards of the MU-V (Mixed-Use Village) zoning district.
- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**  
Community Development Staff and the Planning Commission have reviewed the application for the master sign program. The proposed project will maintain the character and integrity of the neighborhood.
- C. The proposed sign will not adversely impact the public health, safety, or general welfare.**  
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.

**D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.

**E. The proposed signs are restrained in character and no larger than necessary for adequate identification.**

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site. The signs utilize matching designs and are restrained in character and size.

**F. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303 of the CEQA Guidelines exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project includes the installation of four walkway signs and three gateway signs within the MU-V (Mixed Use Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

### **COASTAL 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 the Venetian Court common walkways 'B' through 'H' located at 1500 Wharf Road. The project will not negatively impact public landmarks and/or public views. Public access is discussed in Findings D through F.

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

The proposed project is located at 1500 Wharf Road. The project is located in an area with adjacent natural resources. The proposed signs will be affixed to existing hardscape and will not negatively impact vegetation, habitats or natural resources.

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

The project involves informational signs on a site that has and is adjacent to public recreational access including the beach and ocean. Specifically, the project is along walkways between public roads and the Capitola Beach. The proposed sign language has been written to avoid restricting public access. The intent is to reduce nuisance activities, impaired walkways, and disturbances during quiet hours.

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

The project involves informational signs on a site that has and is adjacent to visitor opportunities. Specifically, the project is along walkways between public roads and the

Capitola Beach. The proposed sign language does not restrict public access and would therefore maintain visitor opportunities.

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

The project involves informational signs on a site that has and is adjacent to coastal resources. Specifically, the project is along walkways between public roads and the Capitola Beach. The proposed sign language does not restrict public access and would therefore maintain visitor opportunities.

**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 signs comply with all applicable design criteria, design guidelines, area plans, and development standards. Specifically, the project is consistent with sign standards for multifamily properties, the local coastal plan, and uses within the MU-V (Mixed Use Village) 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 informational signs for a multifamily site that has and is adjacent to coastal resources. The project will not obstruct public access along the affected walkways. The project balances the priority of protecting existing public access to coastal resources with existing residential land uses.

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Courtney Christiansen
<b>AYES:</b>	Westman, Wilk, Routh, Christiansen
<b>RECUSED:</b>	Newman

**C. Outdoor Dining Ordinance**

Update to Zoning Ordinance/Local Coastal Plan Implementation Plan to repeal and replace Zoning Code Section 17.96.170 Outdoor Dining in Public Right of Way, amend Section 17.120.030 Design Permits When Required, and add Section 17.96.175 Outdoor Dining on Public Property.

The Zoning Code serves as the Implementation Plan of the City’s Local Coastal Program and must be certified by the Coastal Commission prior to taking effect in the Coastal Zone.

Environmental Determination: Categorical Exemption 15305 and 15311

Property: The draft ordinance affects all properties within the Mixed use, Commercial, and Zones in the City of Capitola.

Representative: Katie Herlihy, Community Development Director, City of Capitola

Director Herlihy presented a staff report.

In public comment, Mike Newall spoke in support of outdoor dining and asked Planning Commission to consider the impact on those with village parking permits. The owners of English Ales Brewery and Linda Smith spoke in support of outdoor dining. Eric Fawcett spoke against outdoor dining. Doug spoke in favor of outdoor dining and asked that it be allowed for free, with no permit fees or other costs. Via email, Dawn Campbell supported outdoor dining and owners on Lawn way opposed permanent outdoor dining.

Minutes Acceptance: Minutes of Nov 4, 2021 7:00 PM (Approval of Minutes)

The Planning Commission provided the following feedback on the ordinance:

Topic	Feedback
Locations	Remove Monterey Avenue
Permit Review Process	Remove Sidewalk Dining from the ordinance
Materials Allowed	Support new standards with detailed list of supported and discouraged materials
Signs Allowed	Restaurants can have two signs – one for menu and one for restaurant name – size to be determined by prototype design
Bicycle Parking	If a parking space is utilized for the in-Lieu bike parking, the utilized parking space(s) should be included in the 25 maximum spaces allotted for dining, not additional spaces
Activation	Support activation requirement of 5 days per week, weather permitting

MOTION: Provide feedback on proposed ordinance as indicated in the minutes and 1) Recommend City council extend the temporary dining program; 2) Recommend City Council refrain from approving a permanent program until there has been sufficient review of proposed ordinance and a prototype design is approved and 3) Remove outdoor dining on private property from the outdoor dining ordinance.

**RESULT:** AMMENDED AS BELOW [UNANIMOUS]  
**MOVER:** Edward Newman  
**SECONDER:** Susan Westman

AMENDEMENT BY COMMISSIONER WILK: In addition to above motion, 4) Require Planning Commission to review the prototype design.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Edward Newman  
**SECONDER:** Susan Westman  
**AYES:** Westman, Wilk, Routh, Newman, Christiansen

**6. DIRECTOR'S REPORT**

Updated IHO was adopted at the last City Council meeting

**7. COMMISSION COMMUNICATIONS**

Commissioner Wilk said he was concerned about not allowing music in the outdoor dining areas; he agreed on banning amplified music, but thought some music should be allowed

Commissioner Westman asked that more details on how many loading spaces are in the Village when the outdoor dining ordinance next comes before the Planning Commission.

**8. ADJOURNMENT**

The meeting adjourned at 9:27PM to the next regular Planning Commission meeting on December 2, 2021.

Minutes Acceptance: Minutes of Nov 4, 2021 7:00 PM (Approval of Minutes)

Approved by the Planning Commission

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Chloe Woodmansee, Clerk to the Commission

Minutes Acceptance: Minutes of Nov 4, 2021 7:00 PM (Approval of Minutes)





## STAFF REPORT

TO: PLANNING COMMISSION  
FROM: COMMUNITY DEVELOPMENT  
DATE: DECEMBER 2, 2021  
SUBJECT: **Consider the 2022 Meeting Schedule for the Planning Commission and Development Review Committee**

Consider the 2022 Meeting Schedule for the Planning Commission and Development Review Committee

BACKGROUND: At the end of each calendar year staff prepares the regular meeting schedules for the following year.

DISCUSSION: Attached is the proposed 2022 regular meeting schedule for the Planning Commission and Design and Development Review Committee. Regular meetings of the Planning Commission are generally held once a month on the first Thursday of the month, except the meeting is on the third Thursday in January, July, and August. Development and Design Review Meetings are generally held the second and fourth Wednesday of each month, except in November and December there is only one meeting.

Upon approval, the meeting schedule will be posted on the City's website and at City Hall. It will also be distributed to newspapers and interested parties.

RECOMMENDED ACTION: Adopt the recommended regular meeting schedule for 2022.

### ATTACHMENTS:

1. 2022 Meeting Schedule - PC + DDR

Prepared By: Katie Herlihy  
Community Development Director

**CITY OF CAPITOLA**  
**2022 REGULAR MEETING SCHEDULES**  
**PLANNING COMMISSION AND DEVELOPMENT & DESIGN REVIEW MEETING**

Meetings are held at Capitola City Hall, 420 Capitola Avenue, and are scheduled as follows:

<b>DESIGN REVIEW</b>	<b>PLANNING COMMISSION</b>
DECEMBER 8, 2021	JANUARY 20*
JANUARY 12	FEBRUARY 3
JANUARY 26	
FEBRUARY 9	MARCH 3
FEBRUARY 23	
MARCH 9	APRIL 7
MARCH 23	
APRIL 13	MAY 5
APRIL 27	
MAY 11	JUNE 2
MAY 25	
JUNE 8	
JUNE 22	JULY 21*
JULY 13	AUGUST 18*
JULY 27	
AUGUST 10	SEPTEMBER 1
AUGUST 24	
SEPTEMBER 7	OCTOBER 6
SEPTEMBER 21	
OCTOBER 12	NOVEMBER 3
OCTOBER 26	
NOVEMBER 9	DECEMBER 1
DECEMBER 7	

Development and Design Review Meetings: Second and fourth Wednesday of each month at 3:30 p.m. in either the City Hall Council Chambers or Community Room. November and December have only one meeting a month.

Planning Commission Meetings: First Thursday\* of each month at 7 p.m. in the City Hall Council Chambers.

**NOTE:** \*The January, July, and August Planning Commission meetings will be held on the third Thursday.



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: DECEMBER 2, 2021

SUBJECT: **109 Sacramento Avenue**                      **#21-0406**                      **APN: 036-144-03**

Design Permit to expand an existing second-story deck on an existing single-family residence located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Matt and Gretchen DiNapoli

Representative: Jay Plett, Filed: 09.03.21

### **APPLICANT PROPOSAL**

The applicant is proposing an addition to an existing second-story deck on an existing single-family residence at 109 Sacramento Avenue in the R-1 (Single-Family Residential) zoning district. The application complies with all development standards of the R-1 zone.

### **BACKGROUND**

On April 8, 2021, a building permit was issued for minor exterior changes to the residence that are exempt from design review requirements, including new and modified windows and doors.

On September 9, 2021, a design review application was filed for a second-story deck expansion.

On November 10, 2021, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: No Comment.

Building Official, Robin Woodman: Asked the applicant to clarify the deck rail height dimensions shown on the proposed elevations.

Assistant Planner, Sean Sesanto: Noted the application complies with the development standard and requires Planning Commission review for consistency with design permit standards.

Following the Development and Design Review Meeting, the applicant submitted a revised plan set with deck railing height clarification. The deck rails will be 42 inches tall and comply with building code requirements.

### **Development Standards**

The second-story deck addition to the single-family residence complies with all development standards of the R-1 zone.

<b>Building Height</b>					
<b>R-1 Regulation</b>			<b>Existing</b>	<b>Proposed</b>	
25 ft.			22 ft.	22 ft.	
<b>Floor Area Ratio (FAR)</b>					
			<b>Existing</b>	<b>Proposed</b>	
<b>Lot Size</b>			6,000 sq. ft.	6,000 sq. ft.	
<b>Maximum Floor Area Ratio</b>			49% (Max 2,940 sq. ft.)	49% (Max 2,940 sq. ft.)	
First Story Floor Area			949 sq. ft.	949 sq. ft.	
Second Story Floor Area			948 sq. ft.	948 sq. ft.	
<i>Deck/Covered Ext. Space</i>			616 sq. ft.	751 sq. ft. (exempt)	
<b>TOTAL FAR</b>			31.6% (1,897 sq. ft.)	31.6% (1,897 sq. ft.)	
<b>Yards</b>					
	<b>R-1 Regulation</b>			<b>Existing</b>	<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.			19 ft.	19 ft
<b>Front Yard 2<sup>nd</sup> Story &amp; Garage</b>	20 ft.			19 ft.	19 ft. <b>Existing nonconforming</b>
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 60 ft. 6 ft. min.	South: 13 ft. North: 6 ft.	South: 13 ft. North: 6 ft.	
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 60 ft. 9 ft. min	South: 5 ft. Existing Nonconforming North: 6 ft. Existing Nonconforming	New Deck South: 9 ft. 6 in. North: 29 ft. 7 in. Deck expansion complies	
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of lot depth	Lot depth 100 ft. 20 ft. min.	55 ft. 9 in.	55 ft. 9 in.	
<b>Rear Yard 2<sup>nd</sup> Story</b>	20% of lot depth	Lot depth 100 ft. 20 ft. min	47 ft. 6 in.	41 ft. 3 in.	
<b>Encroachments (list all)</b>					
<b>Parking</b>					
	<b>Required</b>			<b>Existing</b>	<b>Proposed</b>
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total 1 covered 1 uncovered			2 spaces total 2 covered 0 uncovered	2 spaces total 2 covered 0 uncovered

<b>Underground Utilities: required with 25% increase in area</b>	No
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### **DISCUSSION**

The property is located within the Depot Hill neighborhood, surrounded by one- and two-story single-family residences. The site shares a property boundary with a flag lot to the west, located at 105 Sacramento Avenue and two single-family homes to the north at 101 Sacramento Avenue.

The application is to expand the existing 616 square-foot deck by 135 square feet in the rear. An existing second-story deck wraps around the home from the front entryway, along west property line and into the backyard. The proposed deck expansion is located in the back yard, extending the existing deck seven feet rearward. The proposal would also modify the current deck railing from wood balusters to clear tempered glass panels. Pursuant to §17.48.040(6)(a), uncovered decks do not count towards the floor area ratio, so the project would not alter the floor area ratio.

To comply with Capitola Design Criteria, decks along rear and side property lines that are also adjacent to residential uses should be located or designed to minimize privacy impacts. Although the new glass panels create more visibility and exposure, both the existing and proposed deck areas maintain substantial distance from adjacent structures. The nearest residential structures are to the south at 101 and 105 Sacramento Avenues, within approximately 32 and 26 feet, respectively. A flag lot driveway is situated between the deck and both nearby homes. Also, it is 41 feet from the rear property line.

### **Non-Conforming Structure**

The existing structure is located within the required second-story front setback and the second-story west side setback and is therefore a legal non-conforming structure. Pursuant to code section 17.92.070, structural alterations to an existing non-complying structure may not exceed 80 percent of the present fair market value of the structure. A construction cost breakdown demonstrates that the alterations are less than five percent of the present fair market value of the structure, so the alterations are permissible.

### **Parking**

Pursuant to CMC §17.76.020(C)(2), the full amount of parking to serve the residential use is required when the floor area is increased by more than ten percent. The proposed project will not increase the floor area and is therefore not required to address parking requirements.

### **CEQA REVIEW**

Section 15301 of the CEQA Guidelines exempts the minor alterations of existing private structures involving negligible or no expansion of existing or former use. This project involves a deck addition to an existing single-family residence that will not result in an increase or more than 50 percent of floor area or 2,500 square feet.

### **RECOMMENDATION**

Staff recommends the Planning Commission approve application #21-0406 based on the following Conditions and Findings of Approval.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of the expansion of an existing second-story deck by 135 square-feet. The maximum Floor Area Ratio for the 6,000 square foot property is 49% (2,940 square feet). The total FAR of the project is 31.6% with a total of 1,897 square

feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 2, 2021, 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 building permit, all Planning fees associated with permit #21-0406 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District, as necessary.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. 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.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to 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.
15. 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 17.81.160.
16. 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.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

### **DESIGN PERMIT & CEQA 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 second-story deck expansion complies with the development standards of the R-1 zoning district.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**  
Community Development Staff and the Planning Commission have reviewed the application for the second-story deck expansion. The project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**  
Section 15301 of the CEQA Guidelines categorically exempts minor additions and alterations of existing private structures that will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project includes second-story alterations that do not increase the floor area. No adverse environmental impacts were discovered during project review by Planning Department Staff.

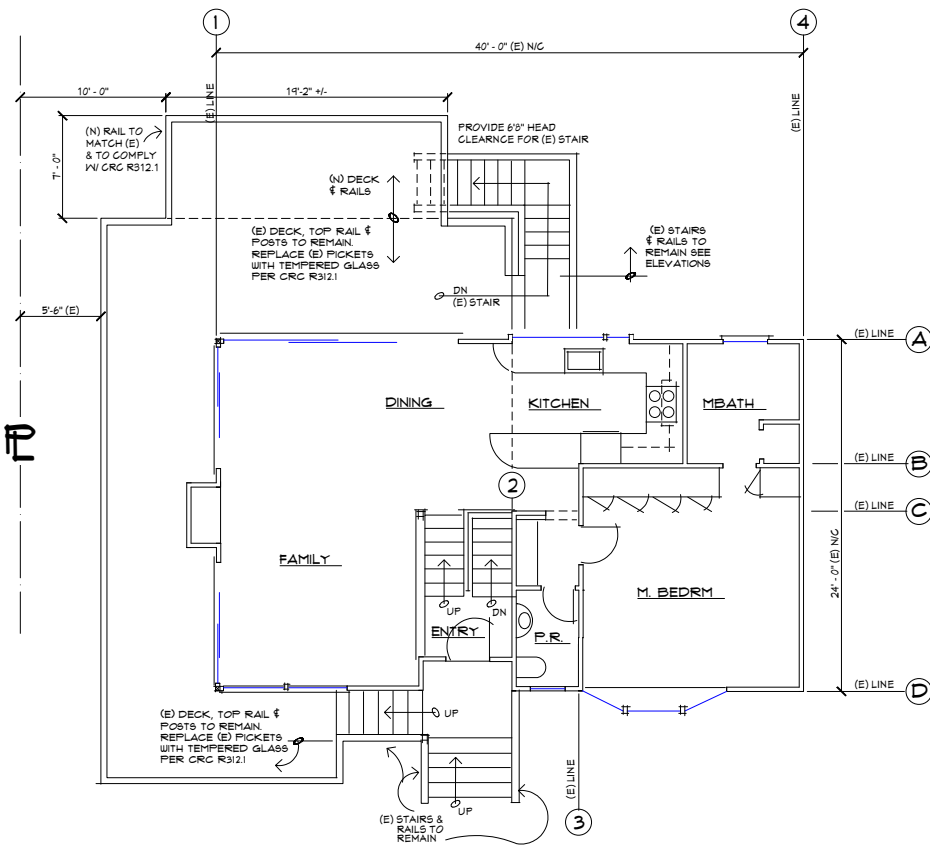
- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.** Community Development Staff and the Planning Commission have reviewed the project. The proposed second-story deck expansion will 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 second-story deck expansion complies with all applicable design review criteria in Section 17.120.070. Specifically, the project has taken potential privacy impacts into consideration as specified within Capitola's Design Review Criteria.
- 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 second-story deck expansion. The new design of the deck will replace existing wooden balusters with glass panes and will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

**ATTACHMENTS:**

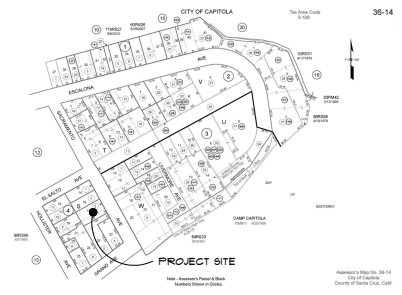
1. 109 Sacramento Avenue - Plan Set
2. Design Permit Design Review Criteria

Prepared By: Sean Sesanto

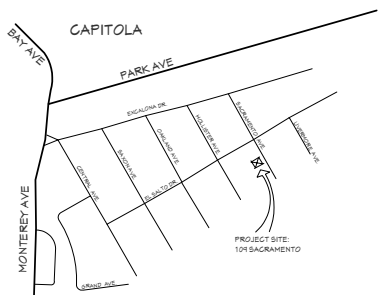




**PROPOSED UPPER FLOOR PLAN**  
1/4" = 1'-0"



**PARCEL MAP**  
NOT TO SCALE

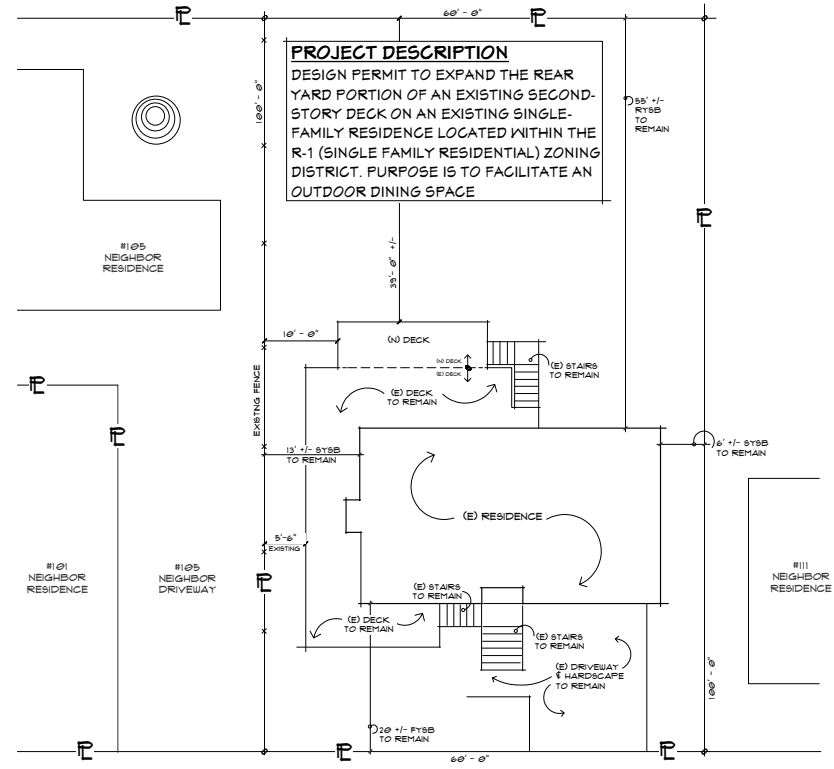


**VICINITY MAP**  
NOT TO SCALE

**OWNERS**  
MATT & GRETCHEN DINAPOLI  
109 SACRAMENTO AVE, CAPITOLA  
PHONE - 310-612-5785

**SITE & PROJECT DATA**  
APN 36-144-03  
ZONING R-1  
LOT AREA 6,000 SF  
TOTAL DECK ADDITION: 140 SF

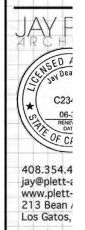
**SHEET INDEX**  
A-1 SITE / FLOOR PLAN  
A-2 PROPOSED ELEVATIONS  
A-3 EXISTING ELEVATIONS



**SITE PLAN**  
1/8" = 1'-0"

**PROJECT DESCRIPTION**  
DESIGN PERMIT TO EXPAND THE REAR YARD PORTION OF AN EXISTING SECOND-STORY DECK ON AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED WITHIN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. PURPOSE IS TO FACILITATE AN OUTDOOR DINING SPACE

Print date  
11.12.21



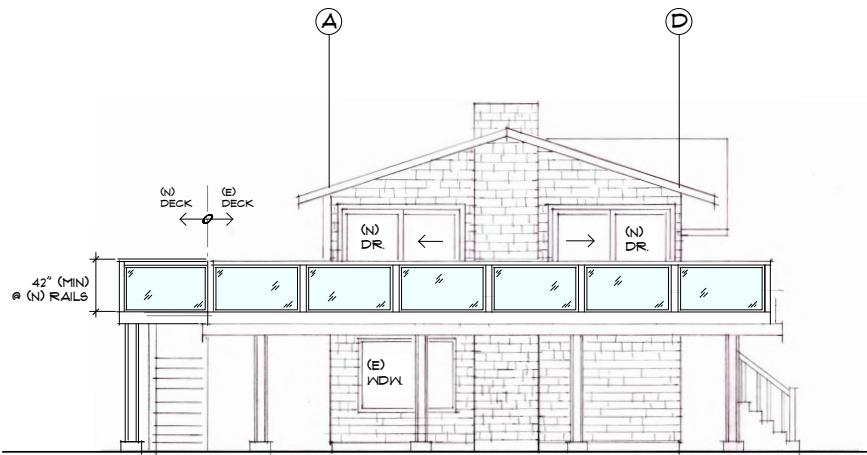
**DINAPOLI BEACH COTTAGE**

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PRELIM PLAN CK  
PRGING SE  
CONST. SE  
Scale:  
Date:

**A.**

**Attachment: 109 Sacramento Avenue - Plan Set (109 Sacramento Avenue)**



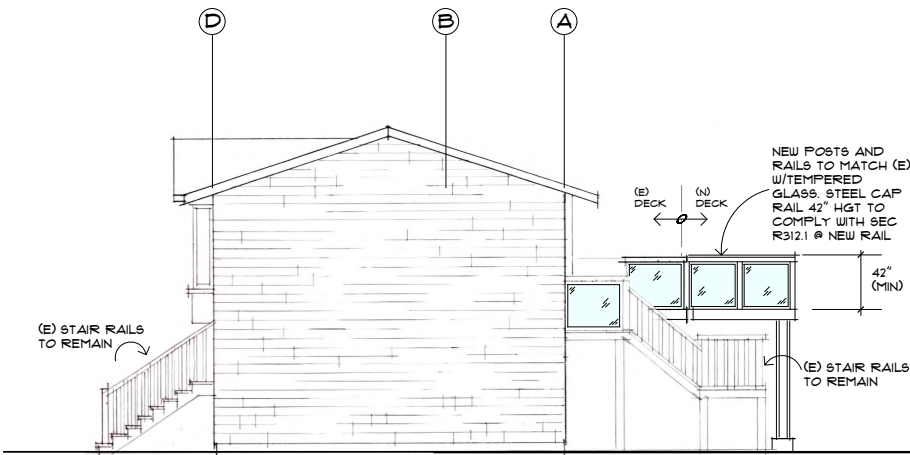
LEFT (EAST) ELEVATION

1/4" = 1'0"



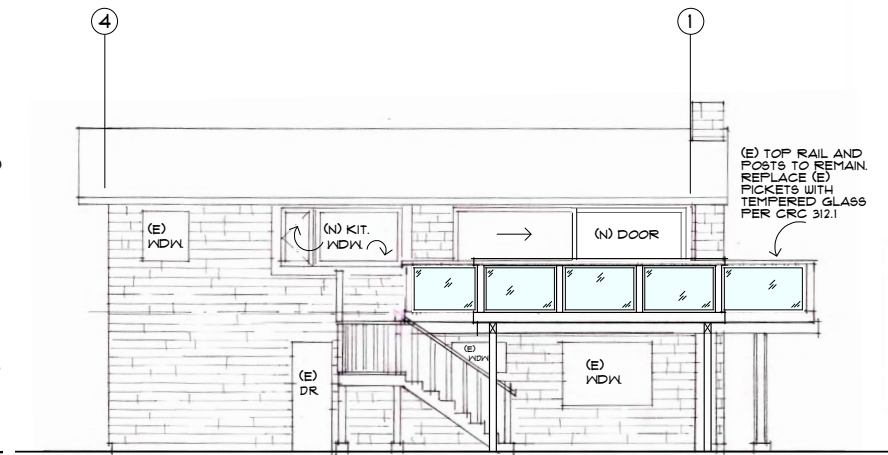
FRONT (NORTH) ELEVATION

1/4" = 1'0"



RIGHT (WEST) ELEVATION

1/4" = 1'0"



REAR (SOUTH) ELEVATION

1/4" = 1'0"

PROPOSED ELEVATIONS

Print date  
11.12.21



408.354.4  
jay@pletts.com  
www.pletts.com  
213 Bean /  
Los Gatos,

DINAPOLI BEACH COTTAGE

Attachment: 109 Sacramento Avenue - Plan Set (109 Sacramento Avenue)

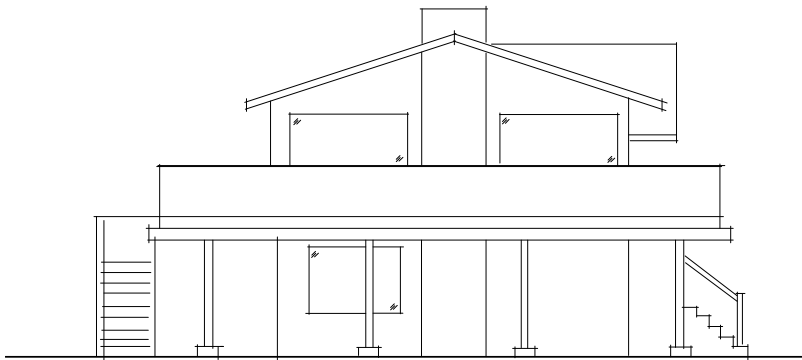
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Revisions:

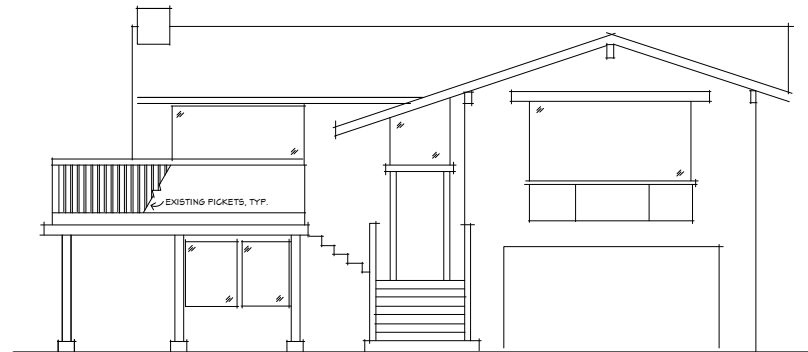
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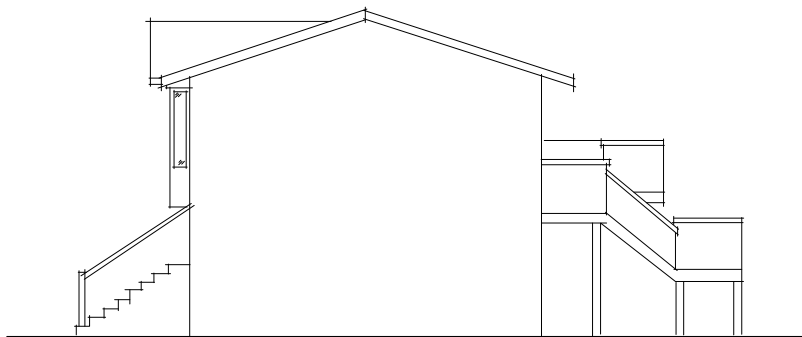
LEFT (EAST) ELEVATION

1/4" = 1'0"



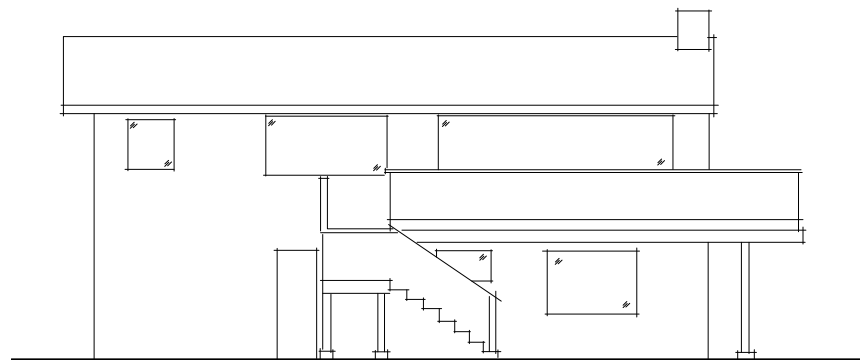
FRONT (NORTH) ELEVATION

1/4" = 1'0"



RIGHT (WEST) ELEVATION

1/4" = 1'0"



REAR (SOUTH) ELEVATION

1/4" = 1'0"

EXISTING ELEVATIONS

### Design Permit Design Review Criteria

17.120.070 Design review criteria. When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

- A. **Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.
- B. **Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.
- C. **Historic Character.** Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.
- D. **Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. **Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. **Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.
- G. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. **Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. **Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. **Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and

porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

- K. **Materials.** Building facades include a mix of natural, high quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. **Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. **Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. **Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.
- O. **Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.
- P. **Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.
- Q. **Lighting.** Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.
- R. **Accessory Structures.** The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties.
- S. **Mechanical Equipment, Trash Receptacles, and Utilities.** Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: DECEMBER 2, 2021  
 SUBJECT: **1820 41st Avenue #A**                      **#21-0409**                      **APN: 034-131-24**

REQUEST TO CONTINUE Conditional Use Permit Amendment to include delivery sales of alcohol and non-alcohol retail goods from an existing Retail Alcohol Establishment (BevMo) located in the C-R (Regional Commercial) zoning district.  
 This project is not in the Coastal Zone.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Chaboya Ranch  
 Representative: Philip Olson - BevMo, Filed: 10.11.21

### **APPLICANT PROPOSAL**

The applicant, Beverages & More (BevMo) submitted a request for an amendment to Conditional Use Permit (CUP) #08-018 to allow online delivery sales of alcohol at hours outside the current permitted hours. Bevmo is located at 1820 41<sup>st</sup> Avenue, Suite A located within the Community Commercial (CC) zoning district.

### **DISCUSSION**

Staff is requesting the item be continued to January 20, 2022, to do more research related to existing late night delivery of alcohol delivery in the Santa Cruz region.

### **RECOMMENDATION**

Staff recommends the Planning Commission continue the application to January 20, 2022.

Prepared By: Katie Herlihy  
 Community Development Director



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: DECEMBER 2, 2021

SUBJECT: **New State of California Housing Legislation and Community Development Housing Workplan**

Update on New State of California Housing Legislation and Community Development Housing Workplan

**BACKGROUND:** This fall, new State legislation to increase housing production passed. The new legislation is broad ranging with impacts to housing element updates, the subdivision map act, land use development, density bonus law, and more. Overall, the goal of the new legislation is to increase housing production with new opportunities related to permit streamlining, increased development potential, and long-range planning.

**DISCUSSION:** During the December 2, 2022, Planning Commission meeting, the City's legal team will provide an overview of the new state legislation related to housing. A summary of Senate Bills 8, 9, and 10 and a summary of the 29 additional new housing legislation bills are included as attachments 1 and 2, respectively.

Following the legislative update, the Community Development Director will present a workplan relative to the new laws for 2022 and 2023, including both action items and timelines.

### **ATTACHMENTS:**

1. 2021 Housing Legislation Summary
2. SB 8 9 10 Legislative Summary

Prepared By: Katie Herlihy  
Community Development Director

**2021 Housing Legislation Summary**  
(action items noted in green)

<b><u>Bill</u></b>	<b><u>Title</u></b>	<b><u>Quick Summary</u></b>	<b><u>Action Required?</u></b>
AB 68	California Statewide Housing Plan: annual reports.	HCD must develop and publish on its website an annual report on land use oversight actions related to housing taken against local agencies.	No.
AB 215	Planning and Zoning Law: housing element: violations.	Requires the local jurisdiction to make the first draft revision of a housing element available for public comment for at least 30 days and take at least 10 additional business days to incorporate comments. The subsequent draft must then be posted on the local jurisdiction's website and to email a link to those who have requested notice. Expands the attorney general's authority to independently seek action and grants HCD the ability to hire or appoint other counsel if the attorney general does not pursue action against a local jurisdiction that has violated certain housing laws.	Yes. You should review current noticing and posting procedures for first draft housing element revisions and adjust as necessary to meet these requirements.
AB 345	Accessory dwelling units: separate conveyance.	A local jurisdiction is no longer required to adopt an ordinance before allowing the conveyance of an ADU separately from a primary residence. A local jurisdiction must allow an ADU to be sold or conveyed separately from the primary residence to a qualified buyer (low- and moderate-income) and if certain conditions are met, including that the primary residence or ADU was built by a qualified nonprofit corporation and that the property is held pursuant to a recorded tenancy in common agreement. Beginning 1/1/22, the	Yes. The City no longer needs to adopt an ordinance for the conveyance of an ADU separately from a primary residence, and must now allow for the conveyance by right if the provided conditions are met.



		tenancy in common agreement must include a delineation of areas of the property that are for exclusive use of a cotenant, delineation of each cotenant's responsibility for taxes, insurance, utilities and repair, and procedures for dispute resolution.	
AB 447	Debt Limit Allocation Committee: income taxes: low-income housing tax credits.	Establishes the provision of additional tax credits and debt limits for low income housing.	No.
AB 491	Housing: affordable and market rate units.	Any residential structure with five or more residential dwelling units that include both affordable housing units and market-rate housing units must provide the same access to common entrances, areas and amenities for both types of units. The structure "shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor."	Yes. Ensure, as part of the building review process, that structures provide equal access for both affordable housing and market-rate units.
AB 571	Planning and zoning: density bonuses: affordable housing.	Establishes that affordable housing impact fees, including inclusionary zoning fees and in-lieu fees cannot be imposed on a housing development's affordable units.	No. The City does not appear to currently charge inclusionary zoning or affordable housing impact fees. If the City were to begin charging these fees, then they could not be imposed on affordable units.

AB 602	Development fees: impact fee nexus study.	Updates nexus study requirements. A local jurisdiction must identify an existing level of service for each public facility and information supporting any fee increase. Mitigation fees on a housing development must be proportional to the square footage of the development, unless another methodology can be justified with findings. Nexus studies must be adopted at a public hearing with at least 30 days' notice. Agencies must update nexus fee studies at least every eight years from the period beginning on Jan. 1, 2022. Agencies must also post the current impact fee schedule and update at least twice a year.	Yes. The City will need to review and update as necessary the current housing development mitigation fees, and update its procedure for nexus study adoption accordingly.
AB 634	Density Bonus Law: affordability restrictions.	A local jurisdiction may require an affordability period of longer than 55 years for any units that qualified for a density bonus.	No.
AB 721	Covenants and restrictions: affordable housing.	Makes any recorded CC&Rs that restrict the number, size or location of residences that may be built on a property, or that restrict the number of persons or families who may reside on a property, unenforceable against the owner of a 100% BMR housing development that is affordable to lower-income households.	Yes. Monitor CC&R applications to ensure compliance.
AB 787	Planning and zoning: housing element: converted affordable housing units.	Allows the City to take RHNA credit on its Housing Element Annual Progress Report when deed restrictions are added to existing multifamily buildings to create new affordability covenants.	No. Just updates calculation of RHNA numbers, incentivizes housing preservation and rehabilitation.

<p>AB 838</p>	<p>Housing Law: enforcement response to complaints.</p>	<p>Requires a local jurisdiction that receives a resident's complaint of a substandard building or a lead hazard violation to inspect the building, document the lead hazard violations and identify substandard conditions, as applicable. Requires the local jurisdiction to advise of each violation and action necessary to remedy the violation, and schedule re-inspection to confirm correction. Requires the provision of free, certified copies of an inspection report and citations issued, if any, to the complaining resident. The local jurisdiction cannot collect a fee for this service unless the inspection reveals lead hazard violations or substandard conditions. (Goes into effect July 1, 2022).</p>	<p>Yes. Review and update as necessary current procedures for responding to resident complaints about substandard conditions.</p>
<p>AB 948</p>	<p>Bureau of Real Estate Appraisers: disclosures: demographic information: reporting: continuing education.</p>	<p>Implements additional requirements for real estate appraisers regarding disclosures as to demographic information and reporting.</p>	<p>No.</p>
<p>AB 1029</p>	<p>Housing elements: pro-housing local policies.</p>	<p>Permits HCD to add the preservation of affordable housing units to a list of pro-housing, local policies that allow cities and counties to qualify for extra points or preference when scoring program applications for certain state programs.</p>	<p>No.</p>
<p>AB 1043</p>	<p>Housing programs: rental housing developments: affordable rent.</p>	<p>Adds a new subset of lower income households as "acutely low income" households, who earn 15% of AMI and whose rents can be no greater than 30% of the 15% AMI level.</p>	<p>No.</p>

AB 1095	Affordable rental and owner-occupied housing: equity in state and local programs.	Revises laws governing the Affordable Housing and Sustainable Communities Program (AHSC) and the Strategic Growth Council (SGC) to specify that both programs aim to promote affordable rental units and owner-occupied units.	No.
AB 1297	California Infrastructure and Economic Development Bank: public and economic development facilities: housing.	Amends the requirements for housing financed pursuant to the California Infrastructure and Economic Development Bank.	No.
AB 1304	Affirmatively further fair housing: housing element: inventory of land.	Adds a new subset of "lower income households": "Acutely Low Income" households, who earn 15 percent of AMI and whose rents can be no greater than 30 percent of the 15 percent AMI level.	No.
AB 1398	Planning and zoning: housing element: rezoning of sites: pro-housing local policies.	Accelerates the rezoning requirement to allow "by right" development of 20% BMR projects from 3 years to 1 year if a city fails to adopt a substantially compliant Housing Element within 120 days of the statutory deadline, as determined by HCD.	Yes. Ensure that you adopt an approved Housing Element within 120 days of the statutory deadline, or be prepared to identify rezoning areas.
AB 1466	Real property: discriminatory restrictions.	Identifies and removes historic documents that include unlawfully discriminatory covenants from public records.	No.
AB 1584	Housing Omnibus.	Any CC&R that prohibits or restricts the construction or use of an ADU on a lot zoned for single-family use is unenforceable.	No.
SB 263	Real estate applicants and licensees: education requirements: fair housing and implicit bias training.	Requires additional education for real estate professionals in the areas of fair housing and implicit bias.	No.

SB 290	Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.	Expands Density Bonus Law to provide additional benefits to projects that include student housing and would allow all ownership projects, not just common interest developments, to use Density Bonus Law.	Yes. These are mainly clarifying edits that the City is already implementing. However, you should ensure that you allow moderate income projects near transit to qualify for reduced parking ratios of 0.5 spaces per bedroom.
SB 381	Surplus residential property: priorities, procedures, price, and fund: City of South Pasadena.	Identifies procedures for the disposition of surplus property in South Pasadena.	No.
SB 478	Planning and Zoning Law: Minimum FAR/Lot Coverage Standards and Prohibition on CC&R Restrictions of FAR for Missing Middle Multifamily Housing.	Prohibits agencies from imposing a FAR of less than 1.0 for a housing development project consisting of three to seven units and a FAR of less than 1.25 for housing development project consisting of eight to 10 units.	Yes. Review current FAR standards for housing and adjust if necessary.
SB 591	Senior citizens: intergenerational housing developments.	Creates a policy that encourages intergenerational housing for senior citizens, caregivers, and transition age youth, and permits developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to these same groups.	No.
SB 728	Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.	Expands Density Bonus Law to allow for the purchase of the density bonus unit by a qualified nonprofit organization receiving a property tax welfare exemption	No.

SB 791	California Surplus Land Unit.	Establishes within HCD the California Surplus Land Unit to provide technical assistance to local agencies and developers to "facilitate the development and construction of residential housing on local surplus land."	No.
AB 1174	Planning and zoning: Housing: development application modifications, approvals, and subsequent permits.	The three-year time period during which an SB 35 permit remains valid is paused when a project is sued and while modifications are considered. Subsequent permit applications must only meet the objective standards that were in place when the original development application was submitted.	No. Already in effect since 9/17/2021.

Direct No.: 415.655.8113  
szutler@bwslaw.com

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Samantha W. Zutler, City Attorney  
**cc:** Jamie Goldstein, City Manager  
Katie Herilhy, Community Development Director  
**DATE:** September 22, 2021  
**RE:** Legislative Update (SB 8, 9, 10)

---

Governor Newsom’s approval last week of SB 8, 9, and 10 greenlights continued efforts to streamline the housing development process and provide for additional housing, including affordable housing, in California.

### Senate Bill 8

**Bottom Line:** SB 8 extends the sunset of, broadens the types of projects covered by, and clarifies portions of the Housing Crisis Act of 2019 (SB 330), making it easier for more housing projects to be approved more quickly in California.

### Analysis

SB 8 extends the sunset of SB 330 from January 1, 2025 to January 1, 2030, in an effort to encourage the construction of more housing throughout California. Most significantly, the bill redefines “housing development project” to include single dwelling units and ministerial approvals, making these types of projects eligible for the hearing limitations, Permit Streamlining Act requirements, preliminary application process, and other protections adopted under SB 330 in 2019.

The bill also gives developers of affordable housing projects more time to begin construction while still being able to rely on the ordinances, policies and standards that were in effect upon submission of the affordable housing project’s preliminary application. Previously, all housing development projects had a 2.5 year “statutory freeze” period from the time of final project approval to the start of construction. Now, until January 1, 2034, developers of affordable housing projects will have an additional year to start construction, for a total of 3.5 years from the date of final project approval, provided the preliminary application is submitted prior to January 1, 2030. All other housing development projects will still have the 2.5 year period in which to begin construction.

Honorable Mayor and City Council  
 Re: Legislative Update (SB 8, 9, 10)  
 Page 2

The bill also makes clarifying changes to the hearing requirements for housing development projects under the Permit Streamlining Act, and expands requirements for reductions in land use intensity that result in reduced opportunities for housing.

SB 330 prohibited downzoning of residential areas unless other areas were concurrently upzoned to ensure no net loss of residential development capacity. SB 8 redefines “concurrently” to mean no longer than within 180 days of the downzoning.

SB 8 adds provisions to Government Code Section 66300 that prohibit demolition of multiple units that would be replaced with just a single residential unit. SB 8 also modifies tenant relocation assistance and right of first return provisions to be available only to lower income tenants, and SB 330’s requirement to replace protected units with affordable housing or rent controlled units would no longer apply to rent controlled units that are occupied by persons or families above lower income.

Finally, SB 8 excludes development projects that consist of a single residential unit that is replacing a single protected unit that is being demolished, as well as units in a housing development where 100% of the units, aside from the manager’s unit(s), are reserved for lower income households, from right of first return requirements.

### **Implications**

SB 8 primarily provides clarifying edits that may already consistent with the City’s interpretation and application of SB 330, although the City should make sure that its policies, particularly around unit replacement and tenant protections, are consistent with the latest revisions. Since the bill primarily extends SB 330, we recommend that cities review their current approval timelines and procedures for affordable housing projects and ensure they are consistent with SB 330. We also recommend that the City review and update its Permit Streamlining Act procedures to ensure that they include the expanded definition of housing development projects.

### **Senate Bill 9**

**Bottom Line:** SB 9, decried as the “end of single family zoning,” requires ministerial approval of 2 units per parcel in residential zones, and allows owners to subdivide existing single-family residential lots, resulting in the potential to build up to 4 units on existing single unit lots. There are some exceptions to these requirements, but they are minor.

### **Analysis**

SB 9 creates a framework similar to recent ADU legislation, in that it requires ministerial approval of applications for 2 to 4 units (with a qualifying lot split) for projects that meet



Honorable Mayor and City Council  
 Re: Legislative Update (SB 8, 9, 10)  
 Page 3

minimum criteria defined by the state or local standards that further facilitate housing approvals.

Specifically, the City must approve an application to develop up to two units on nearly all lots in zones that are zoned for single-family housing (including via partial or full teardown of an existing unit), so long as: 1) the parcel is within an unincorporated urbanized area or in a city with an urbanized area<sup>1</sup>; 2) the parcel is not located on or within farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, government or historic properties, or where the owner withdrew accommodations for rent or lease in the last 15 years (prohibited sites); 3) the development does not require the demolition of affordable housing, rent controlled housing, or housing occupied by a tenant for the last 3 years; and 4) the development will not require the demolition of more than 25% of existing walls, unless allowed by ordinance or a tenant has not occupied the unit in the last 3 years.

Local governments may impose local development standards, such as requiring setbacks of up to 4 feet from side and rear lot lines, but they cannot preclude developments of 2 units per lot or require setbacks of an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Only 1 parking space per unit may be required, unless the unit is within a half mile of public transit or within a block of a car share vehicle, in which case, no parking may be required.

In addition, SB 9 requires ministerial approval of an application to split a lot in order to create not more than 2 new parcels. The 2 new parcels must be of approximately equal size, and 1 parcel cannot be smaller than 40 percent of the lot area of the original parcel being subdivided; neither lot may be smaller than 1,200 square feet (subject to the local jurisdiction's ability to adopt a smaller minimum lot size by ordinance), subject to similar provisions as noted above. Also similar to the above, the agency may adopt objective standards applicable to SB 9 projects, but the standards cannot preclude the construction of 2 units on either parcel, result in a unit smaller than 800 square feet, or require setbacks of more than 4 feet from rear and side lot lines.

An applicant may develop up to 4 units on a lot that has been split into two parcels. An applicant must agree to occupy one of the housing units as their principal residence for at least 3 years from the date of approval of the lot split.

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<sup>1</sup> As least 50,000 or more people in a particular area or cluster of census tracts as defined by the US Census Bureau. An **Urban Cluster** is comprised of between 2,500 and 50,000 people. Each Census, the Bureau creates a list of Urbanized Areas, as well as Urban Clusters, which together constitute the two types of Urban Areas (>2,500 people).

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Approvals of up to 2 units and lot splits are ministerial, meaning they are not subject to CEQA review. Projects that would otherwise require a coastal development permit still do, but the City cannot require a public hearing for the permit.

SB 9 does not require a local jurisdiction to amend its zoning ordinance to be consistent with the legislation, although the bill authorizes the local jurisdiction to adopt an ordinance to implement the law, and exempts the adoption of such an ordinance from the CEQA process.

Whether the local jurisdiction amends its zoning code or not, SB 9 prohibits the denial of a project that conforms to the specified requirements in the bill and those allowed to be adopted by the local jurisdiction.

### **Implications**

SB 9 allows modest-scaled multifamily development in areas that are exclusively zoned for single unit development, with only one unit more than is already allowed under ADU laws. The lot split provisions would create a new opportunity for ownership development, while ADU laws and other streamlining bills focus on rental projects.

Single unit zoning has an exclusionary history and has contributed to both California's housing shortage and the inability of racial and ethnic minorities to secure housing in high opportunity areas. SB 9 could help promote development at "missing middle" densities, and automatic upzoning could help comply with new Housing Element requirements applicable during the Sixth Cycle.

### **Senate Bill 10**

**Bottom Line:** SB 10 allows local jurisdictions to adopt an ordinance upzoning urbanized areas close to transit, allowing up to 10 units per parcel without CEQA review. SB 10 allows local governmental bodies to override, by a supermajority, zoning restrictions established by local initiative.

### **Analysis**

Until January 1, 2029, SB 10 allows, but does not require, local jurisdictions to adopt an ordinance authorizing housing development projects of up to 10 residential units per parcel in transit-rich areas or urban infill sites, subject to limited exceptions. A "transit-rich area" is a parcel on a fixed-route bus line that meets service interval requirements, or within a half-mile of a major transit stop. An "urban infill site" is a site that is partially or wholly located within an urbanized area, adjoins at least 75% of its perimeter with parcels developed with urban uses (including parcels separated by a street or highway), and is

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zoned for residential or mixed-residential use or has a general plan designation allowing such use with at least two-thirds of the project's square footage designated for residential use.

Ordinances adopted pursuant to SB10 are exempt from CEQA. However, subsequent projects that propose more than 10 units on a parcel upzoned under SB 10 are prohibited from ministerial or by right approval and are ineligible for any CEQA exemptions.

If the zoning ordinance supersedes any zoning restriction established by local initiative, the ordinance requires a two-thirds vote of the members of the legislative body. SB 10 prohibits rezoning certain open-space and park land designated by local initiative.

SB 10 cannot be used to implement downzoning and, once parcels have been upzoned under SB 10, the local government is prohibited from later reducing the density of those parcels.

### **Implications**

SB 10 is most useful in jurisdictions where there are voter-approved restrictions on zoning that the City Council would not otherwise be able to modify directly.

The ability to adopt an upzoning ordinance that is exempt from CEQA has some value, especially to accelerate upzoning necessary to comply with RHNA obligations for moderate and above moderate housing. However, this value is reduced by the fact that most subsequent projects would be subject to CEQA. To streamline development, the City may be better served to adopt an upzoning ordinance outside of SB 10 and comply with CEQA, which would allow future zoning-compliant projects to qualify for CEQA exemptions as applicable



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: DECEMBER 2, 2021  
 SUBJECT: **Prototype ADU Program**

Prototype Accessory Dwelling Unit (ADU) Program.  
 Representative: Katie Herlihy, Community Development Director  
 Applicant: City of Capitola

### **PROJECT DESCRIPTION**

The City of Capitola contracted Workbench and Metta Urban Design to create an Accessory Dwelling Unit (ADU) program. The program includes guidance documents on ADU code requirements and permitting. It also includes the creation of four prototype architectural plans for Capitola residents to utilize on their property.

### **BACKGROUND**

On November 22, 2019, the City Council adopted a resolution authorizing Staff to apply for a Senate Bill 2 (SB2) planning grant to develop objective design standards so that the City may more effectively process applications for projects subject to Senate Bill 35 (SB35) and develop guidance documents and pre-approved architectural plans for ADUs.

On March 11, 2020, the City of Capitola was awarded \$160,000 in SB2 grant funding.

On March 25, 2020, City Council adopted an update to the City's ADU ordinance to reflect the State legislation which took effect on January 1, 2020.

On September 11, 2020, the City's new ADU ordinance was certified by the Coastal Commission.

On September 24, 2020, the City Council authorized a sole source contract with Ben Noble Urban and Regional Planning to develop objective standards for Capitola's zoning code with a portion of the SB2 Grant funding.

On May 13, 2021, the City Council authorized the City Manager to enter a contract with Workbench in the amount of \$107,000 for the SB2 grant developing public outreach tools regarding ADUs and creating four ADU prototype building plans.

On July 15, 2021, the Planning Commission received an overview of the SB2 ADU grant program. The Commission provided direction to staff related to the size and design of the prototype ADUs.

On October 7, 2021, the Planning Commission reviewed floor plans and conceptual finishes of four ADUs. The Commission supported the draft plans and directed staff to move forward into the final design plans.

### **DISCUSSION**

The SB2 grant funds were made available to jurisdictions to accelerate housing production. For the City of Capitola, this will be achieved by assisting property owners with ADU development. There are two main deliverables for Capitola's SB2 ADU program. The first is to create guidance documents to inform the public and design professionals of Capitola's ADU standards and the permitting process. The second deliverable is producing architectural and building plans for four ADU prototypes that would fit on a typical Capitola lot and will be available at no cost to Capitola residents. The prototypes will be developed to the point where they are building code compliant and will require the applicant to have a survey showing how the ADU fits within their property.

#### **Guidance Documents**

Metta Urban Design is currently drafting the ADU guidance documents. Staff will present the documents to the Planning Commission at a future meeting. The deliverables related to the guidance documents include: a detailed, step-by-step ADU handbook; a quick-reference ADU brochure; the ADU application; an ADU checklist for plan submittal; a frequently asked questions (FAQ) list; public facing imagery (graphics); and an update to the text of the ADU page on the City website with links to the previously listed items. These deliverables will define the types of ADUs, provide illustrations showing what these building forms could look like on a typical Capitola lot, explain the new state regulations for ADUs by using illustrations and graphics to distill technical ordinances into more easily understood information, create content that describes the benefits of ADUs and direct users to external resources to excite and inspire property owners about adding an ADU to their property, present and explain the prototypical plans to help property owners identify the best option for their property, and guide property owners through the design and permitting process.

#### **ADU Prototypes**

On July 15, 2021, the Planning Commission received information on the prototype ADU program and the findings from the public outreach survey. The Commission provided feedback on the program regarding design and unit size. They suggested that Workbench design the ADUs to incorporate the public's preferred architectural styles of craftsman, farmhouse, and beach cottage vernacular as identified in the survey. Also, the Commissioners supported having a range of sizes but keeping the largest ADU at or below 640 square feet to keep construction costs low. The Soquel Creek Water District water service charge for a new ADU up to 640 square feet is \$12,010, which jumps 78 percent to \$21,400 for an ADU above 640 square feet.

The Workbench team has worked with staff to develop four detached ADU plans for homeowners with several architectural styles. The plans have been designed to fit into a typical property in Capitola and cover a range of sizes, from 250 square feet up to 557 square feet. Workbench originally put together a concept packet for the October 7, 2021 including background information, unit floor plans, and possible exterior designs. Upon Planning Commission's positive feedback to proceed, Workbench created a full package of all proposed ADU options, which is included as Attachment 1.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the updated plans and recommend the plans as Capitola ADU prototype designs.

**ATTACHMENTS:**

1. Capitola Prototype ADU Designs

Prepared By: Katie Herlihy  
Community Development Director

# City of Capitola

ADU PROGRAM



workbench METTAURBANDESIGN



SCHEMATIC DESIGN PACKAGE  
DECEMBER 02, 2021



# OVERVIEW

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- 1 SCHEMATIC DESIGN PACKAGE
- 2 INFORMATIONAL MATERIALS
- 3 NEXT STEPS



# 1

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## SCHEMATIC DESIGN PACKAGE





































CALIFORNIA GREEN BUILDING STANDARD CODE (CGBC/CALGREEN)

All work performed shall comply with the 2019 California Green Building Standard Code (CalGreen). Specific code sections are listed below as a reference.

STORM WATER DRAINAGE AND RETENTION DURING CONSTRUCTION

- 1. Projects which disturb less than one acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, shall manage storm water drainage during construction using one of the three methods outlined in CGBC 4.106.2.

ENERGY EFFICIENCY

- 1. For purposes of mandatory energy efficiency standards in the California Green Building Standard Code, the California Energy Commission will continue to adopt mandatory standards. CGBC 4.201.1

INDOOR WATER USE

- 1. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Tank-type toilets. CGBC 4.303.1.1
2. Showerheads shall have a maximum flow rate of not more than 1.8 gallons per minute at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads. CGBC 4.303.1.3.1
3. The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons per minute at 20 psi. CGBC 4.303.1.4.1
4. The maximum flow rate of kitchen faucets shall not exceed 1.8 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.8 gallons per minute at 60 psi. CGBC 4.303.1.4.4

OUTDOOR WATER USE

- 1. Residential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent. CGBC 4.304.1

MATERIAL CONSERVATION AND RESOURCE EFFICIENCY

- 1. Recycle and/or salvage for reuse a minimum of 65 percent of the non-hazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3, or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance. Reference CGBC 4.408.1 for details and exceptions.
2. Submit a construction waste management plan in conformance with Items 1-5 of CGBC 4.408.2. The construction waste management plan shall be updated as necessary and shall be available during construction for examination by the enforcing agency.

ENVIRONMENTAL QUALITY - POLLUTANT CONTROL

- 1. At time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of water, dust, or debris which may enter the system. CGBC 4.504.1
2. Finish materials and shall comply with VOC limits and formaldehyde limits as listed in sections 4.504.2, 4.504.3, 4.504.4, and 4.504.5 and tables 4.504.1, 4.504.2, 4.504.3, and 4.504.5

ENVIRONMENTAL QUALITY - INTERIOR MOISTURE CONTROL

- 1. Contractor shall protect the area of work and adjacent areas from damage.
2. General Contractor shall coordinate trash removal access from damage.
3. Materials stored on the site shall be properly stacked & protected to prevent damage & deterioration until use. Failure to protect materials may be cause for rejection of work.
4. Concrete slab foundations required to have a vapor retarder by California Building Code, Chapter 19, or concrete slab-on-ground floors required to have a vapor retarder by the California Residential Code, Chapter 5, shall also comply with CGBC 4.505.2
5. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19 percent moisture content, as verified by one of the three methods listed. CGBC 4.505.3

ENVIRONMENTAL QUALITY - INDOOR AIR QUALITY AND EXHAUST

- 1. Each bathroom shall be mechanically ventilated using a bathroom exhaust fan that is ENERGY STAR compliant, ducted to terminate outside the building, and controlled by a humidistat. CGBC 4.506.1

DOCUMENTATION

- 1. Documentation used to show compliance with this code shall include but is not limited to, construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the enforcing agency which demonstrates substantial conformance.

GENERAL NOTES

- 1. All work performed shall comply with the contract documents, drawings and specifications, including these general notes. The contractor shall coordinate the intent of the general notes with all trades.
2. No deviation from contract drawings and specifications shall be made without written approval of the Owner.
3. All materials and workmanship shall conform to the drawings and specifications.
4. Contractor to review documents, verify dimensions and field conditions and confirm that work is buildable as shown. Report any conflicts or omissions to the Owner for direction prior to performing any work in question.
5. The structural, mechanical and plumbing drawings are supplementary to the architectural drawings. Contractor to review structural, mechanical, and plumbing drawings before the installation of structural, mechanical and plumbing work. Should there be a conflict or discrepancy between the architectural drawings and the consulting engineers' drawings it shall be brought to the Owner's attention for direction prior to installation of said work, any work installed in conflict with the architectural drawings shall be corrected by the contractor at no additional cost.
6. Do not scale drawings; dimensions shall take precedence over scales shown on drawings, general contractor shall verify all dimensions, grades and conditions at site prior to commencing the work.
7. All dimensions are to face of concrete, face of concrete block walls and face of scheduled partition, unless otherwise noted.
8. Dimensions are to framing or structural members, unless otherwise noted.
9. Where a typical detail is shown, it shall be understood that all like or similar conditions are the same unless specifically noted or detailed otherwise.
10. Contractor to comply with codes, laws, ordinances, rules, and regulations of public authorities governing the work.
11. Contractor shall obtain all necessary permits from the State of California division of industrial safety, OSHA department, for trenches or excavations greater than 5'-0" deep into which a person is required to descend for construction purposes.
12. Contractor to maintain exits, exit lighting, fire protective devices and alarms in conformance with codes and ordinances.
13. Contractor shall provide temporary exit signs to assure a means of egress during construction.
14. Contractor shall protect the area of work and adjacent areas from damage. General Contractor shall coordinate trash removal access per City of Seaside requirements.
15. Materials stored on the site shall be properly stacked & protected to prevent damage & deterioration until use. Failure to protect materials may be cause for rejection of work by Owner.
16. Contractor shall protect stored on-site and installed absorbent materials from moisture damage.
17. Maintain the job site in a clean, orderly condition free of debris and litter. Each sub-contractor immediately upon completion of each phase of his work shall remove all trash & debris as a result of his operations. Contractor to maintain work areas secure and lockable during construction.
18. Fire protection equipment and service access must be maintained and provided during the construction period.
19. Public improvements and services adjacent to the site shall be maintained during construction. Approval of the appropriate governing body is required before any work is commenced.
20. General Contractor shall coordinate site plumbing, drainage, electrical, telephone work and existing utilities to provide a complete operating system.
21. Client will provide work noted by others" or "N.I.C." under a separate contract. Include schedule requirements in construction progress schedule and coordinate to assure orderly sequence of installation.
22. Except where shown in dimensional detail, or as required by code, the locations of plumbing, mechanical equipment, ducts, piping and fitting are approximate. The exact locations shall be determined by the contractor in accordance with all applicable building codes.
23. Contractor shall verify sizes and locations of all mechanical equipment pads and bases as well as power and water or drain installations with equipment manufacturers before proceeding with the work. Changes to accommodate field conditions or substitutions shall be made at no additional cost.
24. Contractor shall verify size and location of all mechanical openings through the roof with mechanical equipment manufacturers.
25. Contractor shall provide and install all stiffeners, bracing, blocking, back-up plates and supporting brackets required for the installation of all casework, toilet room accessories, fixtures and partitions and all wall mounted or suspended mechanical, electrical or miscellaneous equipment and furnishings.
26. Contractor to coordinate and provide backing for millwork and items attached or mounted to walls or ceilings.
27. Contractor shall confine operations at the site to areas permitted by law, ordinances, permits & the contract documents, and shall not unreasonably encumber the site with any materials or equipment.
28. Should conflict occur in or between drawings & specifications, or where detail references on contract drawings have been omitted, contractor is deemed to have estimated the most expensive materials and construction involved unless he shall have asked for and obtained any written decisions from the Owner as to which method or materials will be required.

LIGHTING NOTES

- 1. ALL LIGHTING SHALL BE HIGH EFFICACY (i.e., PIN-BASED CFL; PULSE START MH, HPS, GU-24 METALS OTHER TRIPLE LEDS, LED LUMINARIES WITH INTEGRAL SOURCE, ETC.) SEE TABLE 150.0-A
2. SCREW BASED PERMANENTLY INSTALLED LIGHT FIXTURES MUST CONTAIN SCREW-BASED JAB (JOINT APPENDIX B) COMPLIANT LAMPS. JAB COMPLIANT LIGHT SOURCES MUST BE MARKED AS "JAB-2016" OR "JAB-2016-E" ("JAB-2016-E" LUMINARIES ARE DEEMED APPROPRIATE FOR USE IN ENCLOSED LUMINARIES), CECL50.0(K)G
3. ALL JAB COMPLIANT LIGHT SOURCES IN THE FOLLOWING LOCATIONS SHALL BE CONTROLLED BY VACANCY SENSORS OR DIMMERS (EXCEPTION: CLOSETS LESS THAN 70 SQ. FT. AND HALLWAYS). CECL50.0(K)ZK
A. CEILING RECESSED DOWNLIGHT LUMINARIES
B. LED LUMINARIES WITH INTEGRAL SOURCES
C. PIN-BASED LED LAMPS (i.e. MR-16, AR-111, etc.)
D. GU-24 BASED LED LIGHT SOURCES
4. THE NUMBER OF BLANK ELECTRICAL BOXES MORE THAN 5 FEET ABOVE THE FINISHED FLOOR SHALL NOT BE GREATER THAN THE NUMBER OF BEDROOMS. THESE BOXES SHALL BE CONTROLLED BY A DIMMER, VACANCY SENSOR, OR FAN SPEED CONTROL. CECL50.0(K)B
5. EXHAUST FANS (EXCLUDING KITCHEN EXHAUST HOOD) SHALL BE SWITCHED SEPARATE FROM LIGHTING (OR UTILIZE A DEVICE WHERE LIGHTING CAN BE TURNED OFF WHILE FAN IS RUNNING).
6. PROVIDE SEPARATE SWITCHING FOR ANY UNDER CABINET LIGHTING FROM OTHER LIGHTING SYSTEMS CECL50.0(Q)2L
7. PROVIDE LIGHT SOURCE AND POWER OUTLET AT FURNACE WITH SWITCH AS INDICATED.
8. ALL RECESSED DOWNLIGHT LUMINARIES IN CEILINGS SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:
A. BE LISTED, AS DEFINED ON SECTION 100.1, FOR ZERO CLEARANCE INSULATION CONTACT (IC) BY UNDERWRITERS LABORATORY OR OTHER NATIONALLY RECOGNIZED TESTING/RATING LABORATORY; AND
B. HAVE A LABEL THAT CERTIFIES THE LUMINAIRE IS AIR TIGHT WITH AIR LEAKAGE LESS THAN 2.0 CFM AT 75 PASCALS WHEN TESTED IN ACCORDANCE WITH ASTM E283. ANY EXHAUST FAN HOUSING SHALL NOT BE REQUIRED TO BE CERTIFIED AIR TIGHT; AND
C. BE SEALED WITH A GASKET OR CAULK BETWEEN THE LUMINAIRE HOUSING AND CEILING, AND SHALL HAVE ALL AIR LEAK PATHS BETWEEN CONDITIONED AND UNCONDITIONED SPACES SEALED WITH A GASKET OR CAULK; AND
D. FOR LUMINARIES WITH HARDWIRED BALLASTS OR DRIVERS, ALLOW BALLAST OR DRIVER MAINTENANCE AND REPLACEMENT TO BE READILY ACCESSIBLE TO BUILDING OCCUPANTS FROM BELOW CEILING WITHOUT REQUIRING THE CUTTING OF HOLES IN THE CEILING; AND
E. SHALL NOT CONTAIN SCREW BASED SOCKETS; AND
F. SHALL CONTAIN LIGHT SOURCES THAT COMPLY WITH REFERENCES JOINT APPENDIX JAB, INCLUDING THE ELEVATED TEMPERATURE REQUIREMENTS, AND THAT ARE MARKED "JAB-2016-E" AS SPECIFIED IN REFERENCE JOINT APPENDIX JAB.
9. IN BATHROOMS, AT LEAST ONE LUMINAIRE SHALL BE CONTROLLED BY A VACANCY SENSOR.
10. ALL OUTDOOR LIGHTING SHALL BE HIGH EFFICACY WITH MANUAL ON/OFF SWITCH AND ONE OF THE FOLLOWING IN ACCORDANCE WITH CECL 150.0(K)3
A. PHOTOCONTROL AND MOTION SENSOR
B. PHOTOCONTROL AND AUTO TIME SWITCH CONTROL
C. ASTRONOMICAL TIME SWITCH CONTROL
D. ENERGY MANAGEMENT CONTROL SYSTEMS
11. ALL LIGHT FIXTURES LOCATED IN TUB OR SHOWER ENCLOSURE SHALL BE LABELED "SUITABLE FOR WET LOCATIONS" CECL 410.10A
12. ALL EXTERIOR LIGHTING TO COMPLY WITH THE DARK SKIES REGULATION; FIXTURES MUST HAVE: A FULLY SHIELDED TOP DIRECTING THE LIGHT DOWNWARD AND A COLOR TEMPERATURE OF 3000K OR LESS.

ELECTRICAL NOTES

- 1. PROVIDE GFCI PROTECTED OUTLETS AT ALL KITCHEN COUNTER TOP SURFACES, TYP. KITCHEN COUNTERTOP RECEPTACLES SHALL BE INSTALLED SO THAT NO POINT ALONG THE WALL LINE IS MORE THAN 24" FROM AN OUTLET.
2. DISHWASHER RECEPTACLE MUST BE ACCESSIBLE AND GFCI PROTECTED.
3. PROVIDE (2) TWO 20 AMP SMALL APPLIANCE CIRCUITS IN KITCHEN.
4. PROVIDE SEPARATE CIRCUIT FOR DISHWASHER.
5. PROVIDE SEPARATE CIRCUIT FOR GARBAGE DISPOSAL.
6. ALL BRANCH CIRCUITS THAT SUPPLY OUTLETS INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS, OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER W/ BATTERY BACKUP.
7. ALL SMOKE DETECTORS OR CARBON MONOXIDE DETECTORS TO BE 110V, ARC-FAULT CIRCUIT INTERRUPTER INTERCONNECTED, W/ BATTERY BACKUP.
8. ALL 125-VOLT, 15-AND 20 AMPERE RECEPTACLES IN THE DWELLING SHALL BE TAMPER RESISTANT. CECA06.12
9. ONLY NEW ELECTRICAL SHOWN ON PLAN. CONTRACTOR TO VERIFY CONDITION AND COMPLIANCE OF EXISTING ELECTRICAL AND REPAIR OR REPLACE TO COMPLY WITH MIN. CEC REQUIREMENTS.
10. PROVIDE FOUR CONDUCTOR WIRES WITH AN INSULATED NEUTRAL AND A FOUR-PRONG OUTLET FOR COOKING UNIT AND CLOTHES DRYER PER CEC 250.114.
12. KITCHEN RECEPTACLES SHALL BE SPACED AND INSTALLED PER CEC 210.52.

ABBREVIATIONS

Table with 3 columns: Abbreviation, Description, and Unit/Notes. Includes terms like ANCHOR BOLT, ASPHALT CONCRETE, AREA DRAIN, ADJACENT, AFF, ABOVE FINISH FLOOR, ALIGN, ALUM, ALUMINUM, ALTERNATE, ARCHITECT/ARCHITECTURAL, AVERAGE, BE, BLDG, BLK, BTM, BTWN, BUR, BW, C, CATCH BASIN, CF, CI, CLG, CLS, CLR, COG, COL, CONC, CONT, CT, CTR, CW, DBL, DEPT, DIA, DIAG, DIM, DL, DN, DR, DWG, DW, (E), EA, EB, EJ, ELEC, ELEV, EN, ENCL, EP, EQUIP, EXT, FD, FF, FFI, FLSHG, FLR, FOS, FOW, FRM, FT, FTG, GA, GALV, GC, GWB, HB, HD, HDR, HGR, HM, HMRB, HT, HVAC, HW.



189 WALNUT AVENUE SANTA CRUZ, CA 95066 WORKBENCHBUILD.CO P: 831.227.2217

PRE-DESIGNED ADU PROGRAM Attachment: Capitoia Prototype ADU Designs (Prototype ADU Program)



ISSUES/ REVISIONS

Table with 2 columns: Issue, Description. Includes fields for APP# number, Project number, Print Date, Drawn by, Checked by, Scale.

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DRAWING INFORMATION

G1.0( FOR FINAL SET

# 2

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## INFORMATIONAL MATERIALS

# Types of ADU Review

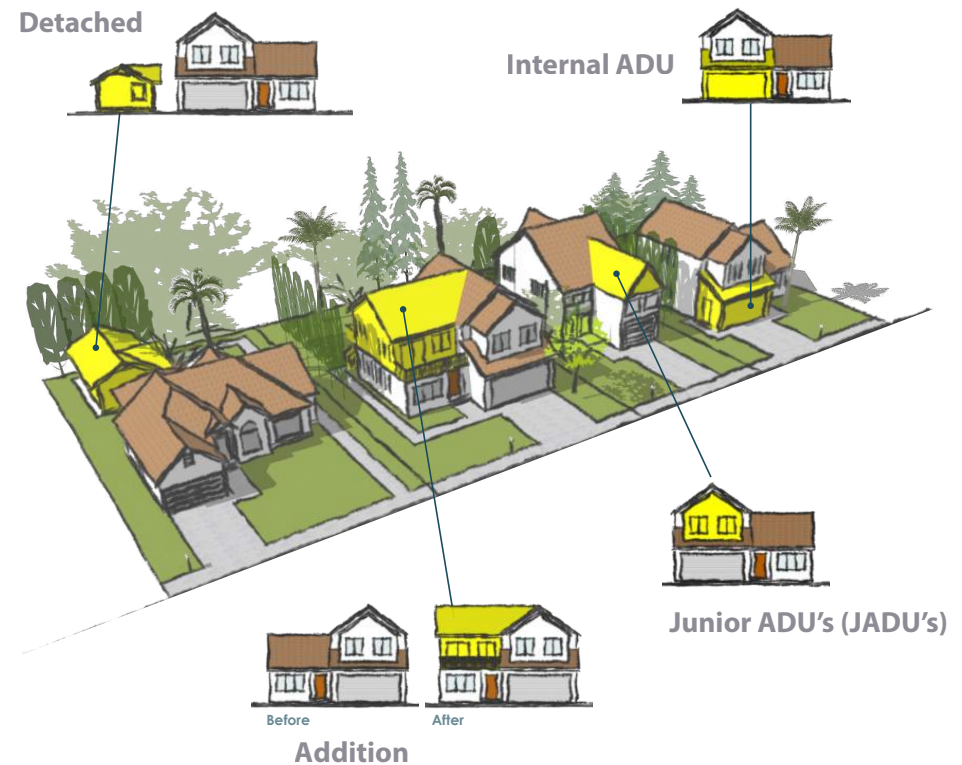
Layers of review based on type, size and other criteria

- **1st Layer of Review (Administrative)**
  - Internal ADUs
  - 1-story detached ADU (800sf or less)\*
  - Design Priorities
- **2nd Layer of Review (Administrative)**
  - Additional Requirements:
    - Entrance Orientation
    - Privacy
    - Architectural Details
- **3rd Layer of Review (Design Permit)**
  - Planning Commission Review:
    - 2-Story ADUs
    - Deviations from Standards

\* Applications using the Prototypical Plans will be eligible for Administrative Review.

# Graphic Glossary & Illustrations

Illustrations by type of ADU and standards



workbench

METTAURBANDESIGN



# 3

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## NEXT STEPS

CAPITOLA WHARF

# Thank You

City of Capitola ADU PROGRAM



workbench METTAURBANDESIGN



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