



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, July 16, 2020 – 7:00 PM

Chairperson Ed Newman
Commissioners Courtney Christiansen
 Mick Routh
 TJ Welch
 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. Online <http://capitolaca.igm2.com/Citizens/Default.aspx>
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

To participate remotely and make public comment:

1. Send email:
 - a. As always, send additional materials to the Planning Commission via planningcommission@ci.capitola.ca.us by 5 p.m. the Wednesday 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
 - 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 and for General Government / Public Hearing items.
 - 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 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/86500249347?pwd=TjBNTXowZmdaOWV0ajJ3ZzRPRzRBUT09> (link is external)
 - If prompted for a password, enter 432002
 - 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: **865 0024 9347**
 - When prompted for a Participant ID, press #
 - Press *6 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. 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 Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, 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 - Jun 4, 2020 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. 111 Saxon Avenue

#20-0098

APN: 036-131-03

Design Permit for the conversion of an attached garage to living space and a new detached carport for an existing, two-story, 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

Owner: Christine Herberg

Representative: Daniel Silvernail, Architect, Filed: 03.06.2020

5. DIRECTOR'S REPORT

6. COMMISSION COMMUNICATIONS

7. 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 1st 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. 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.



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JUNE 4, 2020
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Routh, Welch, Wilk and Chair Newman were present remotely.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

3. PUBLIC HEARINGS

A. 208 Fanmar Way #19-0295 APN: 035-151-13

Design Permit for a second story addition with a variance for the required parking space dimensions and required driveway landscape area for a single-family residence located within the RM-LM (Multi-Family Residential Low-Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: Brooke Johnson

Representative: Richard Emigh, Filed: 06.19.19

Richard Emigh, project representative, supports the staff variance analysis and does not wish to alter the proposed structure height but is willing construct a fence on the eastern property line.

Public comment from Gordon Van Zuiden, 206 Fanmar Way, expressed concerns that the proposed second-story addition would impact their coastal views. He requested the applicant lower to overall height of the addition by reducing slope pitch and second-story building height in exchange for allowing them to use the portion of driveway that encroaches onto 206 Fanmar Way.

Public comment from neighbor Eric Miller supports the application as proposed.

Richard Emigh, project representative, stated that private coastal views are not protected under the Coastal Act.

Public comment, brother of 208 Fanmar owner, supports the proposal as it will improve the neighborhood and provide more family space.

Commissioner Christiansen asked staff if the variance request allows the driveway to forgo a landscaped area requirement along the property line.

Assistant Planner Sesanto confirmed that the variance request included an exception to the two-foot landscape requirement along the driveway.

Commissioner Welch supports the project and noted the tightly packed Fanmar Way neighborhood warrants a variance.

Minutes Acceptance: Minutes of Jun 4, 2020 7:00 PM (Approval of Minutes)

Commissioner Routh expressed concern regarding the home utilizing three roof pitches and would support the proposal if the new roofs were modified to match the existing roof pitch.

Commissioner Christiansen expressed the opinion that the proposal met all design review criteria.

Chair Newman stated that private coastal views have never been protected by the Planning Commission. He supported the proposal with the variance.

MOTION: Approve the Design Permit with Parking Variance with the following conditions and findings.

CONDITIONS:

1. The project approval consists of construction of a 345-square-foot second-story addition with a variance to allow an addition of more than 10% without meeting minimum parking space dimensions and to not provide the required driveway landscaping area. The maximum Floor Area Ratio for the 1,804-square-foot property is 58% (1,046 square feet). The total FAR of the project is 57.9% with a total of 1,045 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 June 4, 2020, 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 #19-0295 shall be paid in full.
8. 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.
9. 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.
10. 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.

11. 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).
12. 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.
13. 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.
14. 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
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. 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.
17. 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.
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. 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.

FINDINGS:

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. With a variance to allow an addition of more than 10% without meeting minimum parking space dimensions and to not provide the required driveway landscaping area, the proposed remodel of an existing single-family residence complies with the development standards of the Multi-Family Residential Low-Medium Density District.

B. The project will maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodel of an existing single-family residence.

The design of the home with stucco and wood shingle siding, a gabled composition roof, and second-story front deck will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

VARIANCE FINDINGS:

- A. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The special circumstance applicable to the subject property is that the existing property is only 1,804 square feet in size and has a street frontage of 25 feet, below the City average width of 40 feet and the neighborhood average of 33 feet. The existing driveway’s substandard dimensions and lack of a landscaping strip are typical of the neighborhood. Due to the property size and width along the street frontage, the strict application of the parking standards would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- B. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property is the smallest lot on the north side of the Fanmar Way block, consisting of sixteen properties. Among those properties, the subject property also has one of the narrowest street widths. Only six of the observed sixteen properties appear to comply with the minimum parking space dimensions and provide the required two feet of landscaping in the driveway in the front setback area. The grant of this variance would not constitute a special privilege because many Fanmar Way properties do not meet these parking standards.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS:

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

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area before the addition, or 2,500 square feet, whichever is less. This project involves a 345-square-foot addition, or 49.3 percent of the existing structure, within the RM-LM (Multi-Family Residential Low-Medium) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [3 TO 1]
MOVER:	TJ Welch
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Christiansen
NAYS:	Mick Routh
RECUSED:	Peter Wilk

- B. 207 Oakland Avenue #19-0739 APN: 036-123-06**

Design Permit, secondary dwelling unit, and fence height exception for the remodel of three residential structures, including an addition to one structure. The proposal includes a change in the number of dwelling units to comply with current zoning standards, with a reduction of one duplex and two single-family residences to one single-family residence, one secondary dwelling unit, and one detached living space. The project is located within the R-1 (Single-Family Residential) zoning district.

This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption

Minutes Acceptance: Minutes of Jun 4, 2020 7:00 PM (Approval of Minutes)

Owner: Jason Nielsen
Representative: Derek Van Alstine, Filed: 12.16.2019

Commissioner Wilk asked staff if the color board requirement could be removed from future applications.

Community Development Director Herlihy responded that a discussion item would be added to the following Planning Commission hearing.

Commissioner Newman inquired to staff and project representative about the tenancy status at 207 Oakland and how much each rental unit costs.

Jason Nielsen, property owner, responded that one unit is occupied, with three units unoccupied. Each unit rents for \$2,000 to \$3,000 per month.

Public comment from the owner of 212 Oakland Avenue disapproved of the fence exception and believed the proposal would look like a fortress.

Public comment from Andrea, 310 Escalona Avenue, presented similar concerns regarding the fence exception and did not approve of the Mediterranean design.

Public comment from the owner of 211 Oakland Avenue presented concerns regarding the fence exception, Mediterranean design, and felt the rear second-story deck would cause privacy issues for their property.

Valerie Hart, project representative, responded that the fence is behind the front setback and that the proposal includes removing rear second-story deck.

Commissioner Wilk supported the fence exception since the fence was set back and was front-facing.

Commissioner Christiansen supported the proposal but expressed concern that the fence exception would set a precedent.

Commissioner Routh noted that the site needs improvement but agreed with public comments and did not support the Mediterranean design because it does not fit with the neighborhood. Routh expressed concern that the Architecture and Site Review Committee and Planning Commission do not consider project design as thoroughly as they did in past years.

Commissioner Newman expressed concerns that the project gentrified the neighborhood by removing affordable housing opportunities. He discussed that the proposal did not appear to violate the Mello Act, but is not consistent with Capitola goals or the ongoing housing crisis. Commissioner Newman did not support replacing four potentially affordable housing units with a single-family property.

Commissioner Wilk said that the property is currently nonconforming due to the number of housing units and the proposal complies with zoning requirements. He does not believe the Planning Commission should deny the project because of the change in units since it would bring the property into conformance. Commissioner Wilk also stated that there are examples of Mediterranean-styled properties in Depot Hill.

MOTION: Approve the Design Permit, Secondary Dwelling Unit, and Fence Exception with the following conditions and findings.

MOTION: Approve the Design Permit, Secondary Dwelling Unit without the Fence Exception with the following conditions and findings.

CONDITIONS:

1. The project approval consists of a remodel of three residential structures, including an addition to one structure that will increase the total floor area by 131 square-feet, and a fence height exception allowing a solid 8-foot-high wall even with the front façade of the single-family residence. The proposal includes a change in the number of dwelling units, with a reduction of one duplex and two single-family residences to one single-family residence, one secondary dwelling unit, and one detached living space. The maximum Floor Area Ratio for the 5,500 square foot property is 60% (3,300 sq. ft.). The total FAR of the project is 40% with a total of 2,198 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 June 4, 2020, 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 #19-0739 shall be paid in full.
8. 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.
9. 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.
10. 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.
11. 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).
12. 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.

13. 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.
14. 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
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. 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.
17. 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 (Coastal).
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. The floor area for the secondary dwelling unit shall not exceed 500 square feet.
21. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
22. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The secondary dwelling unit shall not be sold separately;
 - b. The unit is restricted to the approved size;
 - c. The administrative review or the design permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
 - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
 - e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

DESIGN PERMIT FINDINGS:

- A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed remodel of three structures and reduction

of dwelling units comply with the development standards of the Single-Family Residential District. Specifically, all of the requirements of Capitola Municipal Code §17.99.050 have been met. The project secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. The project will maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application. The design of the three Spanish-style residential structures with matching clay tile roofs, stucco siding, and mix of rectangular and arched windows, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS:

A. 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, specifically subsections (a) and (e) of the CEQA Guidelines exempts new construction or conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure. This project involves the remodel of three structures with an addition to one structure and the reduction of total dwelling units from one duplex and two single-family residences to one single-family residence, one secondary dwelling unit, and one detached living space within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS:

D. Findings Required.

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
 - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for

the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located at 207 Oakland Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 207 Oakland Avenue. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on 207 Oakland Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
- The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
 - The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - Topographic constraints of the development site;
 - The project is located on a flat lot.
 - Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
- 5. Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
No legal documents to ensure public access rights are required for the proposed project.
- 6. Project complies with visitor-serving and recreational use policies;**

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves a single-family residence, a secondary unit, and a detached living space on a residential lot of record.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves a single-family residence, a secondary unit, and a detached living space on a residential lot of record.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves a single-family residence, a secondary unit, and a detached living space on a residential lot of record.

7. **Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**
 - The project involves the remodel of three residential structures. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.
8. **Review of project design, site plan, signing, lighting, landscaping, etc., by the city’s architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**
 - The project complies with the design guidelines and standards established by the Municipal Code.
9. **Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola’s shoreline;**
 - The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola’s shoreline.
10. **Demonstrated availability and adequacy of water and sewer services;**
 - The project is located on a legal lot of record with available water and sewer services.
11. **Provisions of minimum water flow rates and fire response times;**
 - The project is located 0.5 miles from the Central Fire Protection District Capitola Station. Water is available at the location.
12. **Project complies with water and energy conservation standards;**
 - The project is for a single-family residence, a secondary unit, and a detached living space. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
13. **Provision of park dedication, school impact, and other fees as may be required;**
 - The project will be required to pay appropriate fees prior to building permit issuance.
14. **Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
 - The project does not involve a condo conversion or mobile homes.
15. **Project complies with natural resource, habitat, and archaeological protection policies;**
 - Conditions of approval have been included to ensure compliance with established policies.
16. **Project complies with Monarch butterfly habitat protection policies;**
 - The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
17. **Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
 - Conditions of approval have been included to ensure compliance with applicable erosion control measures.
18. **Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
 - Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

19. **All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
 - Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
20. **Project complies with shoreline structure policies;**
 - The proposed project is not located along a shoreline.
21. **The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
 - This use is an allowed use consistent with the R-1 (Single-Family Residential) zoning district.
22. **Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
 - The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
23. **Project complies with the Capitola parking permit program as follows:**
 - a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
 - The project site is not located within the area of the Capitola parking permit program.

RESULT: DENIED [2 TO 2]
MOVER: Peter Wilk
SECONDER: Courtney Christiansen
AYES: Wilk, Christiansen
NAYS: Newman, Routh
RECUSED: T.J. Welch

RESULT: DENIED [2 TO 2]
MOVER: Courtney Christiansen
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C. 203 Esplanade #20-0160 APN:035-211-04

Conditional Use Permit and Design Permit for a take-out window for Zelda's Restaurant located within the CV (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: Jill Ealy

Representative: Jill Ealy Filed: 05.14.2020

Associate Planner Orbach presented the staff report.

Commissioner Wilk asked about the parking spaces that are temporarily blocked off from vehicles and if there would be plenty of space around the take-out window. Associate Planner Orbach answered his question.

Applicant Jill Ealy mentioned she applied before the new temporary outdoor dining permits were approved as an option to restaurant owners.

Commissioner Christiansen supports this project.

MOTION: Approve the Conditional Use Permit and Design Permit with the following conditions and findings.

CONDITIONS:

1. The project approval consists of the replacement of an existing window in a commercial structure with a restaurant use (Zelda's Restaurant) with a take-out window. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 4, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. If the take-out window is in use on year after the Shelter in Place Order has been lifted, the use will be required to pay an annual trash impact fee and provide funding for a new off-site trash receptacle and the installation of the receptacle within the Capitola Village. The type and placement of the new trash receptacle shall be determined by the Director of Public Works.

3. The restaurant owner is responsible for maintaining ADA path of travel along the Esplanade sidewalk.
4. 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
5. 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.
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, all Planning fees associated with permit #20-0160 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.
9. 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.
10. 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
11. 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.
12. 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.
13. 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 application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.

Community Development Department Staff and the Planning Commission have reviewed the application and determined that a conditional use permit may be granted for a take-out window in an existing commercial structure with an existing restaurant use (Zelda's) within the CV Zoning District. The use meets the intent and purpose of the Central Village Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

Community Development Department Staff and the Planning Commission have reviewed the proposed take-out window use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. City staff reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation (Standards) and found that the proposed take-out window complies with the Standards. Specifically, the project complies with Standards 1, 9, and 10. Therefore, the project qualifies for this CEQA exemption. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

CONDITIONAL USE PERMIT FINDINGS

A. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur.

The proposal is minor in terms of modifications to the historic structure. The existing picture window will be replaced with a single-hung, double-paned, Tuscan window and only change in function through the introduction the take-out food use. The proposal has been reviewed for consistency with the Secretary of Interior Standards (Standards) by staff and is found to be in compliance. Specifically, the proposal complies with Standards 1, 9, and 10. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	TJ Welch
AYES:	Newman, Welch, Wilk, Routh, Christiansen

D. 1400 Wharf Road #20-0141 APN: 034-072-01&02

Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration for the rehabilitation and repair of the historic Capitola Wharf located within the PF (Public Facilities) zoning district.

This project requires a Coastal Development Permit issued by the California Coastal Commission which is appealable.

Environmental Determination: Mitigated Negative Declaration

Property Owner: City of Capitola

Representative: Kailash Mozumder, Filed: 04.29.2020

Associate Planner Orbach presented the staff report.

Public Works Project Manager Mozumder answered Commissioner Wilk's questions and said they will be approving the negative declaration. The different options were narrowed down with intentions that the options allowed for future raising of the wharf but at this time, the wharf will be renovated at the current height.

Minutes Acceptance: Minutes of Jun 4, 2020 7:00 PM (Approval of Minutes)

Regarding restricting the pile driving, Project Manager Mozumder said a mitigation measure was a buffer. The strikes were muffled by striking the pile itself and using a vibrating hammer instead of a striking hammer.

Project Manager Mozumder is at the stage of completing CEQA, Army Core of Engineers, Coastal Commission, and Fish & Wildlife Service requirements. It will take one year to get the actual permits in hand. Construction would begin in Fall of 2021.

Commissioner Welch is in favor of the project.

Project Manager Mozumder answered Commissioner Routh's questions and said the portable restrooms will need periodic maintenance over 20 years. The widening of the wharf would provide separation between vehicle and pedestrian traffic.

Public Works Director Jesberg replied to Commissioner Routh's request regarding restroom design and said that a modular building may address the design Commissioner Routh is requesting.

MOTION: Approve the Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration with the following conditions and findings.

CONDITIONS:

2. The project approval consists of a Design Permit, Conditional Use Permit, and Initial Study/Mitigated Negative Declaration for the rehabilitation and repair of the historic Capitola Wharf, including a 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 4, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
3. Within three years, final plans for the two bathrooms shall be brought back to the Planning Commission for review. Final plans are subject to review and approval by the ~~Community Development Director~~ Planning Commission for consistency with the Secretary of the Interior's Standards for Rehabilitation. Specifically, based on the recommendations in the architectural historian's report, the ~~Community Development Director~~ Planning Commission shall review the following elements for compatibility with the historic resource:
 - a. Texture and finish of proposed exterior of the new piles and repaired piles
 - b. Design, scale, materials, location, etc., of the prefabricated restrooms
 - c. Design, scale, materials, etc., of the altered entrance gates: scale, materials, etc.
 - d. Design, scale, materials, etc., of the new security gates
4. The applicant shall comply with the Mitigation Monitoring and Reporting Program (MMRP) in Appendix F of the Initial Study and Mitigated Negative Declaration prepared by Moffat and Nichol in June 2020.
5. Prior to construction of any occupied building, 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.
6. 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.
7. 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.

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. This permit shall expire 48 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.
10. No new commercial uses or structures shall be allowed between the foot of the wharf and the first existing commercial building.

FINDINGS:

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation comply with the development standards of the PF (Public Facilities) zoning district. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. The project will maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 7,400 square-foot widening of the existing Capitola Wharf, construction of a new 400-square-foot restroom facility at the base of the wharf, replacement of the existing restroom facility on the wharf, construction of a new security gate, and modifications to the wharf entrance gates and trestle circulation will fit nicely with the existing neighborhood and the surrounding coastal area. The project will maintain the character and integrity of the neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS:

- A. A Mitigated Negative Declaration has been prepared based upon the findings of an Initial Study which identified that the project may have a significant effect on the environment. The Mitigated Negative Declaration was circulated for a 30-day public review period between April 9, 2020 and May 9, 2020. Based on the analysis in the IS/MND and the comments received, a Mitigation Monitoring and Reporting Program (MMRP) was included in the IS/MND as Appendix F. The Planning Commission finds, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis. The MMRP has been incorporated into the conditions of approval by reference to ensure that impacts are reduced to a less than significant level.

CONDITIONAL USE PERMIT FINDINGS:

A. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur.

Architectural Historian Leslie Dill reviewed the project for compatibility with the Secretary of the Interior's Standards for Rehabilitation and found that, with the recommended future review of four components of the design, the Capitola Wharf Resiliency and Public Access Improvement Project is substantially compatible with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The architectural historian also found that the project can be found to preserve substantially the historic integrity of the historic resource and of the identified Capitola Beach Cultural Landscape District.

The Planning Commission reviewed the project and weighed the benefits of the proposed change

against the detriment to the public welfare caused by a change in the feature and found that the project will not be significantly detrimental to the historic feature in which the change in use is to occur.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Peter Wilk
AYES:	Newman, Welch, Wilk, Routh, Christiansen

4. DIRECTOR'S REPORT

Director Herlihy updated the commissioners on the efforts made for business recovery during the COVID-19 pandemic. Staff worked closely with the BIA to support local businesses. Temporary dining on streets for restaurants along the Esplanade has been approved. Staff will streamline uses and issue temporary planning permits citywide. The converted parking areas can be used for outdoor dining or for churches or other uses to expand outside to achieve social distancing. Parking in the village has been increased to 3 hours. Benches have been placed along the Esplanade where the outdoor dining will be.

5. COMMISSION COMMUNICATIONS

Chair Newman would like the City Council to approve restrictions on housing related to the Mello Act.

6. ADJOURNMENT

The meeting was adjourned at 9:11 p.m. to the next regular meeting of the Planning Commission on July 16, 2020.

Liz Nichols, Clerk to the Commission



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 16, 2020
 SUBJECT: **111 Saxon Avenue #20-0098 APN: 036-131-03**

Design Permit for the conversion of an attached garage to living space and a new detached carport for an existing, two-story, 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

Owner: Christine Herberg

Representative: Daniel Silvernail, Architect, Filed: 03.06.2020

APPLICANT PROPOSAL

The applicant is proposing the conversion of an attached garage to living space and adding a new detached carport for an existing, two-story, single-family residence located at 111 Saxon Avenue within the R-1 (Single-Family Residential) zoning district. The proposed application complies with all the development standards of the zoning district.

BACKGROUND

On June 10, 2020, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Kailash Mozumder: inquired about the site drainage, which is shown draining to the rear of the lot, and whether or not that was an existing condition. The applicant verified that it is an existing condition. No modifications were requested.

Building Official, Robin Woodman: had no comments.

Local Architect, Frank Phanton: commended the architect on the design and pointed out that the removal of the rear deck, return to a normal (non-reverse) floor plan, and reduction of the size of the front deck were very respectful of the privacy of neighboring properties.

Associate Planner, Matt Orbach: had no comments.

Development Standards

The following table outlines the zoning code requirements for development in the R-1 Zoning District.

Development Standards			
Building Height			
R-1 Regulation	Existing		Proposed
25 ft.	23 ft. 0 in.		24 ft. 6 in.
Floor Area Ratio (FAR)			
	Existing		Proposed
Lot Size	4,000 sq. ft.		4,000 sq. ft.
Maximum Floor Area Ratio	54% (Max 2,160 sq. ft.)		54% (Max 2,160 sq. ft.)
First Story Floor Area	1,017 sq. ft.		1,207 sq. ft.
Second Story Floor Area	953 sq. ft.		953 sq. ft.
Decks/Covered Exterior Space	480		146 sq. ft.
Deck Allowance	-150 sq. ft.		-146 sq. ft.
TOTAL FAR	57.5% (2,300 sq. ft.)		54% (2,160 sq. ft.)
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation	Existing	Proposed
Front Yard 1st Story	15 ft.	12 ft. 4 in. Existing Nonconforming	12 ft. 4 in. Existing Nonconforming
Front Yard 2nd Story & Garage	20 ft.	12 ft. 4 in. Existing Nonconforming	12 ft. 4 in. Existing Nonconforming
Side Yard 1st Story	10% lot width	Lot width: 40 ft. 4 ft. min. Existing Nonconforming	3 ft. 10 in. (South side) 12 ft. (North side) Existing Nonconforming
Side Yard 2nd Story	15% of width	Lot width: 40 ft. 6 ft. min Existing Nonconforming	3 ft. 10 in. (South side) 9 ft. (North side) Existing Nonconforming
Rear Yard 1st Story	20% of lot depth	Lot depth: 100 ft. 20 ft. min.	41 ft. 8 in.
Rear Yard 2nd Story	20% of lot depth	Lot depth: 100 ft. 20 ft. min.	30 ft. 6 in. 41 ft. 8 in.
Detached Garage	8' minimum from rear yard 5' minimum from side yard		None New Carport 8 ft. from rear yard 5 ft. from side yard
Encroachments (list all)	1 st and 2 nd story front and South side setbacks		
Parking			
	Required	Existing	Proposed
Residential (from <u>2,000</u> up to <u>2,600</u> sq. ft.)	3 spaces total 1 covered 2 uncovered	3 spaces total 1 covered 2 uncovered	3 spaces total 1 covered 2 uncovered
Garage and Accessory	Complies with Standards?		List non-compliance

Bldg.		
Garage	Yes	N/A
Underground Utilities: required with 25% increase in area		Not required

DISCUSSION

The lot is located on Saxon Avenue in the Depot Hill neighborhood of Capitola. The lot is surrounded by one- and two-story single-family homes.

The existing residence at 111 Saxon Avenue is a nonconforming two-story single-family residence. The applicant is proposing a new covered entryway on the first story, conversion of the attached garage to living space, and a new detached carport in the rear yard. The project also includes a full interior and exterior remodel of the first and second story. They exterior will have stucco siding on the first story and board and batten siding on the second story, similar to the existing exterior. The remodel includes a gabled composition roof with shortened eaves and the reduction of the second-story front deck overlooking Saxon Avenue to 90 square feet.

The proposed 2,160-square-foot residence is required to have three parking spaces, one of which must be covered. Each uncovered space must be at least nine feet wide by eighteen feet in length, with two feet of landscaping adjacent to the side property line in the front setback area. The covered space must be ten feet wide by twenty feet long clear from the inside of the posts. With the addition of the carport in the rear yard, the project complies with the parking requirements.

Nonconforming

The existing structure is located within the first- and second-story front yard and South side yard setbacks. The existing structure does not comply with the setback regulations of the zoning code and therefore, is a legal non-conforming structure. Pursuant to code section 17.72.070, an existing non-conforming structure that will be improved beyond 80% of the present fair market value of the structure may not be made unless the structure is brought into compliance with the current zoning regulations. The applicant has submitted a construction cost breakdown demonstrating that the new addition is 66% of the present fair market value of the structure, so the alterations can be made.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed project, even with the addition of the new 209-square-foot carport, reduces the total floor area on the lot. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission approve application #20-0098, subject to the following conditions and based upon the following findings:

CONDITIONS OF APPROVAL

1. The project approval consists of the conversion of an attached ~~carport~~garage to living space and a new detached carport and a full interior and exterior remodel. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,160 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 July 16, 2020,

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 #20-0098 shall be paid in full.
8. 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.
9. 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.
10. 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.
11. 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).
12. 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.

13. 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.
14. 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
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. 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.
17. 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.
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

DESIGN PERMIT FINDINGS

A. The project, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed conversion of an attached ~~carport-garage~~ to living space and a new detached carport and a full interior and exterior remodel complies with the development standards of the R-1 (Single-Family Residential) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

B. The project will maintain the character and integrity of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the conversion of an attached ~~carport-garage~~ to living space and a new detached carport and a full interior and exterior

remodel. The design of the home with stucco siding on the first story and board and batten siding on the second story, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed project, even with the addition of the new 209-square-foot carport, reduces the total floor area on the lot. No adverse environmental impacts were discovered during review of the proposed project.

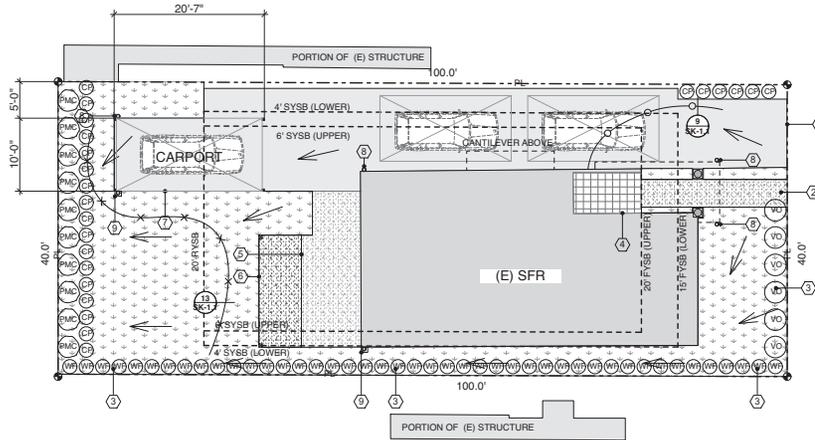
ATTACHMENTS:

1. 111 Saxon Avenue - Full Plan Set - Letter
2. 111 Saxon Avenue - Construction Cost Breakdown - 80% - 05.28.2020

Prepared By: Matt Orbach
Associate Planner

Attachment: 111 Saxon Avenue - Full Plan Set - Letter (111 Saxon Avenue)

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PLANT LEGEND

- | | | |
|-----|--------------------------|--------------------|
| CP | CORREA PULCHELLA | AUSTRALIAN FUSCHIA |
| PMC | PITTIOSPORUM TENUIFOLIUM | DWARF PITTIOSPORUM |
| VO | VACCINIUM OVATUM | HUCKLEBERRY |
| WF | WOODWARDIA FIMBRIATA | GIANT CHAIN FERN |
| | DYMONDIA MARGARETAE | SILVER CARPET |

A PLANTING PLAN
SCALE: 1/8" = 1'-0"



REVISIONS	DATE	BY



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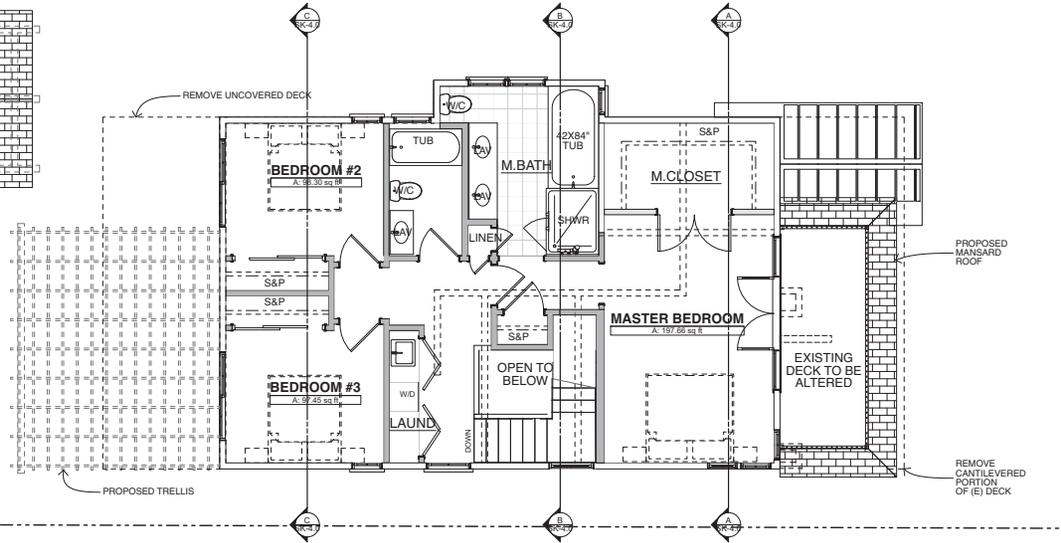
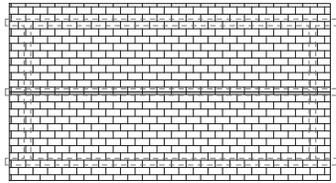
Daniel Silvernail Architect, Inc.
501 Mission St. Suite #2, Santa Cruz, CA 95060 | 831.462.9138

PLANTING PLAN
SCHEMATIC DESIGN DOCUMENTS
HERBERG RESIDENCE
111 SAXON AVENUE, CAPITOLA, CA 95010
APR 08/13/21

DATE: XXXXXXXX
RCH: 19.021
REV BY: DSAI
SHEET
SK-1.2
OF 10 SHEETS

Attachment: 111 Saxon Avenue - Full Plan Set - Letter (111 Saxon Avenue)

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FAR Analysis, Herberg Residence

Program Elements Contributing to FAR	Area (sf)
1st Floor, conditioned	1001
2nd Floor, conditioned	953
Carport	206
Total Area for FAR Purposes:	2160

Ancillary Elements	Area (sf)
Covered Entry	58
Upper deck	87
Non-contributing Areas:	145

* Exclude covered exterior open space less than 150 square feet

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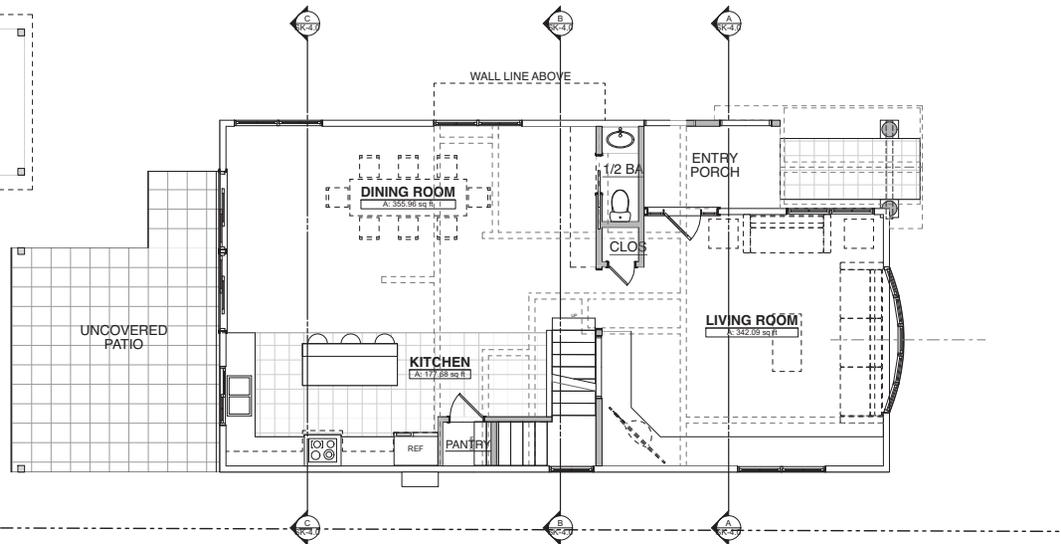


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SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCHEMATIC



IRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCHEMATIC

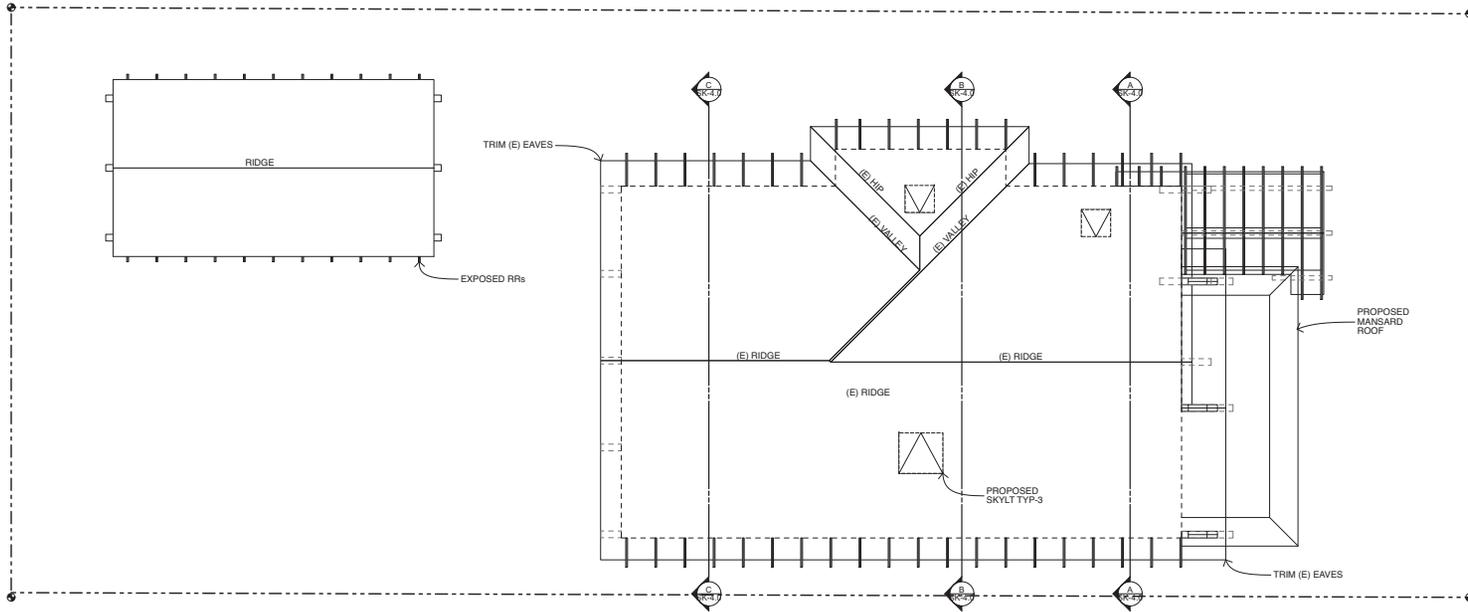


FLOOR PLANS
SCHEMATIC DESIGN DOCUMENTS
HERBERG RESIDENCE
111 SAXON AVENUE, CAPITOLA, CA 95010

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A ROOF PLAN
SCALE: 1/4" = 1'-0"



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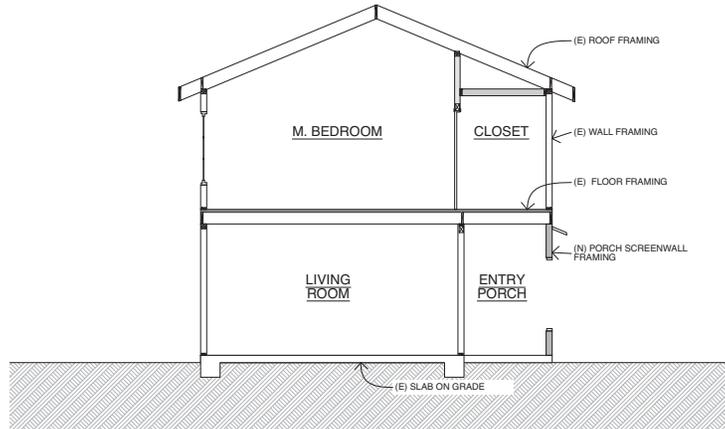
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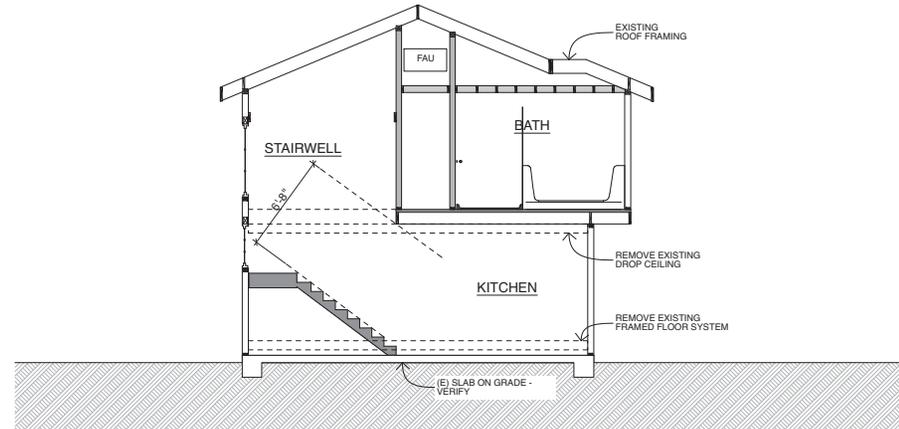
ROOF PLAN
SCHEMATIC DESIGN DOCUMENTS
HERBERG RESIDENCE
111 SAXON AVENUE, CAPITOLA, CA 95010

DATE	XXXXXXXXXX
DATE	19.02.21
REV. BY	DSAI
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OF	10 SHEETS

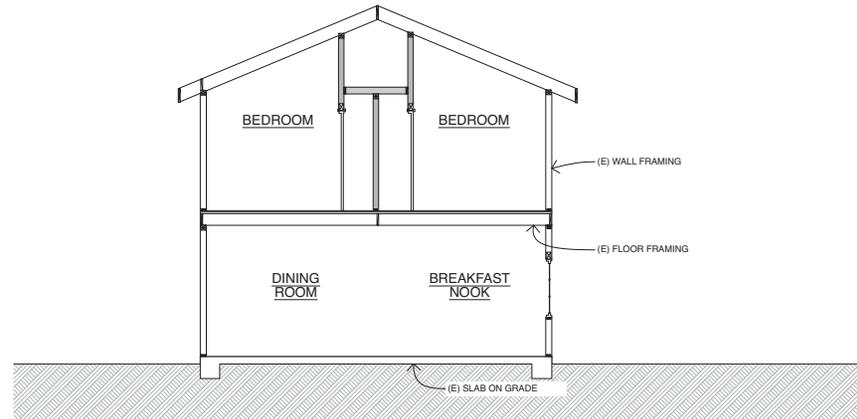
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A SECTION A-A'
SCALE: 1/4" = 1'-0"
SCHEMATIC



B SECTION B-B'
SCALE: 1/4" = 1'-0"
SCHEMATIC



C SECTION C-C'
SCALE: 1/4" = 1'-0"
SCHEMATIC

REVISIONS	DATE	BY

6/2/20 10:53 AM

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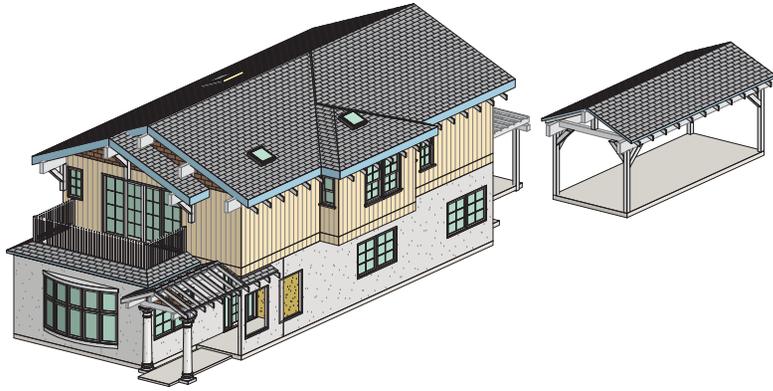
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SECTIONS
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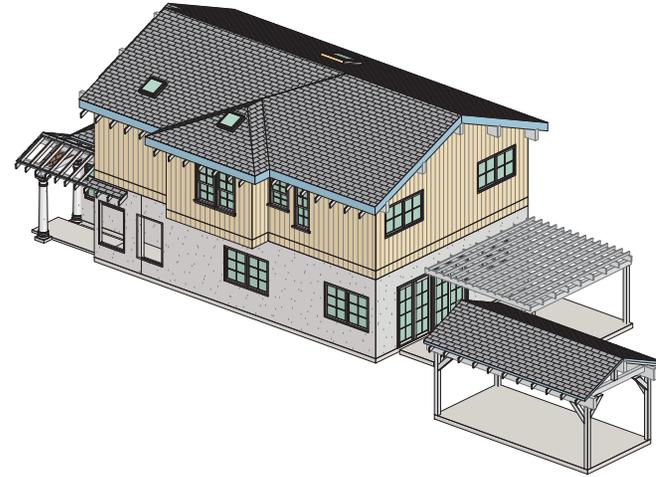
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Attachment: 111 Saxon Avenue - Full Plan Set - Letter (111 Saxon Avenue)

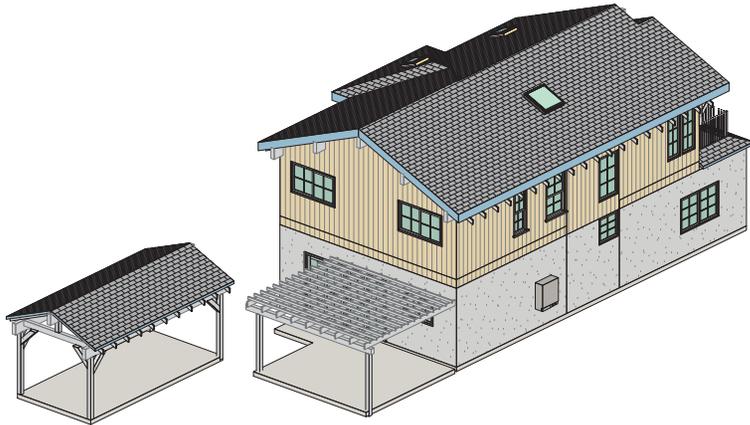
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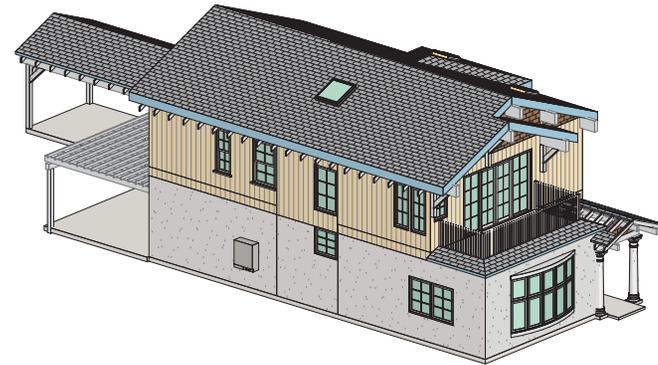
NORTHEAST AXONOMETRIC



B NORTHWEST AXONOMETRIC



SOUTHWEST AXONOMETRIC



D SOUTHEAST AXONOMETRIC

REVISIONS	DATE	BY

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 REGISTERED ARCHITECT
 DANIEL SILVERNAIL
 LICENSE NO. C-24335
 STATE OF CALIFORNIA

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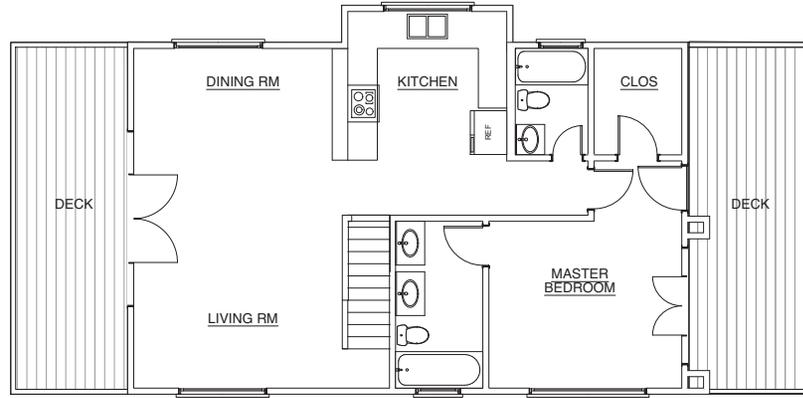
AXONOMETRICS
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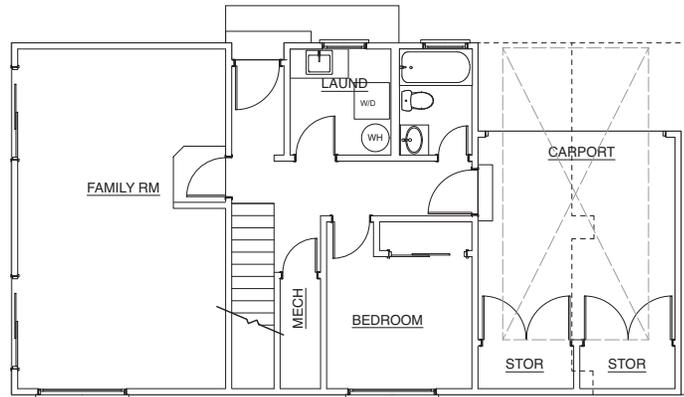
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A SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXISTING CONDITIONS



B FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXISTING CONDITIONS



REVISIONS	DATE	BY



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EXISTING FLOOR PLANS
SCHEMATIC DESIGN DOCUMENTS
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111 SAXON AVENUE, CAPITOLA, CA 95010
APR 08/13/20

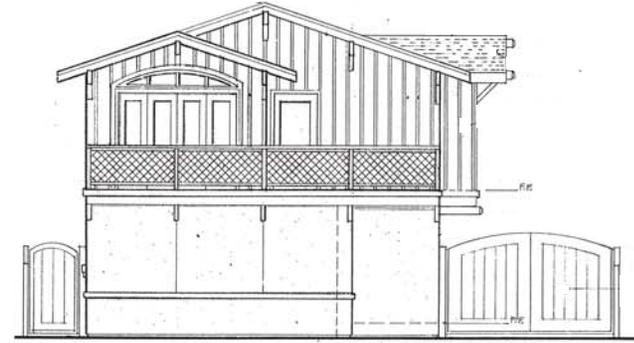
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SHEET	EX-1
OF	10 SHEETS

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Attachment: 111 Saxon Avenue - Full Plan Set - Letter (111 Saxon Avenue)



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

THIS IS NOT A SURVEY

REVISIONS	DATE	BY

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EXISTING ELEVATIONS
SCHEMATIC DESIGN DOCUMENTS
HERBERG RESIDENCE
111 SAXON AVENUE, CAPITOLA, CA 95010

DATE: XXXXXXXX
JOB: 19-021
REV: DSA
SHEET

EX-2
OF 10 SHEETS

CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

If printed on paper: fill all cells
If on excel: fill only grey cells

Existing Building Costs:

APPLICANT COPY

Existing Residence:	1718 square feet	=	\$ 343,600.00
	\$ 200.00 square foot		
Existing Garage:	252 square feet	=	\$ 22,680.00
	\$ 90.00 square foot		
Existing Deck:	480 square feet	=	\$ 12,000.00
	\$ 25.00 square foot		
<u>Total Existing Value:</u>			<u>\$ 378,280.00</u>
80% of Total Existing Value			\$ 302,624.00

New Construction Costs:

New Conditioned Space:	291 square feet	=	\$ 58,200.00
	\$ 200.00 square foot		
New Garage:	210 square feet	=	\$ 18,900.00
	\$ 90.00 square foot		
New deck/porch:	0 square feet	=	\$ -
	\$ 25.00 square foot		
<u>Total New Construction Value:</u>			<u>\$ 77,100.00</u>

Remodel Costs: (50% of "new construction" costs)

Remodel Conditioned Space:	1718 square feet	=	\$ 171,800.00
	\$ 100.00 square foot		
Remodel Garage:	0 square feet	=	\$ -
	\$ 45.00 square foot		
Remodel Deck:	90 square feet	=	\$ 1,125.00
	\$ 12.50 square foot		
<u>Total Remodel Value:</u>			<u>\$ 172,925.00</u>
<u>Total Construction/Remodel Cost</u>			<u>\$ 250,025.00</u>
% of Existing Value			66%

Attachment: 111 Saxon Avenue - Construction Cost Breakdown - 80% - 05.28.2020 (111 Saxon Avenue)