AGENDA
CAPITOLA PLANNING COMMISSION
Thursday, August 19, 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 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
      ▪ 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 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/85343644060?pwd=K1IrN1UyNXFIUGQ2WWNCMkdBWmtkdz09 (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: **853 4364 4060**
- 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 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

   1. Planning Commission - Regular Meeting - Jul 15, 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. Ordinance amending Capitola Zoning Code/LCP IP Section 17.96.170 Temporary Outdoor Dining
      Request to Continue Ordinance Amending the Capitola Zoning Code/Local Coastal Program Implementation Plan Section 17.96.170 for Temporary Outdoor Dining.

   B. 523 Oak Drive #21-0032 APN: 035-082-03
      Design Permit for first- and second-story additions to an existing nonconforming 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: James & Andrea Habing
         Representative: Dennis Norton, Filed: 02.02.2021
C. 106 Sacramento Avenue #21-0259 APN: 036-143-09
Accessory Dwelling Unit Permit for a new 1,183-square-foot two-story Accessory Dwelling Unit (ADU) for a single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination: Categorical Exemption
Property Owner: Michael & Meghan Morrissey
Representative: Danielle Grenier, Filed: 06.03.2021

D. 1485 47th Avenue #21-0295 APN: 034-034-10
Design Permit for demolition of an existing nonconforming single-family residence and construction of a new single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption
Property Owner: Smitty & Tambi Harwood
Representative: John Hofacre, Filed: 06.29.2021

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. 208 Magellan Street #21-0057 APN: 036-194-04
Design Permit for a second-story addition to a nonconforming single-family residence with a Minor Modification for a reduced second-story side setback 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: Kent & Julie Cramer
Representative: Daryl Woods, Filed: 02.16.2021

B. 1855 41st Avenue #21-0320 APN: 034-261-07, -37, -38, -40, & -52
Six Month Review of Conditional Use Permit #21-0023 for Mobile Food Vendors located at 1855 41st Avenue at the Capitola Mall within the C-R (Regional Commercial) zoning district. This project is not in the Coastal Zone and does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
Property Owner: Merlone Geier Management, LLC
Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 7/19/2021

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 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.
FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
Thursday, July 15, 2021
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE
Chair Routh called the meeting to order at 7 P.M. Commissioners Christiansen, Newman, Westman, Wilk and Chair Routh were present remotely.

2. ORAL COMMUNICATIONS
   A. Additions and Deletions to Agenda
      Community Development Director Herlihy stated item 4A is continued to the September 2, 2021, hearing.
   B. Public Comments
   C. Commission Comments
   D. Staff Comments
      Community Development Director Herlihy announced Associate Planner Matt Orbach’s acceptance of a new position at another city. She expressed her gratitude to Associate Planner Orbach’s service to the City of Capitola.

3. APPROVAL OF MINUTES
   A. Planning Commission - Regular Meeting - May 6, 2021 7:00 PM
      MOTION: Approve the minutes.
      RESULT: APPROVED [UNANIMOUS]
      MOVER: Susan Westman
      SECONDER: Peter Wilk
      AYES: Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk
   B. Planning Commission - Regular Meeting - Jun 3, 2021 7:00 PM
      MOTION: Approve the minutes.
      RESULT: APPROVED [UNANIMOUS]
      MOVER: Ed Newman
      SECONDER: Peter Wilk
      AYES: Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk

4. CONSENT CALENDAR
   A. Tree Removal in Cherry Avenue Right-of-Way #21-0167
      Tree Removal Application for the removal of one date palm tree located within the MU-V (Mixed-Use Village) zoning district. The date palm is located adjacent to 102 Cherry Avenue at the East end of Cherry Avenue between Cherry Avenue and Monterey Avenue.
      Note: Request to Continue to September 2, 2021.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: City of Capitola
Representative: Pacific Gas & Electric, Filed: 06.22.21

MOTION: Continue the item to September 2, 2021.

RESULT: APPROVED [4 TO 0]
MOVER: Susan Westman
SECONDER: Courtney Christiansen
AYES: Courtney Christiansen, Mick Routh, Susan Westman, Peter Wilk
ABSTAIN: Ed Newman

B. 4855 Topaz Street #19-0288 APN: 034-065-21
Design Permit for a new attached garage on an existing nonconforming single-family residence and a new attached Accessory Dwelling Unit (approved ministerially) 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: Randall and Allison Epperson
Representative: Scott Hicks, Filed: 06.14.2019
Associate Planner Matt Orbach presented the staff report.

Chair Routh questioned whether the proposed ADU parking space would be functional.

Associate Planner Orbach stated the space met the parking requirements for a limited standards ADU.

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

CONDITIONS
1. The project approval consists of a new 630-square-foot attached accessory dwelling unit (ADU). The project is compliant with the development standards in CMC Chapter 17.74. The proposed project is approved as indicated on the final plans reviewed and approved by Community Development Department on July 16, 2021.

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 Community Development Department. 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 a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz Water District, and Central Fire Protection District.

7. 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.

8. 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).

9. 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.

10. 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.

11. 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

12. 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.

13. 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.

14. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code §17.81.160.

15. 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.

16. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

17. 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 accessory dwelling unit may not be used for vacation rentals; and
   b. The secondary dwelling unit shall not be sold separately from the primary dwelling.

COASTAL FINDINGS
A. 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 4855 Topaz Street. 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 Topaz Street. 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 at 4855 Topaz Street. 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:
   a. 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;
   b. 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;
   c. 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:
   a. 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.

   b. Topographic constraints of the development site;

- The project is located on a flat lot.

   c. Recreational needs of the public;

- The project does not impact the recreational needs of the public.

   d. 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;

   e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
f. 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 new attached ADU 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 new attached ADU 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 new attached ADU 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 a new attached ADU on a residential lot of record. 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 0.8 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 involves a new attached ADU on a residential lot of record. 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: APPROVED [4 TO 0]
MOVER: Susan Westman
SECONDER: Courtney Christiansen
AYES: Courtney Christiansen, Mick Routh, Susan Westman, Peter Wilk
ABSTAIN: Ed Newman

5. PUBLIC HEARINGS
A. 4875 Opal Street #21-0076 APN: 034-064-12
Design Permit for the construction of a new single-family residence on a vacant lot 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.

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

CONDITIONS
1. The project approval consists of construction of a new 1,834-square-foot single-family residence. 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 55.9% with a total of 1,834 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 15, 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. The landscape plan included in the application does not match the site plan related to required setbacks and driveway width. Prior to issuance of building permit, the
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 site plan approved by the Planning Commission 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 #21-0076 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). Submit plan details and specifications of the pervious and semi-pervious pavers; and artificial turf installation.

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 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 other 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 the frontage of adjacent parcels.

16. 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.

17. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree planting requirements for new development with 2 trees to be planted on the property. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans unless otherwise approved by the Community Development Director.

18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

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 single-family residence complies 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 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 new single-family residence. The design of the home with horizontal siding, accent vertical board-and-batten siding, gabled and Dutch gable roof ends, and a standing seam metal roof 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(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations. Section 15303(a) of the CEQA Guidelines exempts one single-family residence in a residential zone. This project involves the construction of a new single-family residence within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS
A. 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 4875 Opal Street. 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 an inset street at 4875 Opal Street. 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 4875 Opal Street. 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:
   a. 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;
   b. 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;
   c. 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:
   a. 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.

   b. Topographic constraints of the development site;

- The project is located on a flat lot.

   c. Recreational needs of the public;

- The project does not impact the recreational needs of the public.

   d. 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;

   e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

   f. 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. 3022**
   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 new single-family residence 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 new single-family residence 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 new single-family residence 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 construction of a new single-family residence. 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 new single-family residence. 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 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: APPROVED [UNANIMOUS]
MOVER: Peter Wilk
SECONDER: Susan Westman
AYES: Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk

B. SB2 Pre-Approved ADU Program Overview
Introduction to SB2 Pre-Approved Accessory Dwelling Unit (ADU) Program.
Representative: Matt Orbach, Associate Planner, City of Capitola
Applicant: City of Capitola
Associate Planner Orbach presented the staff report.

The majority of Planning Commission provided direction to proceed with smaller prototype designs. The Planning Commission did not provide consensus on a preferred architectural style but supported a variety in design options.

This is a presentation only. No action is required.

6. DIRECTOR’S REPORT
Community Development Director Herlihy reminded the Commission of the upcoming six-month review of the food vendor permit for mobile vendors at Capitola Mall. She also updated the Commission regarding the Outdoor Dining program in Capitola Village, as well as funding for the Rispin Park and Capitola Wharf projects. Lastly, she thanked Associate Planner Orbach for his many years of service to the City of Capitola.

Commissioner Wilk sought clarification concerning the allocation of grant funds from the Rispin Park project. Director Herlihy responded that a portion of the grant may have been used for ADA compliance as it was a requirement for the project to proceed.

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT
The meeting was adjourned at 8:12 P.M. to the next regular meeting of the Planning Commission on August 19, 2021.

Approved by the Planning Commission

Edna Basa, Clerk to the Commission
STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021

SUBJECT: Ordinance amending Capitola Zoning Code/LCP IP Section 17.96.170 Temporary Outdoor Dining

Request to Continue Ordinance Amending the Capitola Zoning Code/Local Coastal Program Implementation Plan Section 17.96.170 for Temporary Outdoor Dining.

BACKGROUND
Staff is currently drafting an update to the zoning code to allow outdoor dining decks within the Central Village. This item was noticed in the newspaper to be included on the August 19, 2021 agenda. Staff is requesting the item be continued to September 2, 2021.

RECOMMENDATION
Staff recommends the Planning Commission continue the item to the September 2, 2021, meeting.

Prepared By: Katie Herlihy
Community Development Director
S T A F F  R E P O R T

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021
SUBJECT: 523 Oak Drive #21-0032 APN: 035-082-03

Design Permit for first- and second-story additions to an existing nonconforming 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: James & Andrea Habing
Representative: Dennis Norton, Filed: 02.02.2021

APPLICANT PROPOSAL
The applicant is proposing 98 square feet of first- and second-story additions to a nonconforming single-family residence at 523 Oak Drive in the R-1 (Single-Family Residential) zoning district. The application complies with all development standards of the R-1 zone.

BACKGROUND
On February 8, 2021, a conversion of a 258-square-foot detached living space into a detached accessory dwelling unit (ADU) was ministerially approved consistent with the ADU regulations of zoning code chapter 17.74.

On July 28, 2021, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: stated that the applicant must submit a revised stormwater application. The applicant was also informed that several standard conditions of approval related to stormwater, drainage and erosion control, and encroachments will be added to the conditions of approval for the project.

Building Department Representative, Robin Woodman: had no comments.

Assistant Planner, Sean Sesanto: requested the applicant to update the exiting elevations to match the current siding of the residence. Mr. Sesanto noted that the new window configuration on the second story appears to consider privacy impacts for the adjacent property.

Following the Architecture and Site Review Committee meeting, the applicant submitted revised elevations and addressed the stormwater comments.
**Development Standards**

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The proposed addition to the single-family residence complies with all development standards of the R-1 zone.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1 Regulation</td>
<td>25 ft.</td>
<td>24 ft. 9 in.</td>
<td>24 ft. 9 in.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio (FAR)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>2,800 sq. ft.</td>
<td>2,800 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>57% (Max 1,596 sq. ft.)</td>
<td>57% (Max 1,596 sq. ft.)</td>
<td></td>
</tr>
<tr>
<td>First Story Floor Area</td>
<td>600 sq. ft.</td>
<td>616 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Second Story Floor Area</td>
<td>370 sq. ft.</td>
<td>452 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Deck/Covered Ext. Space</td>
<td>200 sq. ft. (exempt)</td>
<td>205 sq. ft. (exempt)</td>
<td></td>
</tr>
<tr>
<td>Detached Carport</td>
<td>193 sq. ft.</td>
<td>193 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Detached Accessory Dwelling Unit</td>
<td>294 sq. ft.</td>
<td>294 sq. ft.</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL FAR</strong></td>
<td>52% (1,457 sq. ft.)</td>
<td>55.5% (1,555 sq. ft.)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yards (setbacks are measured from the edge of the public right-of-way)</th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard 1&lt;sup&gt;st&lt;/sup&gt; Story</td>
<td>15 ft.</td>
<td>13 ft. 6 in.</td>
<td>13 ft. 6 in.</td>
</tr>
<tr>
<td>Front Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story</td>
<td>20 ft.</td>
<td>25 ft. 5 in.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side Yard 1&lt;sup&gt;st&lt;/sup&gt; Story</td>
<td>10% of width</td>
<td>Lot width 40 ft.</td>
<td>North: 4 ft. South: 15 ft. 7 in.</td>
</tr>
<tr>
<td>Side Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story</td>
<td>15% of width</td>
<td>Lot width 40 ft.</td>
<td>North: 4 ft. South: 15 ft. 7 in.</td>
</tr>
<tr>
<td>Rear Yard 1&lt;sup&gt;st&lt;/sup&gt; Story</td>
<td>20% of lot depth</td>
<td>Lot depth 70 ft.</td>
<td>26 ft. 2 in.</td>
</tr>
<tr>
<td>Rear Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story</td>
<td>20% of lot depth</td>
<td>Lot depth 70 ft.</td>
<td>20 ft. 6 in.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential up to 1,500 sq. ft. and ADU</td>
<td>3 spaces total 0 covered 3 uncovered</td>
<td>3 spaces total 1 covered 2 uncovered</td>
<td>3 spaces total 1 covered 2 uncovered*</td>
</tr>
</tbody>
</table>
DISCUSSION
The existing single-family residence is located within the Riverview Terrace neighborhood, surrounded by one- and two-story single-family residences. The lot also contains a detached living space which was ministerially approved for an ADU conversion earlier this year. The applicant is proposing 98 square feet of additions, which includes modifications to the front of the home to expand a second-story bedroom and a sixteen foot addition to the rear of the home to accommodate an internal elevator.

Design Permit
The project retains much of the existing appearance with slight modifications to each elevation. On the front elevation, the new addition extends the second story five feet six inches closer to the front façade of the first story and incorporate a tiered gable roof and a centrally located window. On the sides of the home, the window locations are modified to align with the new floor plan in terms of function and privacy. The rear elevation incorporates the new elevator shaft. Shingle siding is proposed around the second-story addition to match existing. Vertical board siding would replace the existing stucco throughout all first-story elevations of the residence. The proposed modifications improve the design of the building as viewed from the street and will fit well within the neighborhood.

When considering design permit applications, the Planning Commission evaluates applications to ensure that they satisfy the applicable design permit criteria of Zoning Code section 17.120.070.A-S, to ensure the proposed design satisfies the 19 listed criteria, to the extent the criteria apply. The design criteria to be considered are included as Attachment 3. In staff's review of the application, the proposed additions satisfy all the applicable design criteria; therefore, the required findings to issue a design permit are included in the findings section at the report.

Parking
Single-family dwellings with a floor area less than 1,500 square feet are required to provide two parking spaces, neither of which must be covered. The lot currently provides one uncovered parking space and one covered parking space for the primary dwelling unit. An additional uncovered parking space will be located in the front setback prior to certificate of occupancy issuance for the ADU.

Non-Conforming Structure
The existing structure is located within the required first-story front setback and the second-story north 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. The applicant submitted a construction cost breakdown demonstrating that the alterations are 33.9 percent of the present fair market value of the structure, so the alterations are permissible.

CEQA
This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations, which
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 involves first- and second-story additions that increase the floor area by 98 square feet (10%). No adverse environmental impacts were discovered during project review by Planning Department Staff.

RECOMMENDATION
Staff recommends the Planning Commission consider application #21-0032 and approve the application with the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL
1. The project approval consists of construction of 98 square-feet of first- and second-story additions. The maximum Floor Area Ratio for the 2,800 square foot property is 57% (1,596 square feet). The total FAR of the project is 55.5% with a total of 1,555 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 August 19, 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 #21-0032 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 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 17.156.080.

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.
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, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 98-square-foot first- and second-story addition 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. Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 98-square-foot first- and second-story addition complies with the development standards of the R-1 (Single-Family Residential) zoning district.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (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 structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 98 square feet (10%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 98-square-foot first- and second-story addition 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). Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The 98-square-foot first- and second-story addition complies with the applicable design review criteria as described in the staff report.

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the 98-square-foot first- and second-story addition. The design of the home, with a repeating gable roof pattern, vertical board on the first story and shingle siding on the second story, will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.
ATTACHMENTS:
1. 523 Oak Drive - Plan Set
2. 523 Oak Drive - Construction Cost Breakdown
3. 523 Oak Drive - Colorboard
4. Design Permit Design Review Criteria

Prepared By: Sean Sesanto
WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION
## Existing Building Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Residence</td>
<td>1000</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Existing Garage</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Existing Deck</td>
<td>200</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

**Total Existing Value:** $205,000.00

**80% of Total Existing Value:** $164,000.00

## New Construction Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Conditioned Space</td>
<td>82</td>
<td>$16,400.00</td>
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<tr>
<td>New Garage</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>New deck/porch</td>
<td>0</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Total New Construction Value:** $16,400.00

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remodel Conditioned Space</td>
<td>530</td>
<td>$53,000.00</td>
</tr>
<tr>
<td>Remodel Garage</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Remodel Deck</td>
<td>0</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Total Remodel Value:** $53,000.00

**Total Construction/Remodel Cost:** $69,400.00

**% of Existing Value:** 33.9%
523 Oak Drive
Color board

Attachment: 523 Oak Drive - Colorboard (523 Oak Drive)
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.
TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021
SUBJECT: 106 Sacramento Avenue #21-0259 APN: 036-143-09

Accessory Dwelling Unit Permit for a new 1,183-square-foot two-story Accessory Dwelling Unit (ADU) for a single-family residence located within the R-1 (Single-Family Residential) zoning district.
This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Michael & Meghan Morrissey
Representative: Danielle Grenier, Filed: 06.03.2021

APPLICANT PROPOSAL
The applicant is proposing to construct a new 1,183-square-foot two-story detached ADU for a single-family residence located at 106 Sacramento Avenue within the R-1 (Single-Family Residential) zoning district. The application complies with all development standards for ADUs in Capitola Municipal Code (CMC) §17.74.080.

BACKGROUND
On December 6, 2018, the Planning Commission approved design permit #18-0143 for a 764-square-foot addition that included a new second story to the existing one-story single-family residence at 106 Sacramento Avenue. The permit was not exercised within 24 months of the date of issuance, and therefore expired on December 21, 2020.

On May 13, 2020, the Building Department issued building permit #20190750 for a remodel of the existing one-story single-family residence that included a new roof, new doors, windows, plumbing, heat, electric systems, and interior and exterior finishes. This building permit is still active.

On June 3, 2021, the City received an application for a new 1,183-square-foot two-story detached ADU which requires Planning Commission approval.

Development Standards
The following table outlines the zoning code requirements for ADUs in Capitola. The project complies with all applicable development standards.

Accessory Dwelling Unit (ADU) Development Standards
ADU Development Standards - CMC §17.74.080

Unit Size, Maximum

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,200 sq. ft.</td>
<td>1,183 sq. ft.</td>
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</tbody>
</table>

Building Height

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 ft.</td>
<td>22 ft.</td>
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</tbody>
</table>

Yards

<table>
<thead>
<tr>
<th>Front Yard 1&lt;sup&gt;st&lt;/sup&gt; Story</th>
<th>Regulation</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15 ft.</td>
<td>80 ft. from edge of bluff</td>
</tr>
<tr>
<td>Front Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story</td>
<td>20 ft.</td>
<td>74 ft. from edge of bluff</td>
</tr>
<tr>
<td>Side Yard 1&lt;sup&gt;st&lt;/sup&gt; Story - Exterior</td>
<td>4 ft.</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Side Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story - Exterior</td>
<td>4 ft.</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Rear Yard 1&lt;sup&gt;st&lt;/sup&gt; Story</td>
<td>4 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Rear Yard 2&lt;sup&gt;nd&lt;/sup&gt; Story</td>
<td>4 ft.</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

Private Open Space, Minimum

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>48 sq. ft.</td>
<td>150 sq. ft. (2&lt;sup&gt;nd&lt;/sup&gt; Story Deck)</td>
</tr>
</tbody>
</table>

Parking

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 onsite parking space</td>
<td>1 covered parking space in garage</td>
</tr>
</tbody>
</table>

DISCUSSION

The existing residence at 106 Sacramento Avenue is a 3,943-square-foot, one-story, single-family residence. The applicant is proposing to construct a new, 1,183-square-foot, two-story detached ADU in the side setback of the primary residence adjacent to Sacramento Avenue. The property is located in the Depot Hill neighborhood along the coastal bluff and is surrounded by one- and two-story single-family residences.

The proposed design includes a combination of stucco and horizontal wood siding on both stories to match the primary residence. The first-story is a combined garage and utility room with sliding glass doors oriented toward the bluff and a garage door on the back accessed from the driveway. There is a second-story deck with powder coated steel posts and stainless-steel cable railings that faces the south towards the ocean.

Parking

The proposed 1,183-square-foot ADU requires one onsite parking space. The project provides one covered parking space in the first-story garage under the ADU.

Landscaping

The plan set for the proposed ADU includes a landscaping plan showing fruitless olive trees and other shrubs both on the property and in the public right of way adjacent to the property that provide for privacy and screening of adjacent properties across the street to the west. The proposed landscaping in the public right of way will require a minor revocable encroachment permit from the Public Works Department.

Objective Design Standards
Two-story ADUs are subject to the objective design standards in CMC §17.74.090. The objective design standards are included below with staff analysis.

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

Staff Analysis: The primary entrance to the ADU faces the interior of the parcel.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
   a. A six-foot solid fence on the property line; or
   b. Clerestory or opaque windows for all windows facing the adjacent property.

2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

Staff Analysis: Not applicable. The ADU is not within eight feet of an interior side or rear property line and it is not abutting a residential use.

C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the design permit approval process.

Staff Analysis: The proposed ADU is located within the exterior side yard of the parcel adjacent to a public street. The second-story deck is located on the south side of the structure facing the ocean. The nearest residential property is located approximately 50 feet way on the other side of Sacramento Avenue.

D. Architectural Details. – The only architectural detail requirement in Table 17.74-2 that applies to detached ADUs is the requirement that the roof pitch be 4:12. However, if the primary dwelling has a roof pitch shallower than 4:12, the ADU roof pitch may match the primary dwelling.

Staff Analysis: The primary dwelling has a roof pitch of 1.5:12 and the ADU was designed with a roof pitch of 1.5:12 to match.

E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.

Staff Analysis: Not applicable.

Findings
A detached ADU may be a maximum of 22 feet in height. However, in order to approve a design permit for a two-story attached or detached ADU greater than 16 feet in height, the
Planning Commission must make the findings in CMC §17.74.110. These findings are listed below followed by staff analysis.

1. 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.

   **Staff Analysis:** The proposed ADU utilizes a combination of stucco and wood siding with colors similar to the primary dwelling and has an identical 1.25/12 roof pitch. The exterior design is compatible with the primary dwelling on the parcel.

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

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

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

   **Staff Analysis:** Even with the proposed ADU, the structures on the large parcel are well below the maximum floor area ratio (FAR) of the lot and a parking space for the ADU is provided in the garage on the first story of the ADU. The ADU has a studio configuration of one combined bedroom and living space, and a garage. The ADU will not create excessive noise, traffic, or parking congestion.

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

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

5. 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.

   **Staff Analysis:** The property is extremely large with a blufftop area of approximately 19,000 square feet and includes usable open space for the ADU and primary residence. The landscape plan includes fruitless olive trees and other shrubs both on the property and in the public right of way adjacent to the property that provide for privacy and screening of adjacent properties.

6. 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.

   **Staff Analysis:** The proposed ADU is located along the street side yard. The nearest residential property is located approximately 50 feet way on the other side of Sacramento Avenue to the west. The location and design of the proposed ADU
maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.

7. 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.

Staff Analysis: The external staircase to the proposed second-story ADU faces the interior of the lot and the primary residence and the entry door to the ADU is on the south side of the second story facing the ocean. There are no windows that impact the privacy of the neighboring side or rear yards. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

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

Staff Analysis: The location of the proposed ADU complies with the development standards in CMC §17.74.080 and is located outside the 50-year geologic hazard setback from the coastal bluff, so the proposed site plan is consistent with the physical development policies of the general plan and zoning code and will not have adverse impacts on coastal resources.

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

Staff Analysis: There is a public viewpoint at the end of Sacramento Avenue, but the seaward most point of the proposed ADU is located approximately 74 feet from the edge of the coastal bluff, so the project would not impair public views along the ocean or of scenic coastal areas.

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

Staff Analysis: Not applicable. The project does not include deviations.

CEQA
Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. The project involves the construction of a new single-family residence in a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION
Staff recommends the Planning Commission consider application #21-0259 and approve the application with the following Conditions and Findings for Approval.

**CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a new, 1,183-square-foot, two-story Accessory Dwelling Unit (ADU) for a single-family residence. The project is compliant with the development standards in CMC Chapter 17.74. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 19, 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 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. 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.

9. 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).

10. 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.
11. 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.

12. 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

13. 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.

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 17.156.080.

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.

18. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
   a. The accessory dwelling unit may not be used for vacation rentals; and
   b. The secondary dwelling unit shall not be sold separately from the primary dwelling.

ACCESSORY DWELLING UNIT DESIGN PERMIT FINDINGS

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

The proposed ADU utilizes a combination of stucco and wood siding with colors similar to the primary dwelling and has an identical 1.25/12 roof pitch. The exterior design is compatible with the primary dwelling on the parcel.
B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
   The proposed ADU utilizes materials and a two-story building form common throughout Depot Hill. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with, and maintains the scale of the Depot Hill neighborhood.

C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
   Even with the proposed ADU, the structures on the large parcel are well below the maximum floor area ratio (FAR) of the lot and a parking space for the ADU is provided in the garage on the first story of the ADU. The ADU has a studio configuration of one combined bedroom and living space, and a garage. 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 property is extremely large with a blufftop area of approximately 19,000 square feet and includes usable open space for the ADU and primary residence. The landscape plan includes fruitless olive trees and other shrubs both on the property and in the public right of way adjacent to the property that provide for privacy and screening of adjacent properties.

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 nearest residential property is located approximately 50 feet way on the other side of Sacramento Avenue to the west. The location and design of the proposed ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.

G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
   The external staircase to the proposed second-story ADU faces the interior of the lot and the primary residence and the entry door to the ADU is on the south side of the second story facing the ocean. There are no windows that impact the privacy of the neighboring side or rear yards. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.
H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.

The location of the proposed ADU complies with the development standards in CMC §17.74.080 and is located outside the 50-year geologic hazard setback from the coastal bluff, so the proposed site plan is consistent with the physical development policies of the general plan and zoning code and will not have adverse impacts on coastal resources.

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

There is a public viewpoint at the end of Sacramento Avenue, but the seaward most point of the proposed ADU is located approximately 74 feet from the edge of the coastal bluff, so the project would not impair public views along the ocean or of scenic coastal areas.

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

Not applicable. The project does not include deviations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303(a) of the CEQA Guidelines exempts one single-family residence, or a second dwelling unit in a residential zone. The project involves the construction of a second dwelling unit in a 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 106 Sacramento Avenue. The ADU is not located in an area with coastal access. The ADU 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 Sacramento Avenue. The project is located along a coastal bluff above the shoreline and beach. There is a public viewpoint at the end of Sacramento Avenue, but the seaward most point of the proposed ADU is located approximately 74 feet from the edge of the coastal bluff, so the project would not impair public views along the ocean or of scenic coastal areas.

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 Sacramento 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:

a. 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;

b. 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;

c. 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:

a. 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.

b. Topographic constraints of the development site;

- The project is located on a flat lot.

c. Recreational needs of the public;

- The project does not impact the recreational needs of the public.

d. 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;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. 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 new two-story accessory dwelling unit 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 new two-story accessory dwelling unit 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 new two-story accessory dwelling unit 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 construction of a new two-story accessory dwelling unit. 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. There is a public viewpoint at the end of Sacramento Avenue, but the seaward most point of the proposed ADU is located approximately 74 feet from the edge of the coastal bluff, so the project would not impair public views along the ocean or of scenic coastal areas. 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 0.7 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 new two-story accessory dwelling unit. 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.
ATTACHMENTS:

1. 106 Sacramento Avenue - Plan Set - Letter
2. 106 Sacramento Avenue - Landscape Plan
3. 106 Sacramento Avenue - Color and Materials Board

Prepared By: Sean Sesanto
Drawings & specs as instruments of service are and shall remain the property of Talmadge Construction, Inc. (TCI). They are not to be used on extensions of the project, or other projects, except by agreement in writing and compensations to TCI.
PLANT LEGEND

<table>
<thead>
<tr>
<th>PLANT NAME</th>
<th>OVAL SIZE</th>
<th>CIRCLE NAME</th>
<th>SCREST SIZE</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lomandra 'BREEZE'</td>
<td>2 39&quot; x 39&quot;</td>
<td>OVAL</td>
<td>8' x 8'</td>
<td>only box</td>
</tr>
<tr>
<td>Leucospermum 'TANGO'</td>
<td>5 gallon</td>
<td>OVAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Echiium Fastuosum</td>
<td>5 gallon</td>
<td>CEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Olea Europea 'SWAN HILL'</td>
<td>24&quot; box</td>
<td>CEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceanothus 'RAY HARTMAN'</td>
<td>5 gallon</td>
<td>CEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Olea Europea 'SWAN HILL'</td>
<td>36&quot; box</td>
<td>CEA</td>
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<tr>
<td>Ceanothus 'JULIA PHELPS'</td>
<td>5 gallon</td>
<td>CEA</td>
<td></td>
<td></td>
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<tr>
<td>Baccharis 'PIGEON POINT'</td>
<td>5 gallon 7' O.C.</td>
<td>CEA</td>
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<tr>
<td>Muhlenbergia RIGENS</td>
<td>1 gallon 4' O.C.</td>
<td>CEA</td>
<td></td>
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</tbody>
</table>

NOTES

1. Plants shall be hand-watered to establish. No irrigation system shall be installed within public right of way. No irrigation system shall be installed beyond 50 year bluff recession setback within property.

2. Care shall be practiced during construction around (E) trees identified to remain. Hand trench in root zones of these plants minimizing destruction to small and large roots.

3. Contractor to verify the location of all underground utilities prior to construction. Call 811 (USA North 811 Service Alert).

4. Remove all extraneous material from planting areas.

5. Thoroughly mix all soil amendments prior to plant placement.

6. Contractor shall supply plants of size specified. If contractor, is unable to locate plant material type or size, notify landscape architect or homeowner.

7. Amend plant beds, provide sustained release fertilizer tablets or bags.

8. Top dress planting areas and right-of-way areas with 3" deep recycled wood chip mulch (non-tinted). Provide sample for homeowner review prior to ordering such.

Packet Pg. 68
STAINED WOOD SIDING + FENCING

'COCONUT' INTEGRAL COLOR SMOOTH STUCCO

STAINLESS CABLE RAILING W/ WOOD CAP

FLEETWOOD ALUMINUM WINDOWS + SLIDING DOORS
STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021
SUBJECT: 1485 47th Avenue #21-0295 APN: 034-034-10

Design Permit for demolition of an existing nonconforming single-family residence and construction of a new single-family residence located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption
Property Owner: Smitty & Tambi Harwood
Representative: John Hofacre, Filed: 06.29.2021

APPLICANT PROPOSAL
The applicant is proposing to demolish an existing nonconforming, 921-square-foot, two-story, single-family residence and construct a new 1,824-square-foot single-family residence located at 1485 47th Avenue within the R-1 (Single-Family Residential) zoning district. A new single family home requires a design permit approved by Planning Commission. The application complies with all development standards of the R-1 zone.

BACKGROUND
On July 28, 2021, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: informed the applicant that several modifications to the plan set related to the drainage plan, surface flow, and additional infiltration details would be required prior to Planning Commission review.

Building Official, Robin Woodman: had no comments.

Associate Planner, Matt Orbach: informed the applicant that an additional tree must be included in the landscape plan to meet the 15% canopy coverage requirement.

Following the Architectural and Site Review Committee meeting, the applicant revised their plans to include an additional Japanese maple tree and address public works comments.

Development Standards
The following table outlines the zoning code requirements for development in the R-1 Zoning District. The project complies with all applicable development standards.
### R-1 (Single Family Residential) Zoning District

#### Development Standards

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1 Regulation</td>
<td>25 ft.</td>
<td>23 ft. 6 in.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio (FAR)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>3,200 sq. ft.</td>
<td>3,200 sq. ft.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>57% (Max 1,824 sq. ft.)</td>
<td>57% (Max 1,824 sq. ft.)</td>
</tr>
<tr>
<td>First Story Floor Area</td>
<td>751 sq. ft.</td>
<td>1,158 sq. ft.</td>
</tr>
<tr>
<td>Second Story Floor Area</td>
<td>170 sq. ft.</td>
<td>666 sq. ft.</td>
</tr>
<tr>
<td><strong>TOTAL FAR</strong></td>
<td>28.8% (921 sq. ft.)</td>
<td>57% (1,824 sq. ft.)</td>
</tr>
</tbody>
</table>

#### Yards

<table>
<thead>
<tr>
<th></th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Yard 1st Story</strong></td>
<td>15 ft.</td>
<td>34 ft. 4 in.</td>
<td>16 ft. 1 in.</td>
</tr>
<tr>
<td><strong>Front Yard 2nd Story &amp; Garage</strong></td>
<td>20 ft.</td>
<td>38 ft. 4 in.</td>
<td>20 ft.</td>
</tr>
<tr>
<td><strong>Side Yard 1st Story - Interior</strong></td>
<td>10% of lot width</td>
<td>Lot width: 40 ft.</td>
<td>3 ft. 2 in. (West)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 ft. min.</td>
<td>Existing Nonconforming</td>
</tr>
<tr>
<td><strong>Side Yard 1st Story - Exterior</strong></td>
<td>10 ft.</td>
<td>5 ft. 8 in. (East)</td>
<td>10 ft. (East)</td>
</tr>
<tr>
<td><strong>Side Yard 2nd Story - Interior</strong></td>
<td>15% of lot width</td>
<td>Lot width: 40 ft.</td>
<td>17 ft. 9 in. (West)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 ft. min</td>
<td>Existing Nonconforming</td>
</tr>
<tr>
<td><strong>Side Yard 2nd Story - Exterior</strong></td>
<td>10 ft.</td>
<td>5 ft. 9 in. (East)</td>
<td>10 ft. (East)</td>
</tr>
<tr>
<td><strong>Rear Yard 1st Story</strong></td>
<td>Min. interior side yard of adjacent property, but no less than 4 ft.</td>
<td>Side yard of adjacent property: 4 ft.</td>
<td>10 ft 8 in.</td>
</tr>
<tr>
<td><strong>Rear Yard 2nd Story</strong></td>
<td>Min. interior side yard of</td>
<td>Side yard of adjacent property: 4 ft.</td>
<td>30 ft 9 in.</td>
</tr>
</tbody>
</table>
adjacent property, but no less than 4 ft. | 4 ft. min. |  

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (from 1,501 up to 2,000 sq. ft.)</td>
<td>2 spaces total</td>
<td>2 spaces total</td>
<td>2 spaces total</td>
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<tr>
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**DISCUSSION**

The existing residence at 1485 47th Avenue is a nonconforming, two-story, single-family residence. The existing residence is currently uninhabitable and has been red-tagged by the Building Department as a dangerous structure. The lot is located in the Jewel Box neighborhood and is surrounded by one- and two-story single-family homes. The home is located on the corner of 47th Avenue and Garnet Street.

**Design Permit**

The applicant is proposing to demolish the existing 921-square-foot, nonconforming, single-family residence and construct a new 1,824-square-foot, single-family residence. The proposed two-story design includes stucco siding, white painted wood trim at the doors and windows, and a pitched roof with composition shingles. Architectural details include a large covered post and beam porch oriented toward 47th Avenue, a covered entry with wood brackets oriented toward Garnet Street, and a recessed garage.

When considering design permit applications, the Planning Commission evaluates applications to ensure that they satisfy the applicable design permit criteria of Zoning Code section 17.120.070.A-S, to ensure the proposed design satisfies the 19 listed criteria, to the extent the criteria apply. The design criteria to be considered are included as Attachment 2. In staff's review of the application, the proposed single-family home satisfies all the applicable design criteria; therefore, the required findings to issue a design permit are included in the findings section at the report.

**Sidewalk**

Currently, there is no sidewalks along the double frontage of the corner lot. The application includes a new sidewalk along Garnet Street and 47th Avenue.

**Parking**

The proposed 1,824-square-foot residence requires two onsite parking spaces, one of which must be covered. The project provides one covered parking space in an attached garage and a second parking space located in the driveway within the front yard setback. The parking space in the garage and in the driveway comply with the minimum parking dimensions of 10 feet wide by 20 feet long.

**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 in a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**RECOMMENDATION**

Staff recommends the Planning Commission consider application #21-0295 and approve the application with the following Conditions and Findings for Approval.

**CONDITIONS OF APPROVAL**

1. The project approval consists of demolition of an existing nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence. The maximum Floor Area Ratio for the 3,200-square-foot property is 57% (1,824 square feet). The total FAR of the project is 57% with a total of 1,824 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 August 19, 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 #21-0295 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 §17.156.080.

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.
21. 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, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed demolition of an existing nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence 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 demolition of an existing nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence 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 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 nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence 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 proposed demolition of an existing nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence 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, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the demolition of an existing nonconforming, 921-square-foot, two-story, single-family residence and construction of a 1,824-square-foot single-family residence. The design of the two-story home with stucco siding, white painted wood trim at the doors and windows, a pitched roof with composition shingles, and covered entryways, will fit in nicely with the existing
neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood with entrances oriented toward 47th Avenue and Garnet Street.

COASTAL PERMIT 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 1485 47th 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 47th 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 47th 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:
   a. 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;
   b. 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;
   c. 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:
   a. 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.

   b. Topographic constraints of the development site;

- The project is located on a flat lot.

   c. Recreational needs of the public;

- The project does not impact the recreational needs of the public.

   d. 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;
   e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
   f. 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 new single-family residence 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 new single-family residence 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 new single-family residence 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 construction of a single-family residence. 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 0.7 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 new single-family residence. 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.

**ATTACHMENTS:**
1. 1485 47th Avenue - Plan Set
2. 1485 47th Avenue - Color and Material Board
3. Design Permit Design Review Criteria

Prepared By:  Sean Sesanto
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<td>Harwood New House</td>
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HARWOOD NEW HOUSE
1485 47th AVE., CAPITOLA CA
APN 034-068-14

STUCCO - INTEGRAL COLOR - ASPEN
TRIM/EAVES, POSTS EAVES, BRACKETS, ETC (PAINTED-WHITE)
COPPER GUTTERS & DOWNSPOUTS - NO PAINT
WHITE FRAME VINYL WINDOWS

JOHN HOFACRE
ARCHITECT
CAPITOLA, CA
6/25/21
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.
TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021
SUBJECT: 208 Magellan Street #21-0057 APN: 036-194-04

Design Permit for a second-story addition to a nonconforming single-family residence with a Minor Modification for a reduced second-story side setback 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: Kent & Julie Cramer
Representative: Daryl Woods, Filed: 02.16.2021

APPLICANT PROPOSAL
The applicant is proposing a 438-square-foot, second-story addition to a nonconforming single-family residence located at 208 Magellan Street within the R-1 (Single-Family Residential) zoning district. The application requires Planning Commission approval of a design permit and a minor modification for a reduced second-story side yard setback.

BACKGROUND
On July 14, 2021, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: provided required modification to site drainage.

Building Official, Robin Woodman: had no comments.

Associate Planner, Matt Orbach: explained the minor modification findings to the applicant.

Following the Architecture and Site Review Committee meeting, the applicant submitted revised plans to address the site drainage comments from the Public Works Department. The updated plans did not adequately address the issue. Public Works added a condition of approval requiring a curb drain to be incorporated into the plans prior to issuance of a building permit. This additional condition is included as Condition #19.

Development Standards
The following table outlines the zoning code requirements for development in the R-1 Zoning District. The application complies with all development standards except for the second story side yard setback requirement.
### Development Standards

#### Building Height

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<th>Proposed</th>
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<tr>
<td>25 ft.</td>
<td>13 ft. 9 in.</td>
<td>22 ft. 9 in.</td>
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#### Floor Area Ratio (FAR)

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<th>Proposed</th>
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<tr>
<td>Lot Size</td>
<td>6,273 sq. ft.</td>
<td>6,273 sq. ft.</td>
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<tr>
<td>Maximum Floor Area Ratio</td>
<td>48% (Max 3,011 sq. ft.)</td>
<td>48% (Max 3,011 sq. ft.)</td>
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<tr>
<td>First Story Floor Area</td>
<td>2,183 sq. ft.</td>
<td>2,183 sq. ft.</td>
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<tr>
<td>Second Story Floor Area</td>
<td>N/A</td>
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<tr>
<td>TOTAL FAR</td>
<td>34.8% (2,183 sq. ft.)</td>
<td>41.7% (2,621 sq. ft.)</td>
</tr>
</tbody>
</table>

#### Yards (setbacks are measured from the edge of the public right-of-way)

<table>
<thead>
<tr>
<th></th>
<th>R-1 Regulation</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard 1st Story</td>
<td>20 ft. 6 in.</td>
<td>20 ft. 6 in.</td>
<td></td>
</tr>
<tr>
<td>Front Yard 2nd Story</td>
<td>2nd Story – N/A</td>
<td>2nd Story – 39 ft. 4 in.</td>
<td></td>
</tr>
<tr>
<td>&amp; Garage</td>
<td>Garage – 20 ft. 6 in.</td>
<td>Garage – 20 ft. 6 in.</td>
<td></td>
</tr>
<tr>
<td>Side Yard 1st Story</td>
<td>20 ft. 6 in.</td>
<td>20 ft. 6 in.</td>
<td></td>
</tr>
<tr>
<td>Side Yard 2nd Story</td>
<td>N/A</td>
<td>North – 37 ft. 0 in.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>South – 8 ft. 10 in.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Existing Non-Conforming</td>
<td></td>
</tr>
<tr>
<td>Rear Yard 1st Story</td>
<td>23 ft. 0 in.</td>
<td>23 ft. 0 in.</td>
<td></td>
</tr>
<tr>
<td>Rear Yard 2nd Story</td>
<td>23 ft. 0 in.</td>
<td>23 ft. 0 in.</td>
<td></td>
</tr>
</tbody>
</table>

#### Encroachments (list all)

- Existing residence encroaches into north side setback.
- Proposed second-story encroaches into south side setback.

#### Parking

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (from 2,001 up to 2,600 sq. ft.)*</td>
<td>3 spaces total 1 covered 2 uncovered</td>
<td>3 spaces total 1 covered 2 uncovered</td>
<td>3 spaces total 1 covered 2 uncovered</td>
</tr>
<tr>
<td>*Garage floor area exempt from parking calculation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Underground Utilities:** required with 25% increase in area

**DISCUSSION**
The existing residence at 208 Magellan Street is a nonconforming, one-story, single-family residence. The lot is located in the Cliffwood Heights neighborhood and is surrounded by one- and two-story single-family homes. The application requires a design permit and a minor modification.

**Design Permit**

The applicant is proposing to construct a 438-square-foot, second-story addition. The existing home has vertical T-111 plywood siding which will be freshly painted. The proposed addition is setback on the south side of the home. The design includes a Dutch hip roof with asphalt shingle roofing which compliments the roof design of the existing structure. Horizontal cement lap board siding and vinyl windows are proposed on the new addition. The existing sliding door on the first story which faces the rear yard will be enlarged with a new aluminum sliding glass door. The three required onsite parking spaces exist onsite; one within the attached garage and two within the driveway behind the garage.

When considering design permit applications, the Planning Commission evaluates applications to ensure that they satisfy the applicable design permit criteria of Zoning Code section 17.120.070.A-S, to ensure the proposed design satisfies the 19 listed criteria, to the extent the criteria apply. The design criteria to be considered are included as Attachment 3. In staff’s review of the application, the proposed single-family home satisfies all the applicable design criteria; therefore, the required findings to issue a design permit are included in the findings section at the report.

**Minor Modification**

The applicant is requesting a minor modification to the second-story setback on the south side of the home. A minor modification allows up to a ten percent deviation from a physical development standard that applies to the subject property. A ten percent modification to the required second-story setback would allow the proposed design.

The required second-story side yard setback is nine feet ten inches from the property line. The applicant is proposing the second story be in alignment with the first story located eight feet ten inches from the property line. The reason for this request is to utilize the structural support of the existing walls on the first floor.

To approve a minor modification, the Planning Commission shall make all of the findings in CMC §17.136.060. The findings are included below with staff analysis.

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

   **Staff Analysis:** Within the Cliffwood Heights neighborhood, many of the homes have nonconforming side yard setbacks. The adjacent structure at 212 Magellan Street is one example of a home which is non-conforming in terms of side yard setbacks.

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

   **Staff Analysis:** The addition is proposed within nine feet of the south property line. The proposed project includes two windows along the proposed second story on the south elevation. The windows are adjacent to the single-story structure and not directly next to the backyard of the neighboring property.
C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

Staff Analysis: The applicant is requesting the minor modification to construct the second-story wall on top of the existing wall on the first story as it can sustain more weight and will require less structural improvements. The first story is setback eight feet ten inches from the property line, almost three feet more than the required six feet by code.

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

Staff Analysis: Under Capitola Municipal Code §17.16.010, the purpose of residential zoning districts is “to support attractive, safe, and friendly neighborhoods consistent with Capitola’s intimate small-town feel and coastal village charm.” Development should “feature high-quality design that enhances the visual character of the community” and the “mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes.” The main purpose of the increased second-story side setback is to reduce second-story massing along the side lot lines. As stated within criteria C, the first floor is setback almost three feet more than the required first floor setback. This provides increase spacing between the homes than is typical and required. The modification would permit an 18 and a half feet tall, two-story wall one foot closer than required by code.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

Staff Analysis: General Plan Policy LU-5.3 states that the mass, scale, and height of new development should be compatible with existing homes within residential neighborhoods. There are many homes within the Cliffwood Heights neighborhood with nonconforming first-story side setbacks and a few two-story properties with existing nonconforming second-story side setbacks.

F. The modification will not establish a precedent.

Staff Analysis: As previously mentioned, the majority of single-family residences in the Cliffwood Heights neighborhood have nonconforming first-story side setbacks because they were built under a previous zoning code with different setback requirements. The subject property, however, has an existing first-story that exceeds the required first-story setback by a large enough amount that it comes within ten percent of the required second-story side setback. Most properties in the neighborhood with nonconforming side setbacks would not be able to construct second-story additions at the same setback as the nonconforming first-story walls because they are not within ten percent of the required second-story side setback. Therefore, this modification would not establish a precedent.

G. The modification will not adversely impact coastal resources.

Staff Analysis: The subject property is not located in an area with coastal resources, therefore the modification will not adversely impact coastal resources.

Nonconforming
The existing structure is located within the first-story north side setback. The existing structure does not comply with the setback regulations of the zoning code and therefore is a legal non-
conforming structure. Pursuant to Capitola Municipal Code (CMC) §17.72.070, if proposed structural alterations to an existing non-complying structure exceed 80% of the present fair market value of the structure, the proposed structural alterations may not be made. The applicant has submitted a construction cost breakdown demonstrating that the proposed structural alterations are 27% of the present fair market value of the structure, so the alterations are permissible. The construction cost breakdown is included as Attachment 2.

**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 structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 438 square feet (19.9%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during project review by Planning Department Staff.

**RECOMMENDATION**

Staff recommends the Planning Commission consider application #21-0057 and approve the application with the following Conditions and Findings for Approval.

**CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a 438-square-foot second-story addition to an existing nonconforming single-family residence with a minor modification for a reduced second-story side setback. The maximum Floor Area Ratio for the 6,273-square-foot property is 48% (3,011 square feet). The total FAR of the project is 41.7% with a total of 2,621 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 August 19, 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, all Planning fees associated with permit #21-0057 shall be paid in full.

7. 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.
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 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 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.

15. 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.

16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code §17.156.080.

17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

19. Prior to issuance of building permits, applicant shall incorporate a curb drain per city standard at the southwest corner of the property.

**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, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 438-square-foot second-story addition with a minor modification for a reduced second-story side setback 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.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 438-square-foot second-story addition with a minor modification for a reduced second-story side setback complies with the development standards of the R-1 (Single-Family Residential) zoning district.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (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 structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 438 square feet (19.9%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during review of the proposed project.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed 438-square-foot second-story addition with a minor modification for a reduced second-story side setback 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).

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The 438-square-foot second-story addition with a minor modification for a reduced second-story side setback complies with the applicable design review criteria as described in the staff report.

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the 438-square-foot second-
story addition with a minor modification for a reduced second-story side setback. The design of the home, with a Dutch hip roof with Class “B” asphalt shingle roofing and horizontal cement lap board siding, will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

MINOR MODIFICATION FINDINGS

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located. Within the Cliffwood Heights neighborhood, many of the homes have nonconforming side yard setbacks. The adjacent structure at 212 Magellan Street is one example of a home in close proximity which is non-conforming in terms of side yard setbacks.

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

The addition is proposed within nine feet of the south property line. The proposed project includes two windows along the proposed second story on the south elevation. The windows are adjacent to the single-story structure and not directly next to the backyard of the neighboring property.

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

The applicant is requesting the minor modification to construct the second-story wall on top of the existing wall on the first story as it can sustain more weight and will require less structural improvements. The first story is setback eight feet ten inches from the property line, almost three feet more than the required six feet by code.

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

Under Capitola Municipal Code §17.16.010, the purpose of residential zoning districts is “to support attractive, safe, and friendly neighborhoods consistent with Capitola’s intimate small-town feel and coastal village charm.” Development should “feature high-quality design that enhances the visual character of the community” and the “mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes.” The main purpose of the increased second-story side setback is to reduce second-story massing along the side lot lines. As stated within finding C, the first floor is setback almost three feet more than the required first floor setback. This provides increase spacing between the homes than is typical and required. The modification would permit an 18 and a half feet tall, two-story wall one foot closer than required by code.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

General Plan Policy LU-5.3 states that the mass, scale, and height of new development should be compatible with existing homes within residential neighborhoods. There are many homes within the Cliffwood Heights neighborhood with nonconforming first-story side setbacks and a few two-story properties with existing nonconforming second-story side setbacks.
F. **The modification will not establish a precedent.**  
   The majority of single-family residences in the Cliffwood Heights neighborhood have nonconforming first-story side setbacks because they were built many years ago under a different zoning code. The subject property, however, has a first-story side setback that exceeds the required first-story setback by a large enough amount that it comes within ten percent of the required second-story side setback. Most properties in the neighborhood with nonconforming side setbacks would not be able to construct second-story additions at the same setback as the nonconforming first-story walls because they are not within ten percent of the required second-story side setback. Therefore, this modification would not establish a precedent.

G. **The modification will not adversely impact coastal resources.**  
   The subject property is not located in an area with coastal resources, therefore the modification will not adversely impact coastal resources.

**ATTACHMENTS:**
1. 208 Magellan Street - Full Plan Set - 07.20.2021
2. 208 Magellan Street - Construction Cost Breakdown
3. 208 Magellan Street - Colorboard
4. Design Permit Design Review Criteria

Prepared By: Sean Sesanto
### Existing Building Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost per Square Foot</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Residence</td>
<td>1745</td>
<td>$200.00</td>
<td>$349,000.00</td>
</tr>
<tr>
<td>Existing Garage</td>
<td>456</td>
<td>$90.00</td>
<td>$41,040.00</td>
</tr>
<tr>
<td>Existing Deck</td>
<td>0</td>
<td>$25.00</td>
<td>-</td>
</tr>
</tbody>
</table>

Total Existing Value: $390,040.00

80% of Total Existing Value: $312,032.00

### New Construction Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost per Square Foot</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Conditioned Space</td>
<td>438</td>
<td>$200.00</td>
<td>$87,600.00</td>
</tr>
<tr>
<td>New Garage</td>
<td>0</td>
<td>$90.00</td>
<td>-</td>
</tr>
<tr>
<td>New deck/porch</td>
<td>0</td>
<td>$25.00</td>
<td>-</td>
</tr>
</tbody>
</table>

Total New Construction Value: $87,600.00

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
<th>Cost per Square Foot</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remodel Conditioned Space</td>
<td>170</td>
<td>$100.00</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>Remodel Garage</td>
<td>0</td>
<td>$45.00</td>
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</tr>
<tr>
<td>Remodel Deck</td>
<td>0</td>
<td>$12.50</td>
<td>-</td>
</tr>
</tbody>
</table>

Total Remodel Value: $17,000.00

Total Construction/Remodel Cost: $104,600.00

% of Existing Value: 27%
ASPHALT SHINGLE ROOFING

EXISTING SIDING / FASCIA

HORIZONTAL CEMENT BOARD SIDING

VINYL WINDOWS

COPPER GUTTERS AND DNTSPTS - (NO PAINT)

CRAMER ADDITION - APN: 036-194-04

273 Lindero
La Selva Beach
California
95076
Daryl Woods Architect
831.234.9853-1
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.
TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: AUGUST 19, 2021
SUBJECT: 1855 41st Avenue #21-0320

Six Month Review of Conditional Use Permit #21-0023 for Mobile Food Vendors located at 1855 41st Avenue at the Capitola Mall within the C-R (Regional Commercial) zoning district.
This project is not in the Coastal Zone and does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Merlone Geier Management, LLC
Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 7/19/2021

BACKGROUND
On February 4, 2021, the applicant obtained a conditional use permit (CUP) for mobile food vending at 1855 41st Avenue in the C-R (Regional Commercial) zoning district. Condition of approval 21 requires a six-month review of the conditional use permit by the Planning Commission to ensure all impacts of the new use are adequately mitigated and provide an opportunity for the Planning Commission to modify conditions to improve the overall operations of the mobile food vendor Use.

DISCUSSION
Table 17.24-1 in Capitola Municipal Code (CMC) §17.24.020, land use regulations, indicates that mobile food vending may be permitted under an administrative temporary use permit or a discretionary conditional use permit. CMC §17.96.180(C)(6) allows mobile food vendors to operate in one location more than four times with a CUP. Conditions of approval related to the following items may be required within a permit when they are deemed necessary in connection with the temporary use:

1. Hours of operation.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

On February 4, 2021, the applicant received approval of a CUP from the Planning Commission to allow mobile food vending on the Capitola Mall property more than four times per year. The final local action notice with all conditions of approval is included as attachment 1. The February 4, 2021, staff report is included as attachment 2 and contains the applicant’s management plan and site plan. The purpose of this item is to ensure all impacts of the new use are adequately mitigated and provide an opportunity for the Planning Commission to modify conditions to improve the overall operations of the mobile food vendor use.

Two businesses, Taquizas Gabriel and Saucy’s, have been operating as mobile food vendors at the Capitola Mall over the past six months within the requirements of the CUP. The vendors have been located in the parking spaces along 41st Avenue north of the main eastern mall entrance. They built physical barriers with wood planters and stanchions to separate the use from the drive aisles (Attachment 3). Each businesses obtained a Capitola business license and completed a fire safety inspection from Central Fire Protection District.

The two food vendors do not have a fixed schedule to be onsite at the mall location. Taquizas Gabriel operates at the mall site three to four days a week. Saucy’s recently returned after six months away and plans to operate at the mall one to two days per week. The schedules are influenced by other catering opportunities and food truck events.

The city has not received any complaints regarding or the food vendors since the issuance of the CUP.

STAFF RECOMMENDATION
Staff recommends the Planning Commission provide feedback on the Conditional Use Permit and allow the businesses to continue to operate within the Conditions of Approval.

ATTACHMENTS:
1. FLAN with Conditions of Approval
2. Planning Commission Staff Report and Exhibits from February 4, 2021

Prepared By: Katie Herlihy
Community Development Director
FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

February 17, 2021

Brian Kirk, MCP XI Capitola LLC
1855 41st Avenue, Management Office
Capitola, CA 95010

RE: Notice of Final Action on Application #21-0023

1855 41st Avenue #21-0023 APN: 034-261-07, -37, -38, -40, & -52
Conditional Use Permit for Mobile Food Vendors located within the C-R (Regional Commercial) zoning district.
This project is not in the Coastal Zone and does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Merlone Geier Management, LLC
Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 01.21.2021

The above matter was presented to the Planning Commission on February 4, 2021, and was approved, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in strikeout and underline notation.

CONDITIONS

1. The project approval consists of the approval of a conditional use permit for the operation of up to three mobile food vendors seven days a week in the locations indicated on the approved site plan. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.

2. 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 site plan or expansion of the proposed use shall require Planning Commission approval.

3. Prior to exercising the conditional use permit, the applicant must provide documentation of plan approval by the Central Fire Protection District.
4. Mobile food vendors shall obtain a Capitola Business License and any required county and state licenses prior to commencing business in Capitola.

5. Placement of food vendor vehicles or trailers shall not obstruct fire lane access.

6. Placement of food vendor vehicles or trailers shall not obstruct vehicular right of way.

7. Mobile food vendor customers shall utilize parking spaces located on parcels owned by the Capitola Mall.

8. Mobile food vendors shall supply their own bird deterrent trash receptacles and empty them in the Capitola Mall refuse collection areas when full and upon leaving the premises daily.

9. Mobile food vendor lighting shall be limited to lighting located on the food vendor vehicle or trailer. Lighting shall be in compliance with the Capitola Municipal Code.

10. Mobile vendor may not discharge any liquids including wash water onto the ground.

11. Mobile vendor must clean up any spills caused by their operation or customers.

12. Mobile food vendors shall be responsible for maintaining ADA access to the vendor vehicle or trailer.

13. Mobile food vendors shall provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during hours of operation.

14. Mobile food vendors shall comply with all sign standards in CMC Chapter 17.80. Specifically, mobile food vendors shall comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.

15. Mobile food vendors shall not put out seating or tables for customers.

16. Mobile food vendors shall not utilize a loudspeaker or other amplified sound.

17. This permit shall expire 24 months from the date of issuance. The applicant shall exercise the permit before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code §17.156.080.

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. Mobile food vendors shall comply with the biodegradable and compostable disposable food service ware requirements under Capitola Municipal Code §8.36.040.

20. Mobile food vending uses shall be limited to the locations identified in the site plan approved by Planning Commission on February 4, 2021. Locations include: the parking spaces along
41st Avenue north of the main eastern mall entrance and along the north side of the entrance driveway; the parking spaces along 41st Avenue south of the main eastern mall entrance and along the south side of the entrance driveway; the parking spaces along Capitola Road between the main southern mall entrance and the Bank of America parcel; and the parking spaces along Clares Street south of the main western mall entrance.

21. Conditional use permit #21-0023 shall be scheduled for a Planning Commission review in six months (August 19, 2021) to ensure all impacts of the new use are adequately mitigated. The Planning Commission may modify the conditions of the conditional use permit during the six-month review to improve the overall operations of the mobile food vendor use.

22. The physical barriers shall be of high quality and add to the aesthetics and visitor experience within the food vending area. City staff shall review and approve the design of physical barriers (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the customer queue prior to initial mobile food vending operations for each vendor.

23. Prior to issuance of a Capitola Business License, a fire safety inspection of each truck must be conducted to ensure that portable fire extinguishers or fixed fire suppression systems have been inspected, tested, and are in good working order. Applicant must provide proof of fire safety inspection approval from Central Fire Protection District with Business License application.

CONDITIONAL USE PERMIT FINDINGS

A. The proposed use is allowed in the applicable zoning district.
   Mobile food vending is allowed in the C-R (Regional Commercial) zoning district with Planning Commission approval of a conditional use permit.

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 mobile food vending use is consistent with the general plan, local coastal program, and zoning code.

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.
   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.

D. The proposed use will not be detrimental to the public health, safety, and welfare.
   Community Development Department Staff, Public Works Staff, Police Department, Central Fire Protection District, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the 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.
   The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (February 17, 2023) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.
Respectfully,

Matt Orbach
Associate Planner
Conditional Use Permit for Mobile Food Vendors located within the C-R (Regional Commercial) zoning district. This project is not in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
Property Owner: Merlone Geier Management, LLC
Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 01.21.2021

APPLICANT PROPOSAL
The applicant is requesting a conditional use permit for mobile food vending at 1855 41st Avenue in the C-R (Regional Commercial) zoning district. The proposal includes all of the parcels that make up the Capitola Mall and the surrounding parking lot areas owned by Merlone Geier Partners.

BACKGROUND
On Wednesday, January 20, 2021, Staff sent a courtesy letter to the management of the Capitola Mall to informing them that the mobile food vendors operating in the mall parking lot along 41st Avenue required use permits from the City of Capitola. The manager of the Capitola Mall subsequently informed the owners of the two mobile food vendors, Taquizas Gabriel and Saucy'z, that they would not be allowed to operate in the parking lot until the required permits were obtained.

DISCUSSION
Table 17.24-1 in Capitola Municipal Code (CMC) §17.24.020 – Land use regulations, indicates that mobile food vending may be permitted under an administrative temporary use permit or a discretionary conditional use permit.

CMC §17.96.180(C)(6) allows mobile food vendors to operate in one location four times or less per year with an administrative temporary use permit. This section also notes that mobile food vendors in one location more than four times per year require a conditional use permit. Conditions of approval related to the following items may be required within a permit when they are deemed necessary in connection with the temporary use:

1. Hours of operation.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

The applicant is applying for a Conditional Use Permit to allow mobile food vending on the Capitola Mall property more than four times per year. The applicant submitted a management plan that includes information related to the eight potential conditions listed above (Attachment 2). The Planning Commission may consider the information in relation to the considerations as outlined in the analysis below and include conditions of approval mitigating possible issues with the conditional use permit. A site plan indicating the proposed areas for mobile food vending is included as Attachment 1.

The applicant is proposing up to three mobile food vendors operating seven days a week from 11 a.m. to 8 p.m. The mall is proposing four sites for the food vending locations, including: the parking spaces along 41st Avenue north of the main eastern mall entrance and along the north side of the entrance driveway, the parking spaces along 41st Avenue south of the main eastern mall entrance and along the south side of the entrance driveway, the parking spaces along Capitola Road between the main southern mall entrance and the Bank of America parcel, and the parking spaces along Clares Street south of the main western mall entrance. The purpose for requesting four sites is to have the ability to move the food vendor locations during special events and during the redevelopment of the mall to accommodate construction. The proposal does not include seating or special lighting. Individual mobile food vendors will be required to have onsite trash and recycling, which will be disposed of within the mall refuse disposal areas.

When evaluating a conditional use permit application, the Planning Commission is required to consider the following characteristic of the proposed use:

A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

Staff Analysis: The applicant is proposing to have up to three mobile food vendors operating seven days a week between the hours of 11 a.m. and 8 p.m. The areas proposed for mobile food vending are located in underutilized portions of the Capitola Mall parking lot that are generally vacant, so traffic generation and parking impacts are projected to be minimal. Lighting will be limited to the existing parking lot lighting and existing exterior lighting on the mobile food vendor vehicle or trailer. The proposed use is not expected to generate any noise, odor, dust, or other external impacts.

Staff has included a condition of approval requiring mobile food vendors to provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during their hours of operation.

Staff has also included a condition of approval requiring mobile food vendors to comply with the sign standards in CMC Chapter 17.80. Specifically, mobile food vendors must comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in
CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.

Additional conditions of approval have been added to address Americans with Disabilities Act (ADA) access, protection of fire lanes, preservation of on-site circulation, customer parking, refuse collection and disposal, lighting, and operation of any loudspeaker or sound amplification.

B. Availability of adequate public services and infrastructure.
Staff Analysis: The proposed uses will not utilize any permanent infrastructure and the proposed locations in the Capitola Mall parking lot have readily available public services. The one exception is public restrooms, the nearest of which are located in the Capitola Mall food court. However, the mobile food vendors, as proposed, are essentially a take-out restaurant use with no seating allowed, reducing the amount of time customers will be on the site.

C. Potential impacts to the natural environment.
Staff Analysis: As the proposed uses would be located in an existing parking lot along a busy commercial corridor, there will no impacts to the natural environment.

D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.
Staff Analysis: The use is being proposed in underutilized areas along the outer edges of the Capitola Mall parking lot. The operating characteristics of mobile food vendors are complementary to the existing retail and restaurant uses in the Capitola Mall and on the adjacent parcels. The parking lot is large and generally flat in terms of topography.

CEQA
Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development when: the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The proposed project is consistent with the in-fill development exemption and no adverse environmental impacts were discovered by Planning Staff during review of the proposed project.

RECOMMENDATION
Staff recommends the Planning Commission review and approve project application #21-0023 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL
1. The project approval consists of the approval of a conditional use permit for the operation of up to three mobile food vendors seven days a week in the locations indicated on the approved site plan. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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 site plan or expansion of the proposed use shall require Planning Commission approval.

3. Prior to exercising the conditional use permit, the applicant must provide documentation of plan approval by the Central Fire Protection District.

4. Mobile food vendors shall obtain a Capitola Business License and any required county and state licenses prior to commencing business in Capitola.

5. Placement of food vendor vehicles or trailers shall not obstruct fire lane access.

6. Placement of food vendor vehicles or trailers shall not obstruct vehicular right of way.

7. Mobile food vendor customers shall utilize parking spaces located on parcels owned by the Capitola Mall.

8. Mobile food vendors shall supply their own bird deterrent trash receptacles and empty them in the Capitola Mall refuse collection areas when full and upon leaving the premises daily.

9. Mobile food vendor lighting shall be limited to lighting located on the food vendor vehicle or trailer. Lighting shall be in compliance with the Capitola Municipal Code.

10. Mobile vendor may not discharge any liquids including wash water onto the ground.

11. Mobile vendor must clean up any spills caused by their operation or customers.

12. Mobile food vendors shall be responsible for maintaining ADA access to the vendor vehicle or trailer.

13. Mobile food vendors shall provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during hours of operation.

14. Mobile food vendors shall comply with all sign standards in CMC Chapter 17.80. Specifically, mobile food vendors shall comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.

15. Mobile food vendors shall not put out seating or tables for customers.

16. Mobile food vendors shall not utilize a loudspeaker or other amplified sound.

17. This permit shall expire 24 months from the date of issuance. The applicant shall exercise the permit before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code §17.156.080.

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.

CONDITIONAL USE PERMIT FINDINGS
A. The proposed use is allowed in the applicable zoning district.
   Mobile food vending is allowed in the C-R (Regional Commercial) zoning district with Planning Commission approval of a conditional use permit.

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 mobile food vending use is consistent with the general plan, local coastal program, and zoning code.

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.
   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.

D. The proposed use will not be detrimental to the public health, safety, and welfare.
   Community Development Department Staff, Public Works Staff, Police Department, Central Fire Protection District, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the 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.
   The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

ATTACHMENTS:
1. 1855 41st Avenue - Proposed Site Plan - 01.27.2021
2. 1855 41st Avenue - Mobile Food Vending Management Plan - 01.27.2021

Prepared By: Matt Orbach
   Associate Planner
This exhibit is for reference only and is not a representation as to size, dimension, or location of any tenant in the shopping center. All building, improvements, their occupants, and their uses as shown on this plan are subject to modification at the landlord’s discretion.
City of Capitola – Master Application – Capitola Mall Conditional Use Permit

Submitted by Brian Kirk as Agent for MGP XI Capitola, LL - 1/26/21

Please see the below additional details regarding the request for a Conditional Use permit by MGP XI Capitola, LLC (Capitola Mall/Merlone Geier Management) for exterior lot food vendors.

**Description:** Request to host up to 3 mobile food vendors at one time in various locations of the mall parking lot owned by MGP XI, LLC (Capitola Mall/Merlone Geier Management).

**Locations:** Locations in the parking lot will vary due to possible conflicts with other uses and vendor preference. Please see map for designated location options.

**Days/Time:** Monday – Sunday between the hours of 11am – 8pm.

**Disabled Access:** All locations maintain full accessibility for the disabled.

**Fire Lane Access:** Proposed use would not obstruct fire lane access.

**Traffic circulation:** Proposed locations would not impact flow of parking lot traffic.

**Parking Impact:** Proposed use would not significantly impact on-site parking capacity.

**Lighting:** Limited to existing parking lot lighting and any exterior food vendor vehicle lighting.

**Trash:** Vendors will supply their own trash receptacles to be emptied in the mall trash containers when full and upon leaving the premises. On-site maintenance team (contracted by MGP XI Capitola, LLC) will maintain cleanup in the surrounding areas of the parking lot.

**Loudspeaker or sound amplification:** None.

**Restrooms:** Nearest mall owned public restrooms are located inside the mall food court.

**Seating:** No seating or tables will be provided.

**Vendors:** Will vary.