



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

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

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

**C. Commission Comments**

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

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

**D. Staff Comments**

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

**3. CONSENT CALENDAR**

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

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

Note: Request to Continue to November 4, 2021

Environmental Determination: Categorical Exemption

Property Owner: Venetian Court HOA

Representative: Craig Nunes – Venetian Court HOA Filed: 07.09.21

Commissioner Newman recused himself due to proximity.

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

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

#### 4. PUBLIC HEARINGS

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

Design Permit for a new single-family residence and accessory dwelling unit located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption  
Property Owner: DRVO Builders  
Representative: Dennis Norton, Filed: 03.30.21

Assistant Planner Sean Sesanto presented the staff report.

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

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

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

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

#### CONDITIONS

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

3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #21-0075 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements or modifications that impact or interface with the public right of way. At a minimum, these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, or any modification to the curb/gutter/sidewalk. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact of the frontage of adjacent parcels.

14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized public right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All new or replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards. Improvements in the right of way shall include a new sidewalk along 49<sup>th</sup> Avenue and an accessible curb ramp at the corner of 49<sup>th</sup> Avenue and Opal Street
19. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 2 trees to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans unless approved by the Community Development Director.
20. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
21. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
22. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. Prior to issuance of building permits, the building plans must show that the existing

overhead utility lines will be underground to the nearest utility pole.

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

### **DESIGN PERMIT FINDINGS**

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

Community Development Staff and the Planning Commission have all reviewed the project. The proposed demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit is consistent with the general plan and the local coastal program.

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

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

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

Section 15303(a) of the CEQA Guidelines exempts one single single-family residence, or a second dwelling unit in a residential zone. The project involves the construction of a new single-family residence and accessory dwelling unit in the R-1 (Single-Family Residential) District. No adverse environmental impacts were discovered during review of the proposed project.

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

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

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

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

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

Community Development Staff and the Planning Commission have all reviewed the application for the demolition of an existing cottage and the construction of a new single-family residence and accessory dwelling unit. The design of the two-story home and ADU with horizontal siding, gabled roof ends, traditional rafters and braces, and composition shingle roof, will fit in nicely with the existing neighborhood.

### **ACCESSORY DWELLING UNIT FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **B. Prototype ADU Program**

Prototype Accessory Dwelling Unit (ADU) Program.

Representative: Katie Herlihy, Community Development Director

Applicant: City of Capitola

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

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

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

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

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

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

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

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

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

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

Update to Zoning Ordinance/Local Coastal Plan Implementation Plan

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

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

Environmental Determination: Categorical Exemption 15305 and 15311

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

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

Director Herlihy presented the staff report.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

Director Herlihy presented the staff report.

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

**5. DIRECTOR'S REPORT**

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

**6. COMMISSION COMMUNICATIONS**

**7. ADJOURNMENT**

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

Approved by the Planning Commission

---

Chloe Woodmansee, Clerk to the Commission

**APPROVED DECEMBER 2, 2021**