



**FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
Thursday, April 1, 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, Wilk, and Chair Routh were present remotely. Commissioner Westman was absent.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

Commissioner Wilk stated his disapproval of adding the “Color Board” in the applications for these proceedings.

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Mar 4, 2021 7:00 PM

Commissioner Newman noted a correction in the minutes.

MOTION: Approve the minutes as amended.

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

4. CONSENT CALENDAR

A. 1400 47th Avenue #21-0038 APN: 034-064-20

Design Permit for a second-story addition to a 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
Property Owner: Steven Thompson
Representative: Stephen Thompson, Filed: 02.04.2021

Commissioner Newman recused himself due to proximity.

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

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a 434-square-foot second-story addition with a 141-square-foot second-story balcony. The maximum Floor Area Ratio for the 3,360-square-foot property is 56% (1,882 square feet). The total FAR of the project is 53% with a total of 1,774 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 April 1, 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 #21-0038 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 §17.81.160.
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, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed construction of a 434-square-foot second-story addition with a 141-square-foot second-story balcony complies with the development standards of the R-1 (Single-Family Residential) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the construction of a 434-

square-foot second-story addition with a 141-square-foot second-story balcony. The design of the home, with a Dutch hip roof with composition shingles and vertical siding to match the existing first story, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

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

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed additions add 434 square feet (34%) of floor area, so this exemption applies. No adverse environmental impacts were discovered during project review by Planning Department Staff.

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

B. 4850 Topaz Street #20-0501 APN: 034-066-06

Design Permit for a remodel of an existing three-story single-family residence, including the conversion of third-story conditioned space into deck, 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: Rod Sockolov

Representative: Kim Carpenter, Filed: 12.02.20

Rod Sockolov, the property owner, clarified his support in staff recommendation regarding the design of the fence.

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

CONDITIONS

1. The project approval is for the remodel of an existing three-story residence to convert third-story conditioned space into additional deck. The maximum Floor Area Ratio for the 3,200 square foot property is 57% (1,824 square feet). The existing FAR of the structure is 103.3% with a total of 3,306 square feet. The proposed FAR of the project is 103.3% with a total of 3,306 square feet, which exceeds the maximum FAR within the zone but does not increase the existing floor area. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 1, 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 #20-0515 shall be paid in full.
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 17.81.160.
16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

DESIGN PERMIT FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The proposed remodel of an existing single-family residence complies with the development standards of the R-1 (Single-Family Residence) Zoning District and secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodel of an existing single-family residence. The proposed remodel will maintain the existing design of the home with brick, stucco, and horizontal lap siding, composite shingle roof, and stacked multi-story deck. 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 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided the additions will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project includes interior and exterior alterations to an existing nonconforming, 3,306-square-foot, single-family residence within the R-1 (Single-Family Residence) zoning district that will not increase the floor area, so this exemption applies. No adverse environmental impacts were discovered during review of the proposed project.

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

5. PUBLIC HEARINGS

A. 307 McCormick Avenue #20-0475 APN: 036-091-04

Design Permit for first- and second-story additions with a Variance request for the required parking space dimensions and side setbacks for an existing 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: Thomas Rathjens

Representative: Dennis Norton, Filed: 11.20.2020

Assistant Planner Sesanto presented the staff report.

James and Lisa Salvino, residents at 309 McCormick Avenue, opposed the design permit and variance request. Mrs. Salvino cited lack of privacy, inadequate parking, issues with past tenants, and prior unpermitted work as reasons for their opposition.

Director Herlihy read an email from Skip and Marilee Allan, residents at 310 McCormick Avenue. They concurred with Mrs. Salvino's concerns and opposed the design permit and variance request.

Chair Routh stated that the Planning Commission did not allow roof and second story decks in the past because of privacy concerns.

Commissioner Wilk stated that the Applicant's request is not unusual in that he merely wants to take advantage of the same variances that were granted to others in the neighborhood.

Commissioner Newman stated that he disagrees with generously granting variances because design guidelines exist to upgrade the community.

Commissioner Christiansen asked staff for clarification regarding the location of the old garage.

Director Herlihy stated that staff can investigate unpermitted work and return to the Commission with additional information.

Commissioner Newman stated he does not believe this project satisfies the state requirements to grant a variance.

MOTION: Continue item to the next regularly scheduled meeting, or when applicant is ready.

RESULT:	FAILED [3 TO 1]
MOVER:	Courtney Christiansen
SECONDER:	Peter Wilk
AYES:	Courtney Christiansen
NAYS:	Ed Newman, Mick Routh, Peter Wilk
ABSENT:	Susan Westman

MOTION: Deny application and variance request without prejudice with the following conditions and findings.

VARIANCE FINDINGS

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

The subject property has a lot width that is common for properties within the neighborhood and under identical zone classifications. The irregular shape towards the rear of lot does not impact the proposed parking space and side encroachment. The project could be designed in a way that complies with the required setbacks. Therefore, the strict application of the development standards for parking space dimensions and side setbacks would not deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

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

New development projects on other properties in the vicinity and zone in which the subject property is situated must comply with the side setback requirements in Capitola Municipal Code (CMC) §17.15.110 – Yards. Therefore, the approval of variances for the parking space dimensions and side setbacks would be a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property the property is situated.

RESULT:	APPROVED [3 TO 1]
MOVER:	Ed Newman
SECONDER:	Mick Routh
AYES:	Ed Newman, Mick Routh, Courtney Christiansen
NAYS:	Peter Wilk
ABSENT:	Susan Westman

6. DIRECTOR'S REPORT

Director Herlihy updated the Commission on code enforcement and the Coastal Commission's communications with the City regarding the zoning code update.

7. COMMISSION COMMENTS

8. ADJOURNMENT

The meeting was adjourned at 8:06 P.M. to the next regular meeting of the Planning Commission to May 06, 2021.

Approved by the Planning Commission

Edna Basa, Clerk to the Commission

FINALIZED 05/06/2021