

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, July 18, 2024 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Courtney Christiansen

**Commissioners:** Paul Estey, Gerry Jensen, Susan Westman, Peter Wilk

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#### 1. Roll Call and Pledge of Allegiance

*The meeting was called to order at 6:00 PM. In attendance, Commissioners Estey, Westman, Wilk, Vice Chair Jensen and Chair Christiansen.*

#### 2. Additions and Deletions to the Agenda

*None.*

#### 3. Oral Communications

- *Goran Klepic.*

#### 4. Planning Commission/Staff Comments

*Commissioner Westman commented on a recent application that denied a proposal for a financial services business in a retail location and requested staff to look into modifying the code to prevent this type of application being denied in the future.*

#### 5. Consent Calendar

##### A. Approval of June 6, 2024, Planning Commission Meeting Minutes

##### B. 604 Escalona Drive

**Project Description:** Application #24-0165. APN: 036-141-24. Design Permit and Coastal Development Permit for an Accessory Dwelling Unit (ADU) above an existing garage within the R-1 (single-family) zoning district.

Environmental Determination: Categorical Exemption

**Recommended Action:** Staff recommends the Planning Commission approve application #24-0165 based on the Findings and Conditions of Approval.

##### **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 exterior design matches all existing primary dwelling materials and colors.

- 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 are common within the neighborhood. 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 neighborhood. The proposal also includes window treatments to minimize privacy impacts.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**  
The proposed project is a single-bedroom ADU on a site that has compliant parking facilities. 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 proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The yard is well landscaped and provides ample outdoor open space for both units.
- 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 over an existing structure. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated in design and with conditions of approval. The location and design of the ADU maintain a compatible relationship with 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 railway to the rear of the lot, which minimizes privacy impacts to the greatest degree possible. The design of the ADU complements the design of the primary residence with siding materials matching the primary residence and roof pitch complies with the 4:12 requirement.
- 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. The project is within the coastal zone and complies with the local coastal plan.
- 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.**  
The project does not impair public views of the ocean or 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.**  
The applicant is requesting a deviation from one applicable development standards for the orientation of the front entry to ADU. In most cases, the entry facing forward or toward the interior

of the property minimizes privacy impacts. In this case, the rear of the property abuts the railway and the main entry of the ADU facing rear property line minimizes privacy impacts, as required.

**Coastal Development Permit Findings:**

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**  
The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
  
- B. The project maintains or enhances public views.**  
The proposed project is located on private property at 604 Escalona Drive. The project will not negatively impact public landmarks and/or public views.
  
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**  
The proposed accessory dwelling unit (ADU) will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources. The area of work is in the rear yard and no major impacts are expected to the front yard landscaping.
  
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**  
The project involves an ADU and will not negatively impact low-cost public recreational access.
  
- E. The project maintains or enhances opportunities for visitors.**  
The project involves an ADU and will not negatively impact visitor serving opportunities.
  
- F. The project maintains or enhances coastal resources.**  
The project involves an ADU and will not negatively impact coastal resources.
  
- G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**  
The proposed project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family) zone.
  
- H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**  
The project involves an ADU on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

**Conditions of Approval**

- 1. 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 on July 18, 2024. All construction and site improvements shall be completed according to the approved plans.
  
- 2. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
  
- 3. Construction activity shall be subject to a 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

Planning Conditions

4. The project approval consists of construction of an upper floor ADU of 400 square-feet over an existing 320 square-foot, two-car garage on the first floor. The maximum Floor Area Ratio for the 4,095-square-foot property is 0.53 (2,170 square feet). The FAR of the project is 39% with a total of 1,604 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 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
5. 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.
6. 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.
7. 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.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director or the Planning Commission, depending on the scope of the changes. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. Prior to issuance of building permit, all Planning fees associated with permit #24-0165 shall be paid in full.
11. Prior to issuance of a building permit, the following agencies will be routed plans for review and approval: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, the building permit plans must show that any new utility lines or extensions will be installed underground.
13. Exterior lighting shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded or frosted and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots. Lighting details and fixture cutsheets shall be included with the Building Permit plan submittal.
14. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition plan clearly identifying all areas of walls and floors to be demolished

15. 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 accessory dwelling unit shall not be sold separately from the primary dwelling.

Public Works Conditions

16. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
17. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
18. Prior to issuance of building permits, the applicant shall submit a stormwater applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
19. 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.
20. 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.

**C. 720 Hill Street**

**Project Description:** Application #24-0257. APN: 036-011-28. Two-year entitlement extension request pursuant to section 17.156.080 of the Zoning Ordinance for the Design Permit, Conditional Use Permit, and Tree Removal Permit #21-0122 for the 42-room hotel project located in the Community Commercial (CC) Zoning District.

Environmental Determination: Categorical Exemption

**Recommended Action:** Staff recommends the Planning Commission approve the two-year extension requested under application #24-0257.

***Motion to approve the Consent Calendar: Commissioner Wilk***

***Seconded: Commissioner Estey***

***Voting Yea: 5-0***

**6. Public Hearings**

**A. 316 A Capitola Avenue**

**Project Description:** Application #24-0133. APN: 035-181-23. Conditional Use Permit for Trestles Restaurant to include the sale of distilled spirits (Type 47 License). The restaurant is located within the MU-V (Mixed-Use Village) zoning district.

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

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider Application #24-0133 and approve the project based on the attached Conditions and Findings for Approval.

*Commissioner Wilk recused himself from Item 6A due to the proximity of his residence to this project.*

*Associate Planner Sesanto presented the staff report.*

*Vice Chair Jensen asked if staff received any public comment on this project. Associate Planner Sesanto confirmed that staff received no comments.*

*Chair Christiansen opened and closed the public hearing with no public comment.*

*Commissioners Westman and Estey, along with Chair Christiansen voiced their support of the application.*

***Motion: Commissioner Westman***

***Seconded: Vice Chair Jensen***

***Voting Yea: 4-0***

***Abstaining: Commissioner Wilk***

**Conditional Use Permit Findings:**

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

Community Development Staff and the Planning Commission have reviewed the project. The general sale of alcohol for on-site consumption is categorized as a conditional use within the MU-V (Mixed-Use Village) zoning district.

**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.**

Community Development Staff and the Planning Commission have reviewed the proposed sale of beer, wine, and distilled spirits at an existing restaurant and determined it complies with all development standards and meets the intent and purpose of the MU-V zoning district.

**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.**

Community Development Staff and the Planning Commission have reviewed the proposed use and determined it is consistent with the underlying restaurant use and with existing and planned uses in the vicinity.

**D. The proposed use will not be detrimental to the public health, safety, and welfare.**

Community Development Staff, and the Planning Commission have reviewed the proposed Conditional Use Permit and determined it will not be detrimental to the public health, safety, or welfare.

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

The proposed alcohol use is part of a longstanding restaurant use, which is located within the heavily developed Capitola Village within the city and is adequately served by existing services and infrastructure.

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

Section 15301 of the CEQA Guidelines exempts minor alterations to existing facilities, such as licensing, provided the project involves negligible or no expansion of use. The proposed project involves amending a conditional use permit within an existing commercial space to include the sale of distilled spirits. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

**Conditions of Approval:**

1. The project approval amends the existing Conditional Use Permit for a restaurant with on-site consumption of beer and wine in addition to beer and wine at 316 A Capitola Avenue. The proposed amendment is approved as outlined in the analysis of the staff report reviewed and

approved by the Planning Commission on July 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The conditional use permit allows the restaurant to operate with a California Department of Alcoholic Beverage Control (ABC), Type 47 license for “on sale general eating place”. The sale of beer, wine, and distilled spirits shall be permitted for on-site consumption. Retail sale of beer and wine for off-site consumption is permissible as an accessory use to the primary restaurant use and must comply with any and all restrictions from the ABC. Subject to Community Development Director determination, alternative ABC licenses may be obtained in lieu of a Type 47, provided they are consistent with a concurrent restaurant use and do not exceed the intent of this approval.
3. The applicant shall maintain an active business license with the City of Capitola.
4. Prior to sale of distilled spirits, all Planning fees associated with permit #24-0133 shall be paid in full.
5. 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.
6. 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 Capitola Municipal Code Chapter 17.156.
7. 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.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

**B. 2155, 2165, 2175 41<sup>st</sup> Avenue**

**Project Description:** Application #24-0258 Master Sign Program application for the retail center in the Regional Commercial (C-R) zoning district.  
Environmental Determination: Categorical Exemption

**Recommended Action:** Staff recommends the Planning Commission approve application #24-0258 based on the Conditions and Findings of Approval.

*Senior Planner Froelich presented the staff report.*

*Commissioner Estey questioned the details of the applicant and ownership groups, wanting to ensure both were in agreement with the proposal, and Senior Planner Froelich confirmed that they are.*

*Applicant representative Bryce Berryessa spoke to the Commission regarding certain aspects of the proposal and stated opposition to the condition of requiring raised lettering on the two shield signs.*

*Chair Christiansen opened and closed the public hearing with no comments.*

*Commissioner Westman commented on the monument sign, the additional shield signs on the building facade, and supported the applicant's request to move forward without the condition of requiring raised lettering on the two shield signs.*

*Commissioner Wilk questioned the history of the master sign program, stating that many signs up and down 41st Ave don't contain raised lettering - Senior Planner Froelich offered an explanation for this.*

*Commissioner Estey also agreed to remove the condition of the raised sign lettering.*

*Commissioner Wilk also questioned why the applicant was required to construct two wall signs despite the possibility that another tenant could come in and eventually occupy the second wall sign. He ultimately recommended removing that condition as well. Finally, he also recommended removing the wood topping on the monument sign and limiting the tenant's requirements in the landscape plan.*

*Chair Christiansen questioned why the building owner was not responsible for ensuring compliance with the Master Sign Program, and Director Herlihy provided an explanation.*

*Vice Chair Jensen also supported removing the requirement to use raise lettering.*

*Commissioners Estey, Wilk, and staff discussed the additional wall sign containing artwork.*

***Motion to approve with modifications to remove the condition to require raised lettering on the wall signs, and to alter the condition stipulating that the applicant "may" install the second wall sign containing artwork: Commissioner Wilk***

***Seconded: Commissioner Estey***

***Voting Yea: 5-0***

#### **Sign Permit Findings:**

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The proposed signage is consistent with the general plan, local coastal program, and the zoning ordinance with the approval of the Master Sign Program. The Master Sign Program for this retail center allows for a coordinated approach to allow signage for the new tenant space without disrupting the existing symmetry and balance of the established building signage.

- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**

Chapter 17.80 allows for the establishment of Master Sign Programs to manage multi-tenant properties. Master Sign Programs are specifically allowed to deviate from Chapter 17.80 to achieve a customized approach for signage at unique properties.

- C. The proposed signs will not adversely impact the public health, safety, or general welfare.**

The proposed signs will not have an adverse impact on the public health, safety, or welfare. The signs are non-illuminated and comply with size and placement allowances for the respective tenant space.

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

The Master Sign Program is intended to address the unique architecture and established symmetrical design of the wall signage at the property. The proposed monument sign has space for four tenant signs and will be stucco painted an off-white color with a wood clad top.



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

The proposed signage are proportional to the size of the building and the length of the frontage wall. The new signs will not be internally illuminated. Additionally, the new wall sign is over 90 feet from the curb. The size of the wall sign is proportional to the building and location from the primary viewing point. There are three existing channel letter signs that are large ranging from 54 to 67 feet. The MSP requires all future channel letter size to comply with the 2.5 feet height limit.

**Conditions of Approval:**

1. The project approval consists of a Master Sign Program to establish sign criteria for the retail center at 2155, 2165 and 2175 41st Avenue in the C-R (Regional Commercial) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing. The applicant is required to update the master sign program to reflect all conditions imposed by the Planning Commission within 30 days of the program approval.
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. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.
4. Signs consistent with an approved master sign program are permitted with an administrative sign permit.
5. Approval of a master sign program shall supersede the regulations of CMC Chapter 17.80 Signs. Any aspect of the proposed signs not addressed by the master sign program shall comply with CMC Chapter 17.80 Signs.
6. All conduit and raceways associated with lighting and signage shall not be visible.
7. Prior to acceptance of plans for Building Permit plan check, the applicant shall provide the Planning Department with an updated record set of plans that incorporates the final design and conditions following Planning Commission approval.
8. The monument sign shall include wood cladding on the broad sides of the arched top.
- ~~9. The tree logo and/or lettering on The Hook wall sign shall be raised proud of the rest of the sign.~~
10. The landscape plan shall be revised to: (1) incorporate 15-gallon native and drought tolerant shrubs in the front planter to screen the garbage dumpster, (2) add perennial flowers and grasses to soften the streetscape, (3) install clover ground cover at a minimum size of 1 gallon with maximum 12-inch spacing between plants and (4) fill open areas between plants with bark mulch. The landscaping shall be inspected pursuant to condition #13.
11. Any sign illumination shall be downward directed and shielded from direct view, so that the illumination source does not shine into adjacent property or distract motorists or pedestrians.

12. Prior to issuance of individual sign permits, all Planning fees associated with permit #24-0258 shall be paid in full.
13. Prior to issuance of building permit, the applicant shall call for a final inspection of the installed landscape plan and repaired irrigation system. General maintenance on existing landscape is required on an ongoing basis.
14. The monument signs shall use illumination with an external source only. The light fixtures shall be downward directed and have shielded cutoffs so that the source of light is not visible from off property.
15. The wall art sign ~~shall~~may be installed at the same time as The Hook Outlet wall sign and shall be included in the same Building Permit submittal.
16. 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.
17. 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.

**C. 720 Hill Street**

**Project Description:** Application #24-0156. APN: 036-011-28. Proposed Tentative Parcel Map to split the existing 3.82-acre lot into two lots. The proposed lot sizes are 1.158 acres and 1.924 acres. The property is located within the C-C (Community Commercial) zoning district. This project is not in the Coastal Zone  
Environmental Determination: Categorical Exemption

**Recommended Action:** Staff recommends the Planning Commission approve the two-lot subdivision requested under application #24-0156.

*Senior Planner Froelich noted a correction to the project description on the agenda - the existing lot is 3.082 acres - and presented the staff report.*

*Chair Christiansen opened and closed the public hearing with no comments.*

**Motion: Commissioner Wilk**

**Seconded: Vice Chair Jensen**

**Voting Yea: 5-0**

**Findings:**

- A. **That the proposed map is consistent with applicable general and specific plans.**  
The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity.
- B. **That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**  
The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity.
- C. **That the site is physically suitable for the type of development.**

Both resulting properties can accommodate a variety of anticipated commercial developments. The applicant has demonstrated by obtaining approval of a new hotel that all development standards can be met.

**D. That the site is physically suitable for the proposed density of development.**

Both created parcels are physically suitable for the anticipated development. The existing Quality Inn on Parcel B and the approved hotel on Parcel A utilize less than 50% of the maximum FAR.

**E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision follows the existing and approved development pattern on the parcels. The approved hotel permit #21-0122 has several conditions of approval that ensure mitigation of environmental impacts. The proposed Tentative Map does not introduce any new environmental impacts.

**Conditions of Approval:**

General Conditions

1. The project approval consists of a tentative parcel map for a minor Land Division/ Lot Split to create two lots zoned Community Commercial. The proposed parcels comply with the General Plan, Zoning Ordinance, and meet or exceed all measurable standards. The proposal is tentatively approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on July 18, 2024.
2. This permit shall expire 24 months from the date of issuance. The applicant shall complete all improvements and furnish the city with all required documents to record the Final Map. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 16.16.140.
3. 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.

Planning Department Conditions

4. Prior to making any changes to the Tentative Map, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #24-0156 shall be paid in full.
6. Prior to recording the Final Map, the applicant must provide documentation of plan approval by the Central Fire Protection District.
7. The owner shall consult the members and/or managers of the Road and Utility Maintenance Agreement to obtain any necessary modifications to the agreement.

Public Works Department Conditions

8. Prior to the recordation of the Final Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.

9. Prior to submittal of the Final Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.
10. The owner (applicant) shall submit four (4) copies of a Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
  - a. One copy of map checking calculations.
  - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
  - c. One copy of each map referenced on the Final Map.
  - d. One copy of each document/deed referenced on the Final Map.
  - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
  - f. One copy of the approved Tentative Map.
11. Interior monuments shall be set at each lot corner, prior to recordation of the Final Map.
12. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map and conditions of approval, prior to Final Map approval.
13. An Encroachment Permit issued by the Public Works Department is required for all work in any portion of the public right-of-way or of a public easement.
14. Prior to Final Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
15. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of construction. Copies of permits other than those issued by the City shall be provided to City Engineer.
16. The owner/applicant shall comply with requirements of Section 13.16.080 of the Municipal Code "Post-construction storm water management". The applicant shall use and maintain Best Management Practices (BMP's) for site design and storm water treatment.

## **7. Director's Report**

*Director Herlihy provided the Commission with updates regarding Planning Commission Meeting Minutes procedure, the closure of the south bound ramp of Bay Ave and Highway 1, the Capitola Village sweep for signs and outdoor display compliance, the status of the 6th Cycle Housing Element preliminary approval and upcoming adoption process, asked for confirmation to hold a special meeting on Aug 8th, and provided a preview of the Special Meeting next week on July 23 and other future meetings, and asked Commissioners to put placeholders on dates for potential*

*meetings on Aug 29th and September 19th. Finally, she reminded the Commission of two community events - July 31st and the September 25th Wharf Grand Opening.*

- 8. Adjournment** – *The meeting was adjourned at 7:03 PM to the next special meeting of the Planning Commission on July 23, 2024, at 5:00 PM.*