

Capitola Planning Commission

Agenda Report



Meeting: April 2, 2026

From: Community and Economic Development Department

Address: 2178 41st Avenue

Project Description: Conditional Use Permit, Design Permit and Sign Permit #24-0407 for the demolition of an existing convenience store, construction of a new convenience store, and new signs on a 0.80-acre site located at 2178 41st Avenue (APN 034-221-02), within the Regional Commercial (C-R) zone district. The gas pumps, fuel canopy, and fuel tanks will remain. This project is not located within the Coastal Zone.

Recommended Action: Planning Commission consider Permit #24-0407, and approve Conditional Use Permit, Design Permit, and Sign Permit #24-0407 pursuant to the findings and analysis included in the staff report and subject to the Conditions of Approval.

Property Owner: Ed Hadad, Owner

Representative: Muthana Ibrahim, M I Architects, Inc.

Applicant Proposal: The project consists of a Conditional Use Permit, Design Permit, and Sign Permit to replace the convenience store with a larger convenience store while keeping the existing gas station with the gas pumps, fuel canopy and fuel tanks as is. The existing driveways and aisles are to remain in their current locations and to be upgraded to comply with ADA requirements. The drive access to the parcel to the north (access to Pizza My Heart) would remain. The project includes new signs for the rebranding to 7-11. Project plans have been provided (Attachments 1 and 2). The proposed convenience store's architectural style most closely resembles a "Contemporary" architectural style. The project will include new landscaping and a new masonry trash enclosure.

Background: The project site is located within the C-R zone district, within the 41st Avenue commercial corridor. The subject site is bordered to the north, south and west by commercial development. Residential development borders to the east, at the rear of the site. The existing site includes a 2,091 square-foot fuel canopy structure and a 1,679 square-foot convenience store. The Planning Department received the subject application on October 18, 2024. The application was deemed complete on March 18, 2026.

Development and Design Review: On June 25, 2025, the Development and Design Review team reviewed the application and provided the applicant with the following direction and recommendations:

Public Works Representatives, Kailash Mozumder: K. Mozumder explained that the project would require full ADA compliance along the full street frontage and driveway aprons. In addition, any required trenching for service lines would be required through a single trench line.

Contract Building Official, Robin Woodman: R. Woodman inquired into the grade change along the rear of the property shared with the residential properties.

Associate Planner, Sean Sesanto: S. Sesanto requested an updated title report, and discussed options for the bollards proposed along the building frontage. It was requested that the applicant comprehensively address the design review comments prepared by the City design review consultant and resubmit updated elevations.

Discussion: The property is located along the 41st Avenue commercial corridor, near the 41st Avenue and Gross Road intersection and Highway 1 interchange. The site abuts commercial uses along the commercial corridor, as well as a shared rear boundary with three residential properties. The existing site includes a 2,091 square-foot fuel canopy structure and a 1,679 square-foot convenience store.

As stated above, the project includes a Conditional Use Permit to replace and enlarge the retail store associated with the “gas and service station”, a Design Permit for a new commercial structure, and a Sign Permit to replace the existing signs with new 7-11 signs.

Conditional Use Permit: Pursuant to CMC § 17.24.020.A, a Conditional Use Permit is required for gas and service stations within the C-R zone district. A “gas and service station” is defined as a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities. The project includes the demolition of the existing retail establishment associated with the gas station, and replacement with a larger facility; therefore, a Conditional Use Permit is required.

The applicant has provided a detailed project description (Attachment 3). The existing facility operates with three employee shifts to staff the facility for 24 hours. There are three full-time employees for the first shift and two full-time employees for the second and third shifts. There are seven full-time employees five days a week and two part-time employees two days a week. There will be no change in the staffing with the new convenience store. The gas station will be open 24 hours per day, seven days of the week.

Pursuant to CMC §17.124.060, when evaluating a Conditional Use Permit, the Planning Commission shall consider the following underlined characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
Staff Analysis: The gas station will continue selling fuel, with no proposed modifications to the fueling canopy or fueling facility. Fuel deliveries will be received seven days a week. The gas station and convenience store will operate 24 hours a day. Exterior lighting will be down directed and shielded, and will not spill onto adjacent properties. The project is designed to have adequate on-site circulation. The traffic generated by the proposed use would not impose an undue burden on surrounding streets.
- B. Availability of adequate public services and infrastructure.
Staff Analysis: Public services and infrastructure are available at the site.
- C. Potential impacts to the natural environment.
Staff Analysis: The application is for the demolition and redevelopment of the onsite convenient store. The proposed project is exempt pursuant to the California Environmental Quality Act (CEQA) Sections 15303 and 15311(a), which is described in the CEQA section below.
- D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.
Staff Analysis: The size and shape of the property are adequate for the proposed use, as the site would be able to accommodate the parking and circulation related to the expanded convenient store without creating detrimental effects on adjacent properties. The proposed modifications would not change the existing circulation on the site. The Public Works team and Building Official have reviewed the site improvement plans and determined that the project would comply with the City’s codes, as conditioned.

Sign Permit: Pursuant to CMC § 17.80.070.A, each business may have a mix of the sign types allowed by CMC § 17.80.080 (standards for specific types of signs) provided the area of all signs on the property does not exceed the maximum established signs allowed within the zoning district. For the C-R district,

the project is allowed one square foot of signage per linear foot of building frontage or 50 square feet maximum. Table 1 provides the proposed sign details for the project:

Table 1- Sign Details		
Improvement	Existing Development	Proposed Development
SIGNAGE		
Sign A-Welcome Vinyl	N/A	9.92 square feet
Sign B – ATM Sign	N/A	3.20 square feet
Sign C – Existing Main ID Sign	15.29 square feet	15.29 square feet
Sign D – Channel Letter	N/A	21.30 square feet
Existing Directional Sign	Located within Public Right-of-Way	Conditioned to be removed with project
Canopy Sign-North	6.9 square feet	Conditioned to be removed with project
Canopy Sign-South	6.9 square feet	Conditioned to be removed with project
Total Proposed Signage:		44.71 square feet

Figure 1 shows the location of proposed signs A, B and D and Figure 2 is the proposed fuel ID and price sign, to replace the existing sign.

Figure 1: West Elevation Proposed Signage (Signs A, B and D)

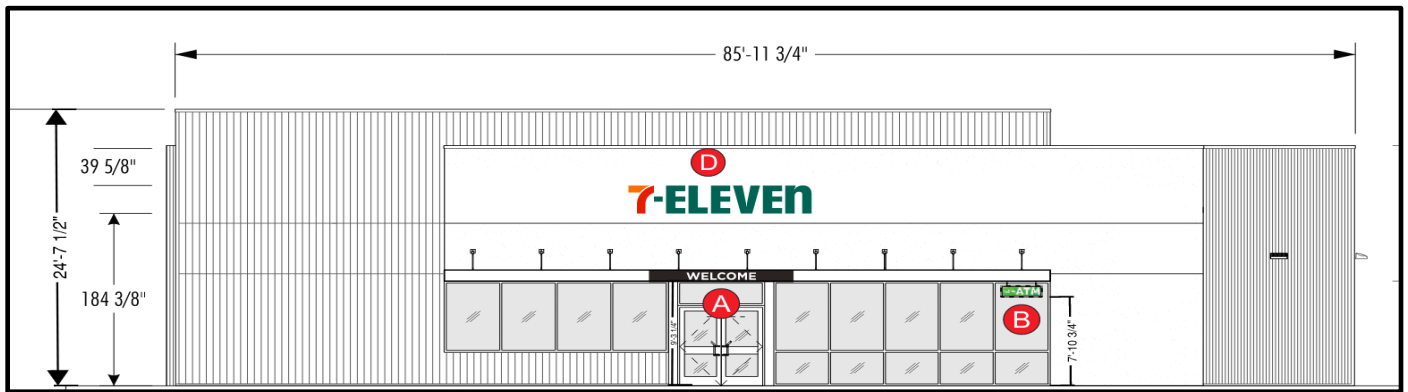
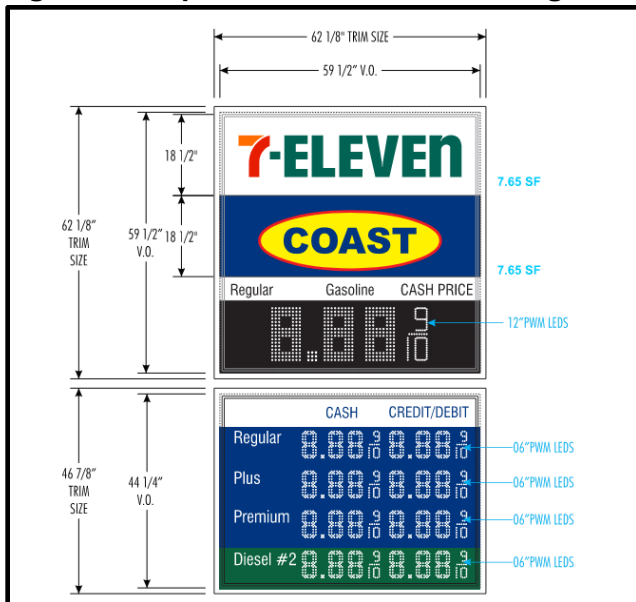


Figure 2: Proposed Fuel ID and Price Sign



The project includes conditions to remove the existing directional sign located within the public right-of-way, and the canopy signs. With these conditions, the project would comply with the 50 square foot maximum requirement.

Zoning Code Requirements: This section outlines the project's consistency with the Zoning Code and Design Standards.

Development Standards: Table 2 outlines the Zoning Code requirements for development in the C-R zoning district. Based upon this analysis, the proposed project complies with the standards of the C-R zone district.

Table 2- C-R Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Comments
SETBACKS			
Front	15 feet from curb or street edge; minimum 10-foot sidewalk along property frontage.	Existing Canopy- 17.8 feet New Store-126.6 feet	Complies
Rear	20 feet	32.6 feet	Complies
Side	0 feet	North-58.6 feet South- 20.25 feet	Complies
SITE DEVELOPMENT			
Floor Area Ratio	1.5	0.19	Complies
Building Height	40 feet	24.6 feet	Complies
Landscaping	5 percent	22 percent	Complies
PARKING			
Automobile- Two spaces for gas station plus one space per 100 square feet of retail space	Station: 2 spaces Retail: 2,319 square feet retail/100 = 23 spaces Total Required: 25 spaces	25 spaces	Complies
Bicycle - Short-Term: 10 percent of required automobile spaces. Long-Term: One per 20 required automobile spaces.	Short Term- 3 spaces (2.5 rounded up) Long Term- 1 space	Short Term- 2 spaces Long Term- 2 spaces	Project conditioned to provide one additional Short-Term space.

Parking and Loading Requirements: The existing drive aisles and parking spaces will be re-organized and re-striped to accommodate the new convenience store location. Adequate on-site pedestrian pathways are provided that connect the primary entrance to the public sidewalk via a striped crosswalk and raised private walkway located along the northern property line. In accordance with Table 17-76-2 of CMC Chapter 17.76 (Parking and Loading), the gas station would require two parking spaces, the retail component of the project would require an additional 23 parking spaces, for a total of 25 required parking spaces. An on-site loading space is not required for the retail component, as the retail space is less than 10,000 square feet.

Bicycle Parking: Pursuant to CMC § 17.76.080, the project is required to provide short-term and long-term bicycle parking. The project is required to provide three short-term spaces; however, the plans provide for two bicycle racks. The project has been conditioned to require one additional short-term bicycle rack. Two long-term spaces would be provided within a metal bicycle vault. All bicycle parking will be required to comply with the design standards specified for both short-term and long-term bicycle parking.

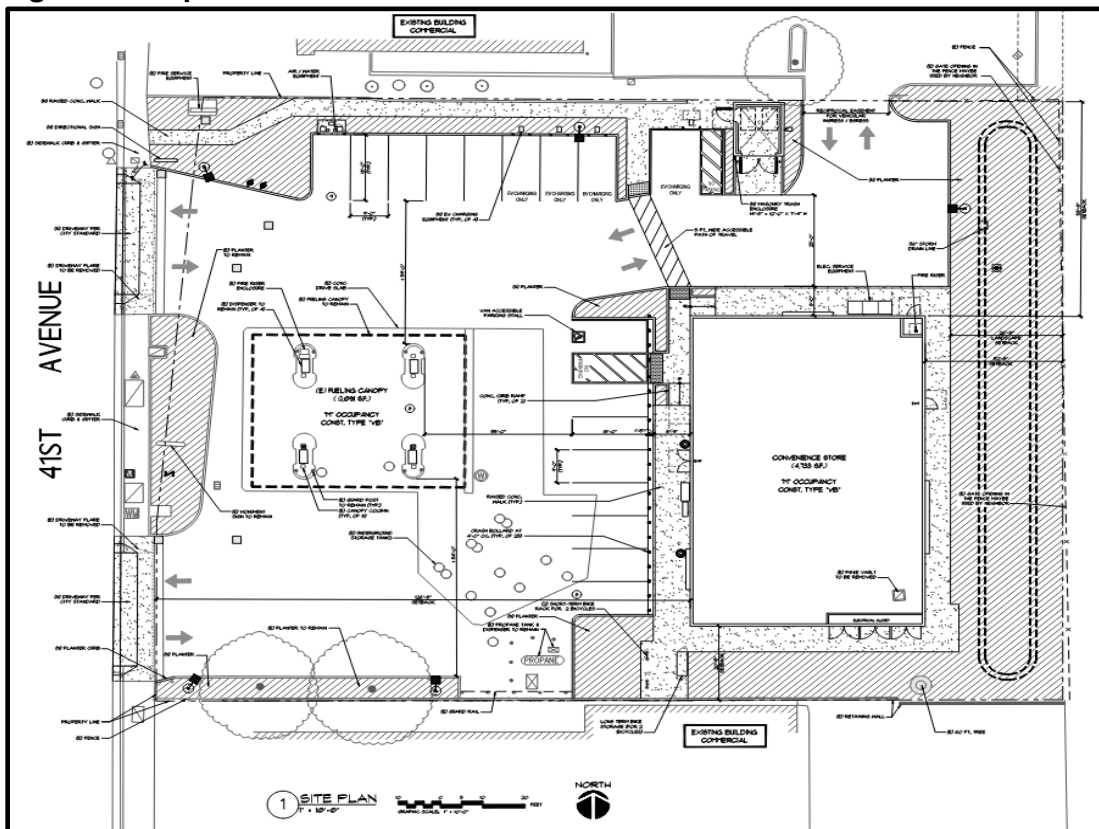
Parking Lot Lighting: The project is required to provide adequate illumination for public safety over the entire parking area. All parking space area lighting is required to be directed away from residential properties to minimize light trespass and fixtures are to be hooded and downward facing. The building will have wall packs and the parking lot will have 16-foot pole light fixtures. The project has provided a photometric plan to demonstrate compliance with the City's lighting requirements.

Design Review: Design Permits for commercial projects are reviewed by a City-contracted design professional prior to review and action by the Planning Commission. RRM Design Group was contracted by the City to complete the third-party review, and overall architectural evaluation of the project in accordance with CMC Section 17.120.070 (Design Review Criteria). RRM Design Group prepared a detailed evaluation for the project dated May 20, 2025 (Attachment 4). The applicant responded and made modifications to the project based upon the recommendations (Attachment 5).

Site Planning: The project proposes to demolish the existing convenience store and construct a new, larger convenience store pushed closer to the rear property line. The existing drive aisles and parking spaces will be re-organized and re-stripped to accommodate the new convenience store location. Adequate on-site pedestrian pathways are provided that connect the primary entrance to the public sidewalk via a striped crosswalk and raised private walkway running along the northern property line. New planter areas will be provided near the parking spaces adjacent to the proposed convenient store entrance that enhance the overall site appearance.

RRM Design Group recommended that the applicant consider reducing the number of bollards located between the proposed parking spaces and walkway running along the primary entrance or alternatively incorporating wheel-stops to avoid the need for the large amount of bollards proposed to improve the physical appearance of the proposed structure from the public realm. The applicant has indicated that the bollards are required for the project to deter traffic from accidentally driving on to the sidewalk in front of the store and are necessary for the safety of the use. The site plan is provided in Figure 3.

Figure 3: Proposed Site Plan



Architecture: When reviewing the project, RRM Design Group indicated that the design had incorporated minimal massing strategies to remove the “box-like” appearance. The west elevation provides variation in massing through a change in wall plane height, and it was suggested that the applicant consider a similar strategy on the east elevation facing single-family residential uses to further improve the projects appearance to neighboring dwelling units (CMC 17.120.070 B). Additionally, it was recommended that the applicant consider furring-out wall planes more than six inches when transitioning materials to ensure all materials terminate at-inside corners and further break-up the proposed structure on all elevations. The applicant added the wall projection and changed the wall plane, as recommended.

The applicant is proposing to use a flat roof style with a 3.25 foot parapet to introduce variation in the roof line appearance. To establish a sense of variation along the east elevation roof line, RRM Design Group recommended that the applicant incorporate a parapet, similar to the usage on the west elevation, to break up the current monotonous appearance of the unbroken roof line. As recommended, the applicant modified the project plans.

The primary entry is provided on the street facing west elevation, defined by a covered awning and surrounded by large transparent windows. RRM Design Group recommended further accentuation of the canopy through enlargement or further incorporation of the canopy into the proposed signage. As recommended, the canopy has been accentuated.

The applicant is proposing clear glass and black aluminum storefront doors and black aluminum storefront windows, considered consistent with the proposed contemporary architectural style. To further enhance the street facing west elevation, RRM Design Group recommended the possibility of applying windows above the proposed awning to establish transparency and elevate the project design. The project design has been modified to add clear story windows.

The project proposes the use of the following colors and materials: “Versatile Gray” cement plaster finish; “Burned Slate” corrugate metal panel; “Matte Black” aluminum fascia awning; “Coal Black” pre-finish metal coping; “Cedar” fiber cement siding; “Tricorn Black” exterior roof access ladder. RRM Design Group recommended incorporating additional color or material on the east elevation to avoid the appearance of a large blank stucco box facing the single-family dwellings to the east (CMC 17.120.070 K). Potential solutions to improve the east elevation could include incorporating a furred-out wall plane along the right-hand side of the elevation donned with the “Burned Slate” corrugate metal panel or “Cedar” fiber cement siding. The project has been modified to include additional color and materials on the east elevation, with an additional projection.

The applicant has incorporated the recommended changes primarily recommended to the east and west elevations provided in Figures 4 and 5.

Figure 4: Proposed West Elevation

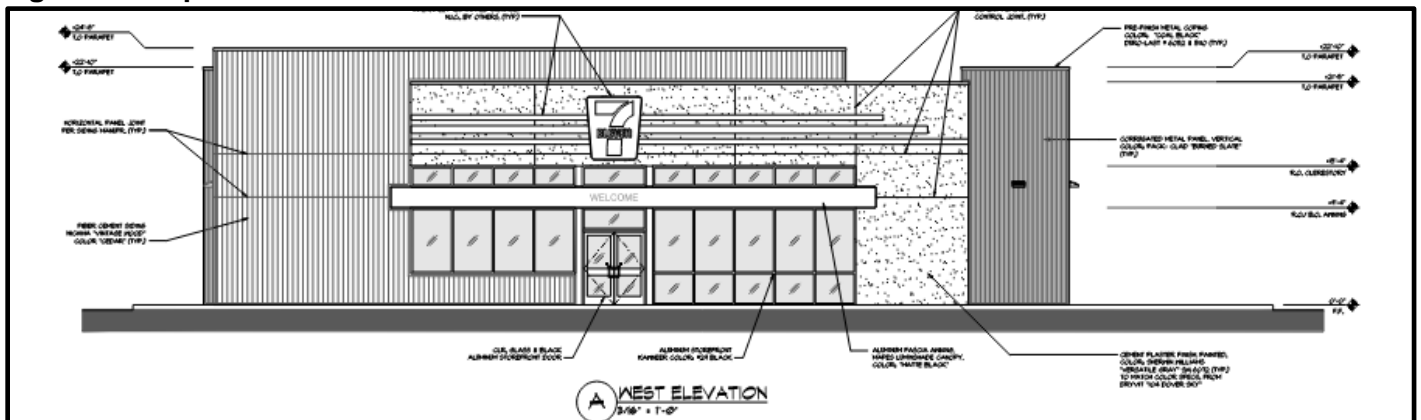
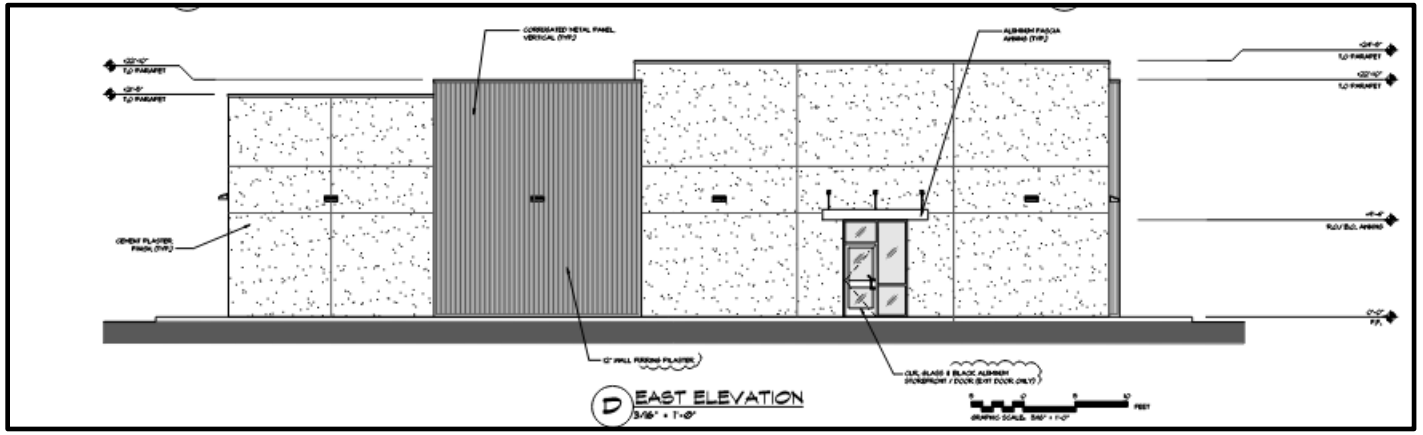


Figure 5: Proposed East Elevation

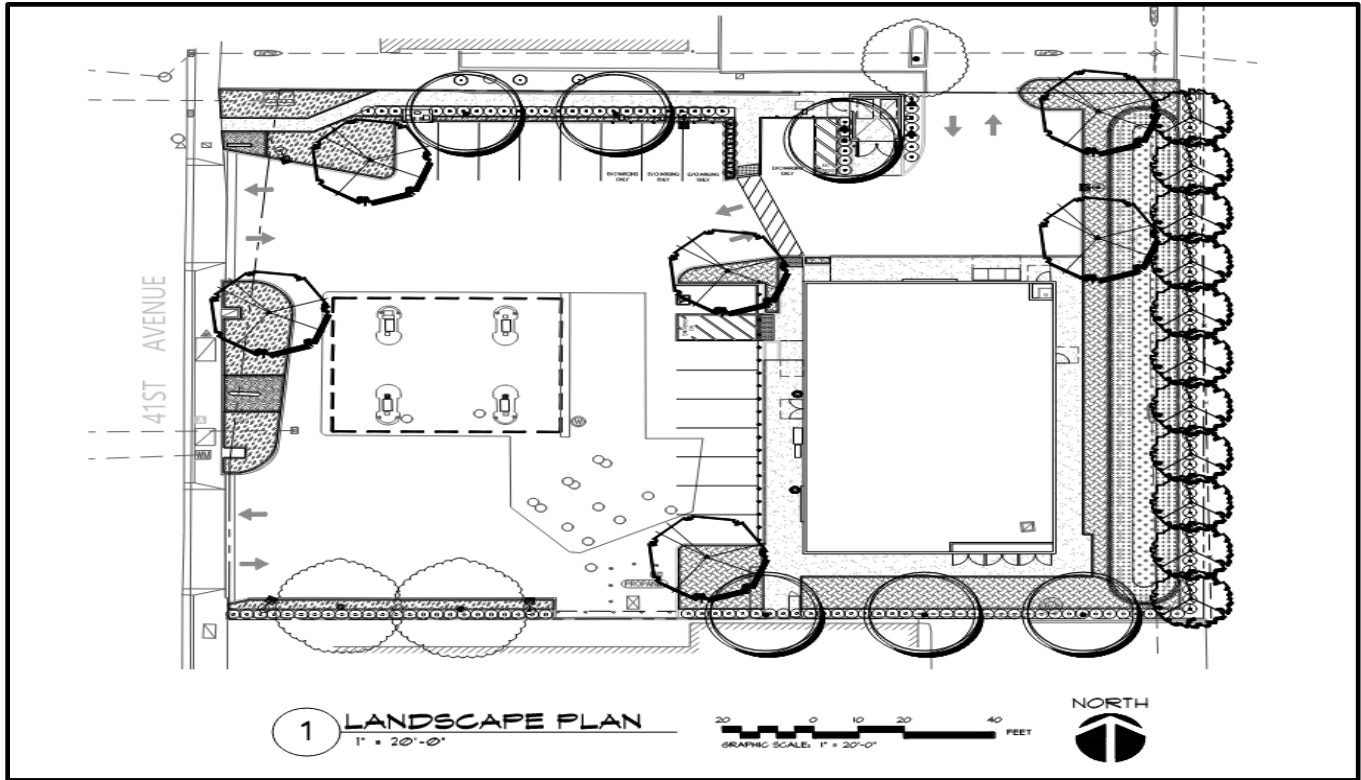


Landscaping: Pursuant to CMC Section 17.120.070.M, landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area. In addition, the C-R zone district requires minimum landscape requirements. Table 3 outlines the applicable landscape requirement for the proposed development in the C-R zoning district.

Table 3 –CC Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Compliance
Site Requirements			
LANDSCAPING			
Overall Project Site	5 percent (34,848 square feet x .05= 1,742 square feet)	23.6 percent (8,237 square feet)	Complies
Parking Lot	16 to 30 parking spaces = 10 percent	11 percent (3,851 square feet)	Complies

The project will be providing the required perimeter landscaping, with significant planting at the rear of the site, where the project borders residential development. The project will be providing a 26.6-foot landscape buffer, planting 11 Dodonea Vicosa trees (15 gallon) and two Lagerstroemia indca 'Tuscarora' (24-inch box), along with other various shrubs and groundcover. The existing fence separating the commercial and residential uses will remain. The required shade trees will be planted within the parking area and along the north and south property lines. The landscape plan includes 8,237 square feet of landscaping, exceeding the City's requirement. Figure 6 provides the proposed landscape details.

Figure 6: Proposed Site Landscaping



The project will be required to demonstrate compliance with the Soquel Creek Water District's Maximum Allowable Water Use as required by Section 17.72.060 B1.

California Environmental Quality Act (CEQA): Regulatory agencies direct corrective actions and evaluate site conditions for leaking underground storage tank (UST) petroleum cases to safeguard human health, safety, and the environment, as mandated by Health and Safety Code section 25296.10, subdivision (g). Through over 40 years of investigating and remediating petroleum UST releases, the State Water Resources Control Board (State Water Board) has identified specific site conditions and characteristics that, when met, generally guarantee the protection of human health and the environment while leaving limited residual hydrocarbons in the ground that naturally degrade over a reasonable time. Cases that meet these criteria are deemed "low-threat" and may be proposed for case closure.

The State Water Board adopted the Low-Threat Underground Storage Tank Case Closure Policy (Policy) on May 1, 2012 (Resolution No. 2012-0016), and the Policy became effective on August 17, 2012. The Policy outlines standardized criteria to meet low-threat closure conditions and is accompanied by three Technical Justifications for groundwater, soils, and soil vapor, that detail how these criteria were determined. This Policy is essential for ensuring consistent statewide standards when closing low-threat petroleum UST cases in California.

In 2014, the property owner took corrective action regarding a UST. The Central Coast Regional Water Quality Control Board (CCR WQCB) issued a Case Closure Letter (Case No. 2457) on February 4, 2014 (Attachment 6). The closure letter did indicate that there would be residual contamination, and any associated risks are expected to reduce with time. There are no open cases on the site. The project is 0.80 acres in size. The site has a total of 26,141 square feet of impervious area. The area of disturbance is limited to the demolition of the existing commercial structure and existing impervious areas. The 4,324 square foot impervious area containing the fueling facility, canopy and fuel tanks will remain unaltered. The site would have 26,625 square feet of impervious area post construction. Approximately 200 cubic yards would be exported from the site. Because the site is considered a "low threat" as determined by

the CCR WQCB, and because there will be limited site disturbance, it has been determined that further environmental analysis is not warranted for the project.

The project has been conditioned to notify the Santa Cruz County Environmental Health Division (SCCEHD) Environmental Cleanup Program and CCR WQCB prior to issuance of a building permit to determine whether the agencies would require the preparation of a Health Risk Assessment.

This project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to 15303-(New Construction or Conversion of Small Structures) and Section 15311(a) (On-premise signs). The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Conditional Use Permit Findings:

- A. **The proposed use is allowed in the applicable zoning district.**
Gas and service stations, with the sale of incidental food and beverage are allowed with the issuance of a Conditional Use Permit in the C-R zone 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.**
The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed project complies with all development standards of the C-R zoning district. The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.
- 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 Community Development, Design and Development Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The proposed project and supporting improvements will comply with the applicable design review criteria as described by RRM Design Group.
- D. **The proposed use will not be detrimental to the public health, safety, and welfare.**
The proposed Gas station with convenience store will not have an impact on public health, safety, and welfare, as there will be no modifications to the fueling facility or canopy.
- E. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
The proposed use is within the City and is adequately served by existing infrastructure.

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.**
The Community Development Department, Development and Design Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The project complies with the City's Design Review Criteria.
- B. **The proposed project complies with all applicable provisions of the zoning code and municipal code.**
The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed project complies with all

development standards of the C-R zoning district. The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.

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

The project is categorically exempt from the provisions of CEQA pursuant to Sections 15303 – New Construction or Conversion of Small Structures and Section 15311(a) Accessory Structures. None of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). The project will not have a significant adverse effect on the environment.

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 development will not have an impact on public health, safety, and welfare. The new commercial building will be fire sprinkled and will be served by all necessary public utilities.

E. The proposed project complies with all applicable design review criteria in CMC Section 17.120.070 (Design Review Criteria).

The Community Development, Design and Development Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The proposed project and supporting improvements will comply with the applicable design review criteria as described by RRM Design Group.

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 Community Development Department and the Planning Commission have reviewed the sign application and determined that the proposed signs will secure the purposes of the zoning ordinance, design standards, and general plan.

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

The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed signs comply with all applicable development standards in Chapter 17.80 (Signs). The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.

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

The proposed signs will not have an impact on public health, safety, and welfare. Building permits will be obtained for all new signage and all signs will be located on the property, and will not obstruct the public right-of-way.

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

The Community Development Department and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the structure on the site.

E. The proposed signs are restrained in character and no larger than necessary for adequate identification. (Ord. 1043 § 2 (Att. 2), 2020)

The Community Development Department and the Planning Commission have reviewed the sign application and determined the proposed sign designs are not larger than necessary for adequate identification.

Conditions of Approval:

General Conditions

1. The project approval consists of a Conditional Use Permit, Design Permit and Sign Permit for the demolition of an existing convenience store, construction of a new store, and new signs on a 0.80-acre site located at 2178 41st Avenue (APN 034-221-02). The fuel station canopy and fuel facilities to remain unchanged. Conditional Use Permit, Design Permit and Sign Permit No. 24-0407, is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 2, 2026, except as modified through conditions imposed by the Planning Commission during the hearing.
2. This permit shall expire 24 months from the date of issuance unless exercised. 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.
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 the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.
5. 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.
6. 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.
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. The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.

9. Green Waste is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.

Planning Department Conditions

10. Prior to making any changes to the 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.
11. Prior to issuance of a building permit, all Planning fees associated with Permit #24-0407 shall be paid in full.
12. Air-conditioning equipment or other mechanical equipment shall be screened from view and fall within allowable city-permitted decibel levels. Additional details showing equipment locations and any mechanical screens shall be shown on the building permit plans.
13. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. 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.
14. Prior to issuance of a building permit, the Building Permit plans will be routed for plan approval to the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
15. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, reasonable attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. The City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.
16. Prior to occupancy, the Landscape Architect shall certify in writing that the landscaping and irrigation has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Community Development Director.

17. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
18. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
19. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
20. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, disposed of in full compliance with all applicable federal, state, and local regulations.
21. Any sign illumination must be screened from direct view, so that the illumination does not shine into adjacent property or distract motorists or pedestrians.
22. Wall signs shall use illumination within the lettering and logo only. The background must be solid and may not be illuminated.
23. All illumination must comply with the standards of the sign ordinance and municipal code. Animated signs and moving lights are prohibited. No sign shall have an intensity of more than fifty foot-candles as measured from the ground level.
24. The project shall comply with the City's short-term and long-term bicycle parking requirements pursuant to CMC § 17.76.080 and shall provide at minimum three short-term bicycle spaces and one long-term bicycle space. All bicycle parking will be required to comply with the design standards specified for both short-term and long-term bicycle parking.
25. Any unpermitted signage located within the public right-of-way or onsite shall be removed prior to issuance of a building permit.
26. The signs on the canopy shall be removed from the project site prior to building final.
27. The applicant shall notify Santa Cruz County Environmental Health Services and Central Coast Water Quality Control Board to determine whether the proposed development would necessitate the preparation of a Health Risk Assessment. If a Health Risk Assessment is required, the assessment shall be completed prior to issuance of the Building Permit and all requirements shall be adhered to, as determined by the Santa Cruz County Environmental Health Services and Central Coast Water Quality Control Board.

28. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
 - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
 - a. The property owners and/or project manager shall notify the Community Development Department immediately.
 - b. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.

29. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Public Works Department Conditions

30. Prior to issuance of a building permit, the applicant shall provide the driveway dimensions to ensure there is enough space for standard CAP-008. Public Works Standard Details can be accessed on the City's website: <https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>

31. Prior to issuance of a building permit, the applicant shall provide further clarification on how the surface drainage is being handled. On the stormwater control plan sheet there are large arrows labeled "Overland Release" that appear to show on site drainage sheet flowing across the sidewalk and into the street without being routed through the bioretention system. (Public Works does not permit for onsite drainage to be directed over sidewalks).

32. Prior to issuance of a building permit, the applicant shall respond to all questions/comments and complete all required conditions listed by HydroScience Engineers in the HSE Memo Letter, dated January 30, 2026. Address all HSE redlined comments and questions provided on the project's plan set, Stormwater Permit Application Form, and the Stormwater Control Plan (HSE comments dated January 27, 2026).

33. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan, including any revisions resulting from changes made during construction for review and approval by the Public Works Director and recorded in the Office of the County Recorder. The Operation and Maintenance Plan shall include any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of the stormwater treatment BMPs.

34. The Engineer of Record shall inspect and provide record drawings of construction of stormwater management improvements and certify to the City that the construction meets the intent of the approved design drawings, Stormwater Control Plan, and City Post Construction Requirements.

35. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.

36. General Site Maintenance: Keep work site clear of debris and be aware of tracking mud, dirt, gravel into the street, and sweep daily, cover all stockpiles and excavation spoils. Practice good housekeeping and maintain temporary construction BMPs.
37. Prior to project final, any areas onsite with disturbed soils or denuded of vegetation must be stabilized or replanted so as to inhibit erosion by wind or water and are consistent with the project's approved drainage plan.
38. Prior to project final, any cracked or broken driveway approaches, curbs, gutters, or sidewalks must be identified, documented, and replaced pursuant to Public Works Standard Details and approved by the Public Works Department. A pre-construction inspection by Public Works staff is required to review and approve these conditions. All replaced features shall meet current Accessibility Standards. Public Works Standard Details can be accessed on the City's website: <https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>
39. Prior to any work in the City right-of-way (most often roads and sidewalks), an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the City right-of-way. To apply for an encroachment permit, please visit the City's website: <https://www.cityofcapitola.org/publicworks/page/encroachment-permits>

Encroachment Permits – all proposed work interfacing with the public right of way or outside of the limits of the private property will require an Encroachment Permit review. Standard Encroachment Permit – any work in the City right-of-way. Revocable Encroachment Permit – any work between the limits of the private property and City right-of-way.

Attachments:

1. 2178 41st Avenue - Project Plans
2. 2178 41st Avenue – Sign Plans
3. 2178 41st Avenue – Project Description
4. 2178 41st Avenue - RRM Design Review Memo – May 20, 2025
5. 2178 41st Avenue - Response to RRM Design Review Memo
6. 2178 41st Avenue – CCR WQCB Case Closure Letter - February 4, 2014

Report Prepared By: Gina Paolini, Principal Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director