

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, March 03, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman,

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

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

#### 2. NEW BUSINESS

None presented

#### 3. ORAL COMMUNICATIONS

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

Director Herlihy clarified that items 5.A and 5.B on the consent agenda will be continued.

##### B. Public Comments

None presented

##### C. Commission Comments

None presented

##### D. Staff Comments

Director Herlihy shared that Sean Sesanto, who has been with the city for three years, has been promoted to the position of Associate Planner.

Director Herlihy stated that the Kaiser project is not yet on the County agenda. City Council will discuss the future of in-person meeting in the April agenda. Update to follow.

#### 4. APPROVAL OF MINUTES

Motion: Approve the minutes from the January 20, 2022, and February 3, 2022, Planning Commission meetings.

A. January 20, 2022, Regular Planning Commission Meeting Minutes

B. February 3, 2022, Regular Planning Commission Meeting Minutes

**Mover:** Vice Chair Westman,

**Second:** Commissioner Routh.

**Yea:** Commissioner Newman, Commissioner Routh, Vice Chair Westman, Chair Wilk

**Abstaining:** Commissioner Christiansen

## 5. CONSENT CALENDAR

### A. SB9 Ordinance Applicable to Single-Family Zone

**Permit Number: #22-0079**

**APN: Applicable to all parcels in R-1 (Single-Family) Zone**

Project Description: Request to Continue. Amendments to the Capitola Municipal Code, Adding Section 17.75 Two-Unit Developments to Title 17, Part 3 (Zoning, Citywide Standards), Adding Section 16.78 Urban Lot Splits to Title 16 (Subdivisions), Amending Section 17.74 Accessory Dwelling Units, and Amending Section 16.08 Definitions for the implementation of Government Code Sections 66411.7 and 65852.21 Related to Urban Lot Splits and Two-Unit Developments.

Environmental Determination: Implement of Government Code sections 65852.21 and 66411.7, are not considered a project under CEQA.

Property Owner: Ordinance applies in the R-1 (Single-Family) zoning district

Representative: Katie Herlihy, Community Development Director

### B. 106 Cliff Avenue

**Permit Number: #21-0404**

**APN: 036-112-17**

Design Permit and Historical Alteration Permit for additions to a historic single-family residence, a new detached single-story accessory structure that includes an accessory dwelling unit (ADU) and garage, and a Variance for the maximum height of the primary structure. The permit includes the demolition of two non-historic accessory structures behind the primary residence. The project is located within the R-1 (Single-Family Residential) zoning district.

Motion: Continue Items 5.A and 5.B to the April 7, 2022, Planning Commission meeting.

**Mover:** Commissioner Routh,

**Second:** Vice Chair Westman.

**Yea:** Commissioner Christiansen, Commissioner Newman, Commissioner Routh, Vice Chair Westman, Chair Wilk

## 6. PUBLIC HEARINGS

### A. Right-of-Way in front of 709 Escalona Drive

**Permit Number: #21-0494**

**APN: N/A (in Public Right-of Way)**

Coastal Development Permit for Soquel Creek Water District to construct a new four (4) inch diameter monitoring well within the R-1 (Single Family Residential) district. The project is located within the Coastal Zone and requires a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15306

Property Owner: City of Capitola

Representative: Skyler Murphy for Soquel Creek Water District  
Senior Planner Brian Froelich presented the staff report.

Public comments: None presented

Motion: Approve Coastal Development Permit with the following conditions and findings with added condition #9.

### Conditions of Approval

1. The applicant shall inform the Public Works Department of any damage and shall repair any damage caused by the project to sidewalks, curbs, private driveways, and public and private roadways, prior to final inspection and shall provide the City with photographs of the existing pre-project conditions of the roadways and sidewalks, prior to issuance of Encroachment Permits.
2. The applicant shall provide a traffic control plan to the Public Works Department along with the application for Encroachment Permits. The applicant shall plan and prepare for staffing and methods of managing mobilization, deliveries, haul-away, and avoid extended periods of standing or blocking the roadway and private driveways.
3. The applicant shall disperse construction personnel parking along the street and avoid parking more than two (2) vehicles along the same 100' section of the roadway.
4. The applicant shall hand sweep the roadway daily and at the request of the Public Works Department.
5. Hours of operation shall be limited to 7:30am to 5:30pm. The first and last 30 minutes shall be for low noise tasks, layout, and clean up. Drilling operations shall be limited to between 8:00am and 5pm.
6. The Planning and Public works Departments shall perform a final inspection to determine appropriate erosion control measures and grade restoration. Erosion control and any determined site restoration measures shall be completed prior to final sign off.
7. Drilling and heavy equipment shall not be deployed or operated between October 1st and March 1st pursuant to Section 17.64.050 (Monarch butterfly habitats).
8. A sign shall be displayed on the temporary fence providing contact information for the Soquel Creek Water District Disturbance Coordinator.
9. The Soquel Creek Water District shall, at their sole expense, adjust the surface conditions of the wells to accommodate access for all traffic modes, as needed, for future public or private development projects and improvements. This includes but is not limited to the installation of sidewalks, curbs, gutters, and public or private roadways and driveways.

### Coastal Findings

1. **The project is consistent with the LCP land use plan, and the LCP implementation program.** The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
2. **The project maintains or enhances public views.** The proposed project has no permanent impact on view or access.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.** The proposed project will have a minimal impact to existing vegetation. Condition of Approval #6 requires the applicant to re-plant and restore any minor impacts to grade and vegetations.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.** The project has no impact on recreation access or cost. Condition

#2 requires a temporary traffic control plan be evaluated by the Public Works Department. The applicant will need to demonstrate methods for managing and maintaining bike, pedestrian, and vehicle traffic during the operation.

5. **The project maintains or enhances opportunities for visitors.** The permanent project has no impact on visitors and opportunity.
6. **The project maintains or enhances coastal resources.** The proposed monitoring well and drilling operation does not restrict public access and will protect ground water resources.
7. **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 monitoring well will be flush with grade and is a passive installation. There are no significant design or operational impacts associated with the installation of the monitoring well.
8. **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 will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. Short term noise and traffic safety impacts will be proactively managed with the conditions of approval.

**Mover:** Commissioner Routh (with addition of condition #9)

**Second:** Vice Chair Westman.

**Yea:** Commissioner Christiansen, Commissioner Newman, Commissioner Routh, Vice Chair Westman, Chair Wilk

**B. 501 El Salto Drive**

**Permit Number: #21-0548**

**APN: 036-144-11**

Tree Removal Permit to remove seven palm trees, a Design Permit to allow a fence that exceeds the maximum height standard, and a Major Encroachment Permit for a fence in the public right-of-way located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Ducky Grabill

Representative: Michael Grabill, Filed: 11.23.21

Associate Planner Sean Sesanto presented the staff report.

Commissioner Westman highlighted the importance of the Fire Department's input and the types of trees used.

Public comments: None presented.

Motion: Approve the project with change and condition #2; with the condition that the Fire Department sign off on the project regarding fire hydrant.

### Conditions of Approval

1. The project approval consists of a tree removal permit for the removal of seven palm trees, a major revocable encroachment permit for a new fence, wooden bench, and landscaping, and a design permit to allow a height deviation for the fence up to 4-feet ten-inches. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 7 palm trees to be removed from the property and adjacent public right-of-way. The applicant shall plant five new trees. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans, with the required modification to the plans that at least two replacement trees must be located on the subject property.
3. Prior to construction, all Planning fees associated with permit #21-0548 shall be paid in full.
4. Prior to issuance of a building permit or revocable encroachment permit, 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.
5. Prior to issuance of building permit or revocable encroachment permit, 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).
6. 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.
7. 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
8. 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.
9. Prior to project final, 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.

10. 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.
11. 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.
12. Prior to construction or tree removals, the applicant shall obtain an approved revocable encroachment permit.
13. Prior to construction, the applicant must provide verification from the Central Fire District that the proposed fence will not obstruct the existing fire hydrant.

### **Encroachment Permit Findings**

**A. The project, subject to the conditions imposed, secures the purposes of the Chapter 12.56 for Private Improvements on Public Property.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed fence, landscaping and minor improvements are consistent with considerations for major revocable encroachment permits.

**B. 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 of the CEQA Guidelines exempts minor alterations to existing public and private topographical features, provided the project involves negligible or no expansion of use. The proposed fence, landscaping, and minor improvements serve an existing residential use. No adverse environmental impacts were discovered during review of the proposed project.

### **Tree Removal Findings**

**A. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance including the city goal of 15 percent canopy coverage.**

Community Development Department Staff and the Planning Commission have both reviewed the major landscape renovation project. The project involves extensive topographical work. The major landscape renovation is considered to be a remodel in the discretionary review by the Planning Commission. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest management Ordinance to meet the city goal of 15 percent canopy coverage.

**B. The project secures the policy of the city to protect the locally significant, scenic and mature trees as listed in the heritage tree list to be adopted pursuant to this chapter, in order to protect the character of Capitola.**

The proposal would remove seven palm trees, but would not impact any locally significant, scenic, and mature trees.

**C. The project secures the overall goals of the Community Tree and Forest Management Ordinance to protect and increase the level of tree cover on public and private lands**

**within the city, maintain trees in a healthy and non-hazardous condition, and promote planting of additional trees to increase tree cover (hereby referred to as canopy coverage) throughout the city.**

The proposal would result in a net increase of tree cover within the city.

**D. The project secures the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing community forest.**

The proposal would remove seven palm trees and add five new trees, for a total of nine trees within the project area.

**E. The project secures the goal of the city to maintain and enhance the tree canopy coverage existing at the time of adoption of the ordinance codified in this chapter (as determined through aerial photography taken within twelve months from adoption of the ordinance codified in this chapter), and to increase flowering tree canopy to help identify and beautify city streets and neighborhoods.**

The proposal would maintain the long-term tree canopy coverage and increase flowering tree canopy which helps identify and beautify city streets and neighborhoods.

**F. The project secures the goal of the city to maintain fifteen percent coverage of tree canopy on individual lots, consisting of flowering, deciduous, and evergreen trees, to be enforced on an on-going basis via the design review process.**

The proposal, subject to the conditions imposed, would secure the goal of maintaining canopy coverage on individual lots with trees that are more compatible with the goals of the Community Tree and Forest Management Ordinance.

**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 height deviation for the fence is consistent with the design regulations adopted by the City Council with Planning Commission approval of a design permit.

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

The height deviation for the fence complies with the zoning code with approval of a design permit by Planning Commission.

**C. 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 public and private topographical features, provided the project involves negligible or no expansion of use. The proposed fence, landscaping, and minor improvements serve an existing residential use. No adverse environmental impacts were discovered during review of the proposed project.

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

The height deviation for the fence has been cited to ensure safety of vehicles at the corner of El Salto Drive and Hollister Avenue.

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

The proposed project complies with the specific criteria for review of a height deviation by Planning Commission including unique circumstances existing on the site and the deviation is necessary for the reasonable use and enjoyment of the property.

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

The fence is a great improvement over the current bamboo screen which exists along the property frontage.

**Mover:** Vice Chair Westman

**Second:** Commissioner Newman.

**Yea:** Commissioner Christiansen, Commissioner Newman, Commissioner Routh, Vice Chair Westman, Chair Wilk

**C. Report on Upper-Floor Decks**

Planning staff response to Planning Commission request for information on how other jurisdictions regulate upper-floor decks and how the City processed upper-floor decks under the prior version of the Zoning Ordinance.

Senior Planner Brian Froelich presented the staff report.

Commissioner Newman supported moving forward with the staff proposal.

Commissioners largely concur second decks should be part of the floor area ratio.

Director Herlihy sought clarifications if the Commission would want to be more permissive or allow more flexibility on the front deck.

**Result:** Received presentation, gave feedback regarding Report on Upper-Floor Decks.

**7. DIRECTOR'S REPORT**

None presented.

**8. COMMISSION COMMUNICATIONS**

None presented.

**9. ADJOURNMENT**

The meeting was adjourned at 8:15PM to the next Special Meeting of the Planning Commission on March 31, 2022.

Approved by the Planning Commission

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Louis Osemwegie, Clerk to the Commission