

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, June 01, 2023 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Susan Westman

**Commissioners:** Courtney Christiansen, Paul Estey, Gerry Jensen, Peter Wilk

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

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

#### 2. New Business - None

#### 3. Oral Communications

##### A. Additions and Deletions to the Agenda - None

##### B. Public Comments

*Anthony Kresge, owner of Reef Dog Deli, spoke about the positive impact that outdoor dining parklets have on his business and requested an extension to apply for a permit as well as conditional use of his outdoor dining space during that time.*

##### C. Commission Comments

*Commissioner Wilk suggested that Reef Dog Deli work with staff to come up with a solution to the matter that Mr. Kresge spoke about during Item 3B.*

*Commissioner Wilk requested he be allowed to attend the next meeting by Zoom.*

##### D. Staff Comments - None

#### 4. Approval of Minutes

##### A. May 4, 2023 - Planning Commission Meeting Minutes

***Motion to approve the May 4, 2023 minutes: Vice Chair Christiansen***

***Seconded: Commissioner Jensen***

***Voting Yea: Commissioner Estey, Commissioner Jensen, Vice Chair Christiansen, Chair Westman***

***Abstaining: Commissioner Wilk***

#### 5. Consent Calendar - None

#### 6. Public Hearings

##### A. 207, 209, 209A, 211 Esplanade

**Permit Number: #23-0104**

**APN: 035-211-03**

Consideration of alternative colors and materials for the Design Permit, Historic Alteration Permit, and Coastal Development Permit for façade modifications at 207, 209, 209A, and 211 Esplanade located in the Mixed-Use Village (MU-V) zoning district that was previously approved by the Planning Commission on April 6, 2023.

Environmental Determination: Categorical Exemption 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes, Fuse Architects

*Community Development Director Herlihy presented a report on Item 6A regarding the history of the project and the ways in which the project has evolved over time as new information is discovered during development.*

*Commissioner Wilk questioned the validity of the concern regarding potential hazards of using Corten in the design of the building façade. Director Herlihy reported that not only is there a possible environmental concern, but also the concern of property damage due to rust.*

*Commissioner Estey inquired about the proposed reuse of the window and whether that would meet code requirements for windows. Herlihy commented that further analysis needs to be completed.*

*A member of the public spoke to comment on and approve the use of certain materials within this project.*

**Motion to approve permit #23-0104: Commissioner Wilk**

**Seconded: Commissioner Estey**

**Voting Yea: Commissioners Wilk, Estey, Jensen, and Chair Westman**

**Abstaining: Vice Chair Christiansen**

### **Conditions of Approval:**

1. The project approval consists of facade modifications to an existing commercial structure with four tenants at 207 – 211 Esplanade. The proposed project does not modify the existing FAR. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

5. At time of submittal for building permit review, the applicant shall include a site drainage plan showing the location of all downspouts and the direction of flow.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, all Planning fees associated with permit #23-0104 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of- way.
12. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
13. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
14. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non- compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non- compliance in a timely manner may result in permit revocation.
15. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.

16. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
18. All new doors and windows shall not open or swing into the public right of way or beyond the exterior wall into the sidewalk pedestrian path.
19. The individual identity and design of the tenant spaces shall be maintained to reflect the historic pattern and character of the village.
20. The rollup window at 211 Esplanade shall be closed from 10pm to close of business and during live entertainment.

### **Design Permit Findings:**

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed proposed façade modifications and determined complies with the development standards of the MU-V (Mixed Use Village) zoning district.

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

Community Development Staff and the Planning Commission have reviewed the application for facade modifications to a commercial structure and determined the project complies with all applicable provisions of the zoning code and municipal code.

- C. 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.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The proposed facade modifications to a commercial structure will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff, the Architectural and Site Review Committee, a contracted architect, and the Planning Commission have reviewed the application. The proposed façade modifications to a commercial residence comply with all applicable design review criteria in Section 17.120.070.

- E. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. (Ord. 1017 § 2 (Exh. A) (part), 2018)**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the facade modifications. The project will maintain the character, scale, and development pattern along the Esplanade.

### **Historic Alteration Permit Findings:**

- A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.**

Community Development Staff and the Planning Commission have reviewed the proposed facade modifications and the proposed design maintain spatial relationships along the street façade.

- B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.**

Community Development Staff and the Planning Commission have reviewed the proposed design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.

- C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.**

No addition is proposed.

- D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.**

Community Development Staff and the Planning Commission have reviewed the proposed design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.

- E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.**

No archeological resources exist within the 1950s structure.

- F. The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Community Development Staff and the Planning Commission have reviewed the proposed façade modifications to the commercial structure. Section 15331 of the CEQA Guidelines categorically exempts rehabilitation projects of historic resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic buildings. The proposed project is consistent with the Secretary of the Interior's Standards and no adverse environmental impacts were discovered by Planning Staff during the review of the proposed project.

### **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 will not negatively impact public landmarks and/or public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

Conditions of approval have been included to ensure compliance with established policies.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves façade improvements and will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves façade improvements and will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves façade improvements 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.

**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 façade improvements. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the MUV zoning district.

**B. Alternative Design for the Prototype Street Dining Deck in Central Village**

**Location: Up to 25 public parking spaces in the Central Village**

Consideration of alternative railing, deck, and planter for Capitola's prototype street dining deck design which may be utilized by Eating and Drinking Establishments in the Central Village.

Environmental Determination: Categorically Exempt 15311

Property Owner: City of Capitola

Representative: Katie Herlihy, Community Development Director

*Community Development Director Herlihy presented a report on Item 6B requesting approval of an alternative design to the prototype street dining deck in the Central Village.*

*Commissioner Wilk asked about the change from the original rectangular planters to the alternative planters which are of varied shapes and sizes. Director Herlihy and Associate Planner Sesanto responded that there are provisions in place to ensure that the alternative planters are suitable and sustainable options.*

*Commissioner Wilk wondered why hog wire was chosen specifically, and Director Herlihy replied that this material is the preferred choice after all factors were considered.*

*Vice Chair Christiansen asked about material choices and how they relate to the ease of this development process for business owners.*

*Commissioner Jensen asked for insight into the decision-making process for these alternative design proposals. Director Herlihy detailed the staff's intent to avoid cost and material availability concerns and give business owners more options in the development process.*

*Commissioner Jensen also asked about the deck and railing materials and Director Herlihy responded that the materials selected will aesthetically complement each other as much as possible.*

*Commissioner Jensen also asked about the impact that this process will have on coastal access. Director Herlihy replied that there is a 3 year evaluation process to assess this and other concerns.*

*Commissioner Jensen inquired about the permit process timelines and Director Herlihy offered clarification.*

*Peter Blackwell, representing local pub English Ales, spoke about his experience with building development materials and questioned the design choices within this project.*

*Commissioners discussed the history of this Item and commented about the inefficiencies of debating small-detail design choices in establishing a prototype instead of approving custom designs individually. Director Herlihy commented that the prototype is intended to offer flexibility and is necessary to ensure that the designs meet code.*

*The Commission agreed that more flexible, yet consistent, prototype design material options (such as planters of matching colors and sizes, redwood railing and hogwire, etc.), as well as expedient permit processes are in the best interest of the Village.*

***Motion to approve the alternative design prototype with the following conditions: Commissioner Jensen***

***Seconded: Commissioner Wilk***

***Voting Yea: Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman***

- 1. Provisional use of the dining deck will be permitted if the business can show proof of purchase and lead time of materials.***
- 2. A minimum number of planters must exist at specific locations on and around the dining deck but are no longer required to be part of the railing construction, and planters may vary in color and material as long as they are consistent with requirements, but must be of a minimum size of 30" in height and 14" in diameter.***

**C. Citywide Housing Element Update**

**Permit Number: 23-0019**

**APN: Citywide**

Housing Element Update 6<sup>th</sup> Cycle

Environmental Determination: Pending

Property Owner: City of Capitola

Representative: Bret Stinson, RRM Design and Veronica Tam, VTA, Inc.

Director Herlihy, VTA, Inc. Representative Veronica Tam, and RRM Design Representative Bret Stinson presented an update to the Citywide Housing Element.

*Commissioner Jensen asked for context and clarification on several sections of the Housing Element.*

*Commissioner Estey asked for a clear statement of intent regarding the City's plan to redevelop the Capitola Mall. Director Herlihy confirmed that the City has allocated a portion of the next fiscal year budget towards conducting a redevelopment feasibility study at that site.*

*Commissioner Wilk expressed concerns regarding the conviction and effectiveness of the executive summary when it comes to State review of the Capitola Citywide Housing Element.*

*Commissioner Wilk commented on a concern regarding building height variance numbers within the report which may not encourage the development of high-density multi-family housing.*

*Chair Westman commented on the development fees included in the report.*

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

*Community Development Director Herlihy provided a Director's Update regarding the Urgency Rent Control Ordinance that was passed by the City Council on May 24, 2023, the Kaiser development project, and an SB9 project in the City. Herlihy also commented that on June 22, there will be a presentation to request funding regarding AB1098, and commented on other upcoming items on the July 20 calendar.*

## **8. Commission Communications**

*Chair Westman spoke on the difficulty of being a Planning Commissioner due to the challenge of abiding by law, code and regulation, while also being respectful towards the concerns of the public.*

## **9. Adjournment - Adjourned at 8:34 to the next regularly scheduled meeting on July 20, 2023.**