

City of Capitola

Planning Commission Meeting Minutes

Thursday, October 03, 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

1. **Roll Call and Pledge of Allegiance** - The meeting was called to order at 6:00PM. In attendance, Commissioners Westman, Wilk, Vice Chair Jensen, and Chair Christiansen.

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

- A. Additional Materials Item 6A – *One email received after publication of the agenda packet.*
- B. Additional Materials Item 6C - *Two emails received after publication of the agenda packet.*

3. **Oral Communications**

- *Goran Klepic*

4. **Planning Commission/Staff Comments**

Director Herlihy announced that the City has kicked off their Strategic Planning process and encouraged everyone to go to the website and take the survey that will be up for the next three weeks.

City Clerk Gautho reminded Commissioners that the City is actively recruiting for all Boards and Commissions and now is the time to submit an application to be reappointed if they haven't already done so.

Commissioner Jensen asked Director Herlihy to speak about the Wharf event this weekend. Director Herlihy advised the public that there will be a special event on the Capitola Wharf this Sunday, October 6th.

5. **Consent Calendar**

A. **Approval of September 19, 2024 Special Planning Commission Meeting Minutes**

B. **510 Escalona Drive**

Project Description: Application #24-0247. APN: 036-121-18. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing residence and the construction of a new two-story, single-family residence and detached single-story ADU. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0247 and approve the project based on the attached Conditions and Findings for Approval.

Commissioner Westman recused from Item 6A.

Motion to approve Item 6A: Commissioner Jensen

Second: Commissioner Wilk
Voting Yea: Wilk, Jensen, Christiansen
Absent: Estey
Abstain: Westman

Commissioner Wilk commented on the conditions imposed on Item 6B, then moved to approve Item 6B.

Second: Commissioner Jensen
Voting Yea: Westman, Wilk, Jensen, Christiansen
Absent: Estey

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 and the Planning Commission have reviewed the project. The proposed single-family residence and detached accessory dwelling unit comply with the development standards of the R-1 (Single-Family Residential) zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

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

Section §15303(a) of the CEQA Guidelines exempts a single-family residence, or a second dwelling unit and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves the demolition of an existing a single-family residence and construction of a new single-family residence and new accessory dwelling unit. The project is located within the R-1 (Single-Family Residential) zoning district. 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.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residence and ADU complies with all applicable design review criteria in Section 17.120.070.

F. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the application for the new single-family residence detached accessory dwelling unit. The primary dwelling and ADU are designed in matching style with horizontal fiber cement lap siding, low-pitch gable rooflines, and colonial pattern windows. The primary dwelling features brick veneer porch columns and standing metal seam roof accents. The project balances a mix of contemporary and classic design elements which will maintain the overall character and scale of the neighborhood.

Limited Standards ADU Permit Findings:

A. The ADU provides a minimum rear and side setback of four feet.

The proposed ADU is four feet from rear and side property lines.

B. The ADU does not exceed eight hundred square feet in size.

The proposed ADU is 537 square feet.

C. The ADU has a maximum height of sixteen feet.

The proposed ADU does not exceed sixteen feet in height.

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 510 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 site is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

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

The project involves residential project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves a residential project will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project 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 residential 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 Residential) 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 a new single-family residence and detached accessory dwelling unit on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The project approval includes the demolition of an existing residence and accessory structure and the construction of a 2,132 square-foot single-family residence and 537 square-foot, detached accessory dwelling unit. The maximum Floor Area Ratio for the 4,000 square foot property is 54% (2,160 square feet). The total FAR of the project is 66.7% with a total of 2,669 square feet. The project is subject to the guaranteed allowance for the 537 square-foot ADU. With the guaranteed allowance, the effective FAR is 54%, 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 October 3, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #24-0247 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. 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.

11. 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.
12. 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).
13. 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.
14. 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.
15. 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
16. 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.
17. 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. 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.

23. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
24. 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; and
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

Public Hearings

A. 1210 41st Avenue

Project Description: Application #24-0154 A request to modify the Conditional Use Permit for a grocery store to add offsite sales of distilled spirits. The existing Conditional Use Permit allows offsite sales of beer and wine only. The property is zoned C-C (Community Commercial).

Recommended Action: Staff recommends the Planning Commission approve application #24-0154 based on the Conditions and Findings of Approval.

Senior Planner Froelich presented the staff report.

Public Comments:

- *Steve Rawlings*
- *Joe Tanner*
- *Fariba Ghahremani*
- *Arlyn Osborne*

The Commission discussed the conditions imposed with Application #24-0154.

Motion to approve Application #21-0154 based on the Conditions and Findings of Approval: Commissioner Westman

Second: Commissioner Wilk

Voting Yea: 4-0 (Absent: Estey)

Findings

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

Sales of alcohol is permitted through a conditional use permit in the C-C 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.**

A retail grocery store with alcohol sales, as conditioned, is consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan.
- 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.**

1210 41st Avenue is located in the 41st Avenue Commercial District, an area capable of handling larger vehicular volume, has plentiful parking, and suburban commercial developments that serve a variety of eating and drinking establishments and larger scale retail spaces. Allowing expanded alcohol sales within an existing grocery store building is compatible with existing and planned uses.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**

Sales of alcohol by Grocery Outlet will not be detrimental to the public health, safety, and welfare. Similar services are currently operating in Capitola and surrounding communities.

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

1210 41st Avenue is properly located within the 41st Avenue Commercial District area and adequately served by services and infrastructure.

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

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves a minor modification to the items offered for retail sales. No adverse environmental impacts were discovered during review of the proposed project.

CONDITIONS OF APPROVAL

1. The project approval consists of a Conditional Use Permit modification to allow the Grocery Outlet grocery store at 1210 41st Avenue to offer distilled spirits for retail sale and offsite consumption. The proposed project is approved as reviewed and approved by the Planning Commission on October 3, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The applicant shall install a six-foot tall fence, wall, or gate to secure the side yard area at the north side of the building, prior to opening the Grocery Outlet.

Conditional Use Permit Conditions

3. The outdoor display area is located at the south-west entrance of the building. The operator may utilize a 56 square foot area for outdoor display. The area must be clearly delineated to identify the area permitted within the conditional use permit for outdoor display. No goods or materials utilized for the display may be located outside the delineated area. The area may only be expanded with the approval of a modification to the CUP by the Planning Commission.
4. The outdoor display merchandise shall only be the merchandise of the grocery store tenant. The outdoor display area shall be managed and operated by the grocery store tenant. The outdoor display conditional use permit is not transferable for use by other properties or businesses.
5. All outdoor display merchandise shall only be displayed during business hours.
6. The outdoor display shall not obstruct pedestrian, bicycle, vehicular, or emergency services access and shall maintain four (4) feet of unobstructed access provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
7. Outdoor vending machines and drop boxes or donation bins shall be prohibited.
8. The outdoor displays shall not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display item(s) or simply indicates a "sale" on the item(s) limited to 8.5" x 11".
9. All outdoor displays and outdoor seating shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires. Any cracked, broken surfaces, or other

unmaintained or damaged portion of a display shall be repaired or replaced or removed within thirty (30) days. No display shall contain obscene, indecent or immoral matter.

10. The outdoor displays must be self-supporting, stable and weighted or constructed to withstand being overturned by wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, trees or any merchandise or products displayed outside permanent buildings.
11. The outdoor dining seating area is quasi-public and available for use by patrons of the Begonia Shopping Plaza.
12. No amplified entertainment is approved within this permit. An Entertainment Permit is required for any music or entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department.
13. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
14. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
15. The applicant shall maintain a current business license while operating the business.
16. Hours for deliveries to the store shall be limited to 8:00 A.M. – 8:00 P.M. Monday through Friday, to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
17. Trash enclosures shall be gated and maintained to provide a clean and sanitary area. Use of the compactor shall be limited to the hours of 8:00 A.M. – 6:00 P.M.
18. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with the building permit submittal.
19. The applicant shall comply with the Municipal Code Section 8.36 Environmentally Acceptable Packaging Materials.

B. 709 Riverview Drive

Project Description: Permit #24-0351 Tree Removal Permit to remove one 85-inch Monterey Cypress tree with a future new residence project in the R-1 (Single-Family Residential) zoning district.

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

Recommended Action: Staff recommends the Planning Commission deny the application and advise the applicant to submit a tree removal request for consideration in conjunction with a complete application for a new residence.

Alternative: Approve application #24-0351 based on the Findings and with the Conditions of Approval listed below.

Commissioner Wilk recused himself from this item due to a general conflict of interest.

Senior Planner Froelich presented the staff report.

Public Comments:

- *Brad Suchomel*
- *Mario Beltramo*
- *Dennis Norton*

The Commission discussed the merits of granting the tree removal application without the submission of a development application and the potential risks of creating a precedent of removing this from future Planning Commission purviews.

Motion to deny Permit #24-0351: Commissioner Westman

Second: Commissioner Jensen

Voting Yea: Westman, Jensen, Christiansen

Absent: Estey

Abstain: Wilk

C. Citywide Zoning Code Update

Project Description: Application #24-0026 for Amendments to Capitola Municipal Code Title 17: Zoning Code, Chapter 18.03: Density Bonus, and the Zoning Map, collectively known as the “Zoning Code Amendments”. The proposed Zoning Code Amendments will impact the development standards and regulations for properties citywide. The Zoning Code and Zoning Map are part of the City’s Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Staff recommends the Planning Commission adopt a resolution recommending the City Council adopt the proposed Design Review Zoning Code Amendments and the proposed Density Bonus Code Amendments.

Associate Planner Sesanto presented the staff report.

Public Comments:

- *Terry Thomas*
- *Janine Roeth*

The Commission discussed the merits of allowing future Planning Commissions to make a decision on the design review process of new applications.

Motion to adopt a resolution recommending to the City Council to adopt the proposed Zoning Code Amendments excluding the amendments related to Design Permits and to adopt the proposed Density Bonus Code Amendments: Commissioner Westman

Second: Commissioner Wilk

Voting Yea: Westman, Wilk, Jensen, Christiansen

Absent: Estey

Commissioner Westman reminded Commissioner Wilk not to email the Planning Commission as a whole to avoid potential Brown Act violations.

7. Director's Report

Director Herlihy reminded the Planning Commission of the southbound Highway 1 onramp closure at Bay Avenue; updated the Planning Commission on the Rispin Mansion Park; provided an update on the location of the Community Services and Recreation Department with the temporary closure of Jade Street Community Center due to a remodel; and reminded the Commission of the City's Strategic Plan Project.

She also advised the Commission of upcoming City Council and Planning Commission agenda items.

- 8. Adjournment – The meeting adjourned at 7:56 PM. The next regularly scheduled meeting of the Planning Commission is on November 7, 2024 at 6:00 PM.**

ATTEST:

Rosie Wyatt, Acting Deputy Clerk