

City of Capitola

Planning Commission Meeting Minutes

Thursday, August 15, 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 6:01 PM. In attendance, Commissioners Estey, Westman, Wilk, Vice Chair Jensen, and Chair Christiansen.

2. Additions and Deletions to the Agenda

A. Additional Materials Item 5A - correspondence received

The Clerk announced the additional materials for tonight's agenda.

3. Oral Communications

None.

4. Planning Commission/Staff Comments

Director Herlihy reminded the commissioners and the audience to speak clearly into the mic, and that the meeting footage will be available on the City's website and YouTube channel after the meeting.

5. Public Hearings

A. Citywide Zoning Code Update

Project Description: Application #24-0026 for Amendments to Capitola Municipal Code Title 17: Zoning and Zoning Map. The proposed Zoning Code amendments will impact the development standards and regulations for properties citywide. The proposed Zoning Map amendments will alter the Residential Multifamily (RM) Zoning District. 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 (1) provide feedback to staff on discussion items outlined in the staff report related to the draft Zoning Code amendments and draft Zoning Map Amendments; and (2) continue the discussion on the Zoning Code and Zoning Map amendments to the August 27, 2024, Special Planning Commission hearing.

Directory Herlihy introduced tonight's topic of discussion, and Consultant Ben Noble presented the staff report. During the presentation, there were questions from the Commission and a discussion with Staff regarding the RM sites identified in the Housing Element and why these particular sites were chosen.

Vice Chair Jensen asked Director Herlihy to recap how the City arrived at a mandated Housing Element RHNA number of 1336 units. She provided a history of this mandate from the HCD for this Housing Element cycle. He then asked what would happen if the City did not comply with that number. Director Herlihy explained that the City would be ineligible for several grant funding opportunities, could lose permitting authority, and open the City up to potential lawsuits.

Commissioner Estey asked Director Herlihy to explain how Builders Remedy may affect the City. Vice Chair Jensen asked about case studies related to Housing Element non-compliance in jurisdictions such as Portola Valley. Finally, there was an explanation of the noticing process for tonight's meeting and what sort of considerations were taken when selecting sites.

Chair Christiansen opened the Public Comment section of the Public Hearing. Speakers:

- *Keith Cahalen*
- *Charles Thomas*
- *Dan Benvenuti*
- *Sheryl Pinard*
- *Samantha Farren*
- *Julia Madrona*
- *Mary Margulies*
- *Mike Margulies*
- *Eric Faucett*
- *Oliver Mainka*
- *Brenda Torres*
- *George Dunlap*
- *Linda Barnes*
- *Robin P.*
- *Jennifer Collins*
- *Heather Cary*
- *Tessa Tuttmann*
- *Ari L.*
- *Dave Tucci*

Chair Christiansen closed the Public Comment.

The Commission and Director Herlihy then discussed questions and concerns brought to attention during Public Comment. Commissioner Wilk recommended the Commission rethink the draft amendments based on the public feedback that was received tonight. Commissioner Westman spoke about the City's potential for increased density in certain areas, but expressed concern how the rezoning could impact neighborhoods. Commissioner Estey discussed the RHNA numbers and advised against fighting back against state mandate, providing examples of cities that have been unsuccessful. He also noted that the City depends on state funds for infrastructure projects and that the local housing is undersupplied and overpriced. Commissioner Westman discussed why some properties have nonconforming densities and agreed with the need to up-zone them. Vice Chair Jensen expressed interest in the history of the development on the nonconforming properties and agreed with fellow commissioners' comments.

Director Herlihy summarized the direction from the Commission as follows: increase the timeline to allow for more public feedback and bring back an alternative amendment proposal in early 2025.

Consultant Ben Noble then continued his presentation of the remaining amendment topics of tonight's public hearing item - housing on religious sites, alternative housing types, retail cannabis establishments, and office uses in C-R zone.

Chair Christiansen opened the Public Comment for the remaining topics of the Public Hearing. Speakers:

- *Janine Roeth*

Chair Christiansen closed the Public Comment and asked the Director and Consultant clarifying questions.

Commission recommendations for the zoning update are listed in the following table:

Topic	Code Section	PC Direction
Missing Middle Housing (1.1)	17.16.020.C	Remove drafted amendments to RM development standards and RM zoning map changes from this zoning update. Consider public comment, revise, and revisit topic in 2025.
Mall Redevelopment – Incentivized Zone	Not yet drafted.	Do not include in this zoning update. Introduce draft amendments in 2025.
Office uses in the C-R zoning district	17.24.020	Return with amendments to increase flexibility for office uses in the C-R zone

6. Director's Report

None.

- 7. Adjournment** – *The meeting was adjourned at 8:46 PM to the next regularly scheduled meeting of the Planning Commission is on September 5, 2024, at 6:00 PM.*