

City of Capitola

Planning Commission Meeting Minutes

Thursday, April 04, 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

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1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:00 PM. In attendance: Commissioners Christiansen, Estey, Jensen, Westman, and Wilk.*
 2. **Additions and Deletions to the Agenda**
 - A. *Additional Materials - Item 6A – Four comments were received in support of Item 6A.*
 - B. *Additional Materials - Item 6B – The project applicant provided an updated Attachment 2 (Updated on April 2nd and April 4th).*
 3. **Oral Communications**
 - *Terri Thomas*
 - *Goran Klepic*
 4. **Planning Commission/Staff Comments**
 - *Community Development Director Herlihy provided updates on the City's survey for temporary uses on the Wharf, regional bikeshare, and the Highway 1 closure from April 6th to 7th.*
 5. **Consent Calendar**
 - A. **Approval of March 27, 2024, Special Planning Commission Meeting Minutes**

Motion to approve Item 5A: Commissioner Wilk
Second: Commissioner Westman
Voting Yea: 5-0
 - B. **New Brighton Middle School, 620 Monterey Avenue and Monterey Avenue Park**

Project Description: Permit #24-0115 for a proposed land exchange by and between the City of Capitola and the Soquel Union Elementary School District regarding a portion of New Brighton Middle School, 620 Monterey Avenue (APN: 036-151-01), located within the Community Facility Zone, for a portion of Monterey Avenue Park (APN:036-151-02), located within the Parks/Open Space Zone. This project is in the Coastal Zone and does not require a Coastal Development Permit.

Recommended Action: Consider Permit #24-0115 and adopt the findings set forth herein that the City of Capitola's proposed acquisition of a portion of the New Brighton Middle School from the Soquel Union Elementary School District and disposition of a portion of Monterey Avenue Park to the District is consistent with the Capitola General Plan.

Item 5B was pulled for discussion by Commissioner Wilk.

Commissioner Wilk shared concerns about the community access pathway and requested that the Police Department weigh in on the project design.

Motion to approve Item 5B: Commissioner Wilk
Second: Commissioner Jensen

Voting Yea: 5-0

Adopted Findings:

1. The approval of #24-0115 is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the Class 12 exemption set forth in State CEQA Guideline §15312;
2. The City Exchange Parcel to be disposed of by the City and acquired by the District is to be used and developed by the District to enhance the recreational facilities at the New Brighton Middle School as part of a larger redevelopment of the District Parcel as depicted on Attachment 2. The District's intended use of the City Exchange Parcel is permitted by and consistent with the City's General Plan land use designation of Parks and Open Space (P/OS);
3. The District Exchange Parcel to be acquired by the City is to be used and developed by the City to enhance the recreational facilities at Monterey Avenue Park, as well as to maintain and enhance pedestrian access to the Park from within the Cliffwood Heights neighborhood as depicted in Attachment 2. The City's intended use of the District Exchange Parcel is permitted by and consistent with the City's General Plan land use designation of Public/Quasi Public (P/QP); and
4. The Planning Commission has reviewed and considered the proposed exchange of the District Exchange Parcel and City Exchange Parcel by and between the District and the City and hereby finds the City's proposed acquisition of the District Exchange Parcel from the District and disposition of the City Exchange Parcel to the District is consistent with the Capitola General Plan.

6. Public Hearings

A. 1098 38th Avenue

Project Description: Permit #23-0525 Design Permit, Coastal Development Permit, and Density Bonus request for a 52-unit, 100% affordable housing project on a 1.977-acre site on the east side of 38th Avenue, just south of the railroad crossing. The project includes a mix of 1-bedroom, 2-bedroom, and 3-bedroom apartment units configured in 4 buildings. Three of the proposed buildings have 3 floors while one building has 2 floors. The property is located in the Medium Density Multi-Family Residential (RM-M) Zoning District. The project includes a density bonus, 4 incentives/concessions, and reduced parking requirements pursuant to California Government Code sections 65915-65918. This project is in the Coastal Zone and requires a Coastal Development Permit.

Recommended Action: Staff recommends that the Planning Commission take the following actions:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (In-Fill Development);
2. Approve the applicant's request for a density bonus concession and reduced parking under State Density Bonus Law, based on the findings and analysis included in this staff report and subject to the included Conditions of Approval;
3. Approve the Design Permit, pursuant to the findings and analysis included in this staff report and subject to the included Conditions of Approval; and
4. Approve the Coastal Development Permit, pursuant to the findings and analysis included in this staff report and subject to the included Conditions of Approval.

Conditions of Approval:

General Conditions

1. The project approval consists of a Design Permit, State Density Bonus and Coastal Development Permit for the construction of a multifamily at 1098 38th Avenue. Application #23-0525 was approved by the Planning Commission on April 4, 2024.
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 the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.
4. 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.
5. 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.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have obtained an approved building permit commenced construction before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
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.
10. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view and inside the trash enclosure on non-collection days.

11. Bicycle parking is required to be accommodated with seven short term bike parking spaces and 52 long term bike parking spaces. The design and specifications of the bike parking spaces shall be further detailed in the plans for Building Permit plan check. The long-term bike parking shall be equipped with a security camera or fully enclosed with a lockable gate.
12. Amplified sound is limited to interior areas only.

Planning Department Conditions

13. 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.
14. Prior to issuance of a building permit, all Planning fees associated with Permit #23-0525 shall be paid in full.
15. 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.
16. The trash enclosures shall be covered, gated, and maintained to provide a clean and sanitary area. The trash enclosures construction shall be completed, prior to final inspection.
17. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. All building and parking lot lighting shall be shielded to prevent light from shining in the neighboring properties and be Dark Sky compliant. The applicant shall provide a lighting plan and photometric plan with the submittal of plans for building permit plan check.
18. No rooftop 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. 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.
20. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Capitola, its agents, officers, and employees from any claim, action, or proceeding against the City of Capitola or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the Applicant's or permittee's defense of said claims, actions or proceedings.
21. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property and any new utility lines will be underground to the nearest utility pole.
22. 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.

23. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100 feet of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
24. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Cruz County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains, and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City’s Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City’s Community Development Director.
25. In the event that a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
26. To the extent practicable, tree removal shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, precutting surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300 feet for active nests—with particular emphasis on nests of migratory birds—if tree cutting will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate city staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100’ for perching birds and 300’ for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for three days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.
27. The applicant shall continue to work with the County of Santa Cruz Health Services Agency (CSCRSA) to manage and evaluate soil vapor. The applicant shall provide the Planning Department with final permit documentation associated with all additional testing results, remediation plans (if required), soil management plans, and vapor intrusion mitigation systems

that are conditions of approval or requirements of CSCHSA, prior to issuance of Building Permits. If required, the vapor intrusion membrane or system shall be coordinated with the Building Permit drawings (i.e. foundation, utilities, storm water, etc.), prior to issuance of Building Permits.

28. The applicant shall provide a construction operations plan for review and approval by the Building Official and the Community Development Director, prior to issuance of Building Permits. The construction operation plan shall address truck traffic issues regarding dust, noise, and vehicular and pedestrian traffic safety on 38th Avenue and surrounding roadways, storage of construction materials, placement of sanitary facilities, parking for construction vehicles, clean-up area, and parking for construction personnel. A debris box (trash dumpster) shall be placed on site for collection of construction debris. Arrangements must be made with GreenWaste for the debris box since they have a franchise with the City of Capitola.
29. No signs are approved as part of this application. A Sign Permit application shall be submitted in compliance with Chapter 17.80 of the zoning ordinance and shall include all signage proposed for the project site.
30. Inspections by the Planning Department are required for the foundation, final framing, prefinal after application of exterior materials, and final inspection.
31. A separate water service and water meter for irrigation will be required.
32. The applicant shall provide four electric vehicle charging stations with the plans for building permit plan check.
33. The property at 1098 38th Avenue shall be deed restricted to provide continued affordability of 100% low-income affordable housing rental units in the approved ratio and affordability categorized for a period of no less than 55 years. Low-income household cannot exceed 80% of the median family income level for Santa Cruz County as published by California Department of Housing and Community Development. The owner shall enter into an agreement with the City so as to assure compliance with the provisions of the State Density Bonus affordable housing requirement for all units on site to be deed restricted as a low-income rental as defined in Section 50053 of the Health and Safety Code. The deed restriction shall be in a form suitable for recordation as authorized by the Community Development Director and City Attorney.

Public Works Department Conditions

34. Prior to building permit application submittal, the applicant shall provide the additional requested information and revisions outlined in the HydroScience Memo dated March 20, 2024 (Capitola Preliminary Stormwater Control Plan Review for 1098 38th Ave Apartments, Capitola) to verify the Post Construction Monitoring requirements and support the stormwater plan review process for a Tier 4 project.
35. Prior to issuance of building permits, submit a site plan that includes a crosswalk on the northern limit of the frontage on 38th Ave. The crosswalk ramps should utilize Caltrans 2018 Standard Details on page A88A and include appropriate signage and an RRFB as required by the Public Works Director.
36. Prior to issuance of building permits, the applicant shall submit a detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer and in accordance with the current Post Construction Requirements (PCRs) for a Tier 4 project for review and approval by the Public Works Director.
37. 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.

38. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures (e.g., access to construction site, equipment and material storage locations and duration of placement, stockpile protection location and detail, wattle locations and detail, inlet protection detail, containment of trash/debris, location of portable toilet and containment/protection, etc.). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
39. Public Works Standard Detail BMP STRM (Stormwater Pollution Prevention and Protection for Construction Projects) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
40. Prior to the issuance of the building permit the applicant shall submit plans detailing all improvements or modifications that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, or any other modification to the curb/gutter/sidewalk. The extent of all improvements or modifications shall be limited to those areas fronting the property boundaries (38th Avenue) and shall not impact the frontage of any adjacent parcels.
41. 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.
42. 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.
43. Utility connections - All utility connections made in the public right of way will be completed in a manner so that the final paving is completed as one uniform patch rather than multiple trench line patches.
44. Prior to final occupancy approval, 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.
45. 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.
46. Prior to final occupancy approval, the applicant shall enter into and record in the Office of the County Recorder, 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.
47. General Site Maintenance: Keep work site clear of debris and advise drivers not to tracking mud, dirt or gravel into the street, and sweep daily, cover all stockpiles and excavation spoils.

48. The applicant shall investigate the feasibility of installing a concrete wall along the south property line with the mobile home park.
49. The applicant shall assess the feasibility of increasing the number of native trees in the landscape plan.

Findings:

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 Development and Design Review Committee, consultant RRM, and the Planning Commission have all reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The project meets the Design Review Criteria.

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

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 56,950 square foot multi-family development complies with all development standards of the RM-M zoning district and/or applicable state law.

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

Section 15332 of the CEQA Guidelines exempts infill development projects that meet certain criteria. The city contracted with environmental consultant Dudek to prepare a detailed environmental analysis under CEQA for the proposed project (Attachment 2). The project is consistent with the General Plan, Zoning Ordinance, and applicable state law. The site is within City limits and is surrounded by developed sites and urban uses. No known habitat or rare or threatened species have been identified on the subject site. Potential for traffic, noise, air quality, soil vapor, and water quality were all evaluated and will be effectively mitigated by following current City codes and the recommended project conditions of approval. The site is well served by available public utilities and services.

- 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 multifamily development will not have an impact to public, health, safety, and welfare. The buildings 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 Section 17.120.070 (Design Review Criteria).**

Community Development Staff, the Design and Development Review Committee, design consultant RRM, and the Planning Commission have all reviewed the project. The proposed 56,950 square foot multifamily development and supporting improvements comply with the applicable design review criteria as described by RRM.

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

The project site is in a multi-family residential zone with professional office, retail, single-family, and mobile home park uses in nearby proximity. The design complies with local standards, with the exception of state-permitted concessions. The proposed use does not introduce any new or unusual impacts.

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 coastal access.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed project has no impact on coastal vegetation, habitats, or resources.
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.
5. **The project maintains or enhances opportunities for visitors.**
The project has no impact on visitors and opportunities.
6. **The project maintains or enhances coastal resources.**
The proposed multifamily project has no negative impact on coastal 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 multifamily project allows Capitola to produce needed affordable housing units in an area that is zoned for this type of use. The project is consistent with the LCP.
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. The project allows the City to produce affordable housing and deliver the required RHNA units to the region.

Brian Froelich, Senior Planner, presented the staff report. Representatives from MidPen Housing provided a project presentation.

Public Comments:

- ***Paula Bradley***
- ***Suzanne Dusei***
- ***Elaine Johnson***
- ***Speaker***
- ***John Van Cern***
- ***Janine Roeth***
- ***Speaker***
- ***Lola Quiroga***
- ***Keith Grange***

The Planning Commission commended the project applicant on the project design, requested clarification on the public noticing and the fencing on the project, discussed providing the City Council with recommendations on street parking within the project’s vicinity, requested that the applicant consider bicycle storage and native trees.

Motion to approve staff's recommendation with additional conditions to investigate whether it is feasible to place a concrete wall between the project and the Mobile Home Park, to investigate if it is possible to include more native trees in their landscaping plan, and that staff be directed to communicate to the City Council that surrounding streets be relieved of additional parking burdens: Commissioner Westman

Second: Commissioner Wilk

Motion amended to include additional project outreach: Commissioner Estey, amendment not accepted by Commissioners Westman and Wilk.

Voting Yea: 5-0

B. 2175 41st Avenue, Suite A

Project Description: Application #24-0070 for a Conditional Use Permit and Master Sign Program to transfer the location of an existing retail cannabis establishment (The Hook) from the current 4170 Gross Road location to 2175 41st Avenue, Suite A. Both locations are in the Regional Commercial (C-R) zoning district. The proposed relocation is not in the Coastal Zone.

Recommended Action: Staff recommends the Planning Commission approve Application #24-007 based on the Conditions and Findings of Approval.

Brian Froelich, Senior Planner, presented the staff report. The project applicant spoke on the project application.

Public Comments: None

The Planning Commission discussed concerns about the project's signage and landscaping.

Motion to approve the relocation and direct the project applicant to work with staff on the new location's egress: Commissioner Estey

Second: Commissioner Westman

Voting Yea: 5-0

CONDITIONS OF APPROVAL

1. The project approval consists of a conditional use permit ~~and master sign permit~~ for the relocation of an existing retail cannabis establishment (The Hook) from 4170 Gross Road to 2175 41st Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 4, 2024, except as modified through conditions imposed by the Planning Commission during the hearing. The sign application shall be reviewed under a separate application.
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. 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.

5. Prior to issuance of building permit, all Planning fees associated with Permit #24-0070 shall be paid in full.
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. ~~The business owner shall apply for a Building Permit to install or relocate the existing secondary means of egress (door), prior to opening for business.~~ The tenant space egress and access will be evaluated by the Building Official to determine if/what modifications are necessary, prior to opening for business. The applicant shall obtain any necessary permits.
8. 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 9 AM and 4 PM or emergency work approved by the Building Official. §9.12.010B
9. 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 and Chief of Police. Upon evidence of non-compliance with conditions of approval of the Conditional Use permit and/or the retail cannabis license, or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director and Chief of Police. Failure to remedy a non-compliance in a timely manner may result in conditional use permit revocation and retail cannabis license revocation.
10. This permit shall expire on April 4, 2026, if the applicant has not obtained a referral from the Chief of Police and the appropriate state license(s) for retail sales of cannabis as required under Capitola Municipal Code §5.36.030(A)(10). The applicant shall have an approved building permit and construction underway within 24 months of the Conditional Use approval date to prevent permit expiration.
11. Upon receipt of a certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
12. Signs shall be reviewed under a separate application.
13. The Conditional Use Permit shall only be valid as long as the commercial space is occupied by a business possessing a valid Retail Cannabis License from the City of Capitola.
14. The City's Community Development Department shall conduct a final inspection of the secondary egress, prior to opening for business.

FINDINGS FOR CUP

A. The proposed use is allowed in the applicable Zoning District.

Community Development staff and the Planning Commission have reviewed the project. The proposed conditional use permit to relocate an existing retail cannabis business comply with the standards of the C-R zoning district. The project secures the purpose of the General Plan and design policies and regulations adopted by the City Council.

B. The proposed use is consistent with the General Plan, Local Coastal Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

Community Development staff and the Planning Commission have reviewed the application for a conditional use permit for the relocation of an existing retail cannabis business. The project complies with all applicable provisions of applicable city standards.

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.

Community Development staff and the Planning Commission have all reviewed the project. The proposed conditional use permit to relocate a retail cannabis business will be compatible with the properties and improvements in the vicinity.

D. The proposed use will not be detrimental to the public's health, safety, or welfare.

Community Development staff and the Planning Commission have all reviewed the project. The proposed conditional use permit to relocate a retail cannabis business will not be detrimental to the public's health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

Community Development staff and the Planning Commission have reviewed the use and location. The use meets the applicable distancing standards and is adequately served by existing infrastructure.

Motion to continue the review of the project sign application:

Commissioner Westman

Second: Commissioner Wilk

Voting Yea: 5-0

7. Director's Report – *Director Herlihy provided an update on upcoming Commission training opportunities and shared that the City and Housing Santa Cruz will be co-hosting an informational event on financing of affordable housing.*

Commissioner Jensen inquired about late distribution of additional materials, the City's noticing practices for projects, CEQA analysis procedures, ADU applications, and the status of the Architectural and Site Review.

Commissioner Estey inquired about the Housing Element; Director Herlihy provided a status update.

8. Adjournment – *The meeting was adjourned at 8:31 PM. The next regularly scheduled meeting of the Planning Commission is on May 2, 2024, at 6:00 PM.*