

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, June 02, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

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

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#### 1. Roll Call

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

#### 2. Oral Communications - none

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

Senior Planner Brian Froelich noted that Community Development Director Katie Herlihy is unavailable and he is filling in for her.

##### B. Public Comments – none

##### C. Commission Comments – none

##### D. Staff Comments – none

#### 3. Approval of Minutes

A. Consider the April 7, 2022, Planning Commission Meeting Minutes

B. Consider the April 21, 2022, Planning Commission Special Meeting Minutes

**Motion: Approve the minutes from April 7, 2022, and April 21, 2022, Regular and Special Planning Commission Meetings.**

**Result: Approved (Unanimous)**

**Motion made by:** Vice Chair Westman,

**Seconded by** Commissioner Routh.

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

#### 4. Consent Calendar

**Motion: Approve the consent calendar items with the recommended conditions and findings.**

**Result: Approved, 5:0 (Unanimous)**

**Motion made by** Commissioner Routh

**Seconded by** Vice Chair Westman.

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

A. 110 Capitola Avenue Ste. 3

Permit Number: 22-0123

**APN: 035-185-25**

Sign Permit for a new Wall Sign to serve Boba Bay located within the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Todd Gummow

Representative: Cheryl Schneider, Filed: 03.18.22

**Conditions of Approval:**

1. The project approval consists of a 8-square-foot wall sign for Boba Bay at 110 Capitola Avenue Suite 3. The proposed project is approved as indicated on the final plans and photos and approved by the Planning Commission on June 2, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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 shall require Planning Commission approval.
3. 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.
4. Prior to installation of the wall sign, the window sign shall be removed.
5. 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. A building permit shall be secured for any work 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.
7. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
8. 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.

**Sign Permit Findings:**

- A. The proposed signs are consistent with the general plan, local coastal program, 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 project. The proposed wall sign complies with the development standards of the MU-V (Mixed Use Village) zoning district.

- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**

Community Development Staff and the Planning Commission have reviewed the application for the wall sign. The proposed project will maintain the character and integrity of the neighborhood.

- C. The proposed sign will not adversely impact the public health, safety, or general welfare.**  
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.
  
- D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**  
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the building(s) on the site.
  
- E. The proposed signs are restrained in character and no larger than necessary for adequate identification.**  
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is restrained in character and complies with zoning limitations for size.
  
- F. This project is categorically exempt under Section 15311(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15311(a) of the CEQA Guidelines exempts on-premise signage for existing facilities. This project involves wall sign for an existing structure within the MU-V (Mixed Use Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**B. 318 Park Avenue**  
**Permit Number: #22-0107**  
**APN: 036-094-13**

Design Permit to remodel a detached garage to include a two-story Accessory Dwelling Unit 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 not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Bruce and Tami Corum

Representative: Bruce and Tami Corum

**Conditions of Approval:**

1. The project approval consists of the remodel of an existing detached garage to expand the garage area and include a 473 square-foot second-story accessory dwelling unit (ADU) above. The project is in compliance with the development standards in CMC Chapter 17.74. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2, 2022, 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 the 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 the 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, all Planning fees associated with permit #22-0107 shall be paid in full.
7. 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.
8. 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.
9. 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).
10. Site runoff shall not drain onto the adjacent parcels.
11. 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.
12. 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.
13. 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
14. 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.
15. 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.
16. 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.

17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that outdoor lighting be shielded and directed downward.
20. 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.

**Accessory Dwelling Unit Design Permit Findings:**

- A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.**

The proposed ADU utilizes a combination vertical board siding with colors similar to the primary dwelling and a 4:12 roof pitch. The exterior design is compatible with the primary dwelling on the parcel.
- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU utilizes materials and a two-story building form common within the neighborhood. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with, and maintains the scale of the neighborhood.
- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a single-bedroom ADU on a site that is adequately parked. The ADU will not create excessive noise, traffic, or parking congestion.
- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.
- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The second-story deck serves as both access and dedicated private open space for the ADU. The deck includes privacy screening towards the nearest property to the east.
- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is located in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated. The location and design of the ADU maintains a compatible relationship with adjacent properties.

- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The external staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. Windows facing adjacent properties are either clerestory or opaque. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

- J. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**

Not applicable. The project does not include deviations.

#### **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 318 Park Avenue. 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 proposed project is located at 318 Park Avenue. The proposed accessory dwelling unit (ADU) 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 an ADU and will not negatively impact low-cost public recreational access.

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

The project involves an ADU and will not negatively impact visitor serving opportunities.

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

The project involves an ADU 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 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 an ADU 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.

## 5. PUBLIC HEARINGS

**A. 4800 Opal Cliff Drive**

**Permit Number: #21-0011**

**APN: 034-462-05**

An application for a Conditional Use Permit and Coastal Development Permit amendments (Permit #97-88) for repair and maintenance of an existing coastal protection structure located within the RM-M (Multi-Family Residential, Medium Density zoning district and the CZ (Coastal Overlay) zone.

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

Environmental Determination: Categorical Exemption 15301 (Class 1), 15302 (Class 2), 15304 (Class 4)

Property Owner: Eliot Beja

Representative: Diedre Hamilton, Filed: 01.22.2021

Senior Planner Brian Froelich presented the report.

Recommended action: Approve project #21-0011 based on conditions of approval and findings

Commissioner Westman asked clarifications about grass-herbicide use, and repairs.

Chair Wilk asked about the prior 1998 approval of the structure, and what happens after 50 years.

Attorney Leila Moshref-Danesh (City Attorney Office) stated that a 50-year lifespan is the expectation that the structure will be viable for a 50-year period provided it is maintained, and after that period the structure's condition may necessitate replacement or removal. It does not preclude repairs or maintenance.

Chair Wilk asked for clarification on who determines what constitutes repair work.

Deidre Hamilton, project representative, described the work and provided context on the project and the effort that she had undertaken, including working directly with City and Coastal Commission staff. Her understanding of Coastal approvals was that the 50-year period was to establish a minimum expected life of structure and not a sunset clause. She stated that maintenance and monitoring agreements

were commonplace in these circumstances to administratively allow minor work and achieve appropriate life of structure.

Chair Wilk expressed zoning and aesthetic concerns about the project.

Commissioner Newman observed that the Planning Commission is enforcing the Coastal Act as it applies to the Local Coastal Plan. If the Coastal Commission approved of this, Capitola has no reason not to. He recommended that the Planning Commission follow the Coastal Commission on the application but recommended the City Attorney should do one more review of the draft.

Commissioner Westman concurred with Commissioner Newman's comments and felt the scope of work was minor and expected if the structure was to meet the intended life of structure.

Leila Moshref-Danesh confirmed that the City Attorney's Office will review the document language to make it cleaner but will make no changes to the substance.

**Motion: Approve the project with the recommended conditions and findings, and direct staff to have the City Attorney's Office review the maintenance and monitoring agreement.**

### **Conditions of Approval**

1. 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 on June 2, 2022. All construction and site improvements shall be completed according to the approved plans.
2. 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.
3. Construction activity shall be subject to a 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.

### Planning

4. The project approval consists of construction of conditional use permit, and coastal development permit amendments to permit #97-88 for repair and maintenance of an existing coastal protection structure. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
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 project scope shall require Planning Commission approval.
6. Prior to issuance of a building permit, all Planning fees associated with permit #21-0011 shall be paid in full.
7. Prior to Final Inspection by the Planning Department, 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 may 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.

8. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit issued before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
9. This permit is transferable with the title to the underlying property such 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.
10. The applicant shall remove the graffiti on all portions of the blufftop or blufftop walls, prior to the satisfaction of the Community Development Director, prior to Planning Department final inspection.
11. The applicant shall remove all broken off wall debris from the beach and bluff, prior to Planning Department final inspection.
12. To the extent practicable, vegetation removal and maintenance activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If maintenance or vegetation removal cannot be performed during this period, pre-maintenance 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' for active nests—with particular emphasis on nests of migratory birds—if maintenance (including site preparation) 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 two 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.
13. The applicant and City of Capitola shall execute and record the maintenance and monitoring agreement prior to issuance of Building Permit for the proposed maintenance and repair.
14. The shotcrete used for repair shall match the color and texture of the existing shotcrete wall.

#### Public Works

15. At the time of submittal for building permit review, a sediment and erosion control plan (construction BMP's), including equipment and stockpile location and protection, 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.
16. At the 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.
17. 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.

18. Prior to a Public Works final inspection, 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.

### **Coastal Findings**

- A. 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.
- B. The project maintains or enhances public views.**  
The proposed project has no permanent impact on view or coastal access.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**  
The proposed project will have a minimal impact to existing with Pampas Grass to be removed above the root. Pampas Grass is nonnative and is a “recommended to avoid” plant species by the Department of Fish and Wildlife. Condition of approval #12 requires the applicant to avoid repairs during the nesting season or hire a qualified biologist to survey any nesting activity in the area prior to start of work.
- D. 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.
- E. The project maintains or enhances opportunities for visitors.**  
The project has no impact on visitors and opportunity.
- F. The project maintains or enhances coastal resources.**  
The proposed wall repair is intended to maintain the bluff and minimize erosion.
- 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 wall repair will not be noticeable from offsite when compared to the conditions since 1998. There are no significant design or operational impacts associated with the repair.
- 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 will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. Short term mobilization impacts will be minimal and only impact the project site

**Result: Approved, 5:0 (Unanimous)**

**Mover:** Vice Chair Westman

**Second:** Commissioner Routh.

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

### **6. Director’s Report**

Brian provided update that the Outdoor Dining Ordinance will be agendized for the Coastal Commission’s review on June 10, 2022.

### **7. Commission Communications**

None

## **8. Adjournment**

The meeting was adjourned at 7:38PM to the next Regular Meeting of the Planning Commission on July 21, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, Clerk to the Commission

**APPROVED SEPTEMBER 1, 2022**