

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, September 01, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

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

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#### 1. Roll Call

Chair Wilk called the meeting to order at 7 P.M. Commissioners Mick Routh, Susan Westman, and Peter Wilk were present in-person. Commissioner Ed Newman attended remotely, and Commissioner Courtney Christiansen was absent.

#### 2. Oral Communications – None

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

**B. Public Comments** – Director Herlihy noted that there are two people attending on Zoom; there's no hand raised.

##### C. Commission Comments – None

##### D. Staff Comments

Director Herlihy noted that the RTC appeal will be heard September 22, 2022, by City Council.

#### 3. Approval of the Minutes

- A. Approve May 5, 2022, Regular Planning Commission Meeting Minutes
- B. Approve June 2, 2022, Regular Planning Commission Meeting Minutes
- C. Approve July 21, 2022, Regular Planning Commission Meeting Minutes

**Motion: Approve minutes.**

**Result: Passed, 4-0 (Unanimous)**

**Mover:** Vice Chair Westman

**Second:** Commissioner Routh

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

**Absent:** Commissioner Christiansen

#### 4. Consent Calendar

##### A. 1830 47th Avenue

**Permit Number: #22-0239**

**APN: 034-022-35**

Design Permit, Coastal Development Permit, and Tree Removal Permit for demolition of an existing residence and construction of a new single-story residence with an attached garage and ADU located within the R-1 (Single-Family Residential) zoning district.

The project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to California Coastal Commission.

Planning Commission Meeting Minutes – September 01, 2022

Environmental Determination: Categorical Exemption 15303

Property Owner: Alex Westervelt

Representative: Kieran Martin, Filed: 06.03.2022

**Motion: Approve the Consent Calendar**

**Result: Passed, 4-0-1 (Unanimous)**

**Mover:** Commissioner Routh

**Second:** Vice Chair Westman

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

**Absent:** Commissioner Christiansen

**Conditions of Approval**

General

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 September 1, 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. 9.12.010B

Planning

4. The project approval consists of construction of a 954 primary residence, 343 square foot ADU, and 260 square foot garage. The maximum Floor Area Ratio for the 4,000 square-foot property is 54% (2,160 square feet). The FAR of the project is 39.6% with a total of 1,586 square feet, 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 September 1, 2022, except as modified through conditions of approval or as required by the Planning Commission during the hearing.
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 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 17.156.080.
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

Planning Commission Meeting Minutes – September 01, 2022

others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. 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.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0239 shall be paid in full.
11. 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.
12. Exterior lights shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots. Exterior lighting shall be shown and specified on the plans for Building Permit plan check.
13. The applicant shall install two, 15-gallon arbutus marina with functional irrigation, prior to final inspection.
14. Prior to issuance of building permits, the building permit plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
15. 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.
  - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.
16. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the city at time of demolition permit application.

Public Works

17. Prior to issuance of building permits, submit a stormwater temporary construction sediment and erosion control plan, e.g., wattle, contain trash/debris, stockpile protection, location of portable toilet and containment/protection, stockpile protection detail, wattle location, etc. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction; and shall be maintained throughout project duration.
18. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
19. Prior to issuance of building permits, submit a site drainage plan. Sheet L-2 of plan set dated 5/23/22 – Show the location of all downspouts, direction of flow and specify where the overflow

## Planning Commission Meeting Minutes – September 01, 2022

will dissipate to and provide verification the retention areas are properly sized to handle the flow. Site runoff shall not drain onto the adjacent parcels.

20. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements 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, and installation of curb/gutter/sidewalk along the property frontage. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact the frontage of adjacent parcels.
21. Prior to project final, all vegetation encroaching onto the existing sidewalk shall be removed. The applicant shall contact the Public Works Department for an inspection to evaluate the condition of the existing sidewalk, curb and gutter.
22. Prior to 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.
23. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. All sidewalk, curb and gutter improvements shall be constructed per city standard. No material or equipment storage may be placed in the road right-of-way.

**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, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage are consistent with the general plan and the local coastal program.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with all measurable development standards of the R-1 (Single-Family Residential) zoning district.

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

Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone. This project involves demolition and reconstruction of a single family residence and typical accessory structures. 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, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage 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).**

## Planning Commission Meeting Minutes – September 01, 2022

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with the applicable design review criteria as described in the staff report and through conditions of approval.

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

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the application for the proposed new residence, ADU, and garage. The contemporary design of the residence with single plane roofs and narrow vertical windows are less common but these architectural elements currently exist on the block at 1760, 1770, and 1775 47<sup>th</sup> Avenue. The single story nature of the project allows it to blend appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood with a measure of unique style.

### **Coastal 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 1830 47th 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 1830 47th Avenue. The project has no impact on landmarks or public views.

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

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact low-cost public recreational access.

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

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact visitor serving opportunities.

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

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact coastal resources. There are no coastal resources in the immediate area of the subject property.

**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 the demolition and replacement of an existing residence, and ADU and a garage on a residential lot of record. The project is consistent with the LCP goals for appropriate

Planning Commission Meeting Minutes – September 01, 2022

coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

## 5. Public Hearings

### A. State Route 1 Auxiliary Lane Improvements

**Permit Number: #22-0223**

**APN: N/A**

Coastal Development Permit and Tree Removal Permit for auxiliary lanes, bus on shoulder improvements, replacement of the Capitola Avenue Overcrossing, new landscaping, and soundwalls. The project is located within the Coastal Overlay zone and partially within a Planned Development zoning district.

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

Environmental Determination: FEIR CA Dept. of Transportation, May 2021

Property Owner(s): State of California and Capitola Knolls HOA

Representative: Sarah Christensen, RTC

Senior Planner Brian Froelich presented the staff report.

Sarah Christensen, (Santa Cruz County Regional Transportation Commission), provided overview on the Highway 1 Proposed Project.

Project Engineer Kira Caselli, provided details on the Project Improvements

Vice Chair Westman asked questions on the new design for Capitola Avenue bridge, and highlighted the need to coordinate with the New Brighton Middle School.

Commissioner Routh: asked if the old overpass will be incorporated or demolished.

Project Engineer Kira Caselli responded that they will be demolished.

Commissioner Newman asked clarifying question on any anticipated lawsuit.

Sarah Christensen, (Santa Cruz County Regional Transportation Commission) observed that the project was certified back in 2021; CEQA document was prepared, and no lawsuit was received.

Public comments: Paula Bradley commented on Capitola Knolls Tree removal, landscaping, and greenbelt along the highway. She proposes the following conditions: (i). landscaping should be required; (ii). trees should be tagged or identified, so that the trees being removed are seen. (iii). There should be shrubs.

Sarah Christensen, (SCCRTC) observed that there are some limitations to what can be proposed on private property, as part of a public project.

**Motion: Approve the coastal development and tree removal permits with the added condition of re-wording the statement to continue to cooperate with Capitola Knolls in coming up with an agreement for the sound wall, planting, and acquisition of land.**

**Result: Passed, 4-0-1 (Unanimous)**

**Mover:** Vice Chair Westman

**Second:** Commissioner Routh

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

**Absent:** Commissioner Christiansen

## Conditions of Approval

1. The project approval consists of a Coastal Development Permit and Tree Removal Permit to develop Highway 1 Auxiliary Lanes and Bus-on-Shoulder project between Bay Avenue/Porter Street and State Park Drive for the area of Highway 1 located within the Coastal Zone. The project also includes improving the outside shoulders, constructing a new pedestrian and bicycle overcrossing at Mar Vista Drive, adding retaining walls near the Bay Avenue/Porter Street interchange, rebuilding and widening the Capitola Avenue overcrossing to accommodate standard sidewalk widths and bike lanes, replacing the outside barrier at the Park Avenue undercrossing, installing major landscaping improvements and installing soundwalls. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 1, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The Final EIR adopted avoidance, minimization, and/or mitigation measures shall be followed for the project.
3. The RTC shall execute legal agreements and/or complete any necessary lot line/boundary adjustments, prior to any work in the area outside of the existing Caltrans right of way. The RTC and Capitola Knolls HOA shall work together and with the city, as needed, to complete any necessary landscaping lot line adjustments or alterations to land boundaries.

## 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. The applicant has prepared an exhaustive analysis of the LCP, engaged with city staff, Coastal Commission staff, stakeholders, and the community.
2. **The project maintains or enhances public views.** The proposed project will impact views along the highway. The applicant has evaluated the need for soundwalls and performed a performance benefit and efficiency analysis to minimize wall height to the extent possible. The walls will be constructed of a stacked and staggered (mixed) block wall and planted with creeping vines. Vegetation removed is replaced with a select and primarily native plant list. Views will change but there are no views to the coast, shoreline or major landmark that will be impacted.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.** The proposed project will remove 108 non-native trees and replant with only native and drought tolerant specimens. The project also adjusts to minimize impacts to the Nobel Gulch Riparian area. Vegetation will be disrupted in the short term and enhanced after project completion.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.** The project purpose is to improve access and ease traffic. Access to public recreational resources will benefit from the project for all transportation modes.
5. **The project maintains or enhances opportunities for visitors.** The project will maintain opportunities for visitors while improving access.
6. **The project maintains or enhances coastal resources.** The project maintains coastal resources while improving access.

Planning Commission Meeting Minutes – September 01, 2022

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 project is consistent with local policy documents and the LCP. The applicant has communicated formally and informally with the city, stakeholders, and the community in preparation of the project design.
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 improve public and visitor access to coastal resources and recreation.

**6. Director's Report**

Director Herlihy acknowledged and thanked Sean for his helpfulness and invaluable contributions in the last two years, as well as introduced Brian and Louis in person. She also commented on City Council's Administrative Policy on hybrid meetings and announced a Special Meeting on October 20, 2022.

**7. Commission Communications**

Vice Chair Westman asked for an update on outdoor dining. Director Herlihy provided update and stated that a lottery had been held in the village for 45 days; with a total 19 applicants.

**8. Adjournment**

The meeting was adjourned at 7:40PM to the next Regular Meeting of the Planning Commission on October 6, 2022.

ATTEST/Approved by the Planning Commission

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Julia Moss, City Clerk's Office