

City of Capitola

Planning Commission Meeting Minutes

Thursday, August 17, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Susan Westman

Commissioners: Courtney Christiansen, Paul Estey, Gerry Jensen, Peter Wilk

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:01pm. In attendance: Commissioner Estey (teleconference), Commissioner Jensen, Commissioner Wilk, Vice Chair Christiansen, Chair Westman.

2. Oral Communications

A. Additions and Deletions to the Agenda

Senior Planner Froelich announced two additional materials for Item 4B.

B. Public Comments

A member of the public, Goran Klepic, spoke about an illegal dumping issue that he has seen happening near the CVS and McDonalds on 41st Ave.

C. Commission Comments

Commissioner Wilk commented on the approved and in progress Tree Stump Sculpture project in the Lower Parking Lot.

Commissioner Jensen shared his pride in seeing a nearly complete outdoor dining deck at Left Coast Sausage Worx.

D. Staff Comments

None

3. Approval of Minutes

A. July 20, 2023 – Planning Commission Meeting Minutes

Motion to approve the July 20, 2023 minutes: Vice Chair Christiansen

Seconded: Commissioner Jensen

Voting Yea: Commissioner Estey, Commissioner Jensen, Vice Chair Christiansen, Chair Westman

Abstaining: Commissioner Wilk

4. Consent Calendar

Commissioner Wilk pulled Item 4B for discussion.

A. 1500 Wharf Road #7

Permit Number: #23-0228

APN: 035-194-05

Historic Alteration Permit first-story modifications to one of the historic Venetian condominium units, located within the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Viola Carr and Sherrean Carr

Representative: Roy Horn, Filed: 05.02.23

Motion to approve Item 4A: Commissioner Wilk

Seconded: Vice Chair Christiansen

Voting Yea: Commissioner Estey, Commissioner Jensen, Commissioner Wilk, Vice Chair Christiansen, Chair Westman

Conditions of Approval:

1. The project approval includes the rehabilitation of an existing 451-square-foot single-story, historic residence and a 14-square-foot addition. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 17, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #23-0228 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 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.
9. 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

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10. 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.
11. 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.
12. 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.
13. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

Historic Alteration Permit Findings:

- A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.
Community Development Staff and the Planning Commission have reviewed the proposed rehabilitation project and determined it will it has been designed to preserve character-defining features and maintain the spatial relationship with the row of adjacent Venetian dwellings. The project includes necessary repairs and fortifies the structure against future damages, thus enhancing the long term preservation of the historic resource.
- B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.
Community Development Staff and the Planning Commission have reviewed the proposed rehabilitation project and determined that distinctive design will be preserved by reconstructing the signature stucco cladding that was damaged by the 2023 storms, and use of clay-barrel tile roof accents.
- C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.
Community Development Staff and the Planning Commission have reviewed the proposed rehabilitation project and determined that the addition will not modify the spatial relationships between the existing condominium units. The stucco cladding, stucco pattern, and structural massing are prioritized over differentiation. The addition is modest, similar in scale and size, and complements the overall character of the structure.
- D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.
Community Development Staff and the Planning Commission have reviewed the proposed rehabilitation project and determined that historic features will be preserved and repaired to the extent possible. Stucco cladding will be replaced in-kind where damaged by the 2023 storm.

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Windows and doors on the front are not original and have all been damaged or destroyed by the storm; all will be replaced utilizing distinct but compatible materials.

- E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.
Community Development Staff and the Planning Commission have reviewed the proposed renovations and determined it will not impact archaeological resources.

- F. The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Following the flood and wave damage, construction is necessary to make the residence habitable again. The expanded scope of rehabilitation will help defend the historic structure against future storms. The proposed project is consistent with the Secretary of the Interior's Standards and no adverse environmental impacts were discovered by Planning Staff during the review of the proposed project.

Coastal Development Permit Findings:

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.
The proposed residential rehabilitation 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 will not negatively impact public views.

- C. The project maintains or enhances vegetation, natural habitats and natural resources.
The project will not interfere with vegetation, natural habitats, and natural resources.

- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.
The project involves façade improvements and a minor addition on private property. The project is located adjacent to a coastal access pathway but will not interfere with public access.

- E. The project maintains or enhances opportunities for visitors.
The project involves façade improvements and a minor addition on private property. The project will not interfere with visitor-serving opportunities.

- F. The project maintains or enhances coastal resources.
The project involves façade improvements 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 project complies with all applicable design criteria, design guidelines, area plans, and development standards.

- 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).

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The project involves façade improvements and a minor addition. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the MU-V zoning district.

B. 206 Hollister Avenue

Permit Number: #23-0003

APN: 036-125-10

Design Permit to demolish an existing cottage and detached garage and build a new two-story, single-family residence and detached, single-story ADU, located within the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption 15303(A) New Construction

Property Owner: Muhamed Causevic

Representative: Muhamed Causevic, Filed: 01.03.2023

Senior Planner Brian Froelich presented the staff report.

Commissioner Jensen asked about any comments from neighboring properties, and Senior Planner Froelich commented that no comments had been made since the project was publicly noticed.

Commissioner Wilk asked about the palm tree straddling the property line and whether or not the neighbor at 204 Hollister has ever tried removing the tree. Senior Planner Froelich commented that if the tree is approved to be removed, the City would seek approval from both property owners.

Commissioner Wilk also asked for clarification about the second story opaque windows.

Commissioner Estey offered his concerns about the palm tree's root system as it relates to the development of this project, mentioned that the species is non-native, and that the palm tree serves no purpose as it relates to the canopy coverage requirement, given that the Wax Myrtles satisfy this requirement at maturity.

Chair Westman opened the public hearing.

The owner of the adjacent property, Carma Heitzman, commented about the property line as it relates to the setback requirements. She also commented about her desire that the ADU does not obstruct her ocean view. She also inquired about the legally allowed construction hours.

Commissioner Wilk recommended removal of the palm tree.

The property owner asked if the commission would consider allowing the second story windows to be clear.

Designer Kurt Leintz commented about the intention and purpose of the original design of the second story opaque windows and asked for the Commission to consider allowing them to be clear.

Chair Westman suggested the Commission give staff the discretion to determine which windows can be clear as to not obstruct the privacy or comfort of adjacent properties.

Motion to approve Item 4B, adding a condition to remove the palm tree located on the property line: Commissioner Wilk

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Seconded: Vice Chair Christiansen

Voting Yea: Commissioner Estey, Commissioner Jensen, Commissioner Wilk, Vice Chair Christiansen, Chair Westman

Conditions of Approval:

1. The project approval consists of the demolition of an existing cottage and garage and the construction of a 2,160 square-foot single-family residence and 750 square-foot detached ADU. The maximum Floor Area Ratio for the 4,000 square foot property is 54% (2,160 square feet). The mature palm tree proposed for removal must remain, except as allowed pursuant to Section 12.12.180 for the removal of non-heritage trees. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 17, 2023, and 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 time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a detailed landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of a building permit, all Planning fees associated with permit #23-0003 shall be paid in full.
9. Prior to issuance of a building permit, the developer shall pay affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.

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10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of a building permit, the applicant shall submit a Minor Revocable Encroachment Permit for any landscaping or paving in the right-of-way. The revocable encroachment agreement shall be completed prior to project final.
12. 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 and incorporated into the submittals for Building Permit plan check.
13. 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).
14. 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.
15. 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.
16. 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
17. 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.
18. 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.
19. 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.

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20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties. Building mounted lighting and lighting specifications shall be included with the plans for Building permit plan check.
24. Along with the plans for building permit plan check, the property owner shall submit a site plan showing all square footage of existing and proposed impervious surfaces and existing and proposed square footage of pervious surfaces. The plan should reflect the calculations submitted in the Stormwater Permit Project Application Form.
25. 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.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU complies with the development standards of the R-1 zoning district. The project is consistent with the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff and the Planning Commission have reviewed the application for a new single-family residence and ADU. As conditioned the project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section §15303(a) of the CEQA Guidelines exempts one single-family residence and accessory structures in single family zones. This project involves a single-family residence within the Single-

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Family Residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

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

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

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

Community Development Staff and the Planning Commission have reviewed the application for the single-family residence and detached ADU. The design of the structures with setback garage, standing metal seam roof, and stucco and stone veneer siding will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

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 206 Hollister 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 206 Hollister Avenue in the Depot Hill neighborhood. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

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

The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact low-cost public recreational access.

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

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The project involves the construction of a single-family residence and ADU in a developed neighborhood and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the construction of a single-family residence and ADU in a developed neighborhood 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 a new single-family residence and 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. 836 Bay Avenue

Permit Number: #22-0438

APN: 036-011-17

Design Permit to replace an existing gas station canopy structure and a Sign Permit with Variance requests for a new wall sign, located within the C-C (Community Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Akhtar Javed

Representative: Kurt Wagenknecht, John Sevo, Filed: 10.11.22

Associate Planner Sean Sesanto presented the staff report.

Commissioner Wilk asked about the condition requiring undergrounding of the utility lines, which was already completed during the construction of the

Kurt, from K12 architects, spoke on behalf of the owner and offered his approval of all conditions.

Motion to approve Item 5A: Vice Chair Christiansen

Seconded: Commissioner Wilk

Voting Yea: Commissioner Estey, Commissioner Jensen, Commissioner Wilk, Vice Chair Christiansen, Chair Westman

Conditions of Approval:

1. The project approval consists of the demolition of an existing gas station canopy structure and the construction of a new 1,912 square-foot replacement canopy. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 17, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.

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2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #-22-0438 shall be paid in full.
8. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
9. 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.
10. 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.
11. 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).
12. 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.

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13. 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.
14. 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
15. 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.
16. 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.
17. 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.
18. 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.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
21. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

Design Permit Findings:

- A. **The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed demolition and replacement of a gas station canopy structure with additional signage complies with the development standards of the C-C (Community Commercial) zoning district.

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

Community Development Staff and the Planning Commission have reviewed the application to demolish and replace a gas station canopy structure with additional signage. The project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15302 of the CEQA Guidelines exempts projects involving the replacement or reconstruction of structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project involves the replacement of an existing gas station canopy with attached signage in the same location. The project will not increase the number of pump stations. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed replacement canopy structure 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).

Community Development Staff and the Planning Commission have reviewed the application. The proposed canopy structure and determined it complies with all applicable design review criteria in Section 17.120.070.

Sign Permits 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. With the granting of a variance for the maximum number of wall signs and maximum sign area, the proposed wall sign complies with all applicable signage provisions of the general plan, local coastal program, zoning code, and area plans.

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 additional wall sign. With the granting of a variance for the maximum number of wall signs and maximum sign area, the project complies with the applicable sign standards of the C-C (Community Commercial) zoning district.

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.

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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 buildings on the site. With the granting of a variance for the maximum number of wall signs and maximum sign area, the project complies with limitations on the number and total size of signage.

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 compatible with the architectural design of the buildings on the site. Site signage serves multiple uses, provides for adequate identification of branding and various services, and is comparable to similar uses within the City.

Variance Findings:

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

There are unique circumstances applicable to the subject property that do not generally apply to other properties. The subject property is occupied by one business but operates with distinct uses: a car wash, gas station, and convenience store. The combination of uses is typical for gas stations within Capitola, with most having at least a convenience store. Were each use to be separate businesses located on adjacent lots they would be entitled to their own signage based on their shop frontage.

The subject property is adjacent Bay Avenue to the west and Highway 1 to the north, visually and functionally similar to a corner lot, although the northern side is a highway on-ramp and not a street. Corner lot gas stations are typically entitled to a second monument sign on the secondary street frontage.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

State law requires gas stations to post fuel prices that are visible to motorists prior to entering the station, specifically limiting signage flexibility to all gas stations. Additionally, the subject property also operates a convenience store and car wash, but the zoning code does not afford additional signage because they are part of the same business on the same property. Most gas stations are located along 41st Avenue and are under a different zoning as the subject property, however, each would be similarly impacted were they to seek new or additional signage.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

The variance enables the subject property to include franchise branding which reflects multiple commercial uses and is similar to previous signage approvals by the City in the same zone as the subject property.

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D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

The variance involves a four square-foot wall sign on the new canopy structure and will not negatively impact the public, properties or improvements in the vicinity or in the same zone as the subject property,

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

The Chevron station at 1650 41st Avenue includes fuel pumps and a convenience store and was approved with a large monument sign and multiple wall signs for both the convenience store and the gas station canopy. The Shell station at 1649 41st Avenue has two pump island canopies, a car wash, and a convenience store and includes a monument sign, two canopy wall signs, a car wash sign, and a wall sign for the convenience store. Both sites are located within the C-C zoning district. Therefore, the variance does not constitute a grant of special privilege.

F. The variance will not have adverse impacts on coastal resources.

The subject property is located outside the Coastal Zone.

6. Director's Report

Senior Planner Brian Froelich provided the Director's Report and commented on the ongoing project at the current Lucky's site, which New Leaf will be moving into. They've proposed a robust signage/façade update which will be publicly heard at a future meeting. He also commented that Grocery Outlet is looking at the soon-to-be unoccupied New Leaf space.

He also provided an update on the current work being done on outdoor dining projects in the Village. Currently tracking to be completed by the weekend of the Art and Wine Festival.

He provided an update on the Housing Element timeline and reminded the Commission about upcoming items related to the Housing Element.

Finally, he provided information related to the affordable housing project at 1098 38th Ave.

7. Commission Communications

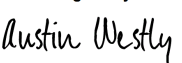
Commissioner Jensen asked about plan drawings for a potential site identified as part of the Housing Element. The plans were not yet available.

Chair Westman commented on the storm drain system in the City, which is operated by a county agency. Some neighborhoods in Capitola do not have a storm drain system, which is becoming a problem for some homeowners, specifically at Riverview Dr/Riverview Ave. She requested that Staff investigate this issue with the county storm drain operator.

Finally, Chair Westman asked Staff to follow up about the complaint related the garbage issue at the CVS/McDonalds location on 41st Ave.

8. Adjournment – Adjourned at 6:55pm to the next regularly scheduled meeting on September 7, 2023.

ATTEST:

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Austin Westly, Deputy City Clerk