



**MINUTES OF  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, FEBRUARY 3, 2022  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Chair Wilk called the meeting to order at 7 P.M. Commissioners Routh, Christiansen, Newman, Westman, and Wilk were present.

**2. NEW BUSINESS**

**3. ORAL COMMUNICATIONS**

None presented

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

None presented

**B. Public Comment**

None presented

**C. Commission Comment**

None presented

**D. Staff Comments**

None presented

**4. APPROVAL OF MINUTES**

A. Consider the December 2, 2021, Planning Commission - Regular Meeting Minutes

Recommended Action: Approve minutes.

MOTION: Approve minutes from the December 2, 2021, regular Planning Commission Meeting.

<b>RESULT:</b>	Approved [UNANIMOUS]
<b>MOVER:</b>	Routh
<b>SECONDER:</b>	Westman
<b>AYES:</b>	Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk

## 5. CONSENT CALENDAR

None presented.

## 6. PUBLIC HEARINGS

### A. 1820 41ST Avenue, Suite A Permit Number: #21-0429 APN: 034-131-24

Conditional Use Permit Amendment to allow extended hours of delivery sales for alcohol and non-alcohol retail goods from an existing Retail Alcohol Establishment (BevMo) located in the C-R (Regional Commercial) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Categorical Exemption 15301

Property Owner: Chaboya Ranch

Representative: Philip Olson - BevMo, Filed: 10.11.21

Senior Planner Brian Froelich presented a brief report. He noted that there's no formal presentation from staff; the item will continue to the April 7, 2022, Agenda because of scheduling conflict. Also, more time is required to consider the recommendation. Testimony is acceptable per the item's public noticing.

Public comments: None presented.

Recommended Action: Continue the item to April 7, 2022, Planning Commission Agenda

MOTION: Approve minutes from the December 2, 2021, regular Planning Commission Meeting.

<b>RESULT:</b>	Continue to April 7, 2022, as recommended [UNANIMOUS]]
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Courtney Christiansen
<b>AYES:</b>	Courtney Christiansen, Ed Newman, Mick Routh, Ed Newman, Peter Wilk

### B. Citywide Ordinance Applicable to Single-Family Zone

**Ordinance #: 1049**

**APN: Applicable to all parcels in Single-Family Zone**

Project description: Amendments to the Capitola Municipal Code, Adding Section 17.75 Two-Unit Developments to Title 17, Part 3 (Zoning, Citywide Standards), Adding Section 16.78 Urban Lot Splits to Title 16 (Subdivisions), Amending Section 17.74 Accessory Dwelling Units, and Amending Section 16.08 Definitions for the implementation of Government Code Sections 66411.7 and 65852.21 Related to Urban Lot Splits and Two-Unit Developments.

Environmental Determination: Implement of Government Code sections 65852.21 and 66411.7, are not considered a project under CEQA.

Property: Ordinance applies in the R-1 (Single-Family) zoning district

Representative: Katie Herlihy, Community Development Director

Director Herlihy presented the report and requested feedback from the Commissioners.

The Commission accepted the report, and provided feedback on the draft SB 9 ordinance, specifically:

1. Add requirement for deed restriction that development be limited to the standards within Chapter 17.75: Two-Unit Development in Chapter 17.75 and Chapter 17.74 Accessory Dwelling Units and prohibit Vacation Rental.
2. Keep guaranteed allowance for unit size at 800 square feet
3. Increase maximum unit size to 1,200 square feet for consistency with ADU regulations
4. Do not require separation between residential units
5. Limit front porch development to maintain front yards
6. Remove requirement that color and materials must match other structures on the same parcel
7. Include stormwater and onsite infiltration/pervious surface requirements
8. Specify if accessory uses, such as home occupancy or childcare, are allowed
9. For guaranteed allowance, protect front yards as the last option to expand into
10. Consider decreased side and rear setbacks for smaller lots
11. For lots created through SB9 Urban Lot Split, allow zero setbacks from the new central lot line
12. Minimize curb cuts for driveways. Require shared driveways with a maximum of one curb cut
13. Create maximum driveway widths rather than minimum driveway widths
14. Add standards to preserve front yards in single-family neighborhoods
15. Do not require covered parking
16. Guide parking to the side and rear of homes, not in the front yard

Commissioner Wilk sought clarification if there's anything in SB9 that indicates City had control over this in terms of driving, driveway parking and utilities as it's in the City's best interest.

City Attorney Representative, Leila Moshref-Danesh commented on compliance with State laws.

Public comment:

Paula Bradley noted that she sent an email with several questions, and read the questions for the record.

Director Herlihy will review the questions and return with answers, as well as offered to meet with Paula.

Commissioner Routh stated that there's ongoing effort to repeal SB9 and urged other commissioners to research it.

Recommended Action: Continue the conversation to the March 3, 2022, Planning Commission Agenda

**MOTION:** Continue the conversation to the March 3, 2022, meeting Planning Commission Agenda.

<b>RESULT:</b>	Continue conversation to the March 3, 2022, meeting [UNANIMOUS]
<b>MOVER:</b>	Susan Westman
<b>SECONDER:</b>	Mick Routh
<b>AYES:</b>	Courtney Christiansen, Ed Newman, Mick Routh, Ed Newman, Peter Wilk

**7. DIRECTOR'S REPORT**

None presented.

**8. COMMISSION COMMUNICATIONS**

None presented.

**9. ADJOURNMENT**

The meeting was adjourned at 9:07PM to the next regular meeting of the Planning Commission on March 3, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, Clerk to the Commission