

City of Capitola

Planning Commission Meeting Minutes

Thursday, May 01, 2025 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Courtney Christiansen, Matthew Howard, Nathan Kieu, Susan Westman

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1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance, Commissioners Howard, Kieu, Westman, Christensen, and Chair Estey.*
 2. **Additions and Deletions to the Agenda** – *Staff received one memo and one email as additional materials for Item 6C.*
 3. **Oral Communications** - *None*
 4. **Planning Commission/Staff Comments**

Director Herlihy announced that the Wharf Master Plan survey and website will go live on May 2, and will be available from the City website; there will be a community outreach meeting to discuss the Wharf Master Plan on May 20th, 2025, at 6:00 PM at New Brighton Middle School.

5. **Consent Calendar**

A. **Approval of April 3, 2025 Planning Commission Minutes**

***Motion to approve Item 5A: Vice Chair Christensen
Second Commissioner Kieu
Voting Yea: 5-0***

6. **Public Hearings**

A. **4800 Opal Cliff Drive**

Project Description: Application #25-0164. APN: 034-462-05 Request to Continue an application to renew a previously issued Conditional Use Permit and Coastal Development Permit (Permit #21-0011) for repair and maintenance of an existing coastal protection structure located within the R-1 (Single-Family Residential) zoning district and the CZ (Coastal Overlay) zone. The Planning Commission approval was issued on June 2, 2022, but the applicant was unable to secure Building Permits within two years and the permits expired.

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

Property Owner: David Mewes, HOA Representative

Representative: David Mewes, Filed: 04.01.2025

Recommended Action: Staff recommends the Planning Commission continue the item to a date uncertain to allow the applicant more time to provide updated project information.

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Senior Planner Froelich presented the staff report.

Public Comments: None

Motion to continue the item to a date uncertain: Commissioner Westman

Second: Vice Chair Christensen

Voting Yea: 5-0

B. 723 El Salto Drive

Project Description: Application #24-0311. APN: 036-143-35. Coastal Development Permit and Minor Land Division to create two lots of record in the R-1/V-S (Single Family/Visitor Serving) Zoning District. This project 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

Recommended Action: Consider Application #24-0311 and approve the project based on the recommended Conditions and Findings for Approval.

Property Owner: Doug Dodds Trustee

Representative: David Dodds, Filed: 8/13/2024

Senior Planner Froelich presented the staff report.

Public Comments: None

Motion to approve Application #24-0311 based on the recommended Conditions and

Findings: Vice Chair Christensen

Second: Commissioner Howard

Voting Yea: 5-0

Minor Land Division Findings:

A. That the proposed map is consistent with applicable general and specific plans.

The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity as conditioned.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity as conditioned.

C. That the site is physically suitable for the type of development.

Both resulting properties can accommodate compliant developments. The applicant has demonstrated the building envelope by showing setbacks on the tentative map and the project geologist has prepared a 50-year bluff retreat analysis.

D. That the site is physically suitable for the proposed density of development.

Both created parcels are physically suitable for development.

- E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision follows the existing and approved development pattern on the parcels. Environmental and archaeological conditions of approval have been added to the project.

Coastal Development Permit Findings:

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed Minor Land Division conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. Each created lot is of the minimum required size and can accommodate development consistent with the applicable zoning standards.

- B. The project maintains or enhances public views.**

The proposed project is located on private property at 723 El Salto Drive toward the end of El Salto Drive. The project site is on a residentially zoned and developed block and the anticipated future development will accommodate similar development as the surroundings. Scenic coastline views from public property will be maintained.

- C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The approved project and future development will not impact coastal vegetation, natural habitats, and natural resources, as conditioned by this report.

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

The project will not negatively impact on low-cost public recreational access.

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

The project includes residential development within a residential neighborhood. The project has no impact on opportunities for visitors.

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

The project involves subdivision and future residential development on lots with existing residential development. There is no impact to 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 lot design criteria and can accommodate compliant residential development. 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 is not inconsistent with the LCP goals for appropriate coastal development and land.

Conditions of Approval:

1. The project approval consists of a tentative parcel map for a Minor Land Division and Coastal Development Permit to create two residential lots. The lot size for Parcel A is 28,959 square feet and Parcel B is 6,479 square feet. The created lots comply with Chapter 16 Subdivisions of the

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Capitola Municipal Code and can accommodate residential development pursuant to Chapter 17 Zoning. The existing single-family home, fourplex, and detached garage will remain on the property. The proposal is tentatively approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on May 1, 2025.

2. Prior to construction, demolition, or utility work associated with subdivision improvements, a building permit and/or improvements permit shall be secured by the applicant.
3. During construction or demolition, any 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
4. Prior to recordation of the Final Map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director and City Engineer. 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 and City Engineer.
5. Prior to issuance of building permits for future development, the proposed building plans must show that all new utility lines will be underground to the nearest utility pole.
6. The draft Tentative Parcel Map includes a label “existing house to be removed” which points to the existing single-family home. The reference to demolition of the single-family home must be removed prior to map recordation. Prior to issuance of a demolition permit, the applicant shall obtain approval of new development to replace the demolished unit(s). Additionally, the applicant shall provide documentation of a signed access agreement that references the existing building encroachment and includes permission from the owner(s) of 709 El Salto Drive to access their property to conduct future maintenance of the existing home.
7. If archaeological resources are exposed during construction activities for the Project, immediately cease all construction and contact the City of Capitola Community Development Department staff to initiate a resource evaluation by a qualified archaeologist. With concurrence of the City of Capitola Community Development Director, depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist observes the discovery to be potentially significant under CEQA, preservation in place or additional treatment may be required. [REF: City of Capitola Municipal Code Section 17.56.040 (Unexpected Discovery of Archaeological or Paleontological Resources)]
8. In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, immediately notify the lead agency (City of Capitola Community Development Department) staff and the Santa Cruz County Coroner of the discovery. The coroner will decide the nature of the remains within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, can occur until a determination has been made. If the County Coroner determines that the remains are, or are believed to be, of Native American ancestry, the coroner will notify the Native American Heritage Commission within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native American Heritage Commission will appoint a Most Likely Descendant (MLD), who will be authorized to provide recommendation to the lead agency regarding the preferred treatment of the remains and any associated objects and/or materials.

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9. Pre-construction Surveys for Nesting Birds. Within 14 days prior to any ground disturbing activities or vegetation clearing during the nesting season (February 1 to August 31), a qualified biologist or biological monitor shall conduct a pre-construction nesting bird survey of all potential nesting habitat within the BSA, including a 100-foot buffer for passerine species and a 300-foot buffer for raptors. If there is a lapse between the survey time and initiation of work activities of 14 days or greater, the nesting bird survey shall be repeated. If active nests are found during the survey, work in that area shall stop and a qualified biologist or biological monitor shall determine an appropriate no-work buffer around the nest based on the activity and species and mark the buffer using flagging, pin flags, lathe stakes, or similar marking methods. No work shall occur within the buffer until the young have fledged or the nest(s) are no longer active, as determined by the biologist or biological monitor.
10. Pre-construction Surveys for Monarch Butterfly. If ground-disturbing activities or vegetation clearing occurs during the monarch butterfly overwintering period (October to March), a qualified biologist or biological monitor shall conduct a pre-construction survey for clusters of overwintering monarchs within the BSA. All large trees shall be inspected for butterflies clustering in dense groups on branches, leaves, and trunks. If any overwintering monarch clusters are found during the survey, the qualified biologist or biological monitor shall establish a 100-foot no-construction buffer around the occupied tree and mark the buffer using flagging, pin flags, lathe stakes, or similar marking method. No construction activity shall occur within the buffer until the end of the overwintering period, with confirmation by the biologist that roosting has concluded.
11. Prior to the recordation of the Final Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.
12. The applicant shall install a driveway that accommodates two uncovered parking spaces prior to recording the final map.
13. The building permit for the four-car garage on Parcel A shall be renewed and the garage building shall obtain a certificate of occupancy, prior to final map recording.
14. Prior to submitting the Final Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.
15. The owner (applicant) shall submit four (4) copies of a Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
 - a. One copy of map checking calculations.
 - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
 - c. One copy of each map referenced on the Final Map.
 - d. One copy of each document/deed referenced on the Final Map.
 - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
 - f. One copy of the approved Tentative Map.

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16. Interior monuments shall be set at each lot corner, prior to recordation of the Final Map.
17. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map and conditions of approval, prior to Final Map approval.
18. An Encroachment Permit issued by the Public Works Department is required for all improvements in any portion of the public right-of-way or of a public easement.
19. Prior to Final Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
20. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer.
21. The owner/applicant shall comply with requirements of Section 13.16.080 of the Municipal Code “Post-construction storm water management”. The applicant shall use and maintain Best Management Practices (BMP’s) for site design and storm water treatment. The proposed use is an allowed use consistent with the R-1 zoning district.

C. Capitola Wharf Master Plan

Project Description: Review of draft options for the future buildout of the Capitola Wharf.

Recommended Action: Provide feedback for City Council on the draft concepts for the Capitola Wharf Master Plan.

Director Herlihy presented the Staff Report.

Vice Chair Christensen recused herself from the discussion due to being employed by Fuse Architects.

The Commission discussed the draft options for the future of the Capitola Wharf. Topics included concern for height in options 6 and 7, Local Coastal Plan Land Use Plan and importance of fishing and hoist, economic vitality of concepts, support for additional bathroom at the end, support for hybrid of the options as a final concept, impacts of climate change, fiscal impact on taxes. Planning Commission suggested further analysis on the economics of the options and the impacts of vehicles on the wharf.

Public Comments:

- ***Cesar Plascencia***
- ***Darren Clark***
- ***Speaker***

7. Director's Report

Director Herlihy announced the kick off of the 41st Ave Corridor Study; shared that the groundbreaking for the Community Center renovation project took place on April 22, 2025; shared that staff has held discussions with the Department of Housing and Community Development (HCD) regarding the multi-family zoning code updates; reminded the Commission of the Wharf Master Plan survey and website that will be available May 2; and announced that the Wharf Master Plan community meeting will be on May 20, 2025, at 6:00 PM at New Brighton Middle School.

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- 8. Adjournment** – *The meeting adjourned at 7:06 PM. The next regularly scheduled meeting of the Planning Commission is on June 5, 2025, at 6:00 PM.*

ATTEST: 
Rosie Wyatt, Deputy City Clerk