

# City of Capitola

## Planning Commission Meeting Agenda

### Thursday, June 01, 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

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*Please review the Notice of Remote Access for instructions on participating in the meeting remotely. The Notice of Remote Access is at the end of the agenda.*

*All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.*

*All matters listed on the Regular Meeting of the Capitola Planning Commission Agenda shall be considered as Public Hearings.*

#### **1. Roll Call and Pledge of Allegiance**

Commissioners Susan Westman, Courtney Christiansen, Paul Estey, Gerry Jensen, Peter Wilk

#### **2. New Business**

#### **3. Oral Communications**

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

##### **B. Public Comments**

*Please review the Notice of Remote Access for instructions. This item is for short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes. Members of the public may speak for up to three minutes, unless otherwise specified by the Chair. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue.*

##### **C. Commission Comments**

##### **D. Staff Comments**

#### **4. Approval of Minutes**

[A.](#) May 4, 2023 - Planning Commission Meeting Minutes

#### **5. Consent Calendar**

*All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.*

#### **6. Public Hearings**

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Planning Commission Questions; 3) Public Comment; 4) Planning Commission Deliberation; and 5) Decision.*

**A. 207, 209, 209A, 211 Esplanade**

**Permit Number: #23-0104**

**APN: 035-211-03**

Consideration of alternative colors and materials for the Design Permit, Historic Alteration Permit, and Coastal Development Permit for façade modifications at 207, 209, 209A, and 211 Esplanade located in the Mixed-Use Village (MU-V) zoning district that was a previously approved by the Planning Commission on April 6, 2023.

Environmental Determination: Categorical Exemption 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes, Fuse Architects

**B. Alternative Design for the Prototype Street Dining Deck in Central Village**

**Location: Up to 25 public parking spaces in the Central Village**

Consideration of alternative railing, deck, and planter for Capitola’s prototype street dining deck design which may be utilized by Eating and Drinking Establishments in the Central Village.

Environmental Determination: Categorically Exempt 15311

Property Owner: City of Capitola

Representative: Katie Herlihy, Community Development Director

**C. Citywide Housing Element Update**

**Permit Number: 23-0019**

**APN: Citywide**

Housing Element Update 6th Cycle

Environmental Determination: Pending

Property Owner: City of Capitola

Representative: Bret Stinson, RRM Design and Veronica Tam, VTA, Inc.

**7. Director's Report**

**8. Commission Communications**

**9. Adjournment**

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**Notice of In-Person & Remote Access**

**Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010**

**Other ways to Watch:**

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel:

<https://www.youtube.com/channel/UCJgSsB5qqoS7CcD8lq9Yw1g/videos>

**To Join Zoom Application or Call in to Zoom:**

Meeting link:

<https://us02web.zoom.us/j/84769092900?pwd=anpWVWlQamFzT3BGUm54QStJWtdwQT09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **847 6909 2900**

Meeting Passcode: **379704**

**To make a remote public comment:**

- **Via Zoom Application:** Use participant option to “raise hand”. The moderator will unmute you
- **Via Zoom phone call:** Dial \*9 on your phone to “raise your hand”. The moderator will unmute you

**Appeals:** The following decisions of the Planning Commission can be appealed to the City Council within ten (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in submitted writing on an official city application form, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org/meetings](http://www.cityofcapitola.org/meetings). Need more information? Contact the Community Development Department at (831) 475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodation to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Televised Meetings:** Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org)

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, May 04, 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: Commissioners Estey, Jensen, Vice Chair Christiansen, and Chair Westman. Absent: Commissioner Wilk.

#### 2. New Business - None

#### 3. Oral Communications - None

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

**B. Public Comments - None**

#### C. Commission Comments

*Commissioner Jensen commented that a group has been formed to engage the community in Wharf enhancements.*

#### D. Staff Comments

*Community Development Director Herlihy introduced new Deputy City Clerk Austin Westly.*

#### 4. Approval of Minutes

A. March 2, 2023 - Planning Commission Meeting Minutes

*Commissioner Estey noted a correction to the vote of Item 3A.*

**Motion to approve the March 2, 2023, meeting minutes with correction: Commissioner Estey**

**Seconded: Commissioner Jensen**

**Voting Yea: Commissioners Estey, Jensen, Vice Chair Christiansen, and Chair Westman.**

**Absent: Commissioner Wilk**

B. April 6, 2023 - Planning Commission Meeting Minutes

*Commissioner Jensen noted a correction to Item 4B to include his attendance at the Planning Commissioner's Conference.*

**Motion to approve the April 6, 2023, meeting minutes with correction: Vice Chair Christiansen**

**Seconded: Commissioner Estey**

**Voting Yea: Commissioners Estey, Jensen, and Vice Chair Christiansen.**

**Absent: Commissioner Wilk**

**Abstaining: Chair Westman**

#### 5. Consent Calendar

A. 603 Escalona Drive

**Permit Number: #23-0076**

**APN: 036-142-16**

Design Permit and Coastal Development Permit for an Accessory Dwelling Unit (ADU) above an existing garage within the R-1 (single-family) zoning district.

Environmental Determination: Categorical Exemption 15301(e) Existing Facilities

Property Owner: Stanley Ketner

Representative: Stanley Ketner, Filed: 02.10.2023

*Commissioner Jensen inquired about opaque window requirements for ADUs. Property owner Stanley Ketner commented that he would prefer the window in question not to be opaque.*

**Motion to approve Permit #23-0076 waiving the opaque window requirement: Commissioner Jensen**

**Seconded: Commissioner Estey**

**Voting Yea: Commissioners Estey, Jensen, Vice Chair Christiansen, and Chair Westman.**

**Absent: Commissioner Wilk**

**6. Public Hearings**

**A. 1400 Wharf Road – Capitola Wharf**

**Permit Number: #20-0141**

**APN: 034-072-01, -02**

Review of final designs for two public bathrooms for compliance with Condition #2 of permit #20-0141. The Capitola Wharf is located within the PF (Public Facilities) zoning district.

This project received a Coastal Development Permit issued by the California Coastal Commission.

Environmental Determination: Mitigated Negative Declaration

Property Owner: City of Capitola

Representative: Kailash Mozumder, Filed: 04.29.2020

***Associate Planner Sesanto and Public Works Project Manager Mozumder presented the staff report.***

***Commissioner comments included inquiries about parking availability, aesthetics, the raising of the Wharf, funding sources for the project, and business considerations for Wharf tenants.***

***Motion to approve Permit #20-0141 with the following additional conditions:***

***Commissioner Estey***

***Seconded: Vice Chair Christiansen***

***Voting Yea: Commissioners Estey, Jensen, Vice Chair Christiansen, and Chair Westman***

***Absent: Commissioner Wilk***

***1. Due to Planning Commission concern with industrial appearance of Portland Loo, the City shall review alternatives for public restrooms at the time that either building at the head of the Wharf is rebuilt/remodeled, including consideration to remove the Portland Loo.***

*2. At the time that either building at the head of the Wharf is rebuilt/remodeled, the City shall incorporate waste enclosure into the design for the dumpster.*

*3. The Portland Loo shall be installed with minimal logos and future enhancement of the exterior shall be reviewed by the Arts Commission. The bottom of the Portland Loo shall be modified to shield the feet of the occupant from public view.*

*4. The Public Works Department and City Council shall consider alterations to the security gate, entry gate, and restroom at the head of the Wharf if there is opportunity during the bidding and/or construction of the Wharf Phase 2 Project.*

*5. The Project shall consider alternative full exteriors for the Exeloo restroom structure for increased compatibility.*

**B. Citywide Housing Element Update**

**Permit Number: 23-0019**

**APN: Citywide**

Housing Element Update 6th Cycle

Environmental Determination: Pending

Property Owner: City of Capitola

Representative: Bret Stinson, RRM Design and Veronica Tam, VTA, Inc.

*Community Development Director Herlihy presented the staff report.*

*Public Comments:*

- Paula Bradley, resident, asked the commission for clarification regarding some of the sites and other details of the Housing Element*
- Ryan Meckel, Santa Cruz YIMBY, questioned a proposed site and commented on the notation used in the site inventory report.*

**7. Director's Report**

*Director Herlihy commented about the increase in ADU applications over the last several months, status of property ownership around the city, and the practice of keeping minutes including conditions at Planning Commission meetings.*

**8. Commission Communications**

*Commissioner Jensen requested that comments from Item 5A on tonight's agenda be brought to the Colors and Materials Board in the future. In addition, he inquired about any remedies to the issues in the development process of outdoor dining spaces.*

**9. Adjournment – Adjourned at 8:27pm to the next regularly scheduled meeting on June 1, 2023.**

# Capitola Planning Commission

## Agenda Report

**Meeting:** June 1, 2023

**From:** Community Development Department

**Address:** 207, 209, 209A, 211 Esplanade



**Permit Number:** #23-0104

**APN:** 035-211-03

Consideration of alternative colors and materials for the Design Permit, Historic Alteration Permit, and Coastal Development Permit for façade modifications at 207, 209, 209A, and 211 Esplanade located in the Mixed-Use Village (MU-V) zoning district that was a previously approved by the Planning Commission on April 6, 2023.

Environmental Determination: Categorical Exemption 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes, Fuse Architects

### **Applicant Proposal:**

The applicant is proposing an alternative material to frame the rear windows and a new door at 207 Esplanade (My Thai Beach), a different paint scheme, new door, and repurposed window at 209 Esplanade (Bay Bar and Grill), and new doors instead of wood doors at 211 Esplanade in the front and rear (The Sand Bar) located within the Mixed-Use Village (MU-V) zoning district.

### **Background:**

207 – 211 Esplanade is one structure with four individual restaurant tenants. The structure was severely damaged during the January 5, 2023, atmospheric river storm. Following the storm, the structure was identified as dangerous and limited occupancy was allowed for structural and utility repairs to ensure safety and to bring the building back into operation. Rehabilitation improvements are well underway for the structure with occupancy permitted in Pizza My Heart and My Thai Beach, and ongoing construction at Bay Bar and Grill, and the Sand Bar.

On April 6, 2023, the Planning Commission approved a design permit, coastal development permit, and historic alteration permit to modify the exterior of the structure. The approved plans are included as Attachment 3.

### **Discussion:**

The applicant is requesting consideration of alternate materials and colors to the April 6, 2023, approved plans, as follows:

207 Esplanade, My Thai Beach: The first proposed change is to the rear window frame/portal material. The approval included a porcelain material that resembles “corten” steel. The porcelain is reportedly expensive with long-lead times and is a cladding material that would require a subframe to be constructed first and then the porcelain would be installed over the subframe creating a larger profile that would be inconsistent with the approved design. The applicant chose this alternative in a rush and in response to comments from RRM without fully understanding the material application. RRM had commented that corten does not perform well in wet marine environments with dripping and staining of surrounding areas. The applicant is now proposing to seal the corten with a clear sealant and has reported success with corten on their projects locally, with no dripping or staining when sealing the material. The corten is

proposed on the rear of My Thai Beach, which is a secondary façade and located over the lagoon. A change to corten does allow a simpler installation in an area that is hard to access, behind the existing pilings and over the lagoon. The applicant provided technical data sheets on the proposed Bromoco International Clear Coating for Corten (Attachment 1).

Planning staff and RRM continue to have concerns about the performance of the corten dripping into the lagoon and staining surrounding walls over time. The spec sheet for the clear coat notes that it lasts at least six years. Staff and RRM do not have concerns about the aesthetics of corten and understand that a simplified installation is preferable. Staff is therefore recommending that the applicant fabricate the portal out of steel or aluminum, as proposed, and select a metal coating product in a similar color as corten and paint the portal/frame. This recommendation will allow for simplified installation and also prevent dripping or staining. Additionally, metal coatings offer 20-30 year warranties and should be more durable over time than a clear coat.

The second change is to the door. The applicant is proposing to change the white door with divided lights to an aluminum door with transom window in antique bronze finish.

209 Esplanade, Bay Bar and Grill: The first change is to the paint scheme. At the entry to Bay Bar the approved design had included a plank wood detail surrounding the entry alcove. The plank wood was proposed to be stained the same shade of green as the surrounding stucco. The applicant now proposes a gray wood stain finish to show the texture and grain of the wood and add a warmer design feature to the facade.

The second change is to reuse the previously existing Pizza My Heart window as the primary front window at Bay Bar.

The third change is to the door. The applicant reported problems procuring a large single door and is now proposing a double aluminum door with transom window in antique bronze finish.

211 Esplanade, The Sand Bar: The first change is to substitute the wood doors for aluminum doors in antique bronze finish with a transom window above. The applicant intended to reuse the existing wood doors with the approved design. During the deconstruction process, they discovered extensive rot and damage around the door frames making reusing the doors impossible. The applicant reportedly explored ordering new wood doors and the lead time was three months or more, presenting an issue in the anticipated timing for the reopening. The current proposal is for aluminum doors in antique bronze finish with similar framed glass as the original wood doors and a new glass transom window above. Other businesses in the immediate area including Zeldas, Paradise Grill, and Margaritaville currently have aluminum doors for their primary entrances.

#### **CEQA:**

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. The proposed project will not impact the scale and historic pattern along the Esplanade; therefore, the project qualifies for this CEQA exemption.

#### **Recommendation:**

Staff recommends the Planning Commission approve the alternatives to project application #23-0104 with a change to a metal paint coating to a color similar to corten at the portal/frame of the rear windows of My Thai Beach instead of the proposed corten and clear coating. There are no changes to approved Conditions and Findings for Approval.

**Attachments:**

1. Proposed Renderings and Materials Information
2. Comparison Exhibit (before & after)
3. Plans and Renderings approved April 6, 2023
4. Conditions of Approval – Final Action Letter

Prepared By: Brian Froelich

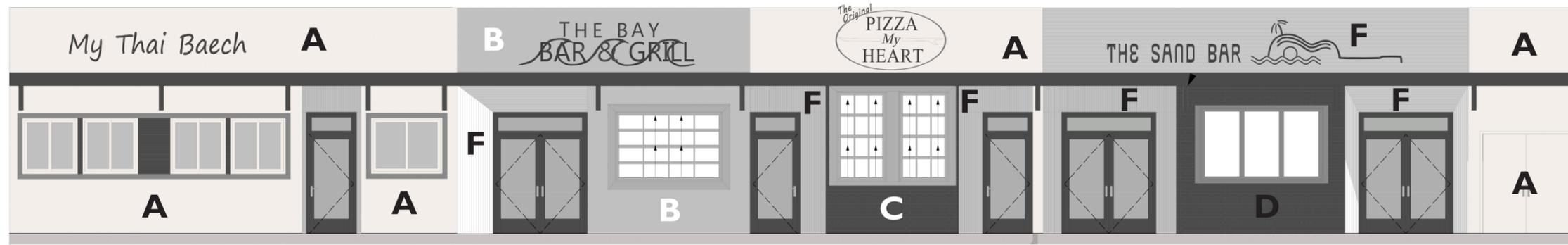
# REVISED STREETScape | ESPLANADE ELEVATION



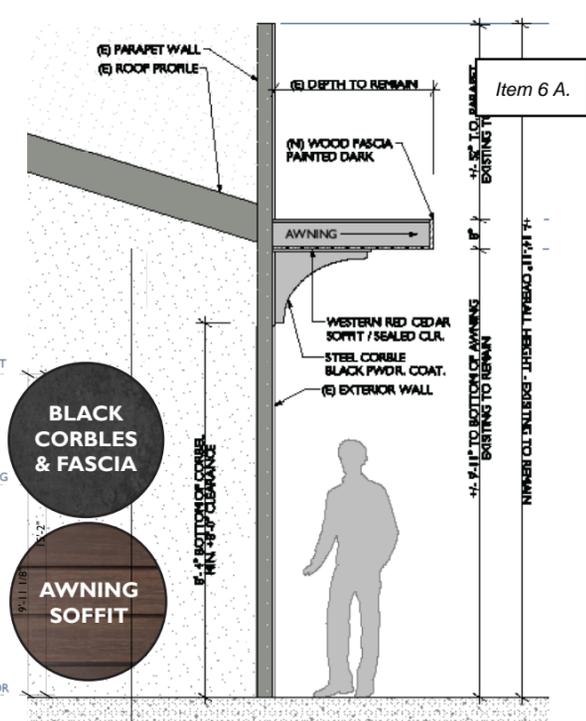
STREET VIEW - ALUMINUM DOORS IN PLACE OF THE WOOD DOORS

# PROPOSED ELEVATIONS & SECTION | ESPLANADE

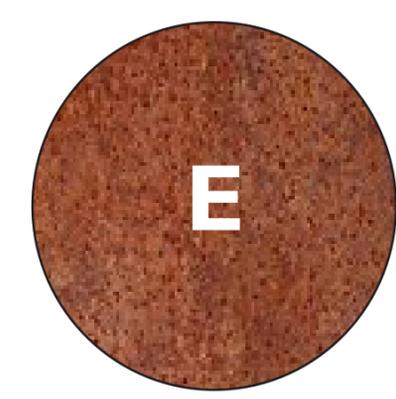
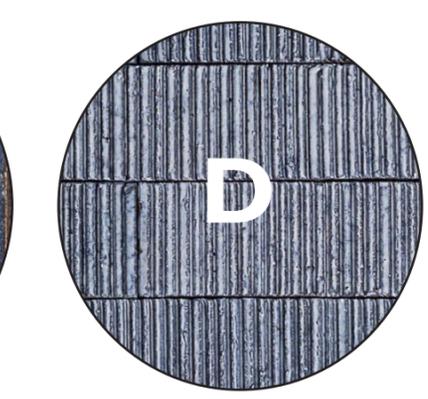
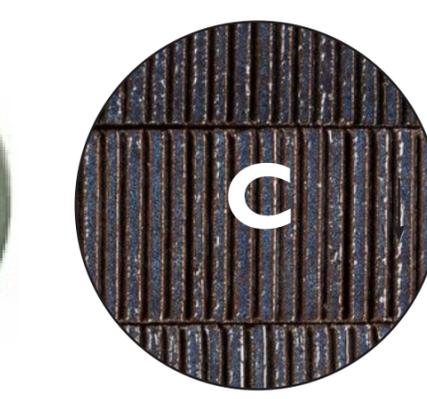
A.



STREET VIEW FROM THE ESPLANADE (SHOWN WITH SIGNAGE)



AWNING & CORBEL SECTION VIEW



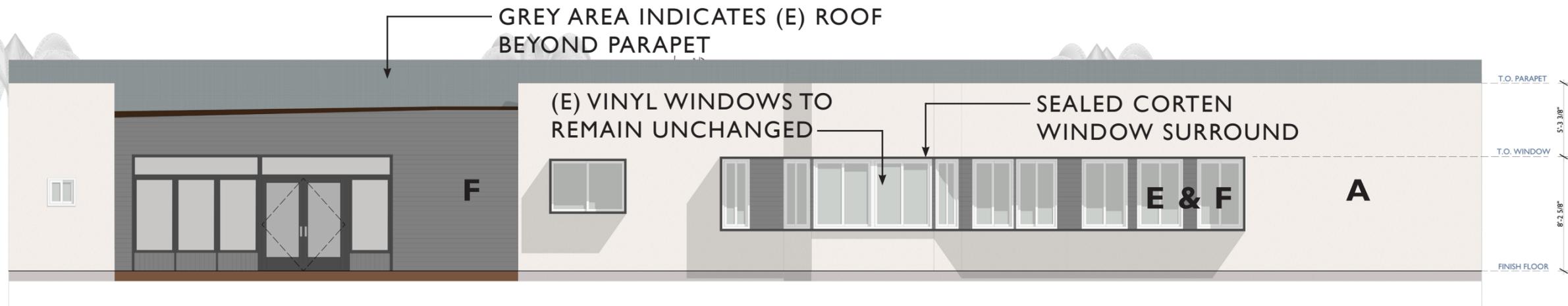
INTEGRAL COLOR STUCCO/ SMOOTH FINISH / WARM OFFWHITE / MODELED GREEN

RIBBED TILE ACCENT

CORETEN PRE-SEALED FINISH

DARK WESTERN RED CEDAR

B.



REAR VIEW FROM THE LAGOON



## **CT-7571-T Clear coating for Corten and bare carbon steel**

### **Benefits**

- Eliminate staining of surrounding areas from unsightly runoff and stains. Rusty drips on other substrates can ruin the look of a building.
- Eliminate transfer of rust to people (hands & clothing).
- Extend the life of the steel by protecting from further corrosion.
- Enhances the natural beauty and depth of the original finished.
- Good adhesion on naturally or artificially rusted surfaces.
- Self-annealing and will blend to itself to create complete protection.
- Available in a Standard 90 sheen or a Satin finish.
- Fully revisable or removable
- Provides good levels of protection from bleaches, acids and bird droppings
- Easily and fully maintainable
- Provides long lasting protection



## Product description

CT-7571-T Corten Sealer is a crystal clear one-part air cured coating. It is a self-levelling easy to apply product, leaving a seamless surface.

It has excellent chemical, abrasion and impact resistance above rating H4 on the scratch resistance pencil scale using the ASTM method D3363-05.

CT-7471-T contains Anti-oxidants that will halt and seal continuation of the rusting process

CT-7471-T provides protection from, bleaches, acids, bird droppings and acid rain.

ST-7571-TA Contains silver ion anti-microbial technology making it resistant to bacterial growth

The coating is extremely thin measuring only 7 to 12 microns making it virtually invisible to the naked eye.

The coating will remain flexible enabling it to move with the constant expansion and contraction of the substrate when heating and cooling. It has passed the ASTM method test D2794 for flexibility and impact at 80lbs and passed the ½" mandrel bend test.

CT-7571-T is applied directly in a one-part coating and is usually touch dry within 20 minutes in ambient temperatures.

Dry film thickness is usually 7 to 12 microns

The Technical Data Sheet (TDS) is recommended to be read in conjunction with the Safety Data Sheet (SDS) and the Application Guide (AG) for this product.

CT-7571-T is only available from BROMOCO International Ltd. UK

## Finishes

CT-7571 Can be supplied standard 90 Sheen or satin finishes.



Doc: BI 23775 09/07/2017

**ASTM Method Test result**

TEST	Method	Units	Result	Rating
<u>Impact Resistance</u>	D2794	1/2"	Mandrel bend test	Passed
	Flexibility	Passed	Direct & Reverse	Passed
	Impact	80 lb	No peeling, No lifting	Passed
<u>Film Pencil test</u>	D3363-05	Gouge	3H	Excellent
		Cut	4H	Excellent
<u>Salt Fog Test</u>	B117	1000 hrs		Passed
<u>Humidity Resistance</u>	D1794	1000 hrs @ 38°C		Rated 10
<u>Weather Exposure</u>	D552	100 hrs cyclic	No checking	Passed
		at 120 min light	No crazing	Passed
		18 min diminished	No adhesion loss	Passed
<u>Real Time</u>	External	Corten Steel Structures UK		
			6 Year exposure	Passed
			Fading	No effect
			Chalking	No effect
			Peeling	No effect
			Water damage	No effect
<u>Chemical Resistance</u>	D1308	Procedure 5.2	15 minute spot test	
			with 10% muriatic	Passed
			Discolouration	No effect
			Blistering	No effect
		<b>Acid with 10%</b>	<b>sodium Hydroxide</b>	Passed
		24 hour immersion		Passed
			2% soap solution	Passed
			3 types	Passed
		<b>24 hour recovery</b>	<b>period</b>	
			Adhesion	No effect
			Finish	No effect

Doc: BI 23775 09/07/2017



### Application Methods

The product can be applied by Brush, Lint free cloth, HVLP Spray with standard jet, High density foam roller / block or dipped.

Roller: To avoid air bubbles, it is very important to soak the roller then squeeze out excess then roll on a cardboard sheet to test.

Conditions during application: The temperature of the substrate should be minimum 10 °C and at least 3 °C above the dew point of the air, measured near the substrate. Good ventilation is usually required in confined areas to ensure proper drying. There should be no moisture content on the surface. The coating should not be exposed to oil, chemicals or mechanical stress until fully cured. This product should not be applied on to the surfaces that contain soft plastics (Lettering or signage).

To secure lasting adhesion to the subsequent product all surfaces should be brushed down to remove all large loose particles prior to application.

The information in this document is given to the best of BROMOCO International's knowledge, based on laboratory testing and practical experience. BROMOCO International's products are considered as semi-finished goods and as such, products are often used under conditions beyond BROMOCO International's control. BROMOCO International cannot guarantee anything but the quality of the product itself. Minor product variations may be implemented in order to comply with local requirements. Jotun reserves the right to change the given data without further notice. Users should always consult the BROMOCO International's technical department for specific guidance on the general suitability of this product for their needs and specific application practices. If there is any inconsistency between different language issues of this document, the English (United Kingdom) version will prevail.

Corten Steel sheet before



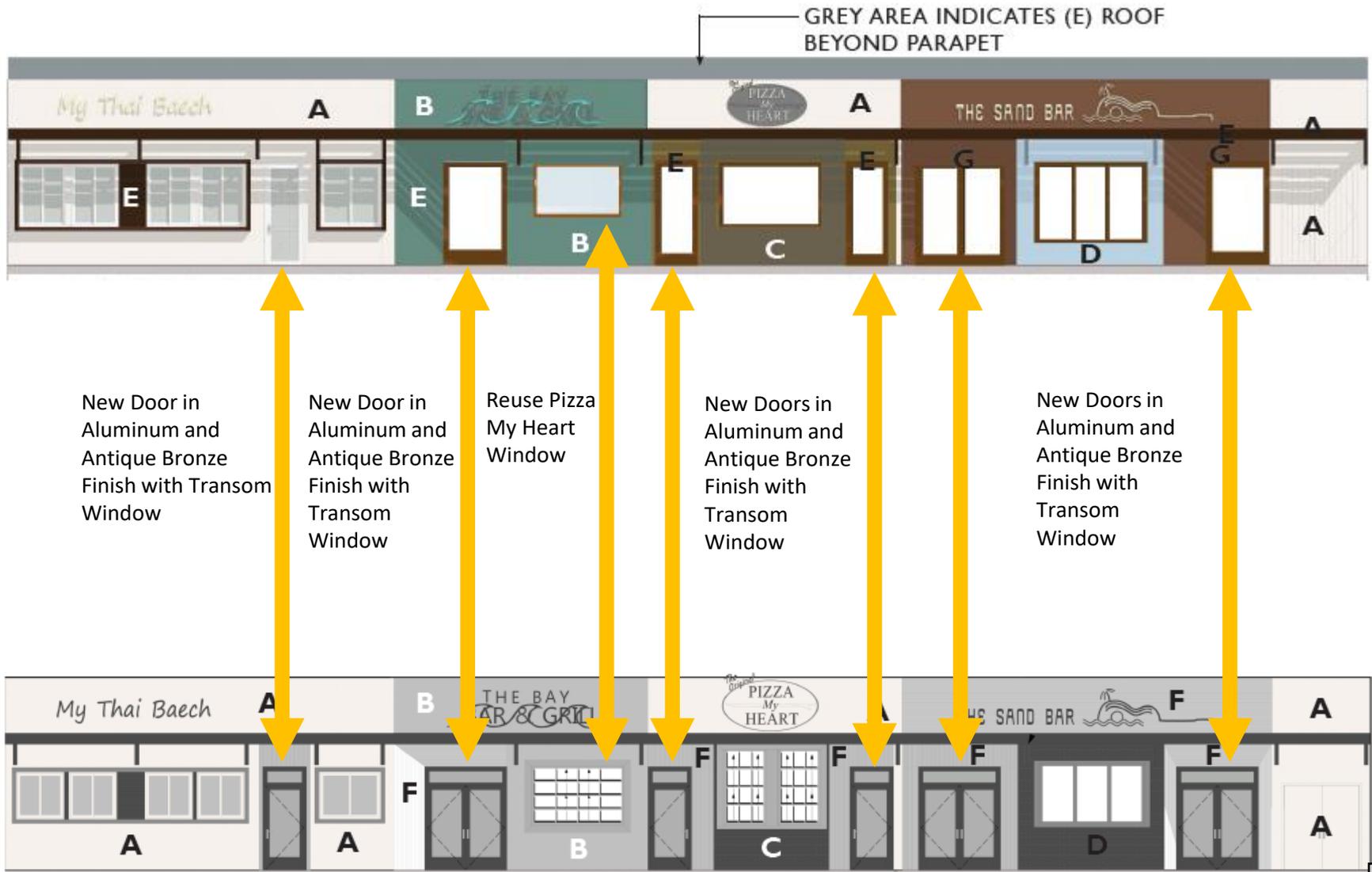
After XL-08 Process



Coating Applied WET

# Front Elevation Approved and Proposed

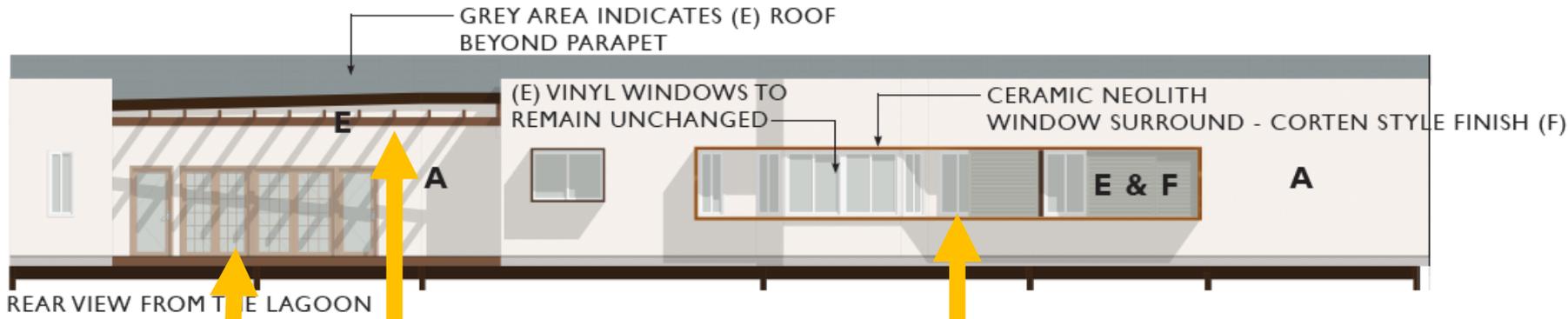
Item 6 A.



# Rear Elevation Approved and Proposed

Item 6 A.

B.



REAR VIEW FROM THE LAGOON

 FUSE ARCHITECTS + BUILDERS

512 CAPITOLA AVE. | CAPITOLA, CA.  
831.479.9295

REVISED - PRELIMINARY EXTERIOR  
SCHEMATIC CONCEPT  
ESPLANADE STREET SCAPE

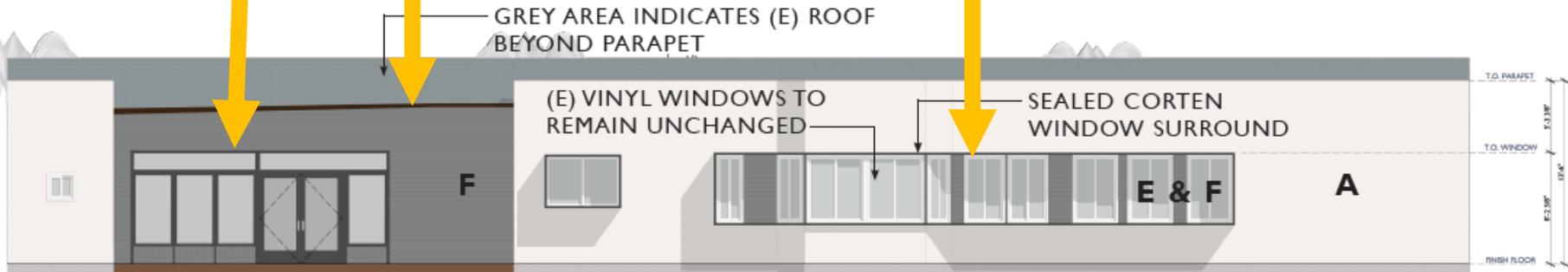
DATE | 03.31.2023

New Door and Window System in Aluminum and Antique Bronze Finish

Applicant proposing to make Cedar Awning optional

Ceramic Neolith to Corten at window portal/frame

B.



REAR VIEW FROM THE LAGOON

 FUSE ARCHITECTS + BUILDERS

512 CAPITOLA AVE. | CAPITOLA, CA.  
831.479.9295

REVISED - PRELIMINARY EXTERIOR  
SCHEMATIC CONCEPT

DATE | 05.23.2023

# Bay Bar Approved and Proposed Renderings

Item 6 A.



Approved green painted wood (left), proposed wood stain (right)

















# FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

April 18, 2023

Chuck Hammers  
209 Esplanade  
Capitola, CA 95010

RE: **Notice of Final Action on Project Application #23-0104**

**207, 209, 209A, 211 Esplanade**

**#23-0104**

**APN: 035-211-03**

Design Permit, Historic Alteration Permit, and Coastal Development Permit for façade modifications at 207, 209, 209A, and 211 Esplanade located in the Mixed Use Village (MU-V) 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 15331

Property Owner: Chuck Hammers

Representative: Dan Gomes

The above matter was presented to the Planning Commission on April 6, 2023, and was **approved**, with the following findings and conditions. Any modifications to the staff report are indicated below in ~~strikeout~~ and underline notation. \*Please note that this project includes a Coastal Development Permit, which is appealable to the Coastal Commission pursuant to Coastal Act Section 30603 and City Zoning Ordinance Section 17.44.150. **The Coastal Development Permit will not be effective until after the Coastal Commission's 10 working day appeal period has expired and no appeal has been filed.** The Coastal Commission's appeal period begins the first working day after receipt by the Coastal Commission of adequate notice of this final City action. Any such appeal must be made directly to the California Coastal Commission's Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office at (831) 427-4863.

**Conditions of Approval:**

1. The project approval consists of facade modifications to an existing commercial structure with four tenants at 207 – 211 Esplanade. The proposed project does not modify the existing FAR. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 6, 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. At time of submittal for building permit review, the applicant shall include a site drainage plan showing the location of all downspouts and the direction of flow.
6. 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.
7. Prior to issuance of building permit, all Planning fees associated with permit #23-0104 shall be paid in full.
8. 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.
9. 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.
10. 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).
11. 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.
12. 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
13. 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.

14. 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.
15. 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.
16. 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.
17. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
18. All new doors and windows shall not open or swing into the public right of way or beyond the exterior wall into the sidewalk pedestrian path.
19. The individual identity and design of the tenant spaces shall be maintained to reflect the historic pattern and character of the village.

### 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 Architectural and Site Review Committee, and the Planning Commission have reviewed proposed façade modifications and determined complies with the development standards of the MU-V (Mixed Use Village) 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 for facade modifications to a commercial structure and determined the project complies with all applicable provisions of the zoning code and municipal code.

- C. 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 Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The proposed facade modifications to a commercial structure will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff, the Architectural and Site Review Committee, a contracted architect, and the Planning Commission have reviewed the application. The proposed façade modifications to a commercial residence comply with all applicable design review criteria in Section 17.120.070.

- E. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. (Ord. 1017 § 2 (Exh. A) (part), 2018)**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the facade modifications. The project will maintain the character, scale, and development pattern along the Esplanade.

**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 facade modifications and the proposed design maintain spatial relationships along the street façade.
- 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 design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.
- 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.**  
No addition is proposed.
- 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 design. The structure is only historic in terms of the location and fitting within the broad historical patterns of the village. The design maintains the scale of the historic pattern along the street.
- E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.**  
No archeological resources exist within the 1950s structure.
- 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.**  
Community Development Staff and the Planning Commission have reviewed the proposed façade modifications to the commercial structure. Section 15331 of the CEQA Guidelines categorically exempts rehabilitation projects of historic 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. 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 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 will not negatively impact public landmarks and/or public views.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**  
Conditions of approval have been included to ensure compliance with established policies.
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**  
The project involves façade improvements and will not negatively impact low-cost public recreational access.
- E. The project maintains or enhances opportunities for visitors.**  
The project involves façade improvements and will not negatively impact 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).**  
The project involves façade improvements. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the MUV zoning district.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (April 18, 2025) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,

Brian Froelich, AICP  
Senior Planner

cc: Coastal Commission

# Capitola Planning Commission

## Agenda Report

**Meeting:** June 1, 2023

**From:** Community Development Department

**Subject:** **Alternative Design for the Prototype Street Dining Deck in Central Village**




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### **Location: Up to 25 public parking spaces in the Central Village**

Consideration of alternative railing, deck, and planter for Capitola's prototype street dining deck design which may be utilized by Eating and Drinking Establishments in the Central Village.

Environmental Determination: Categorically Exempt 15311

Property Owner: City of Capitola

Representative: Katie Herlihy, Community Development Director

### **Applicant Proposal:**

Consideration of alternative railing, planters, and deck for prototype street dining deck design.

### **Background:**

The City of Capitola created a prototype street dining deck plan for eating and drinking establishments in the Central Village. On July 21, 2022, the Planning Commission approved a blanket coastal development permit and design permit for the prototype design.

### **Analysis:**

The prototype street dining deck design includes evenly spaced concrete planters with a metal railing between the planters. The railings and planters are 36 inches in height. The prototype design identified specific manufacturers for the planters and railings to ensure the design is consistent throughout the village.

Several business owners have approached city staff with concerns that the railing and planter costs are too high and lead times are long. The metal railing is a custom fabricated item that requires project specific coordination with the designer, metal shop, and contractor to be successfully manufactured and installed. The concrete planters also reportedly present lead time issues and logistical difficulties with a required forklift delivery.

Staff is presenting alternatives for consideration that may help to reduce cost and simplify the execution of construction. The proposed alternative is modeled on the redwood fence design on the first block of the Riverview Pathway, as shown in the following image.



**Railing:** The proposed railing alternate is a redwood railing with a framed hog wire panel. This design alternative allows the contractor to construct the redwood railing, inlay panel sections of hog wire, and frame the hog wire with matching redwood trim onsite. The hog wire is a 6-gauge welded, 4-inch by 4-inch mesh pattern with a black powder coat. The railing materials include six- by six-inch posts, two- by six-inch railings, and one- by one-inch trim. The redwood for the posts, railing, and trim are con-heart redwood with a smooth finish. The redwood will require a high-grade clear sealer for waterproofing. Deck fasteners shall be utilized in construction to prevent staining.

**Deck:** The prototype deck design allows for natural redwood decking or composite wood decking. Three colors of composite wood decking are permitted in the prototype design, including light grey (nww sand), dark charcoal (bk black), and a deep brown (mk mink). To compliment the new redwood railing, staff is suggesting a fourth color option, saddle, which is similar to redwood.



Planters: The prototype design included a specific concrete planter which measures 48 x 16 x 36 inches. Within the alternative design, staff suggests the planters be removed from the railing design and required within the deck at a specific height, spacing, and material, as follows:

- Height: Planters must be 30 to 36 inches in height.  
Materials: Concrete, ceramic, or fiberglass. All planters must match in color, material, and style.  
Spacing: Planters on both sides of the entrance, in the four corners, and at each post along the street side.

For traffic safety, the Public Works Department may require traffic rated bollards on a case-by-case basis.

Next steps: If authorized or further amended by Planning Commission, the alternative would be incorporated into the Prototype Dining Deck handout.

**Recommendation:**

Following public testimony and discussion, consider authorizing the alternative railing, deck, and planters for the Prototype Street Dining Decks.

**Attachments:**

1. Alternative Hog Wire Railing Photos
2. Fiberglass Planter Detail

Prepared By: Brian Froelich



Hog Wire framed  
wood railing along  
Riverview Path

Item 6 B.



Approved colors and finishes. Choose one color for a unified theme.



rectangle planter - 48" -60" long x 15" wide x 42" high, ~ 462-635 lbs with soil  
<http://oldtownfiberglass.com>



Matte- Add suffix M to color code



Sand- Add suffix S to color code



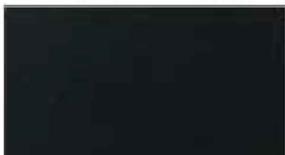
Med. Gray 18-(add suffix G, M, S or O)



Taupe 19-(add suffix G, M, S or O)



Dark Gray 20-(add suffix G, M, S or O)



Black 21-(add suffix G, M, S or O)

# Capitola Planning Commission

## Agenda Report

**Meeting:** June 1, 2023

**From:** Community Development Department

**Address:** Citywide Housing Element Update



**Permit Number:** 23-0019

**APN:** Citywide

Housing Element Update 6<sup>th</sup> Cycle

Environmental Determination: Pending

Property Owner: City of Capitola

Representative: Bret Stinson, RRM Design and Veronica Tam, VTA, Inc.

**Background:** In accordance with applicable State housing law, local government agencies are legally required to adopt plans and programs for housing that provide opportunities for and do not unduly constrain housing development. The Housing Element, which is one of seven State-mandated components of the City's General Plan, is a mechanism by which the State requires local jurisdictions to provide a variety of housing options and strive toward reaching regional housing needs while maintaining civic and local responsibility toward economic, environmental, and fiscal factors and community goals stated within adopted General Plan documents.

Housing Elements are required to be updated every eight years and must be certified by the State of California Department of Housing and Community Development (HCD) prior to finalization, in order for HCD to ensure that cities are taking necessary steps to promote the creation of housing for all income categories and of all housing types.

The City's current Housing Element was adopted by the Capitola City Council in 2015 and certified by the State of California in 2016 and will be in effect through December 2023. The City is required by law to update the Housing Element for the 2023-2031 planning period (also known as the sixth cycle) and have the updated Housing Element adopted and certified by HCD by December 31, 2023.

On May 12, 2022, the City Council authorized an agreement with RRM Design Group (RRM) for the preparation of the 2023-2031 Housing Element. Staff has worked with RRM to assess existing and projected housing needs, review the existing Housing Element, and commenced work on the updated Housing Element.

Pursuant to applicable State housing law, the City has begun soliciting public input from all segments of the community in the preparation of the Housing Element including stakeholder meetings (November 2022), two community workshops (February 16, 2023 and May 16, 2023), online housing survey (November 2022 – March 2023), Planning Commission meeting (February 2, 2023 and May 4, 2023), City Council meeting (February 9, 2023), and a joint Planning Commission and City Council work session (March 16, 2023).

**Discussion:** The purpose of this agenda item is to provide the Planning Commission with an overview of the first draft of Housing Element Update that was published on May 10, 2023, for public review and to receive public comment on the draft.

### Housing Element Public Review Draft

The public review draft of the housing element update was published on Wednesday, May 10, 2023. Following state law, the public review draft will be available for review for 30 days. During the public review period, multiple opportunities are available for the public to comment on the draft document. On May 16, 2023, a second community workshop was held in which participants provided feedback on the document. Planning Commission will receive a presentation on the public review draft on June 1 and City Council on June 8, with public comment following the presentation. The public review draft is available in print at Capitola City Hall and the Capitol Library and on the city website at <https://www.cityofcapitola.org/communitydevelopment/page/2023-2031-housing-element-update>.

The Draft Housing Element includes five chapter and four appendices, as listed in the table below.

Chapter 1: Introduction	Overview of what a housing element is, the requirements of state law, and sources utilized to create the draft.
Chapter 2: Housing Needs Assessment	Overview of housing needs within Capitola and the region. Trends in population, households, housing stock, assisted housing at-risk, and regional housing needs assessment.
Chapter 3: Constraints on Housing Production	Overview of market, governmental, and environmental constraints associated with housing in Capitola.
Chapter 4: Housing Needs and Opportunities	Analyzes resources available for the development, rehabilitation, and preservation of housing to satisfy Capitola's share of the region's future housing needs.
Chapter 5: Housing Plan	Outlines Capitola's seven housing goals and the policies and programs necessary to implement them.
Appendix A:	Glossary of Terms
Appendix B:	Community Outreach Summary
Appendix C:	Program Evaluation 2015-2023
Appendix D:	Sites Inventory
Appendix E:	Affirmatively Furthering Fair Housing (AFFH)

The following identifies the next steps for the housing element update.

<u>Next Steps</u>	<u>Date</u>
City Council Public Hearing on Public Review Draft	June 8, 2023
Submit Draft to HCD for mandatory 90-day review	June 23, 2023
Conduct Planning Commission and City Council adoption hearing	October/November 2023
Submit document to HCD for Certification	December 2023

**CEQA:** The housing consultant is currently drafting the CEQA documents for the adoption hearings next fall.

**Recommendation:** Receive staff presentation on Housing Element Update, receive public comment on the item, and provide feedback on the public review draft. No action is necessary.

Dear Planning Dept and Board

6/1/23

I am writing to request an extension to use the allowable space in front of my deli while I complete the permit for Sidewalk dining at Reef Dog Deli . Due to unforeseen circumstances, the storms, expensive and extensive planning for the parklet addition, and now misunderstanding permits I needed to vacate a private area owned by my landlord while it is vacant I have been unable to complete all the necessary paperwork and requirements within the allotted time frame. The summer is here and I cannot afford to wait. I am requesting an extension of 14 business days in order to properly complete everything required for this project. I understand that this may cause a delay in the overall timeline, but I assure you that I am working diligently to complete everything as soon as possible.

Reefdog has taken a huge hit, and its unknown if we will even make it into 2024.

For the community, my sidewalk seating offers a pleasant outdoor experience that encourages people to spend time in this neighborhood on their way through Capitola and to the beach. Overall, Our sidewalk seating is a win-win situation for both businesses and the surrounding community. I have thousands willing to petition for it.

Here are some guarantees

I promise to abide by all city rules about maintaining the allowable clearance of foot traffic and wheelchair

I promise that I will keep the space clean and compliment to city regulations including no additional street signage or flags

I promise that I will remove portable fold up bistro tables and chairs at the end of every business day. 10-5pm.

If I fall out of compliance of any of these requests I will remove my sidewalk seating immediately.

Thank you for your understanding and consideration in this matter

Anthony Kresge  
Owner, Reef Dog Deli

Attached is a declaration page identifying my insurance coverage for outdoor use of property and city space