

City of Capitola

Planning Commission Meeting Agenda

Thursday, November 02, 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

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.

The Planning Commission will accept public comments in person at the meeting and by email.

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

Additional Materials, Item 5A – two emails

Additional Materials, Item 6A – one email

Additional Materials, public comment – one flyer

B. Public Comments

This item is for short communications from the public concerning matters not on the Agenda. 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.](#) October 5th Planning Commission Meeting Minutes

[B.](#) October 19th Special Planning Commission Meeting Minutes

5. 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.](#) Regional Bikeshare Permitting

Permit Number: #23-0463

APN: City-Wide

Major Encroachment Permits (MEP) and Coastal Development Permits (CDP) for BCycle docking stations for the regional bike share program located within the right-of-way in 18 locations within Capitola.

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

Environmental Determination: Categorically Exempt 15301(c) and 15303 (e)

Property Owner: City of Capitola

Representative: Community Development Department

6. Director's Report

A. Update on Housing Element

7. Commission Communications

8. Adjournment - Adjourn to the next regularly scheduled Planning Commission meeting at 6:00 PM on December 7, 2023.

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.

Public comments can be provided to the Planning Commission in-person or by email (planningcommission@ci.capitola.ca.us).

Ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

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**

****Please be aware that the Planning Commission will not accept comments via Zoom****

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review Design Permit can be appealed to the City Council within the (10) working days following the date of the Commission action. 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 writing, 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 6 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](#). 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 accommodations 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.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

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](#).

Westly, Austin

From: Strong Towns <strongtownsantacruz@gmail.com>
Sent: Wednesday, November 1, 2023 11:00 AM
To: City Council; PLANNING COMMISSION
Subject: Re: Depot Hill Halloween Parade



Warmly
John Mulry
Strong Towns Santa Cruz

> On Nov 1, 2023, at 7:59 AM, Strong Towns <strongtownsantacruz@gmail.com> wrote:

>

> Was another success. We were responsible for making it happen this year and turnout was bigger than ever, with families coming from all over mid county to participate in community centered trick or treating, no car trunks or unused, empty parking lots needed.

>

> I am confident my neighbors would applaud y'all to cement our 4 year old tradition as a car free event, we could close CentralAve to Hollister Ave and El Salto Drive in between them and have a kid safe, car free event that would provide a phenomenal local return on investment. Close these barely used streets from 5PM to 8PM on Halloween and help return us to the traditional focus of cities, serving people not cars.

>

> I bet I can get 90% of the full time Depot Hill residents on board. Folks love this event.

>

> Warmly

> John Mulry

> Strong Towns Santa Cruz

City of Capitola

Planning Commission Meeting Minutes

Thursday, October 05, 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, Commissioner Jensen, Commissioner Wilk (teleconference), Vice Chair Christiansen, and Chair Westman.

2. Oral Communications

The Commission reordered several agenda items including all items in the Public Hearing Section, and the Directors Report.

A. Additions and Deletions to the Agenda

Clerk Westly announced three additional materials for Items 5C and 5D.

B. Public Comments

Goran Klepic, a member of the public, made a comment about certain public health and safety issues that he sees around the City related to bathrooms and garbage.

C. Commission Comments

None.

D. Staff Comments

Associate Planner Sesanto noted a correction to Item 5B.

3. Approval of Minutes

A. August 17, 2023 – Planning Commission Meeting Minutes

Motion to approve the August 17, 2023 minutes: Commissioner Jensen

Seconded: Commissioner Estey

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

4. Director's Report

Directory Herlihy provided updates to the Wharf Resiliency Project, mentioning that tree replacement work that was previously required by the commission has not been forgotten and will take place at the appropriate time given construction and seasonality concerns.

In addition, she announced the approval of a Land Use Study at the Capitola Mall site. Communication is ongoing and the study will commence soon.

Grant funds have been awarded by AMBAG to implement land use planning methods identified in the 6th-cycle update of the Housing Element.

She gave an update on the affordable housing project at 1098 39th Ave proposed by Mid Pen Housing.

Finally, she reminded the Commission of an upcoming special meeting on October 19th for the recommendation on the Housing Element to the City Council.

Chair Westman requested that staff contact former Commissioner Routh with an update about the tree-planting aspect of the Wharf project.

5. Consent Calendar

A. Modifications to Permit #22-0140 for the Blanket CDP for Street Dining Decks in Capitola’s Central Village

Permit Number: 22-0140

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

Modifications to the Blanket Coastal Development Permit for Capitola’s prototype street dining decks which may be utilized by Eating and Drinking Establishments in the Central Village to review CDP recertifications programmatically rather than individually.

Environmental Determination: Categorically Exempt

Property Owner: City of Capitola

Conditions of Approval:

1. The project approval consists of a blanket Coastal Development Permit and a Design Permit for a prototype street dining deck utilizing the design that has been authorized by the Planning Commission on July 21, 2022, and modified on October 5, 2023. The proposed prototype design is approved as indicated on the final plans reviewed and approved by the Planning Commission, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Eating and drinking establishments within the mixed-use village with parking spaces along the frontage may apply for an administrative permit for use of the blanket Coastal Development Permit and Design Permit approved by the Planning Commission. All administrative permits are subject to the conditions of approval of the blanket Coastal Development Permit and Design Permit. The administrative permit approval is transferable between owners so an approved street dining deck design and CDP may be conveyed or assigned by the applicant during a sale to the new property owner without losing the approval. The permit cannot be transferred off the parking space on which the approval was granted.
3. 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 prototype design plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
4. Prior to issuance of a building permit, the applicant shall complete a revocable encroachment agreement, in a form provided by the Public Works Department, for all approved privately installed improvements within the unutilized street right-of-way.
5. 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.

6. Prior to a certificate of occupancy, 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.
7. 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.
8. The street dining deck must be constructed consistent with a prototype design approved by the City and received all necessary permits and authorizations.
9. The street dining deck must comply with all applicable requirements of Capitola Municipal Code Section 17.96, the Zoning Code, and all other applicable laws, administrative policies, rules, and regulations.
10. The street dining deck is consistent with the Local Coastal Program and will not adversely impact coastal resources, coastal access, and coastal views.
11. The street dining deck must utilize high-quality, durable materials that are compatible with surrounding development and can withstand inclement weather.
12. The street dining decks must use the prototype street dining deck design authorized by a valid coastal development permit and shall be subject to the prototype street dining deck coastal development permit findings and conditions.
13. CDP Recertification Requirement. All CDPs issued for outdoor dining permits shall require recertification by the City Council three years after the program start date ~~no later than three years after the CDP is issued~~, and every five years thereafter. Recertification shall require a public hearing before the City Council. City staff will initiate the recertification process by providing notice to the applicants of the hearing date, at least thirty (30) days in advance of the public hearing. For a CDP to be recertified, the City Council must find that the subject project is operating in compliance with the findings and conditions of the CDP and in compliance with the LCP. The City Council may recertify, modify, or revoke the CDP. The City Council’s decision shall be a final action. The project applicants, any aggrieved person, or any two members of the Coastal Commission may appeal the City Council decision. Appeal procedures for coastal development permits shall be as specified in Section 17.44.150. For the purposes of implementing this condition, issuance of the CDP for all decks with occupancy 31 Item 4 A. prior to October 31, 2023, will be November 2023. Any dining deck that received a final inspection in 2023 will be reviewed for recertification in November 2026, November 2031, and every five years thereafter. To minimize the administrative effort for recertification, dining deck recertification will be grouped by year completed and reviewed on annual basis so that dining decks that receive a final inspection in any subsequent year will also be reviewed in November after the initial three years, and then every five years thereafter.
14. for coastal development permits shall be as specified in Section 17.44.150
15. Signs. One business identification sign and one menu sign each not to exceed two square feet are allowed per street dining deck.

16. Stormwater Drainage. All street dining decks must allow for adequate stormwater drainage. Dining decks shall not block the drainage flow along the gutter line. Dining decks shall not block access into any drain inlet or other drainage/stormwater facility.
17. Utilities. All outdoor dining shall not interfere with utility boxes, water hydrants, storm drains, and all other related facilities.
18. Trash and Maintenance. An outdoor dining area in the public right-of-way shall be maintained in a clean and safe condition as determined by the City, including as follows:
 - a. All trash shall be picked up and properly disposed of.
 - b. All flower boxes and planters shall contain live, healthy vegetation.
 - c. All tables, chairs, equipment, and structures must be kept clean and operational.
19. Materials and Furniture. All infrastructure related to the street dining deck, including but not limited to tables, chairs, umbrellas, lights, heating equipment, etc. must be maintained. If signs of weathering (fading, rust, holes, etc.) are visible, the item(s) shall be replaced immediately. Faded umbrellas shall be replaced with UV rated fabric and not include logos, labels, or advertising. The prototype design includes furniture options by Emu and Tolix. The two furniture companies produce many styles, colors, and materials of commercial rated outdoor furniture. Restaurants may choose the style, color, and material of commercial rated outdoor furniture from either company.
20. Sound. Music and amplified sound are not allowed in an outdoor dining area.
21. Bicycle Parking. A street dining deck that eliminates an on-street parking space must include a bicycle parking rack integrated in the street dining deck design or within the private property of the eating or drinking establishment. The bicycle parking rack must provide a minimum of two bicycle parking spaces for each eliminated vehicle parking space. As an alternative to providing the bicycle parking rack, the applicant may pay an in-lieu fee for a central bicycle parking location.
22. Hours of Operation. Outdoor dining may occur between 7 a.m. and 10 p.m. seven days a week. The city may allow extended hours for street dining decks for special events and holidays
23. Open for Use. All outdoor dining in the public right-of-way must be open for use a minimum of five days per week, except in cases of inclement weather. "Open for use" means that the 32 Item 4 A. eating or drinking establishment must have tables ready for customers to use the outdoor dining area when the establishment is open for business.
24. All street dining facilities may be subject to inspection by the City on an annual basis or as needed to ensure compliance with this section, conditions of approval, and administrative procedures.

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 within public parking spaces (maximum 25) within the mixed-use village. 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 within public parking spaces in the mixed-use village zoning district. The prototype street dining deck provides coastal access. The prototype street dining deck 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 a prototype street dining deck will not negatively impact low-cost public recreational access. For each parking space utilized for the street dining deck, two bicycle parking spaces are required.

E. The project maintains or enhances opportunities for visitors.

The project involves a prototype street dining deck and will not negatively impact visitor serving opportunities. The street dining deck will enhance the visitor experience providing additional opportunities for dining with views and addition bike parking spaces.

F. The project maintains or enhances coastal resources.

The project involves a prototype street dining deck and will not negatively impact coastal resources. On busy beach days, the additional seating will provide more opportunities for visitors to dine on a deck and take in the view and coastal feel of the village.

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 prototype street dining deck project complies with all applicable design criteria, design guidelines, area plans, and development standards. The project has been conditioned to ensure the operating characteristics are consistent with the outdoor dining regulations of the zoning code.

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 prototype street dining deck design for future development of up to 25 parking spaces within the mixed-use village zoning district. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the mixed-use village zoning district.

B. 511 Escalona Drive

Permit Number: #23-0404

APN: 036-125-02

Design Permit Amendment to modify the previously approved exterior appearance of a two-story, single-family dwelling and attached Accessory Dwelling Unit (ADU), located within the R-1 (Single-Family Residential) zoning district.

The project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Christine Meserve

Representative: Valerie Hart, Filed: 09.08.23

Conditions of Approval:

1. The project approval includes a design permit amendment for changes to the façade of the previously approved second-story addition and internal conversion ADU (approved ministerially). The permit amendment does not affect the floor area of the previous application. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 5, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.
2. All Conditions of Approval associated with permit #20-0002 are applicable to this permit.
3. Prior to issuance of building permit, all Planning fees associated with permit #23-0404 shall be paid in full.
4. Prior to issuance of a Certificate of Occupancy, the second-story exterior doorway that opens onto the ~~east~~ west facing flat roof must be removed. Openings adjacent to the flat roof area must follow the approved plans unless changes are approved in writing by the Community Development Department or Planning Commission.
5. Modifications to the approved revocable encroachment permit are subject to approval by either the Public Works Director or the Planning Commission, whichever applies.

Coastal Development 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 design alterations comply with the development standards of the R-1 zoning district. The project secures the purpose of 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 changes to the façade. 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 15301 of the CEQA Guidelines exempts minor alterations to existing private structures involving negligible or no expansion of existing or former use. This approval is a modification to prior 2019 and 2020 approvals, which are cumulatively exempt under Section 15301(e). The modified approval involves aesthetic alterations which do not result in an expansion of use or floor area within the R-1 (Single-Family Residential) 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.

The Planning Commission reviewed the project and determined that the proposed 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 façade changes comply 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 façade changes. The modified residential design with a combination of board-and-batten and shingle siding, composition shingle roof, and stone veneer chimney will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

Motion to approve the Consent Calendar: Commissioner Estey

Seconded: Vice Chair Christiansen

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

6. Public Hearings

A. 1435 41st Avenue – Best Western

Permit Number: #23-0397

APN: 034-151-51

Conditional Use Permit Amendment to add five guestrooms by converting double-bay suites to standard guestrooms. The conversion is entirely internal, adds no floor area, and results in 59 total guestrooms. The proposal complies with required parking standards and is located in the C-C (Community Commercial) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorically Exempt 15301 – Existing Facilities

Property Owner: Capitola By-the-Sea Inn & Suites, LLC

Representative: Nielsen Architects, Filed: 09.05.2023

General Conditions of Approval:

1. The project approval consists of a Conditional Use Permit Amendment for the internal conversion of guestroom suites and manager’s unit to create five new standard guestrooms for a total of 59 guestrooms for the hotel at 1435 41st Street. The Modified CUP application #23-0397 was approved by the Planning Commission on October 5, 2023.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this conditional use 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. 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 except for Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B.
5. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy non-compliance in a timely manner may result in permit revocation.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have obtained an approved building permit and commenced construction before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

Conditional Use Permit Conditions:

1. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
2. Hours for deliveries to the hotel shall be limited to 8:00 A.M. – 8:00 P.M. Monday through Friday, to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain idle, shall utilize the loading zones, and shall not stop or park within 50 feet of the residential property boundaries.
3. Bicycle parking is required to be accommodated with six short-term bike parking spaces.
4. Amplified sound is limited to interior areas only.

Planning Department Conditions:

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 #23-0397 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.

Public Works Department Conditions:

8. Prior to issuance of building permits, any improvements that interface with the public right of way, e.g., sidewalks, crosswalks, curb, gutter and sidewalks, shall submit plans for review and approval by the Public Works Department.

9. 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.

Conditional Use Permit Findings:

- A. The proposed use is allowed in the applicable zoning district.**
Hotels are a conditional use in the Community Commercial zone. The Best Western was originally approved in 1998 with a conditional use permit.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
The proposal to add five guestrooms is consistent with the general plan, local coastal program, and zoning code.
- C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**
The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**
Community Development Department staff, Building Department staff, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

Senior Planner Froelich gave a staff report summarizing the application for a Conditional Use Permit Amendment to add 5 guest rooms to the Best Western on 41st Ave.

Commissioner Jensen asked for clarification about the deconstruction work being proposed. Senior Planner Froelich commented that access to internal electrical work needs to be inspected, necessitating the deconstructive work.

Motion to Approve Item 6A: Commissioner Jensen

Seconded: Vice Chair Christiansen

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

B. Color and Materials

Topic: Color and Materials for single family projects that require a Design Permit

Senior Planner Froelich presented a staff report regarding the Color and Materials discussion, related to the colors and materials proposed for single family property development projects that require a Design Permit.

Commissioner Jensen asked about procedures related to color and material proposals for these types of projects.

Commissioner Estey asked about the process of denying a color and/or material proposal as it relates to the character of a neighborhood.

Commissioner Wilk presented his opinion that the City and Planning Commission should minimize the stress placed on applicants during the planning process. While some aspects of the process are necessary, Commissioner Wilk would prefer that the process be streamlined to the degree that certain design elements such as paint color are given more leniency.

Commissioner Estey agrees that while material and design elements are necessarily regulated, color is not one such design aspect.

Commissioner Jensen agreed but commented that the project design and development process with the former Architectural Review Board, in his experience, was smooth. He recommended bringing that Board back. He also commented about the oft-discussed opaque window issue that has come up and several recent planning meetings. He even presented the idea of involving the community in project design choices such as color.

Chair Westman agreed that there shouldn't be a concern over color and recommended we change our definition of façade to be limited to material only, not color.

Commissioner Wilk proposed that we remove Color from aspects of the designs that are presented and approved by the Commission.

Chair Westman stated that applicants shouldn't need to submit a Colors and Materials board so long as the color and material usage is clearly stated in the plans.

Vice Chair Christiansen commented that while she mostly agrees, requesting a Colors and Materials board is a way for the applicant to demonstrate a degree of thought and intention behind the design and is a way to show care for the aesthetics of the community.

Commissioner Wilk moved to direct staff to remove paint color from the Colors and Materials board required with R-1 design permit applications, while retaining all other elements of the Colors and Materials Board.

Chair Westman directed staff to bring an item to the Commission regarding the possible return of the Architectural Review Board.

After the discussion, Commissioner Wilk excused himself from the meeting.

Motion to direct staff regarding Item 6B: Commissioner Wilk

Seconded: Commissioner Jensen

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

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.

Director Herlihy presented a staff report regarding the most recent update and HCD review of the City-Wide Housing Element.

Commissioners asked several questions throughout the staff report presentation regarding lot consolidations, density standards, water constrictions, and other elements of the Housing Element and comments from the HCD.

Chair Westman expressed concerns related to the scope of this project compared to the staff time currently available in the Planning Department, which don't seem compatible.

Chair Westman opened the public hearing.

Janine Roth, representing Santa Cruz YIMBY, commented on the group's opinion on Capitola's Housing Element draft, reiterating the comments that were provided to the Commission as part of the additional materials added to the agenda packet.

The Chair and Commission discussed the maximum density limits, the recommendation to permit duplexes on corner lots, including clarifications regarding the establishment of objective standards as described in the staff report.

Commissioner Estey asked if the City responded to the Merlone-Geier letter regarding the land use study at the Capitola Mall site. Director Herlihy confirmed that conversations with Merlone-Geier are ongoing and helping in the development of the Housing Element.

Commissioner Estey and Chair Westman commented on the State of California preventing development on State-owned land at the DMV and New Brighton State Beach, while simultaneously requiring state-mandated development in our City. Director Herlihy suggested they add a program to work with the State in the next cycle toward potential housing on state lands. The Planning Commission concurred.

D. 421 Riverview Avenue

Permit Number: #22-0216

APN: 035-132-04

Design Permit to construct a detached garage with a second story ADU. The application includes a Variance request for the required front setback for detached garages, two ADU deviations for the ADU required second-story front setback and privacy mitigations, and an exception to exceed driveway width. The project is 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

Property Owner: Steve Owens

Representative: Dennis Norton, Filed: 06.01.22

Conditions of Approval:

1. The project approval consists of construction of a detached accessory structure that includes a 434 square-foot garage and 476 square-foot, second-story accessory dwelling unit. The maximum Floor Area Ratio for the 2,707 square foot property is 57% (1,543 square feet). The total FAR of the project is 55.1% with a total of 1,491 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 5, 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 a 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 a building permit, the site plan shall indicate a minimum of 48 square feet of appropriate dedicated open space for the accessory dwelling unit, to the satisfaction of the Community Development Department.
8. 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.
9. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 4 trees to be removed from the property. Two replacement trees shall be planted on-site and in the ground and be reflected in the final landscape plan.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0216 shall be paid in full.
11. 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.
12. 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.
13. 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.
14. 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).
15. 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.

16. 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.
17. 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
18. 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.
19. 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.
20. 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.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
23. 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.
24. 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.
25. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a “No Rise Study”, performed by a licensed engineer, in which verification of the structure’s impact on the floodplain or floodway is provided.
26. For new residential construction located within the floodplain/floodway, elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and 3) prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.

27. Prior to issuance of a building permit, the applicant shall submit a site and landscape plan that reduces the driveway width to 18 feet, with soft landscaping along the sides of the driveway. The driveway may provide additional width for accommodation of a turning radius at the street, subject to Community Development Department approval. The front landscaped areas must include natural vegetation, the majority of which must be planted in the ground rather than in pots.

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. With the granting of a Variance and ADU deviation for front setbacks, the proposed accessory structure complies with the development standards of the R-1 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 a new detached garage and second story ADU. With the granting of a Variance and ADU deviations, 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 and the Planning Commission have reviewed the project and determined the proposed detached 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 and the Planning Commission have reviewed the application. The proposed detached structure complies with all applicable design review criteria in Section 17.120.070. Additionally, the structure also complies with the objective design standards for Accessory Dwelling Units.

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

Community Development Staff and the Planning Commission have all reviewed the application for the new detached structure. The ADU and garage design complement the existing dwelling with matching stucco siding and gateway, flat-pitch roof, and continuation of the roof tile pattern for the new breezeway. The project will maintain the character, scale, and development pattern of the neighborhood.

Accessory Dwelling Unit Findings:

A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.

The exterior design of the ADU is compatible with the primary dwelling with similar material and architectural form. The ADU utilizes matching stucco siding, roof tile breezeway, and flat pitched roof, with a modern horizontal board accents on the front.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**
 The exterior design is in harmony with and maintains the scale of the neighborhood. The proposed ADU utilizes similar materials and design to the subject property’s existing primary dwelling. With respect to scale, two-story dwellings are common along Riverview Avenue, with many located close to the street. The proposed ADU is located 18 feet from the front property line and is within the 22-foot maximum ADU height limit.
- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**
 The proposed project is a single-bedroom ADU on a site that is adequately parked. The ADU will not create excessive noise, traffic, or parking congestion.
- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**
 The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.
- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**
 The ADU has been designed and sited to provide mutual privacy for the new unit, the primary dwelling, and adjacent residential properties. In addition to dedicated exterior access, a condition has been added to ensure adequate open space is provided for the ADU.
- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**
 The proposed ADU is located in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated. The location and design of the ADU maintains a compatible relationship with adjacent properties.
- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**
 The new external stair case is located in the middle of the lot between the ADU and primary dwelling. Windows near the side property line will be opaque for privacy. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**
 The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.
- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**
 The project does not impair public views of the ocean or scenic coastal areas. Existing nearby coastal resources will be maintained, as further described in the Coastal Development Permit findings.

J. The project deviation is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Front Setback: Special circumstances applicable to the subject property exist that would deprive the subject property of privileges enjoyed by other properties in the vicinity and within the zone with the strict application of this chapter. The subject property is located within a Special Flood Hazard Area as identified by FEMA. As such, new habitable space must be located above the base flood elevation (BFE), which limits ADU construction to the upper story. The proposed detached ADU is located in front of the existing dwelling and has limited alternative placement to meet the minimum side setback to the north and fire separation and ADU egress to the rear. The south side is offset from the minimum setback by one foot for better light access along the primary dwelling pathway. As noted in the variance findings, four of the thirteen nearby properties along the creek have dwellings with non-conforming front setbacks.

South-facing Windows: Special circumstances existing with respect to the proposed development and surroundings. The proposed ADU is located towards the front of the lot, whereas the neighboring residence at 419 Riverview Avenue is situated towards the rear of its lot. During review, staff found the south-facing windows to possess limited privacy concerns, overlooking the neighboring property's driveway and the front corner of the residence.

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.

Due to the floodplain requirements for new construction, unique circumstances exist on the subject property which generally do not apply to other R-1 zoned properties within Capitola. The subject property is located within a Special Flood Hazard Area as identified by FEMA. Although this existing dwelling is located within the base flood elevation (BFE), new habitable construction must be located above the BFE. In order to comply with a 40-foot front setback for detached garages, the applicant would need to demolish the existing dwelling, which could not be reconstructed at grade due to floodplain restrictions.

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.

The strict application of the zoning code would deprive the subject property of covered parking and limit further development of the site that is enjoyed within the same zone and the vicinity. Within the R-1 zoning district, covered parking is often a privilege and requirement for new single-family construction and in neighborhoods such as the Riverview Terrace.

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.

A variance is necessary to allow a garage on the site, which is a substantial aspect of R-1 zoned residential properties and in the vicinity. Most properties in the vicinity possess some arrangement of garage or carport.

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 project involves a new detached garage and accessory dwelling unit located within the required front yard setback. A detached garage is required to have a 40-foot front yard setback, whereas an attached garage is required to have 20 feet. The proposed detached garage provides a twenty-foot setback. The granting of a variance would 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 variance does not constitute a grant of special privilege. Numerous Riverview Avenue homes abutting Soquel Creek have a unique development pattern with their principal elevations facing the creek and pathway and structures located close to the street. Of the 13 other properties between Blue Gum Avenue and the trestle that abut both Riverview Avenue and the creek, four properties have dwellings with non-conforming front setbacks, and three properties have detached garages with non-conforming front setbacks.

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

The granting of a variance will not have an impact on coastal resources. Existing nearby resources will be maintained, as further described in the Coastal Development Permit findings.

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 421 Riverview 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 421 Riverview Avenue adjacent the Soquel Creek. The new detached structure is located between the street and the primary dwelling. The project will not impact vegetation, natural habitats, or natural resources, and is consistent with the allowed use.

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

The project maintains existing public access. A portion of the Riverview public pathway runs across the rear of the lot along Soquel Creek. The project is located at the front of the property towards the street and will not interfere with the existing pathway.

E. The project maintains or enhances opportunities for visitors.

The project involves a new detached garage and accessory dwelling unit and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project maintains existing coastal resources. A portion of the Riverview public pathway runs across the rear of the lot along Soquel Creek. The project is located at the front of the property towards the street and will not interfere with the existing pathway.

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 detached accessory dwelling unit and garage 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.

CEQA Findings:

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

Section 15303 of the CEQA Guidelines exempts the construction of small facilities or structures, including but not limited to second dwelling units in a residential zone. The project involves the construction of a detached garage and accessory dwelling unit within a residential zoning district. No adverse environmental impacts were discovered during review of the proposed project.

Chair Westman recused herself due to living within 500 feet of the proposed development.

Associate Planner Sesanto presented the staff report and suggested that the Commission consider limiting the driveway width.

Dennis Norton, Architect, spoke to his perception that the zoning requirements are not well-matched to the size, shape, and orientation of the lots along Riverview. He noted that limiting the driveway limits access due to the narrow road.

Commissioner Jensen and Commissioner Estey asked for clarification about the plants that flank the driveway and other elements of the plan. Mr. Norton offered his rationale for these design elements.

There was a discussion regarding the Commission’s ability to make findings related to the driveway width and landscape plan as they relate to other variances that are already found in the neighborhood.

Vice Chair Christiansen opened the public hearing.

Dean Matsua, owner of 419 Riverview Ave, spoke about an issue related to a property line shared with the project site and an existing archway that is attached to his structure, yet sits on both properties. He also commented on the effect that this project will have on the ability to offer short-term rentals.

There was disagreement between Mr. Norton and Mr. Matsua regarding the archway and the easements/access rights affected by this project.

In response to a question by the Commission, Planner Sesanto clarified that the plans initially included a new gateway that would span both properties, but that the applicant had removed it when they were unable to produce a shared use and maintenance agreement with the neighbor.

Director Herlihy commented that since there is no current easement and no proposed encroachment, matters regarding the archway and access must be resolved between the property owners, independent of the application.

Commissioner Jensen moved approval with the condition that Staff make accommodations regarding the driveway width at the front property line to ensure adequate turning radius and access to the driveway.

Motion to approve Item 5D with proposed conditions: Commissioner Jensen

Seconded: Commissioner Estey

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

Abstaining: Chair Westman

Absent: Commissioner Wilk

7. Commission Communications

Commissioner Jensen asked about an update regarding the Outdoor World site as it relates to the Housing Element. Directory Herlihy responded that the design team has not been focused on this site, although it is identified as a deliverable in the Housing Element Update and asked the Commission to provide a timeline for a final deliverable regarding this site.

8. Adjournment

The meeting was adjourned at 8:18PM to the next regularly scheduled meeting on November 2, 2023.

ATTEST:

Austin Westly, Deputy City Clerk

City of Capitola Special Planning Commission Meeting Minutes



Thursday, October 19, 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 6:03PM. In attendance, Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, Chair Westman.

2. Oral Communications

A. Additions and Deletions to the Agenda

None.

B. Public Comments

Goran Klepic, a member of the public, commented about illegal dumping at the McDonalds and CVS parking lot on 41st Ave.

C. Commission Comments

None.

D. Staff Comments

Director Herlihy commented that we do not have a CCTV operator tonight and thus, there is a fixed camera view that only captures 3 of the 5 commissioners.

Leila Moshref-Danesh, representing the City Attorney's Office, gave an update on AB1033, a recent law that was signed into law regarding ADUs.

3. Public Hearings

A. Citywide Housing Element Update

Permit Number: 23-0019

APN: Citywide

Housing Element Update 6th Cycle

Environmental Determination: Addendum to General Plan EIR

Applicant: City of Capitola

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

Director Herlihy gave a recap and update to the City of Capitola Housing Element. Tonight, staff is seeking a recommendation from the Planning Commission to give to the City Council for adoption. Final submittal to the HCD will occur following the City Council adoption.

Veronica Tam, VTA, Inc., provided an update regarding the recent response from the HCD, including specifics regarding the "Missing Middle" group in the affordable housing conversation,

sites capacity issues, complications to development on publicly owned sites, and environmental constraints within site selection.

Commissioner Wilk asked how sites capacity limitations to residential use percentages would affect our RHNA numbers. Ms. Tam responded that there are buffers in place to ensure that RHNA numbers are still met even if a certain portion of sites don't reach their full residential use percentages.

Director Herlihy then provided a timeline of commitments over the next several years that will support housing development as mandated by the Housing Element, gave the staff recommendation, and concluded her presentation.

Chair Westman opened the public hearing.

Les Forster, a Capitola resident, asked a question regarding the interpretation of ADUs. He wondered if ADUs were classified as only on foundations, or if tiny homes on wheels would qualify. Director Herlihy offered clarification regarding the definitions within the City's ADU ordinance.

Chair Westman closed the public hearing and returned the item back to the Commission for questions to staff.

Commissioner Wilk asked a question regarding the procedural details of the City's Housing Element certification by the HCD.

Vice Chair Christiansen asked about the State-owned sites that were identified within the Housing Element inventory.

Commissioner Estey provided his concerns about the commitment timelines for 2024. He also responded to YIMBYs request to look at other cities' strategies for tackling their Housing Element goals. He recommended looking at and including similar strategies.

Commissioner Estey then asked regarding the EIR addendum and his concerns regarding the impact that developing over 1300 housing units will have on City Services. Chair Westman shared her opinion on why this was left out of the EIR.

Leila Moshref-Danesh commented that since the City is not changing any land-use or zoning regulations as part of the Housing Element, the impact will be limited. Commissioner Estey wondered whether or not the local water and sewer service systems are capable of handling such an increase in population as is prescribed by the RHNA.

Commissioner Wilk and Chair Westman offered clarification to Commissioner Estey.

Collette Morse, of Morse Planning Coalition, added to Leila's answer and offered a rationale for the inclusion of an EIR addendum.

Commissioner Jensen asked about how the consolidated sites will be implemented to achieve the target numbers. Veronica Tam provided an answer.

Commissioner Jensen commented on how he sees that CEQA categorical exemptions to development projects can add up over time, and when added together, these developments may have a significant environmental impact.

There was then a discussion about the RHNA calculations for this and future Housing Element cycles.

Chair Westman gave her overall interpretation of population growth as it relates to a host of socioeconomic issues.

Vice Chair Westman asked about the prohibitive costs of new water connections, and Director Herlihy provided a response including anecdotal evidence from the City of Monterey.

Motion to direct staff to update the resolution, modify the draft to incorporate HCD and staff recommendations, and provide a positive recommendation to the City Council to adopt the 6th cycle housing element: Vice Chair Christiansen

Seconded: Commissioner Jensen

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

4. Director's Report

Director Herlihy provided an update regarding the EIR from the County regarding rail trail segments 10 and 11 and the Commission asked several questions about what to expect from this development.

5. Commission Communications

Chair Westman recommended that the Commissioners all watch the upcoming City Council meeting to stay informed on the proposed rail trail project.

6. Adjournment

The meeting was adjourned at 7:15 PM to the next regularly scheduled Planning Commission meeting on Thursday, November 2nd at 6:00 PM.

Capitola Planning Commission

Agenda Report



Meeting: November 2, 2023
From: Community Development Department
Subject: Regional Bikeshare Permitting

Permit Number: #23-0463

APN: City-Wide

Major Encroachment Permits (MEP) and Coastal Development Permits (CDP) for BCycle docking stations for the regional bike share program located within the right-of-way in 18 locations within Capitola.

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

Environmental Determination: Categorically Exempt 15301(c) and 15303 (e)

Property Owner: City of Capitola

Representative: Community Development Department

Recommendation: Staff recommends the Planning Commission review and **approve** the proposed docking locations for project application #23-0463 with the Conditions and Findings for Approval below. Any locations requiring additional review may be continued to the December 7, 2023, Planning Commission meeting.

Background:

On February 28, 2019, the City Council adopted Ordinance 1027 updating Capitola Municipal Code Chapter 10.44: Bicycles and Personal Transportation Devices to establish a framework for a future local bikeshare program. The ordinance added new definitions and standards around electric bicycles, scooters, and shared mobility operators. The ordinance requires any operator of a "shared mobility service" within City limits to have a contract with the City approved by the City Council. The ordinance also includes safety standards, prohibits riding on sidewalks (with an exception for children), and sets clear rules on bicycle parking.

In October 2019, the City released a Request for Proposals (RFP) for a bikeshare program in collaboration with the County; however the City received no viable no-cost proposals in response to that RFP. Due to the pandemic, staff's efforts on the bike share program were put on hold. In the fall of 2020, staff collaborated with regional agency partners to discuss the possibility of a potential regional bikeshare program. Ultimately, a regional working group was formed, which included the University of California Santa Cruz (UCSC), Cabrillo College, the County of Santa Cruz, and the cities of Santa Cruz, Watsonville, and Capitola. The City of Scotts Valley decided not to participate but asked that if a regional agreement was established, that it be set to allow for the addition of new participants at a later date.

In April 2021, the regional working group published a Request for Information (RFI) to evaluate the range of viable options that vendors would propose for the region.

In November 2021, the regional working group interviewed the three top vendors and test rode the electric bicycles. BCycle was selected as the top choice. Over the past two years, the working group has been fine tuning the contract details to establish the same basic terms and conditions in each jurisdiction.

In January 2023, the City Council approved a five-year agreement with BCycle for 50 bikes and 100 docking locations. Pursuant to the contract, BCycle is required to have the bikes and docks installed and available to the public in Capitola within six months from the time of permit approval.

Discussion:

BCycle is part of the Trek Bicycle organization and has over 12 years of experience providing bikeshare services in over 50 communities. The proposed BCycle system is docked, which requires riders to end each ride by locking the bike into a BCycle dock, unlike Jump Bike which allowed riders to end rides at unspecified locations. BCycle will provide two docks per bicycle. BCycle is committed to launching a regional bikeshare system with 660 e-bikes and 1,320 docks from Watsonville to UCSC. The launch has seen installation at UCSC, City of Santa Cruz, and parts of the County over the past year. For the rest of the region, the launch date will be in 2024 within six months of permit approval. During the initial five-years of the agreement, BCycle has the option to expand services with up to 2,000 bicycles regionwide.

Electric bicycles with lock and individual docks will be allocated to participating jurisdictions, as outlined in the table below:

Jurisdiction	Minimum Electric Bicycles	Individual Docks
City of Santa Cruz	300	600
City of Capitola	50	100
Cabrillo College	50	100
UCSC	160	320
Watsonville	25	50
Aptos	25	50
Soquel	25	50
Other Unincorporated	25	50
Total	660	1,320

Each e-bike is accessed through walk-up registration and an online app. The agreement also requires BCycle to have a fare card integrated with other transportation networks like Metro and ParkCards. There will also be payment options available for users who are unbanked and/or do not have a credit card or smartphone.

The regional bikeshare program is a no-cost system for participating jurisdictions. All costs are paid by the vendor. Also, the agreement includes a potential revenue share option after the first two years to help jurisdictions cover administrative costs of up to \$25 per dock.

The agreement includes consumer protections related to: maximum price increases, maintenance and repair, customer service, bike availability standards, response times, safety, and education. BCycle is also required to provide quarterly reports to the participating jurisdictions on the deliverables outlined in the scope and minimal performance standards identified in the service level agreement.

User fees are as follows:

- a. Walk Up Pass: \$7 per each 30 minutes; daily maximum is \$75
- b. Monthly: \$30 for unlimited 30-minute trips, extra 30 minutes \$3 each
- c. Annual: \$150 for unlimited 30-minute trips, extra 30 minutes \$3 each

In the agreement, BCycle agrees to pursue bulk-member pricing programs for low income and students. In addition, special event pricing can be negotiated with the vendor. Pricing cannot be modified for the first two years. After the second year, pricing may go up 10 percent per contract year or CPI + three percent, whichever is less.

Permits

The docking stations proposed on public property require a Major Encroachment Permit (MEP) and docking stations in the Coastal Overlay Zone require a Coastal Development Permit (CDP). The current application is for 18 MEPs, 15 of which require a CDP. Attachment 1 includes the full details of each docking site including location, design, and number of docks.

Major Encroachment Permit Considerations

Section 12.56.060 (B) of the Capitola Municipal Code requires that the Planning Commission review the following considerations when evaluating Major Revocable Encroachment Permits:

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening.
The improvements are fastened to concrete with anchors or set on surfaces with ballast weighting. BCycle is required to remove these improvements if docking sites need to be relocated or removed.
2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood; preservation of views.
The visual impacts and scale of the installations is similar to bikes and bike racks, which are common and minimal accessory improvements to the proposed sites. There will be no significant impact to views.
3. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property.
The City Council has authorized BCycle through section 10.44.140 (B) and the sites selected are the result of input from BCycle and multiple City departments. This is not a grant of special privilege.
4. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved.

The BCycle program is intended to be an overall benefit to the community by offering an additional mode of transportation and reduction in vehicle traffic. The physical improvements associated with the program are minor and located on public properties that can accommodate their installations.

Locations within City right-of-way

The following is a list of the proposed locations within the City right-of-way:

- 1) Melton Street at 41st Avenue – In front of 3869 Melton Street. (MEP & CDP)
- 2) Clares Street – In front of 4211 Clares Street. (MEP)
- 3) 45th Avenue – In front of 4450 Capitola Avenue. (MEP & CDP)
- 4) Community Center – At west end of angled parking lot. (CDP)
- 5) Park at Rispin – Along bike and pedestrian path parallel to Wharf Road. (MEP)
- 6) Capitola Road and Wharf Road – At bus stop waiting area in front of 1750 Wharf Road. (MEP & CDP)
- 7) 49th Avenue and Prospect Avenue – At the intersection of 39th Avenue and Prospect Avenue. (MEP & CDP)
- 8) Cliff Drive – At seaward parking area remainder next to parking space 424. (MEP & CDP)
- 9) Bay Avenue and Hill Street – Corner of Bay Avenue and Hill Street. (MEP)
- 10) Village Produce – In front of 600 Bay Avenue. (MEP & CDP)
- 11) City Hall – 420 Capitola Avenue. (MEP & CDP)
- 12) San Jose Avenue – Near intersection with Esplanade. (MEP & CDP)
- 13) Esplanade Park – Near bathrooms. (MEP & CDP)
- 14) Nobel Gulch Park – Intersection of Bay Avenue and Monterey Avenue (MEP & CDP)
- 15) Monterey Park (MEP & CDP)
- 16) Kennedy Drive and Monterey Avenue – At curb in front of 875 Monterey Avenue. (MEP & CDP)
- 17) Sir Francis Avenue and Kennedy Drive – At curb near intersection with Kennedy Drive. (MEP & CDP)
- 18) Coronado Street and Park Avenue – At curb in front of 870 Park Avenue. (MEP & CDP)

Private Sites

BCycle is leading outreach to private property owners and managers on the west side of Capitola to complete the initial rollout and spread coverage evenly across the City. Specifically, BCycle is in discussion with the Mall management and is close to securing an agreement. They are also in contact with Brown's Ranch and King Plaza ownership.

ADA

The docking stations do not require Building Permits, however the Building Department will advise and may inspect installations to verify compliance with ADA clearances.

California Environmental Quality Act (CEQA):

The project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Section 15301 (c) and Section 15303 (e). The project involves installation of new accessory equipment within existing public property and right-of-way facilities involving negligible or no expansion of use.

Attachments:

1. BCycles Program and Dock Locations – Slide Deck
2. BCycle Contract -
3. Section 10.44 – Capitola Municipal Code

Conditions of Approval:

1. The project approval consists of Coastal Development Permits for 15 bikeshare docking locations and Major Revocable Encroachment Permits for 18 bikeshare docking locations. The application #23-0463 was approved by the Planning Commission on November 2, 2023.
2. BCycle shall notify the Building Department prior to installation of docking sites to determine any ADA clearances and requirements.
3. BCycle shall notify the Public Works Department prior to installation of docking sites to determine installation details and inspection requirements.

Coastal Findings:

1. **The project is consistent with the LCP land use plan, and the LCP implementation program.**
The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
2. **The project maintains or enhances public views.**
The proposed project has no permanent impact on view or coastal access.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed project will have no impact on natural habitats or vegetation.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The project improves public access to recreation and the beach and ocean.
5. **The project maintains or enhances opportunities for visitors.**
The project enhances opportunities for visitors.
6. **The project maintains or enhances coastal resources.**
The proposed project has no impact on coastal resources.
7. **The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**
The proposed docking stations within existing public facilities is consistent with applicable designs and area plans. There are no significant design or operational impacts associated with the project.
8. **The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**
The project will not obstruct public access and improves recreation and visitor opportunities. Short term mobilization impacts will be minimal.

Prepared By: Brian Froelich
Senior Planner

Regional Bikeshare Permitting Planning Commission Meeting November 2, 2023



Bikeshare Docking - Permits

Background

- 2018 City Council directed staff to initiate steps for bikeshare program
- 2019 Updated Chapter 10.44: Bicycles and Personal Transportation Devices
Published RFP in collaboration with regional working group
- 2021 Regional working group interviewed top three. Selected: BCycle
- 22/23 Final agreements signed for University of California Santa Cruz (UCSC), Cabrillo College, the County of Santa Cruz, and the cities of Santa Cruz, Watsonville, and Capitola.
- 2023 Coastal Development Permits and Major Revocable Encroachment Permits

Bikeshare Docking - Permits

Contract

- Approved by City Council
- Five-year agreement with BCycle
- Initial rollout in March 2024

System

- Docked system (rides are dock-to-dock, not like Jump Bike)
- Regionwide: 660 E-bikes and 1,320 docks
- Capitola: 50 E-bikes and 100 docks
- Option of up-to 2,000 bikes regionwide
- Accessed through online app

Bikeshare Docking - Permits

Consumer Protections

- Maximum price increases. 10% per contract year or CPI + three percent, whichever is less. No price increase in years 1 and 2
- Maintenance and repair standards
- Customer service response times
- Bike availability standards
- Safety and education requirements

Cost

- Walk Up Pass: \$7 per each 30 minutes; daily maximum is \$75
- Monthly: \$30 for unlimited 30-minute trips, extra 30 minutes \$3
- Annual: \$150 for unlimited 60-minute trips, extra 30 minutes \$3
- Bulk-member pricing programs for low income and students.

Bikeshare Docking - Permits

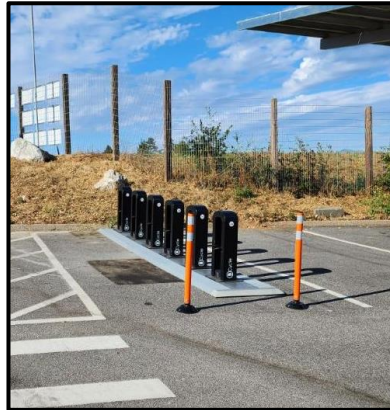
Rollout Phasing - West to East

- Completed: UCSC and City of Santa Cruz
- 2023-2024: Capitola, Watsonville, Cabrillo College, and County of Santa Cruz
- Capitola initial installations March 2024

Operation and Management

- BCycle has local fleet management team
- Recovers bikes using GPS trackers
- Changes batteries at docking stations
- Responds to customer complaints

Docking Examples



Docking Examples



Ballast Details

FEATURES

Designed to allow installation of 3.0 docks without the need for drilling into the substrate.

Base plates can be bolted to the substrate if desired, for fewer drilled holes per installation.



3.0 STATION - BASEPLATE INSTALL



Modular configuration allows flexibility in station size.

Each set of plates supports 4 docks (single-sided), or 6 docks (double-sided).

- Each 5' section of single-sided station, with baseplate = 335lbs.
- Each 5' section of double-sided station, with baseplate = 370lbs.

*** A minimum of 2 baseplates required for installation**

STATION SIZING

A minimum of 2 plates is required to meet weight requirements.



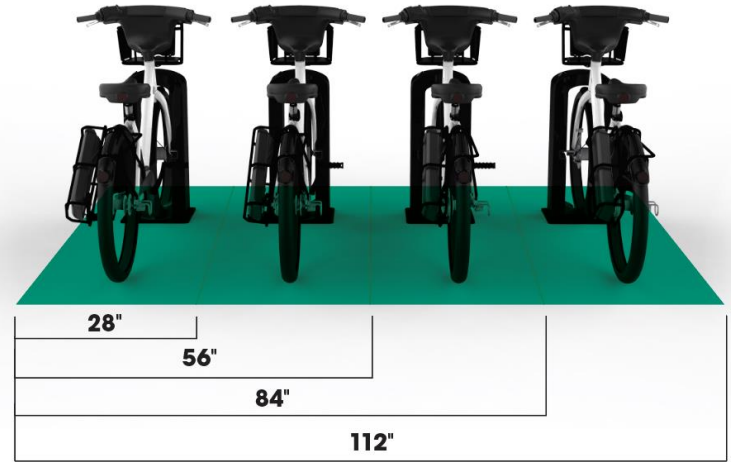
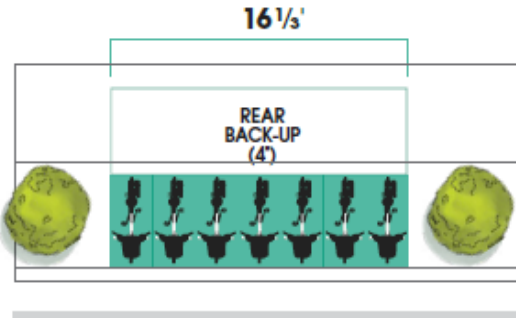
Number of baseplates	Exact length required for baseplates (each is 60" and requires 4.5" endcaps at each end. Totalling 69")	Number of docks if single-sided (Requires 5'8" of depth space, plus a 4' back-up zone or 9'8" total)	Number of docks if double-sided (Requires 8'6" of depth space, plus two 4' back-up zones or 16'6" total)
2	129"	4	6
3	189"	6	9
4	249"	8	12
5	309"	10	15
6	369"	12	18
7	429"	14	21
8	489"	16	24
9	549"	18	27
10	609"	20	30

Clearance Details

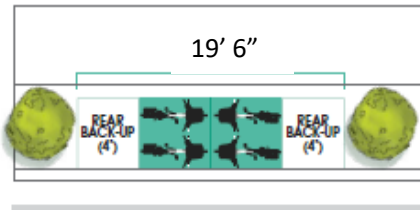
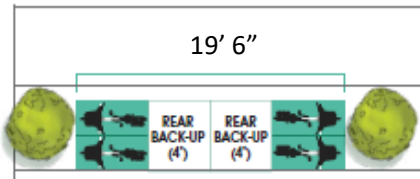
Item 5 A.

3.0 STATION – DIRECT CONCRETE/ASPHALT INSTALL

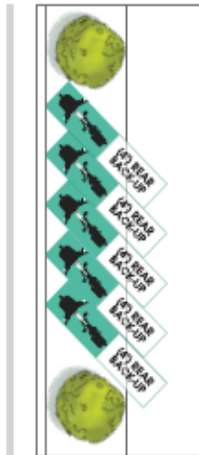
PERPENDICULAR TO STREET (TYPICAL)



PARALLEL TO STREET (ATYPICAL)



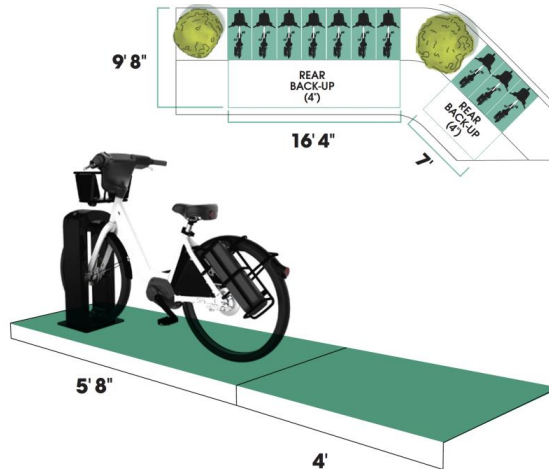
45° TO STREET (SPACE SAVER)



STATION DEPTH

- Single-sided stations must have at least 5' 8" of space (this includes a 6" front tire overhang) plus a recommended 4' back-up zone totaling 9' 8".

- Double-sided stations must have at least 8' 6" of space plus a recommended 4' back-up zone on each side totaling 16' 6".

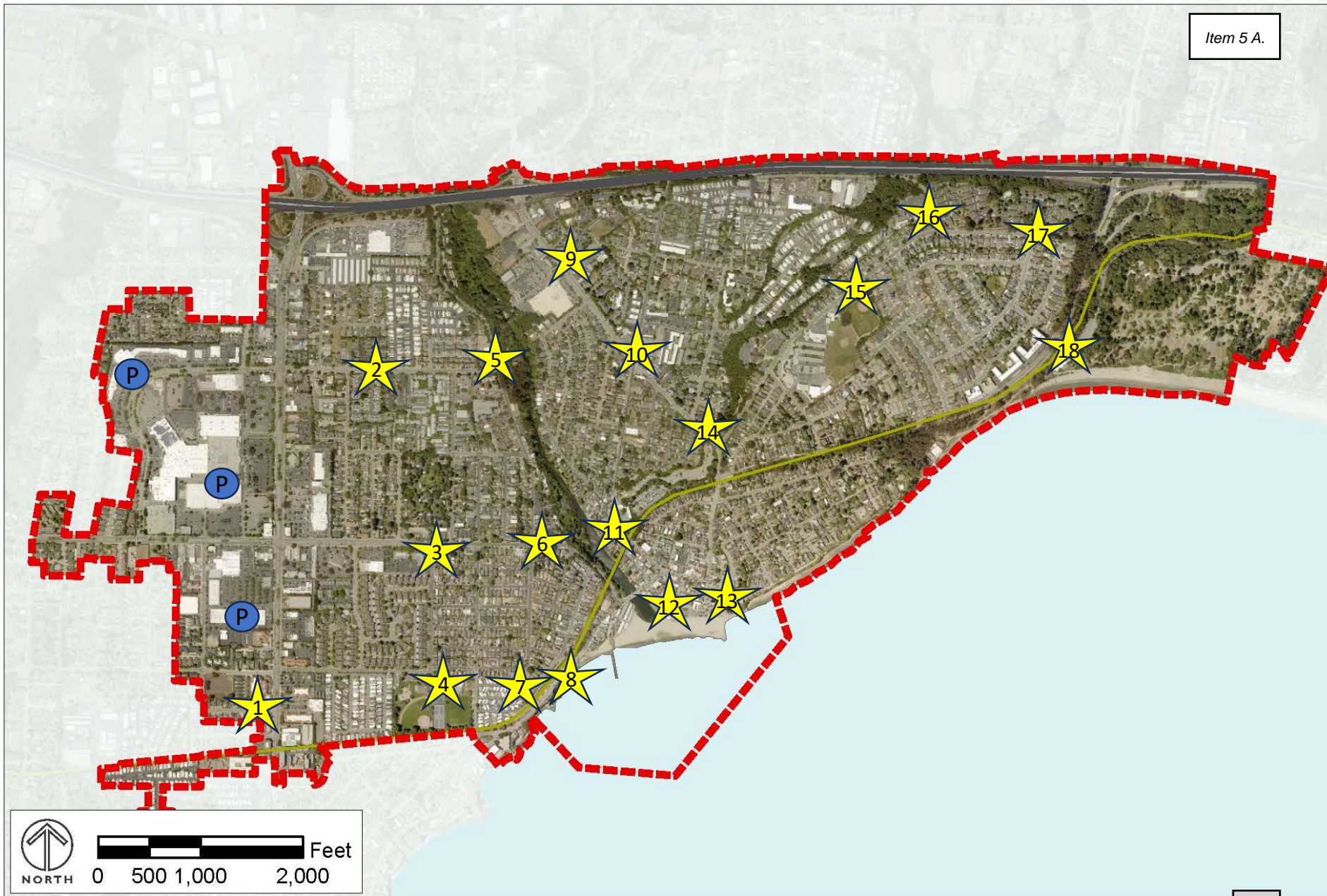


QUICK KEY

STATION WIDTH

# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

Item 5 A.



 City Limit  Private Property Docking (unconfirmed)



#1

Item 5 A.

Corner of Melton Street and 41st Avenue

SITE DIMENSION:

14'

**ANCHOR OR BALLASTED
PLATES:**

Anchored (Concrete)

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

6

**CLEARANCE TO BE
MAINTAINED:**

Minimum 5'+ from fire hydrant

Citing Notes:

N/A





#2

4211 Clares Street

Item 5 A.

SITE DIMENSION:

14'

ANCHOR OR BALLASTED PLATES:

Anchor (Concrete)

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

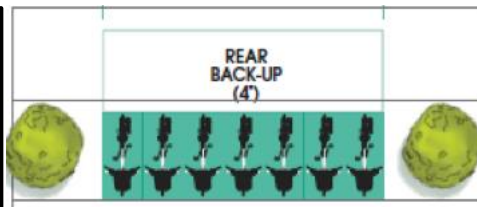
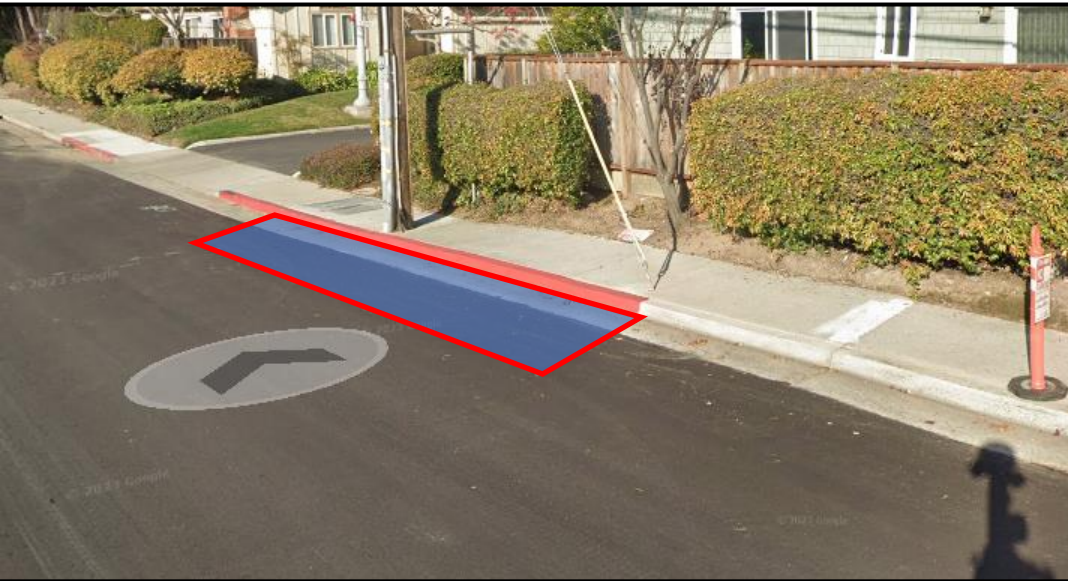
6

CLEARANCE TO BE MAINTAINED:

Cannot project into bike lane

Citing Notes:

N/A





#3
45th Avenue
4450 Capitola Road

Item 5 A.

SITE DIMENSION:
 14'

ANCHOR OR BALLASTED PLATES:
 Anchor (Concrete)

INSTALL TYPE:
 Perpendicular

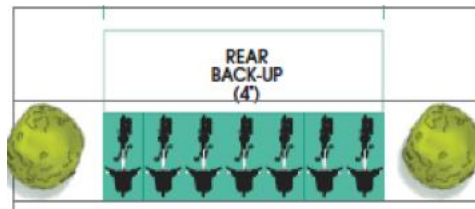
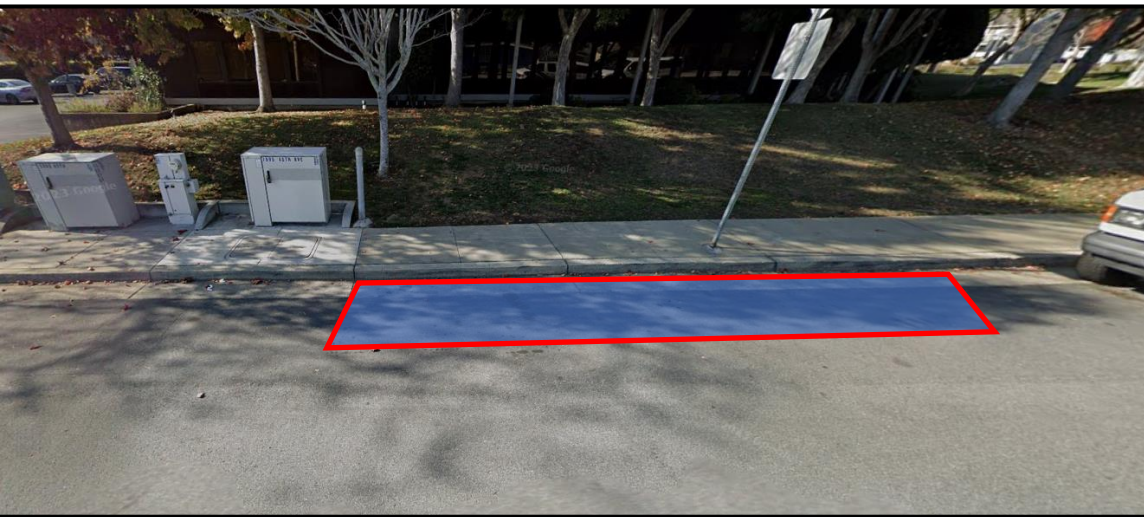
SINGLE OR DOUBLE:
 Single

SAFETY MITIGATION:
 36" Delineators (white)

NUMBER OF DOCKS:
 6

CLEARANCE TO BE MAINTAINED:
 - Maintain distance Util. Boxes

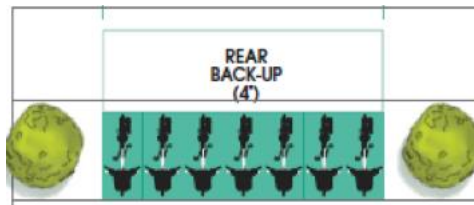
Citing Notes:
 N/A



#4

Item 5 A.

Jade Street Community Center



SITE DIMENSION:

14"

ANCHOR OR BALLASTED PLATES:

Ballasted

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

6

CLEARANCE TO BE MAINTAINED:

Maintain 14' one way drive aisle

Citing Notes:

N/A

#5

Item 5 A.

Park at Rispen Mansion - Wharf Rd.



SITE DIMENSION:
18' 8"

**ANCHOR OR BALLASTED
PLATES:**
Ballast

INSTALL TYPE:
Perpendicular

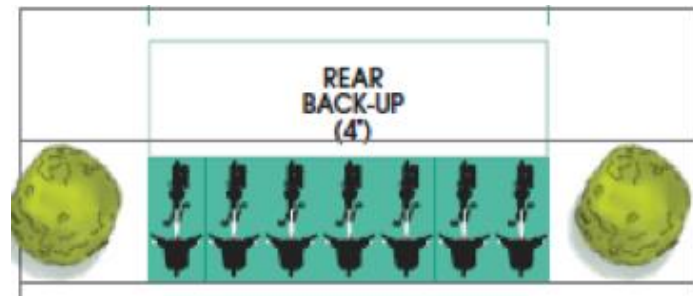
SINGLE OR DOUBLE:
Single

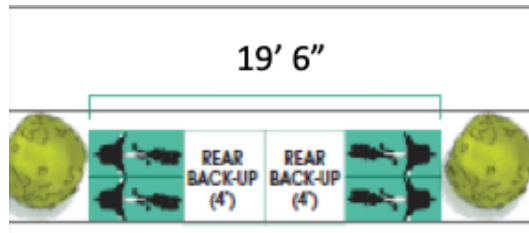
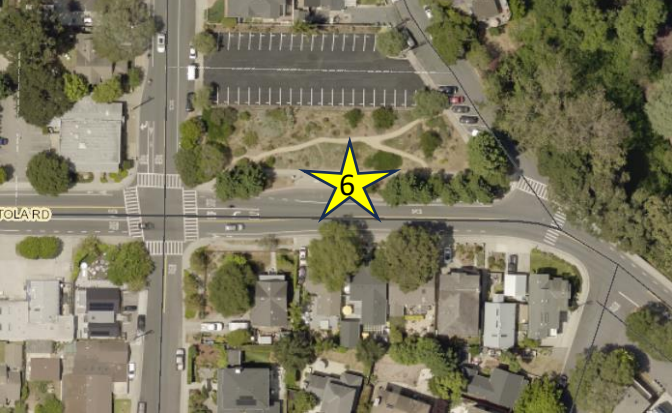
SAFETY MITIGATION:
N/A

NUMBER OF DOCKS:
8

CLEARANCE TO BE MAINTAINED:
- Maintain ADA/Path access

Citing Notes:
N/A





#6

Item 5 A.

Capitola Road and Wharf Road

SITE DIMENSION:

19'6"

ANCHOR OR BALLASTED PLATES:

Anchor (Concrete)

INSTALL TYPE:

Parallel to Street (*Face-to-face*)

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

4

CLEARANCE TO BE MAINTAINED:

- Maintain ADA, Bus exit/entry

Citing Notes:

- Ensure maintain on pad only



#7

Item 5 A.

49th Avenue and Prospect Avenue

SITE DIMENSION:

18' 8"

ANCHOR OR BALLASTED PLATES:

Anchor (Asphalt)

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

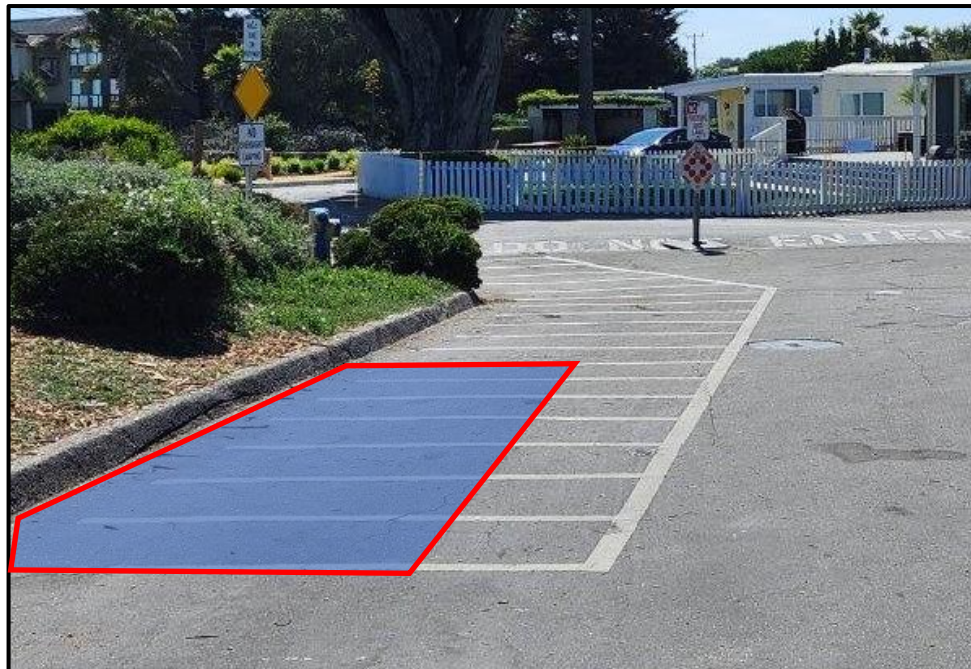
8

CLEARANCE TO BE MAINTAINED:

- Maintain any ADA

Citing Notes:

N/A





#8

Cliff Drive

Item 5 A.

SITE DIMENSION:

9' 4"

ANCHOR OR BALLASTED PLATES:

Ballasted

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

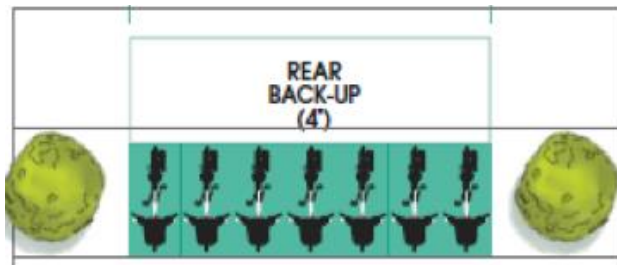
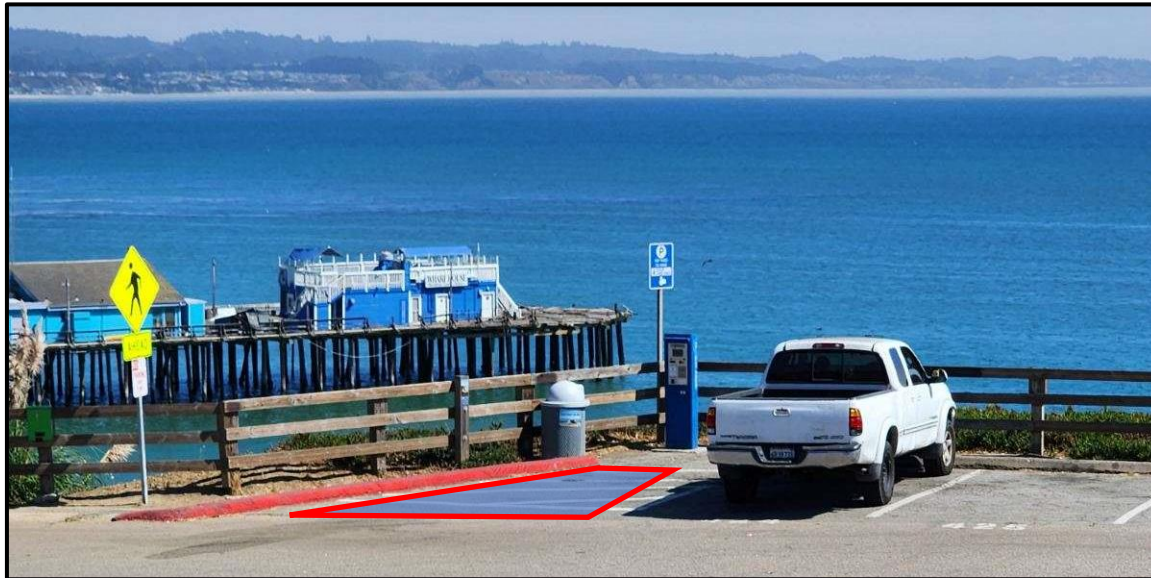
4

CLEARANCE TO BE MAINTAINED:

- Maintain space for car doors/ADA

Citing Notes:

N/A





#9

Item 5 A.

Bay Avenue and Hill Street

SITE DIMENSION:
11' 8"

ANCHOR OR BALLASTED PLATES:
Anchor (Concrete)

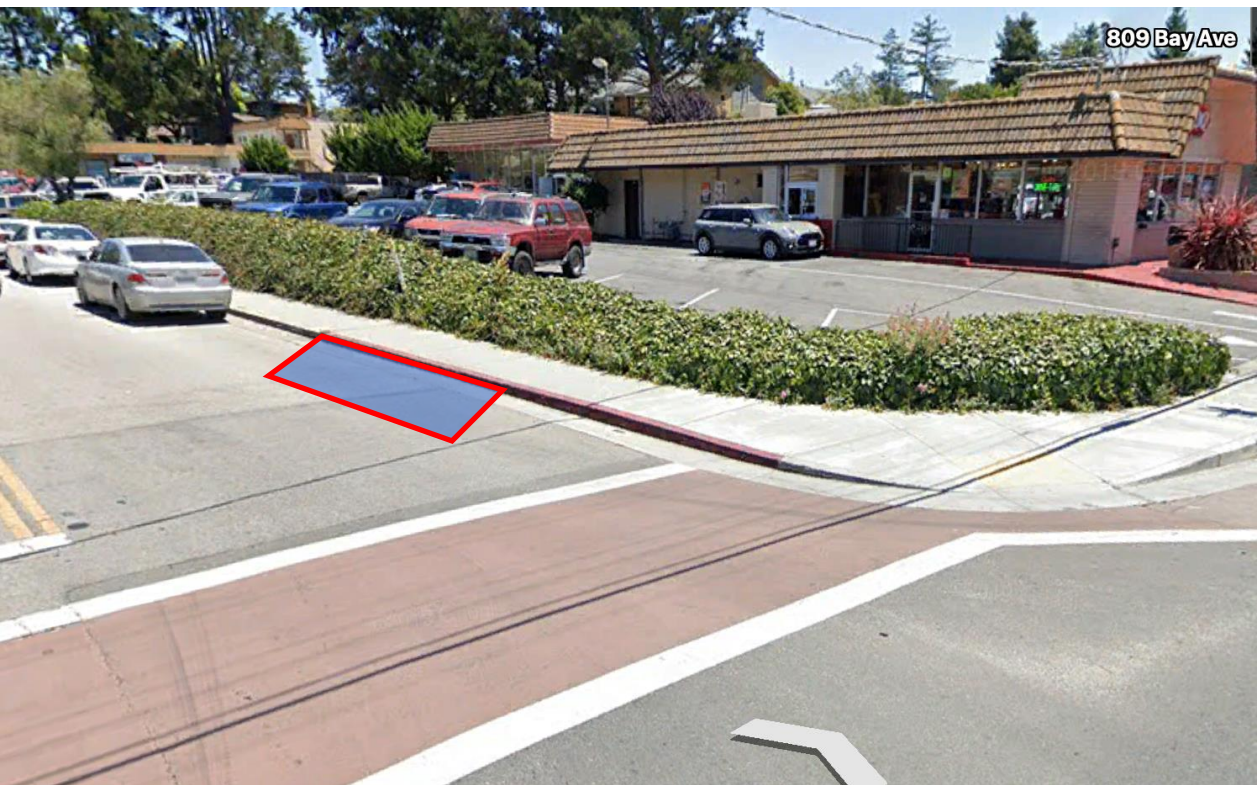
INSTALL TYPE:
Angled

SINGLE OR DOUBLE:
Single

SAFETY MITIGATION:
36" Delineators (white)

NUMBER OF DOCKS:
5

- Citing Notes:**
- Utilize Red Curb
 - Public Property
 - Maximize Distance from Crosswalk





#10

Village Produce

Item 5 A.

SITE DIMENSION:

14'

ANCHOR OR BALLASTED PLATES:

Anchor (Concrete)

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

6

CLEARANCE TO BE MAINTAINED:

- Maintain ADA

Citing Notes:

- Utilize partial red curb and parking spot



11

City Hall

Item 5 A.



SITE DIMENSION:

18' 8"

ANCHOR OR BALLASTED PLATES:

Anchor (asphalt)

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

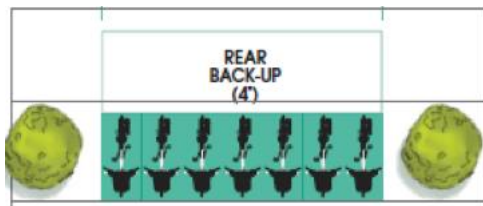
8

CLEARANCE TO BE MAINTAINED:

- Maintain ADA

Citing Notes:

Need signal test





#12 San Jose Avenue

Item 5 A.

SITE DIMENSION:

9' 4"

**ANCHOR OR BALLASTED
PLATES:**

Anchor (Concrete)

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

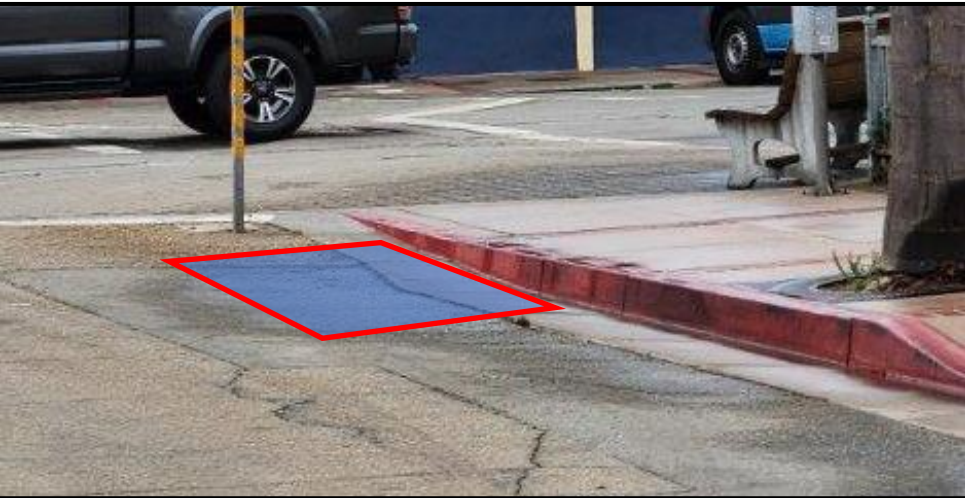
4

**CLEARANCE TO BE
MAINTAINED:**

Maintain space for Police, car doors and potentially ADA

Citing Notes:

Notify PD prior to install





#13

Item 5 A.

Esplanade Park

SITE DIMENSION:

14'

ANCHOR OR BALLASTED PLATES:

Anchor (Concrete)

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

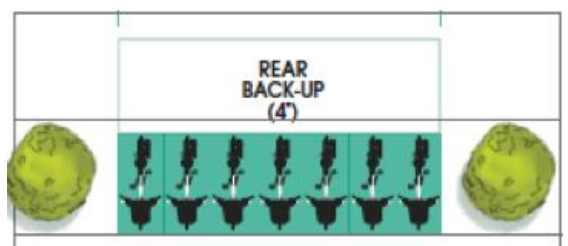
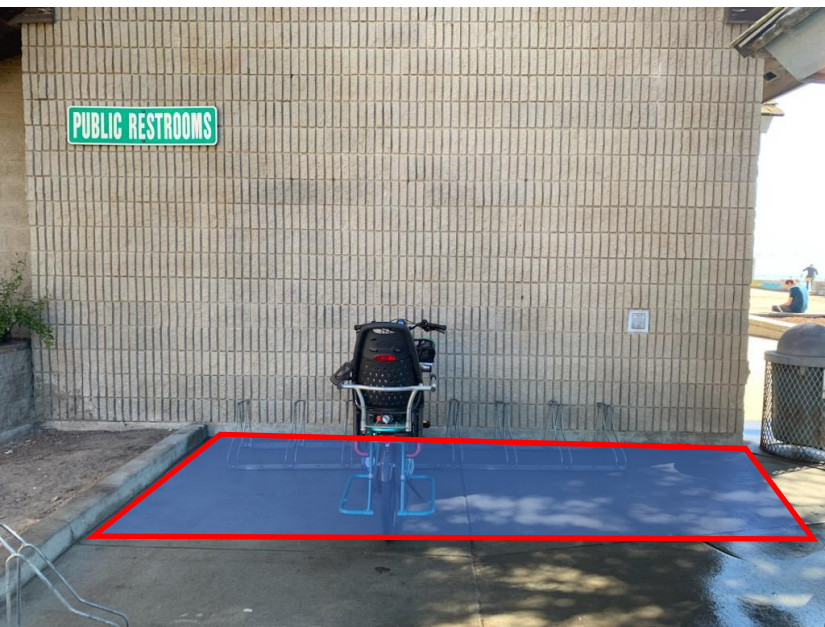
6

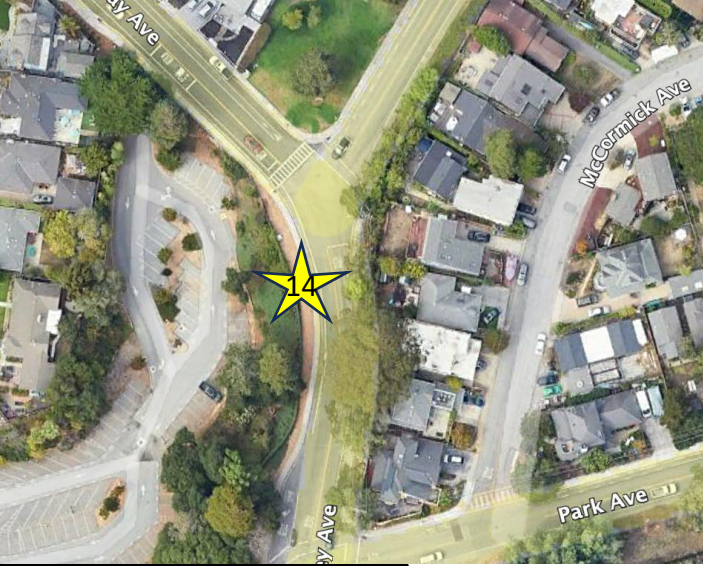
CLEARANCE TO BE MAINTAINED:

- Maintain five feet from shower head to rear tire

Citing Notes:

N/A





#14

Noble Gutcn Park

Item 5 A.

SITE DIMENSION:

18' 8"

**ANCHOR OR BALLASTED
PLATES:**

Ballasted Plates

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

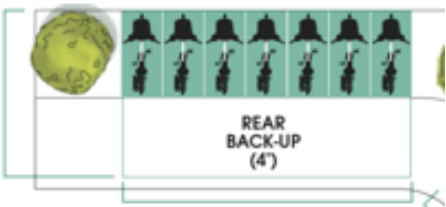
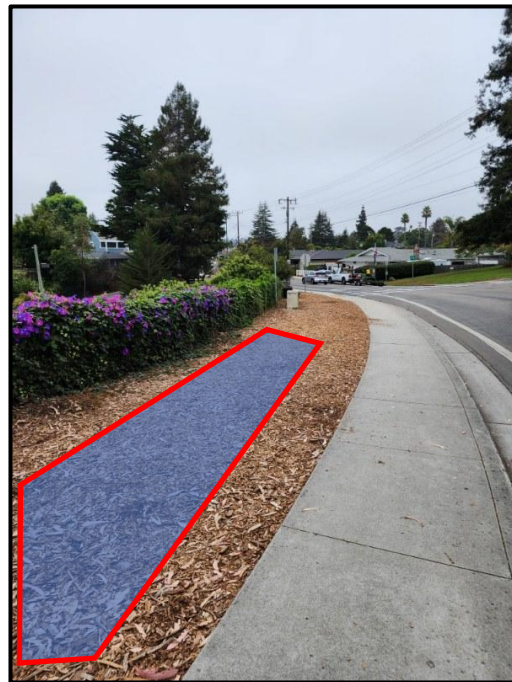
NUMBER OF DOCKS:

8

**CLEARANCE TO BE
MAINTAINED:**

- Maintain distance from Utility
Box

Citing Notes: N/A



#15

Item 5 A.

Monterey Avenue Park



SITE DIMENSION:

9'4"

ANCHOR OR BALLASTED PLATES:

Ballasted Plates

INSTALL TYPE:

Perpendicular

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

N/A

NUMBER OF DOCKS:

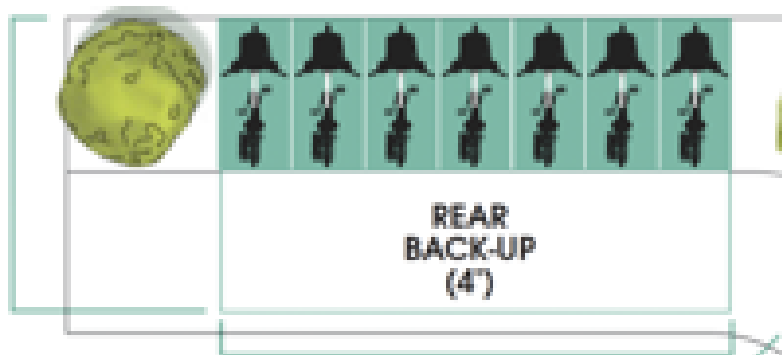
4

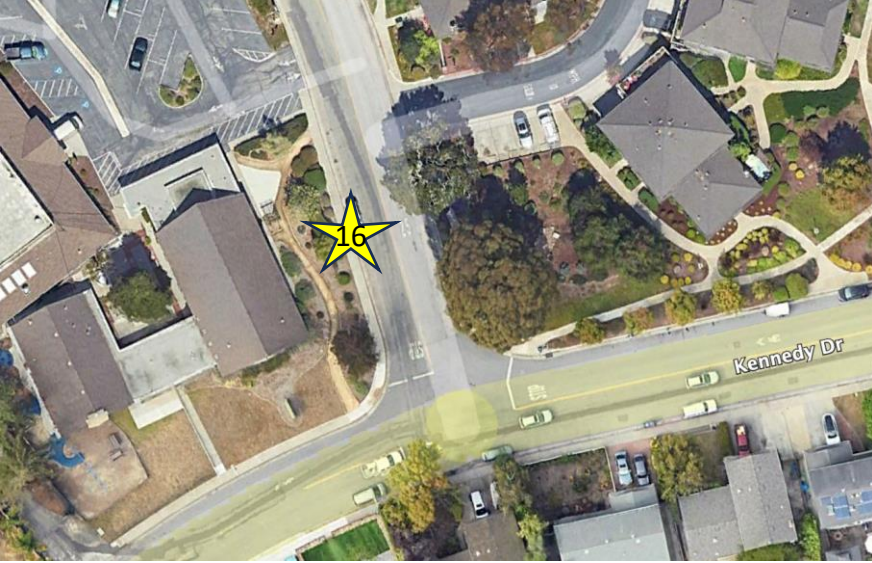
CLEARANCE TO BE MAINTAINED:

N/A

Citing Notes:

- Site to be installed on updated Site area
(post-PG&E construction finish)





#16

Kennedy Drive and Monterey Avenue

Item 5 A.

SITE DIMENSION:

9'4"

ANCHOR OR BALLASTED PLATES:

Anchor

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

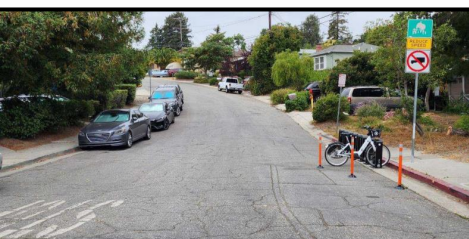
4

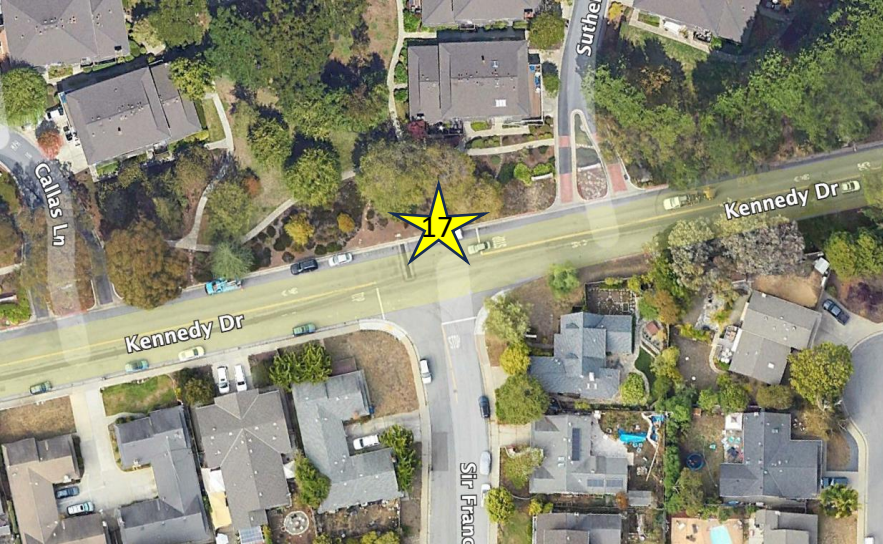
CLEARANCE TO BE MAINTAINED:

N/A

Citing Notes:

50 feet behind Stop stripe





#17

Item 5 A.

Sir Francis Avenue and Kennedy Drive

SITE DIMENSION:

9'4"

ANCHOR OR BALLASTED PLATES:

Anchored

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

4

CLEARANCE TO BE MAINTAINED:

N/A



#18

Item 5 A.

Coronado Street and Park Avenue



SITE DIMENSION:

14'

ANCHOR OR BALLASTED PLATES:

Anchored

INSTALL TYPE:

Angled

SINGLE OR DOUBLE:

Single

SAFETY MITIGATION:

36" Delineators (white)

NUMBER OF DOCKS:

6

CLEARANCE TO BE MAINTAINED:

N/A

Citing Notes:

- 30 feet behind Stop stripe



Brown's Ranch

Item 5 A.

Citing Notes:

- Owner to be contacted
- Multiple locations could work

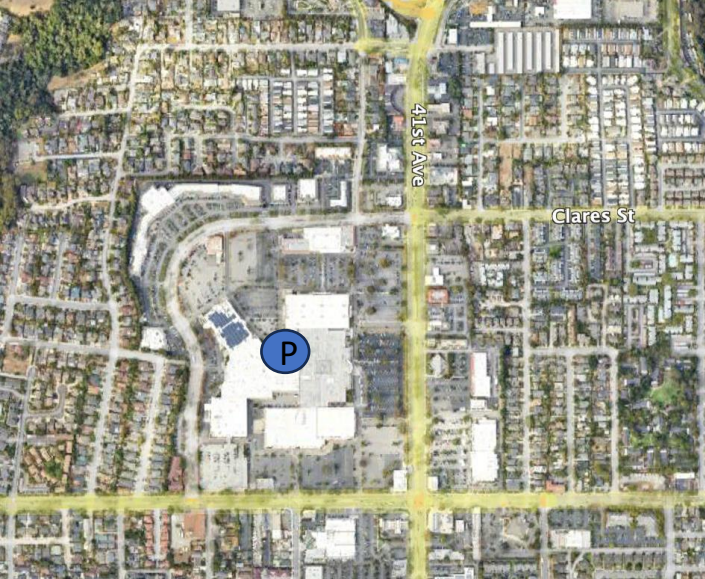


Capitola Mall

Item 5 A.

Citing Notes:

- Approved by Property
- TBD based upon Cell Signature Testing
- Maintain ADA
- Visible from Bus Stop

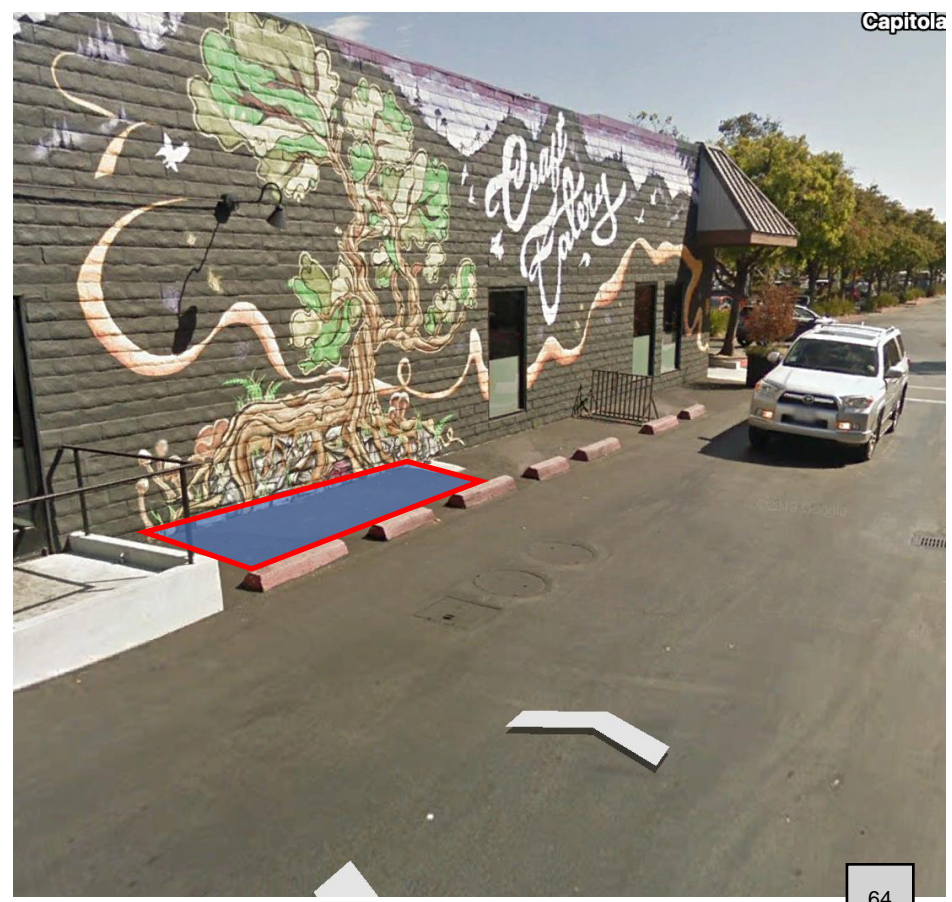
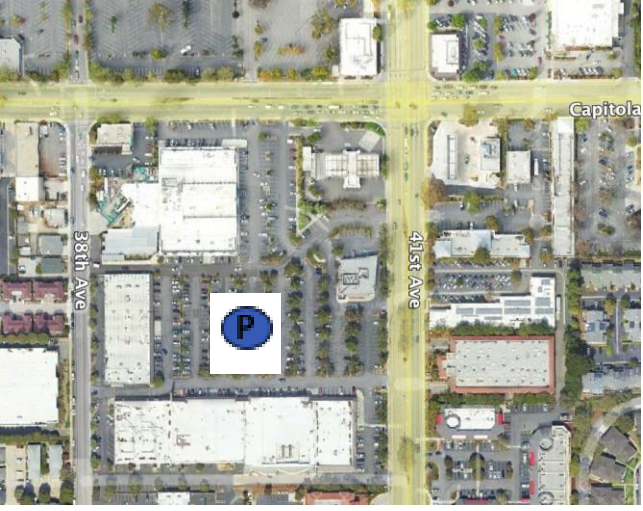


King Plaza

Item 5 A.

Citing Notes:

- Owner to be contacted
- Maintain ADA



Chapter 10.44

BICYCLES AND PERSONAL TRANSPORTATION DEVICES

Sections:

- 10.44.010 Definitions.
- 10.44.020 State authority.
- 10.44.030 Bicycles and PTD on sidewalks.
- 10.44.040 Operation of bicycles and PTD on municipal pathways not within the roadway.
- 10.44.050 Bicycles in roadways.
- 10.44.060 Bicycle and PTD parking.
- 10.44.070 Bicycle and PTD parking prohibited.
- 10.44.080 Racing and trick riding.
- 10.44.090 Placing of bicycle and PTD racks.
- 10.44.100 Passengers.
- 10.44.110 Entering public right-of-way.
- 10.44.120 Tampering.
- 10.44.130 Fees.
- 10.44.140 Shared mobility services.
- 10.44.150 Removal and impoundment.
- 10.44.160 Enforcement.
- 10.44.170 Exception for police enforcement activities.

10.44.010 Definitions.

A. A “bicycle” is a device upon which a person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

B. “Bike share operator” means an individual or a public, private, or nonprofit entity that manages a bike share program authorized by the city of Capitola.

C. “Bike share program” means a system of self-service shared bikes for hire in the city of Capitola operated by a bike share operator that offers to users a pool of at least ten self-service shared bikes for use in the public right-of-way or on public property in the city of Capitola.

D. “Motorized scooter share operator” means an individual or a public, private, or nonprofit entity that manages a motorized scooter share program authorized by the city of Capitola.

E. “Parkway” means that portion of a street other than a roadway or sidewalk.

F. “Pedestrian” means any person afoot.

G. “Personal transportation device” or “PTD” means an electric bicycle as defined by California Vehicle Code Section 406(b) and a motorized scooter as defined by California Vehicle Code Section 407.5, both of which are capable of transporting persons from one place to another at a maximum speed of not more than twenty miles per hour. “PTD” does not include a moped as defined in California Vehicle Code Section 406(a), a gas-powered motorized scooter as defined in California Vehicle Code Section 407.5(b), or a motorized skateboard as referenced in California Vehicle Code Section 21968.

H. A “shared bike” is a bicycle, tricycle, quadricycle or similar device with any number of wheels that is propelled by a motor with any type of power source and/or by humans, that is designed to be shared by unrelated members of the public and that can be locked or secured from unauthorized use without being locked or secured to a bicycle rack or other object. This includes motorized bicycles or mopeds, as defined in Section 406 of the California Vehicle Code.

I. “Shared mobility device” means a bicycle or personal transportation device available to the public through a shared mobility service.

I. “Shared mobility services” means bicycle or personal transportation device share program available to the public, including motorized scooter share programs and bike share programs, authorized by the city of Capitola. (Ord. 1027 § 2 (part), 2019)

10.44.020 State authority.

Reference is made by this section to California Vehicle Code Division 11, Chapter 1, Article 4 relating to laws applicable to bicycle use and equipment, including helmets, and by such reference any and all statutes relating to the operation of bicycles are incorporated into this chapter. Every person operating a bicycle or a PTD on a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle, by the laws of this state or by the ordinances of this city except those provisions of laws and ordinances which by their nature can have no application, and except as otherwise provided in this chapter. (Ord. 1027 § 2 (part), 2019)

10.44.030 Bicycles and PTD on sidewalks.

A. No person shall ride a PTD upon a sidewalk.

B. No person shall ride a bicycle upon a sidewalk in the village area, as defined in subsections (B)(1) through (B)(3) of this section.

1. All street sections generally south of the Union Pacific Railroad corridor between the eastern edge of Monterey Avenue and the western edge of Wharf Road;
2. Wharf Road from the Union Pacific Railroad Corridor north to Capitola Road; and
3. Cliff Drive from Stockton Avenue to Opal Cliff Drive.

C. No person shall ride a bicycle upon a sidewalk outside the village area, as described in subsection B of this section, except children under the age of ten riding in the same direction as vehicular traffic in the lane adjacent to the sidewalk. (Ord. 1027 § 2 (part), 2019)

10.44.040 Operation of bicycles and PTD on municipal pathways not within the roadway.

A. No person shall operate a bicycle or PTD on the Riverview Path from Macdonald Lane to Stockton Avenue.

B. A bicycle or PTD may be operated on any municipal bicycle path or bikeway, unless the city of Capitola or the governing body of the public agency having jurisdiction over such path or bikeway prohibits such operation.

C. Any gasoline-powered transportation device shall not be operated on any municipal bicycle path or bikeway. (Ord. 1027 § 2 (part), 2019)

10.44.050 Bicycles in roadways.

See California Vehicle Code Section 21208 relating to laws applicable to bicycle operation within a roadway. (Ord. 1027 § 2 (part), 2019)

10.44.060 Bicycle and PTD parking.

A. All bicycles and PTDs shall be parked in a bicycle rack, PTD storage facility, or bicycle parking facility, such as a bicycle locker, except as allowed within subsections B and C of this section.

B. If a bicycle rack or bicycle parking facility is not available within fifty feet of a trip end, a bicycle or PTD may be parked on the sidewalk in compliance with all the following requirements, as applicable:

1. The device is locked in an upright position to an object fixed to the ground, such as a sign pole or light pole.
2. In the mixed use village zoning district, the sidewalk maintains five feet of clearance open for pedestrian circulation.
3. In all areas of the city other than the central village zoning district, the sidewalk maintains four feet of clearance open for pedestrian circulation.

C. A free locking bike shall be parked in a manner that complies with this section and not hazardous to pedestrians, vehicular traffic, or property.

D. No person shall park, stand, or lock any bicycle or PTD to a street tree, planter box, or public bench located in the public right of way. (Ord. 1027 § 2 (part), 2019)

10.44.070 Bicycle and PTD parking prohibited.

No person shall park a bicycle or PTD at any location which has been posted with signs prohibiting such parking. (Ord. 1027 § 2 (part), 2019)

10.44.080 Racing and trick riding.

No person operating a bicycle or PTD upon a public highway or street shall participate in any unauthorized race, speed or endurance contest; provided, however, that the city may authorize bicycle or PTD racing and trick riding events. (Ord. 1027 § 2 (part), 2019)

10.44.090 Placing of bicycle and PTD racks.

No person shall place or maintain on any public right-of-way a bicycle or PTD rack or contrivance used for the holding or parking of bicycles without first being issued a permit by the public works department. (Ord. 1027 § 2 (part), 2019)

10.44.100 Passengers.

A. To operate a pedicab service within the city limits, a pedicab operator shall have a valid city business license and pedicab permit issued by the city.

B. The city may issue an authorized pedicab service operator an encroachment permit for a pedicab stand through the public works department.

C. No person riding a bicycle or PTD shall carry another person on said bicycle or PTD unless such person or passenger is seated upon an individual seat or carrier with footrests separate from those intended to be used by the operator.

D. No person shall ride upon a bicycle or PTD as a passenger, unless he or she is seated upon an individual seat or carrier with footrests separate from those intended to be used by the operator. (Ord. 1027 § 2 (part), 2019)

10.44.110 Entering public right-of-way.

The operator of a bicycle or PTD, on approaching any public right-of-way when the view is obstructed, shall stop such bicycle or PTD immediately prior to entering upon such public right-of-way. (Ord. 1027 § 2 (part), 2019)

10.44.120 Tampering.

It is unlawful for any person to remove, alter or mutilate the serial number of any bicycle frame. (Ord. 1027 § 2 (part), 2019)

10.44.130 Fees.

The fees required to be paid pursuant to the provisions of this chapter shall be those fees established by resolution adopted by the city council. (Ord. 1027 § 2 (part), 2019)

10.44.140 Shared mobility services.

A. To operate a shared mobility service within the city limits, a bikeshare operator and/or scooter share operator shall have a valid city business license and a contract with the city.

B. The city may authorize a bikeshare operator and/or scooter share operator to conduct shared mobility services within the city through a contract approved by the city council. (Ord. 1027 § 2 (part), 2019)

10.44.150 Removal and impoundment.

A. The city may impound and retain possession of any bicycle or PTD which has been in operation in violation of this chapter.

B. The city may remove and impound any shared mobility device owned or controlled by a shared mobility service that is found in any public place within the city limits if the operator does not have a valid contract and business license with the city or is operated in violation of any provision of such contract or this chapter.

B. It shall be the duty of the city department authorizing the impound of a shared mobility device to notify the city's police department that such property is impounded. Such notification must include the following information: the owner of the shared mobility device where the ownership is ascertainable; the date of impoundment; and the location of impoundment.

C. Once a department notifies the police department that a shared mobility device has been impounded, the city's police department will then issue notice of impoundment to the device's owner, if ascertainable. The notice shall include the date of the shared mobility device impoundment and location of its keeping, together with the information that before the owner or person in charge of the property shall be permitted to remove the same from the custody of the impounding department, evidence of identity and ownership shall be required together with the fees necessary to cover the costs for removal and impound. Such charges and costs shall be set in the city's fee schedule.

D. The owner of the impounded property, or the owner's agent, shall satisfy any and all city conditions or policies related to the impoundment of a shared mobility device prior to retrieval of the property.

E. The city may dispose of an impounded shared mobility device if the owner does not claim and pay any required fees after thirty calendar days from the date of its removal. (Ord. 1027 § 2 (part), 2019)

10.44.160 Enforcement.

A. Any violation of the provisions of this chapter shall be subject to the code enforcement process in Title 4, including the potential penalties for a violation.

B. Any administrative citation issued pursuant to this chapter shall be prima facie evidence that the violation occurred.

C. In addition to the remedies set forth in subsections A and B of this section, any person violating the provisions of this chapter shall be deemed to be guilty of an infraction. (Ord. 1027 § 2 (part), 2019)

10.44.170 Exception for police enforcement activities.

Nothing in this code shall preclude police officers from operating a bicycle, PTD, or shared mobility device, while acting within the scope of their duties, in any reasonable manner when it is for the purpose of taking enforcement action or carrying out the performance of their duties. (Ord. 1027 § 2 (part), 2019)

Westly, Austin

From: John <jxmlulry@gmail.com>
Sent: Friday, October 27, 2023 4:39 PM
To: PLANNING COMMISSION; Herlihy, Katie (kherlihy@ci.capitola.ca.us); Gautho, Julia
Subject: BCycle Stations

Hey Folks

Some of those stations are listed at locations where the sidewalks are already so narrow two normal sized humans can't walk past each other in opposite directions. BCycle stations must not block sidewalk usage for wheel chairs and strollers.

I love BCycle and am psyched they are coming here. The planner in me pictures some of these locations and can't help but think like Jamie last night, there is no way to maintain two way fossil fuel traffic on Monterey Ave and have bike lanes on each side, there is no way to maintain two way pedestrian traffic at some of these locations if BCycle stations are installed.

Folks are going to be extra NIMBY on this one, not that folks here are ever not NIMBY hence Capitola looking exactly like it did when I first came here over 20 years ago, just emptier, poorer and in its derelict (pronounced like Mugatu would) phase.

Can we just have some bike racks in the wharf rebuild, it's only 10K, our city blows that much on demonstrable wastes of resources bi-weekly.

Please gods don't consider road widening, our roads already have 50-100% wider lanes than recommended by pretty much every org and government body on earth who values humans over cars.

For those of you who actually read my emails, know any veiled or obvious criticisms are mostly geared towards the folks who know better and don't care, not the folks who don't know any better because they are kind souls better suited to other types of service.

JM

Westly, Austin

From: Douglas M Thomson Sr. <douglasmthomsonsr1@yahoo.com>
Sent: Friday, October 20, 2023 11:02 AM
To: Planning
Subject: Bike Share Docking Stations

I agree that ebikes need to be incorporated into Capitola and or surrounding communities daily use plan. Vehicle parking is limited, and vehicle pollution is very harmful to the health and wellbeing of our community and its visitors.

We must expand on the need to provide ebikes and other forms of non-pollutant transportation methods. To address this need, we must add additional pedestrian/ bike paths in as many areas as possible so that our residents and visitors will have an alternative use of our resources.

I was born and raised in Santa Cruz. As such, I have travelled to just about every place our county has to offer. I suggest that we reconsider our use of our roads and then make adjustments to create pedestrian/bike paths on one side of the road in areas where it is possible.

Reconfiguring the road and paths could be paid for by obtaining Grants, Forgivable Loans and visitor taxes.

For exampl, we could quickly and easily install a pedestrian/ bike path along the edge of the existing road and open spaces along Hwy 1. below State Park Drive and beyond Park Avenue towards 41st Avenue on just one side of the road next to Hwy 1.

Pedestrians, cyclists and others using various forms of transportation would benefit from its use. Thousands of our residents, visitors, college students and people participating in church and other nearby activities in the neighborhood would easily access the path.

Another consideration is the path would decrease our carbon footprint significantly as vehicle traffic would be reduced significantly. As an added benefit the path will reduce the need to ride bikes or walk along the very busy and heavily used Soquel Avenue roadway.

The path would be linked to the overpass on Mar Vista from below State Park Drive and above Park Avenue where it will provide the most use from several directions of these heavily used locations.

Thank you for taking the time and consideration to make the valuable and necessary improvements today as this will benefit us and the many future generations who will use them.

Very Respectfully,

Douglas M. Thomson Sr.

Retired Distinguished Naval Veteran

Westly, Austin

From: John <jxmlry@gmail.com>
Sent: Wednesday, November 1, 2023 10:09 AM
To: PLANNING COMMISSION; Gautho, Julia; Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Subject: Housing Element Second Attempt

Remove parking minimums on AFFH. Rezone AFFH sans Mullins so it's viable. Capitola does not have a city attorney, we are top of the list in AMBAG for folks to try builders remedy on.

And can we please have some hospitality. I understand Kristen sunk our hotel in the Swenson lot early in her reign for whatever reasons but I can not stress enough how much Hospitality would solve our continually worsening over the last 7 years economic woes. I guarantee you Jamie and others on staff support me on this. It's the only option available to us in the hole we have dug.

Warmly JM