



# AGENDA

## CAPITOLA PLANNING COMMISSION

### Thursday, June 3, 2021 – 7:00 PM

Chairperson            Mick Routh  
Commissioners        Courtney Christiansen  
                                 Ed Newman  
                                 Susan Westman  
                                 Peter Wilk

#### **NOTICE OF REMOTE ACCESS ONLY:**

In accordance with the current Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

#### **To watch:**

1. Online <http://capitolaca.igmp2.com/Citizens/Default.aspx>
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

#### **To participate remotely and make public comment:**

1. Send email:
  - a. As always, send additional materials to the Planning Commission via [planningcommission@ci.capitola.ca.us](mailto:planningcommission@ci.capitola.ca.us) by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
  - b. During the meeting, send comments via email to [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us)
    - Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
    - Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.
    - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
    - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
    - Emails received by [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us) outside of the comment period outlined above will not be included in the record.
2. Zoom Meeting (Via Computer or Phone)
  - a. Please click the link below to join the meeting:
    - <https://us02web.zoom.us/j/83622697487?pwd=UVd6eWNSTDNjbjBZc1hpVmhUUHM2Zz09> (link is external)
    - If prompted for a password, enter 060975
    - Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak
  - b. Dial in with phone:

- Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
- **1 669 900 6833**
- **1 408 638 0968**
- **1 346 248 7799**
- **1 253 215 8782**
- **1 301 715 8592**
- **1 312 626 6799**
- **1 646 876 9923**
- Enter the meeting ID number: **836 2269 7487**
- When prompted for a Participant ID, press #
- Press \*6 on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

## REGULAR MEETING OF THE PLANNING COMMISSION - 7 PM

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

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

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

### 2. ORAL COMMUNICATIONS

#### A. Additions and Deletions to Agenda

#### B. Public Comments

*Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.*

#### C. Commission Comments

#### D. Staff Comments

### 3. CONSENT CALENDAR

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

#### A. 723 El Salto Drive

**#21-0155**

**APN: 036-143-35**

Coastal Development Permit for the construction of a fence on a residential property located within the R-1/VS (Single-Family Residential/Visitor Serving) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Doug Dodds

Representative: Jennifer Cosgrove, Filed: 04.16.21

### 4. 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) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

**A. 1650 41st Avenue**

**#21-0079**

**APN: 034-111-19**

Conditional Use Permit Amendment to change the allowed retail alcohol sale of beer and wine to include the sale of distilled spirits for off-site consumption at a Chevron gas station located within the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Chevron USA

Representative: Steve Rawlings Filed: 04.26.21

**5. DIRECTOR'S REPORT**

**6. COMMISSION COMMUNICATIONS**

**7. ADJOURNMENT**

**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 1<sup>st</sup> Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org). 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. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

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



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JUNE 3, 2021  
 SUBJECT: **723 El Salto Drive**                      **#21-0155**                      **APN: 036-143-35**

Coastal Development Permit for the construction of a fence on a residential property located within the R-1/VS (Single-Family Residential/Visitor Serving) zoning district. This project is in the Coastal Zone and does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Doug Dodds  
 Representative: Jennifer Cosgrove, Filed: 04.16.21

### **APPLICANT PROPOSAL**

The applicant is proposing to construct a new fence along the bluff at 723 El Salto Drive in the R-1 (Single-Family Residential) Zoning District. The application complies with the fence standards of Chapter 17.54 but requires a Coastal Development Permit due to the proximity of fence to the coastal bluff.

### **BACKGROUND**

Previously, a fence ran across the entire width of the property along the bluff at 723 El Salto Drive. Due to ocean weathering, the Depot Hill bluffs experience periodic failures. In recent years there have been notable failures, one of which undermined a large section of original fence from the southwest corner of the property to the middle of the property. There is currently no fence or other obstruction in this area to keep pedestrians away from the edge of the bluff.

### **DISCUSSION**

The existing lot is in the Depot Hill neighborhood. It is located immediately to the west of the Monarch Cove Inn and extends from El Salto Drive to the ocean bluff to the south. There is an existing four-plex apartment building on the property. The applicant is seeking a fence permit for the residents' safety.

Pursuant to Section 17.46.050(A)(1)(b)(i) of the Capitola Municipal Code (CMC), a coastal development permit is required for *"Improvements to any structure on a beach, in a wetland, stream or lake, seaward of the mean high tide line; or within fifty feet of the edge of a coastal bluff."* The proposed fence is within fifty feet of the edge of a coastal bluff, therefore a Coastal Development Permit (CDP) is required.

### **Project Description**

The applicant is proposing to construct 70 feet of new fencing set back from the prior fence location. The new stretch of fence would begin at a remaining post on the subject property, approximately 22 feet from the edge of bluff, and continue westward to connect with the neighboring fence line at 106 Livermore Avenue. The proposed new section of fence will match the design and height of the existing black steel rail fence measuring four-feet, ten-inches tall. The proposal fits with the neighborhood, the previous fence design, and should increase safety along the edge of the bluff.

#### Geologic Hazards District

CMC §17.48.100(A) permits bluff top development “only if the design and setback provisions are designed to assure stability and structural integrity for the expected life of the development (at least fifty years) and if the development (including storm runoff, foot traffic, grading and irrigation) will neither create nor contribute significantly to erosion problems or geological instability of the site or surrounding areas.” While the development of the fence is located within the 50-year setback area, it could easily be relocated as the bluff edge recedes.

CMC §17.48.100(B) requires geologic and/or engineering assessment for blufftop or cliff development within two hundred feet of the cliff edge. The requirement may be waived in specific areas known for having geologic stability or where adequate devices already exist. Within the same chapter, “geologic hazard” is defined as a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami, or storm wave inundation. The proposed fence itself is lightweight, will not contribute to erosion, and has been situated further back from the cliff to be in line with the neighboring fence. The project will reestablish a barrier between the edge of the cliff and use of land, thereby mitigating risks to life from falling or standing in areas with heightened risk of failure. The project will also reduce erosion and edge failure by limiting human use, disturbance, and load.

Conditions of approval have been added to ensure the fence will neither create nor contribute significantly to erosion problems or geologic instability on the site or surrounding areas. The conditions prohibit the use of heavy machinery and require work be done manually with hand-held tools, removal of existing and future defunct fence sections, erosion controls, and revegetation.

#### CEQA

Section 15303(e) of the CEQA Guidelines exempts the construction small accessory structures, such as fences. This project involves the construction of a new fence. No adverse environmental impacts were discovered during review of the proposed project.

#### RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #21-0155 based on the following Conditions and Findings for Approval.

#### CONDITIONS OF APPROVAL

1. The project approval consists of a Coastal Development Permit for a new metal fence along the bluff at 723 El Salto Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 3, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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.

3. There shall be no use of heavy machinery on the bluff. All work must be done manually or with hand-held tools. Any vegetation that is removed or irreparably harmed in the process of fence installation shall be replaced with new vegetation or mulch to prevent exposed soil and erosion.
4. Prior to construction, the defunct section(s) of fence located on the seaward side of the proposed fence shall be removed to the extent which is safely possible.
5. In the event blufftop erosion compromises the fence, all affected fencing shall be removed at the sole expense of the property owner.
6. Prior to construction, the applicant is required to submit an erosion control plan and maintenance plan which demonstrates that the project will not contribute to accelerated erosion or adversely impact bluff stability.
7. All work shall be completed per the plans approved by the Planning Commission and the erosion control plan shall be strictly followed. Erosion control and sediment management devices shall be installed and inspected by City Public Works prior to initiating work.
8. 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
9. 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.
10. This permit shall expire 24 months from the date of issuance. The applicant shall have 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 17.81.160.
11. 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.

## **FINDINGS**

### **A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have all reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District. The Coastal Development Permit secures the purposes of



the Zoning Ordinance, including Chapter 17.54 for fence standards, the General Plan and Local Coastal Plan.

- B. The application will maintain the character and integrity of the neighborhood.** Community Development Department Staff and the Planning Commission have reviewed the application for a new fence at 723 El Salto Drive. The project will maintain the character and integrity of the neighborhood.
- C. This project is categorically exempt under Section 15303(e) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.** This project involves construction of a new fence in the R-1 (single-family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts new construction of small accessory structures including garages, carports, patios, swimming pools, and fences.

## **COASTAL FINDINGS**

### **D. Findings Required.**

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
  - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
  - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
  - c. A description of the legitimate governmental interest furthered by any access conditioned required;
  - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
    - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
  - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public

- access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 723 El Salto Drive. The fence is not located in an area with coastal access. The fence will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along 723 El Salto Drive. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.

d. **Physical Obstructions.** Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property on 723 El Salto Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

e. **Other Adverse Impacts on Access and Recreation.** Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

**3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
  - The project is located in a residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
  - The project is located on a flat lot.

- c. Recreational needs of the public;
    - The project does not impact the recreational needs of the public.
  - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
  - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
  - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
5. **Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
6. **Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

- The project involves the construction of a new fence on a residential lot of record.

**SEC. 30223**

**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**

- The project involves the construction of a new fence on a residential lot of record.

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves the construction of a new fence on a residential lot of record.

7. **Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**
- The project involves the construction of a new fence. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

- 8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**
  - The project complies with the design guidelines and standards established by the Municipal Code.
- 9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
  - The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
- 10. Demonstrated availability and adequacy of water and sewer services;**
  - Not applicable.
- 11. Provisions of minimum water flow rates and fire response times;**
  - Not applicable.
- 12. Project complies with water and energy conservation standards;**
  - Not applicable.
- 13. Provision of park dedication, school impact, and other fees as may be required;**
  - Not applicable.
- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
  - The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
  - Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
  - The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
  - Conditions of approval have been included to ensure compliance with applicable erosion control measures.

**18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**

- The proposed fence itself is lightweight, will not contribute to erosion, and has been situated further back from the cliff to be in line with the neighboring fence. The project will reestablish a barrier between the edge of the cliff and use of land, thereby mitigating risks to life from falling or standing in areas with heightened risk of slope failure. The project will also reduce risks of erosion and slope failure by limiting human use, disturbance, and load. Conditions of approval have been included to ensure the project compliance with applicable erosion control measures and mitigate falling hazards.

**19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

**20. Project complies with shoreline structure policies;**

- The proposed project is not located along a shoreline.

**21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**

- This use is an allowed use consistent with the R-1 zoning district.

**22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**

- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.

**23. Project complies with the Capitola parking permit program as follows:**

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
  - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
  - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”

- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
- f. Six Depot Hill twenty-four minute "Vista" parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
  - The project site is not located within the area of the Capitola parking permit program.

**ATTACHMENTS:**

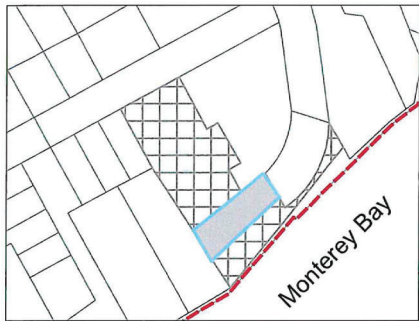
1. 723 El Salto Drive - Site Plan
2. 723 El Salto Drive - Fencing
3. 723 El Salto Drive - Applicant Letter to Planning Commission

Prepared By: Sean Sesanto

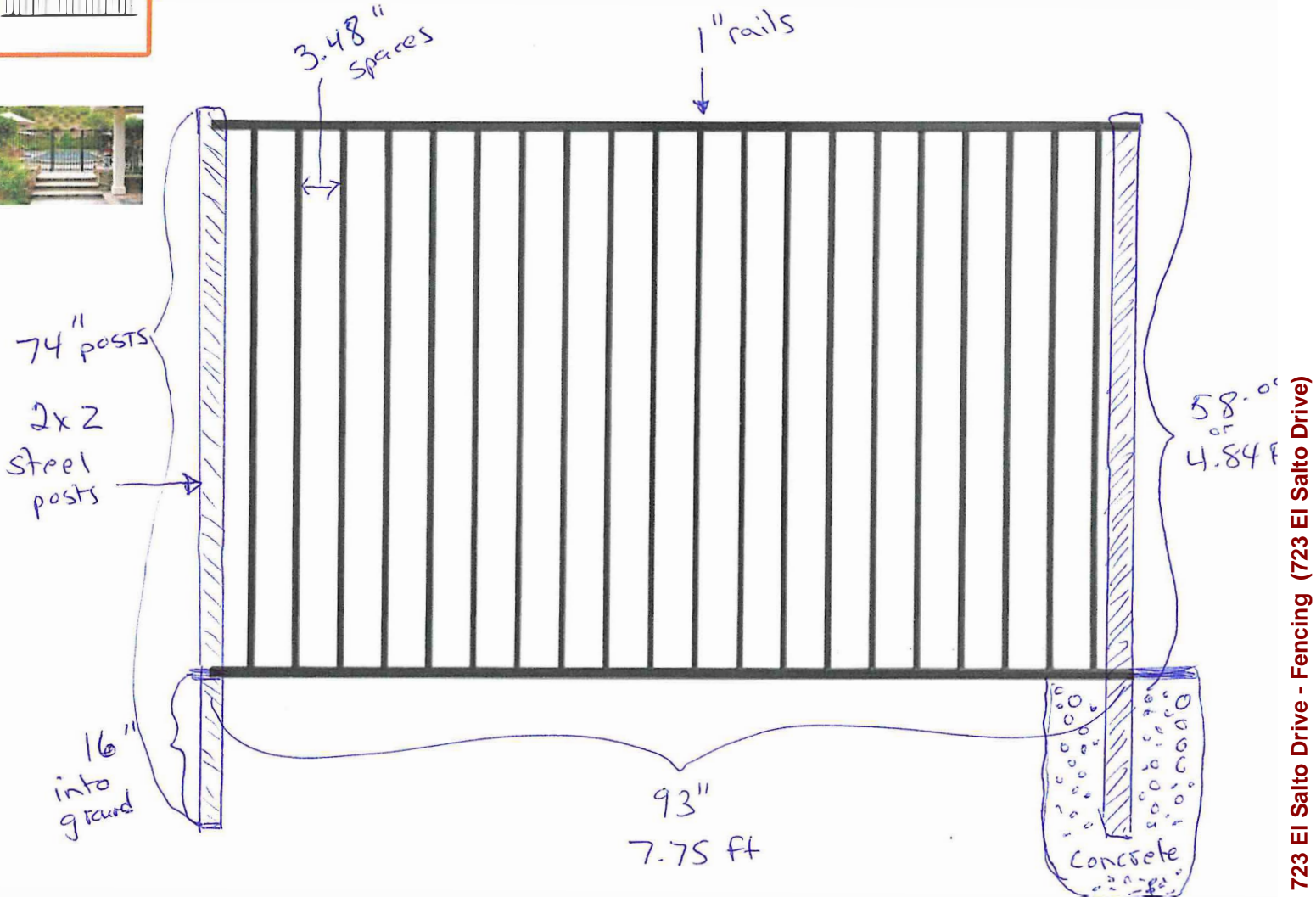
723 El Salto Drive  
APN: 036-143-35

Jennifer Cosgrove  
for Doug Dodds

Project:  
Coastal Development  
Permit







Attachment: 723 El Salto Drive - Fencing (723 El Salto Drive)



Attachment: 723 El Salto Drive - Fencing (723 El Salto Drive)



Attachment: 723 El Salto Drive - Fencing (723 El Salto Drive)

**Welded Steel Fence Panel**  
 For application on level planes.  
 Actual Product Dimensions:  
 Width: 93", Height: 58", 1" Rails, Pickets

PANEL SOLDADA DE CERCA DE ACERA  
 PARA APLICACIONES EN PLANOS NIVELADOS.

WELDED STEEL FENCE PANEL  
 \$11.61

WELDED STEEL FENCE PANEL  
 \$7.66

WELDED STEEL FENCE PANEL  
 \$66.00

WELDED STEEL FENCE PANEL  
 \$7.96

# Pro Series 4.84 ft. H x 7.75 ft. W Black Steel Fence Panel by US Door & Fence >

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- Galvanized metal material ensures corrosion resistance
- Durable steel construction offers long-lasting use
- Offers privacy and security while providing an open view
- [See More Details](#)

# \$69<sup>43</sup>



**Save up to \$100<sup>o</sup>** on your qualifying purchase.  
Apply for a Home Depot Consumer Card

Color/Finish: **Black**

- Black**
- Navajo White
- White

Nominal Panel Height x Width (ft.): **5 ft x 8 ft**

- 3 ft x 8 ft
- 5 ft x 8 ft**

Attachment: 723 El Salto Drive - Fencing (723 El Salto Drive)

Coastal Development permit for replacement fence at  
**723 El Salto Drive, Capitola CA 95010**

May 17, 2021

To: Capitola Planning commission

The attached fence permit application is intended to replace a portion of an iron fence that has fallen off the bluff. The replacement fence is for the safety of the 5 families living in the 4-plex and cottage on the property as well as many people that tend to wonder onto the property to look at the ocean view. Currently there is a portion of approximately 50 feet with no fence at all. The proposed fence would be installed back approximately 20 feet from the edge of the bluff in line with the neighbors fence.

The proposed fence is very similar to the one that fell as well as the neighboring fences and will be installed by a licensed contractor as proposed in the drawings. It will be done without using any heavy equipment. The posts will be installed using hand held tools and hand carried bags of concrete to secure the posts.

We request that installation of this fence be done as soon as possible for the safety of all.

Thank you .

Jennifer Cosgrove on behalf of property owner Doug Dodds



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JUNE 3, 2021

SUBJECT: **1650 41st Avenue**                      **#21-0079**                      **APN: 034-111-19**

Conditional Use Permit Amendment to change the allowed retail alcohol sale of beer and wine to include the sale of distilled spirits for off-site consumption at a Chevron gas station located within the CC (Community Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Chevron USA

Representative: Steve Rawlings Filed: 04.26.21

### **APPLICANT PROPOSAL**

The applicant is requesting a Conditional Use Permit (CUP) Amendment to include sale of distilled spirits in addition to the existing sale of beer and wine at the Chevron gas station at 1650 41<sup>st</sup> Avenue in the CC (Community Commercial) zoning district. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of an amended CUP.

### **BACKGROUND**

In 1988, the Planning Commission approved a CUP for the retail sale of beer and wine for an existing gas station at 1650 41st Avenue.

In 2004, the Planning Commission approved Permit #04-036 to build a new gas station and mini mart, which included an amendment to the original CUP.

### **DISCUSSION**

In the Community Commercial zoning district, small retail businesses conducted entirely within enclosed buildings, such as a convenience store, are a principal permitted use. Service stations, such as gas stations, require a conditional use permit (CUP). The existing Chevron gas station previously received a CUP to operate a service station with the sale of beer and wine in the mini mart. The applicant is proposing the addition of hard alcohol sales which requires an amendment to the CUP.

The existing mini market occupies approximately 2,945 square feet of retail space. The business currently has a Type 20 "Off Sale Beer & Wine" license from the Department of Alcoholic Beverage Control (ABC) for their current location. The owner is seeking a new Type 21 license for "Off Sale General" license. The only difference between the two licenses is the

type of alcohol for sale; both are for consumption off the premises where sold and allow minors on the premises. The applicant submitted a floor plan illustrating the distilled spirits would be located in a locked cabinet behind the cashier counter (Attachment 1). The proposed plans are consistent with the requirements of the Type 21 Off Sale General license.

Although the existing gas station is open 24 hours a day for gasoline purchase, the store is open from 6 a.m. to midnight. The sale of alcohol is only available during store hours.

Chief of Police, Terry McManus, has reviewed the application, conducted a site visit, and made findings that support the approval of the CUP for a Type 21 license at 1650 41st Avenue. The supportive findings were drafted upon the condition that the sale of hard alcohol mini bottles would be prohibited in the CUP. Condition #5 prohibits the sale of hard alcohol mini bottles. Chief McManus provided a letter of necessity and convenience for the project, which is required by the ABC if the application is for a location in a high crime area and/or a census tract with an over-concentration of off-sale alcohol outlets (Attachment 5).

The previous amendment to the CUP under permit #04-036 included eight conditions of approval, regarding the project description, future modifications to the permit, future non-compliance, hours of operation, sale of alcohol, building permits, trash enclosures, and screening for roof equipment. The proposed conditions of approval for the amendment to the CUP include the previous conditions which continue to be applicable and new conditions related to the current request.

#### **CEQA**

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves the sale of alcohol within an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

#### **RECOMMENDATION**

Staff recommends the Planning Commission approve project application #21-0079 based on the following Conditions and Findings for Approval.

#### **CONDITIONS OF APPROVAL**

1. The project approval consists of a second Amendment to a Conditional Use Permit for an existing self-service gas station and 2,945 square foot mini mart with the sale of alcohol at 1650 41<sup>st</sup> Avenue. The proposed amendment is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 3, 2021, except as modified through conditions imposed by the Planning Commission during the hearing. The conditions of approval from the original 1988 Conditional Use Permit and the first amendment of the CUP approved 2004, continue to apply.
2. Any significant modifications to the size or exterior appearance of the structure (i.e. windows, materials, colors, etc.) must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

4. The mini mart and gas services shall be permitted to be open 24 hours a day, seven days a week.
5. The sale of alcohol shall be permitted for off-site consumption. The sale of alcoholic mini bottles is prohibited.
6. Final building plans shall indicate that the trash enclosure will be made of a sturdy solid masonry material, compatible with the building materials and colors and with trash receptacles screened from view. Receptacles shall be provided for recycled materials as well as trash or rubbish. The design of the trash enclosure shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
7. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
8. 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.
9. 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 17.81.160.
10. 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.

### **FINDINGS**

**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the applicant may be granted a Conditional Use Permit for the sale of distilled spirit alcohol within the CC (Community Commercial) Zoning District. The use meets the intent and purpose of the district. Conditions of approval have been modified to ensure that the use is consistent with the Zoning Ordinance and General Plan.

**B. The application will maintain the character and integrity of the neighborhood.**

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**



This project involves an existing commercial space with the additional use of off sale distilled spirits. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

**D. The use is consistent with the General Plan and will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood and the City.**

The applicant is not proposing an increase in the size of the existing gas station and retail area. The existing retail sale of beer and wine will remain with the addition of the sale of distilled spirits. With the restriction on the sale of alcoholic mini bottles, the sale of distilled spirits for retail sale will not be detrimental to the surrounding neighborhood or the City.

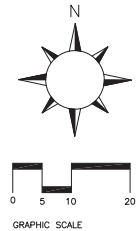
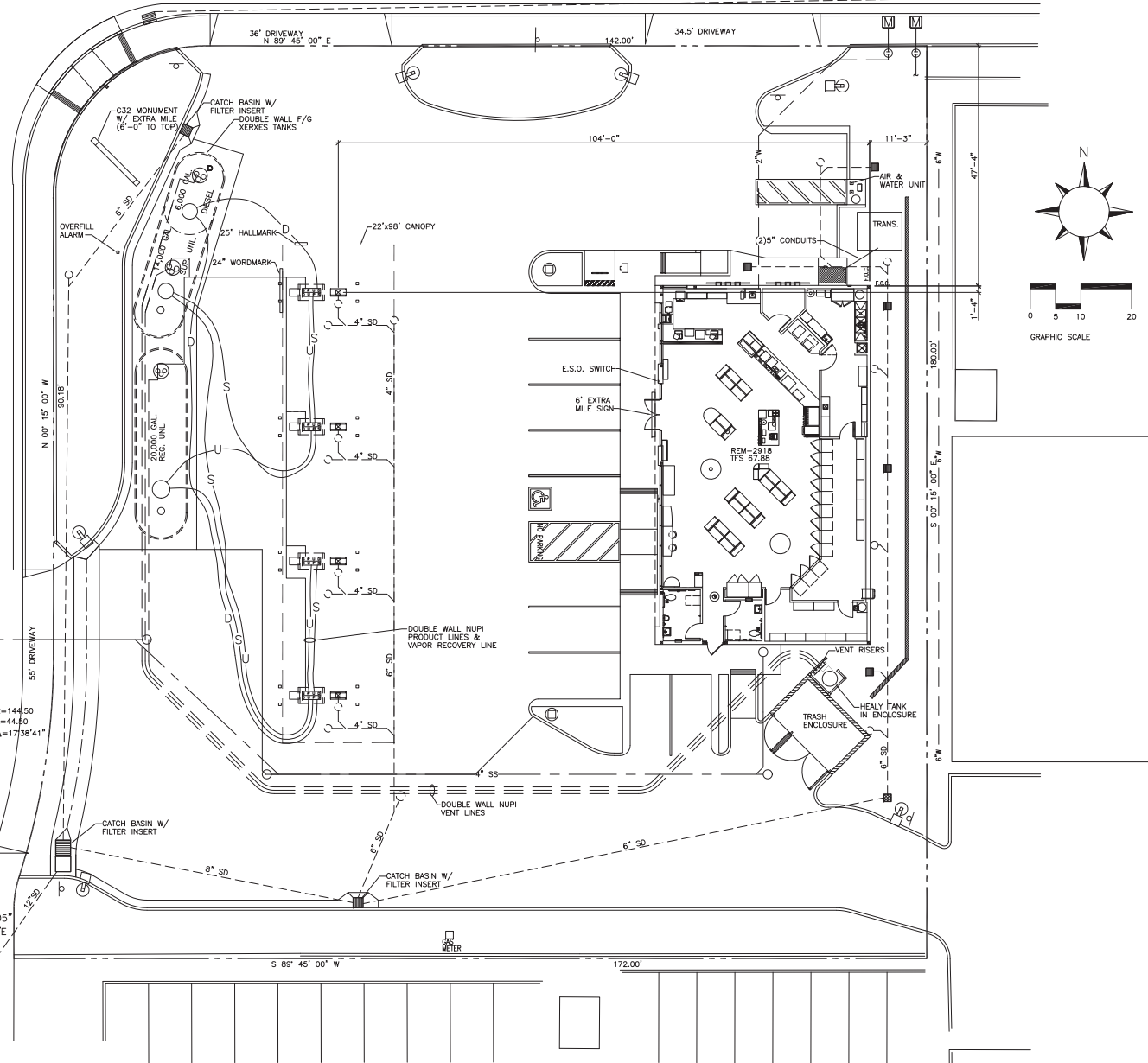
**ATTACHMENTS:**

1. 1650 41st Avenue - Plan Set
2. 1650 41st Avenue - Project Description
3. 1650 41st Avenue - Chevron Maintenance Procedures
4. 1650 41st Avenue - Security Procedures Chevron
5. 1650 41st Avenue - PCN Letter

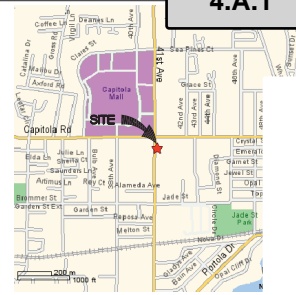
Prepared By: Sean Sesanto

CAPITOLA ROAD

41st AVENUE



VICINITY MAP **4.A.1**



**SITE DATA**

SITE GROSS SQUARE FOOTAGE: 30,767A SQ. FT. (7 ACRES)  
 BUILDING SQUARE FOOTAGE: 2945 SQ. FT. C-STORE  
 LANDSCAPE SQUARE FOOTAGE: 6,154A SQ. FT.  
 LOT COVERAGE: BUILDING - 9.6% LANDSCAPING - 18%  
 CANOPY - 7%

**PARKING:** REQUIRED PROVIDED  
 SERVICE STATION: 2 STANDARD 8  
 C-STORE 2 COMPACT 2  
 TOTAL 12 12 (INC. 1 A.C.C.)

**CONSTRUCTION TYPE:** CANOPY C-STORE II N SPR  
 C-STORE II-N SPM

**ZONING DISTRICT:** CC M-3  
 BLDG. OCCUPANCY: CANOPY C-STORE  
 OCCUPANCY LOAD: C-STORE 66  
 EXITING REQUIREMENTS: C-STORE 2 PROVIDED  
 NATURE OF BUSINESS: SELF SERVE GASOLINE SALES & CONVEYER  
 ASSESSOR'S PARCEL NO.: 034-111-19  
 PLANNING / ZONING APPROVAL CUP# 03-036

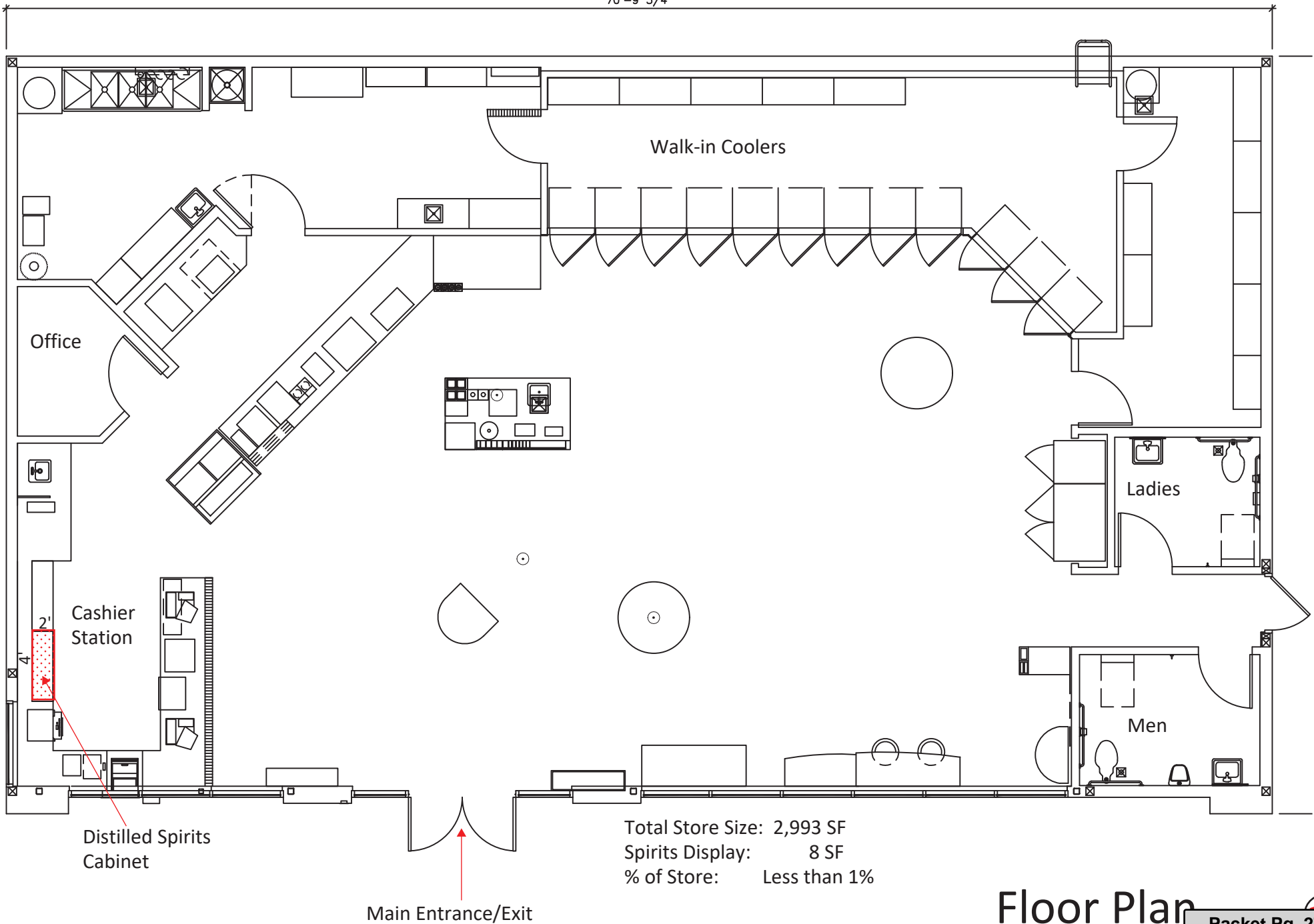
Attachment: 1650 41st Avenue - Plan Set (1650 41st Avenue)

REVISIONS				SITE PLAN
NO.	DATE	BY	REVISION	
1	03/28/12	GRH	EVR & IMAGE REFRESH	SERVICE STATION #9895 1650 41ST AVE CAPITOLA, CA 95010
2	06/19/19	GRH	NEW MPDS & OVERFILL ALARM	

DATE: 03/28/12  
 DRAWN BY: GRH  
 SCALE: 1"=10'-0"  
 FILENAME: 98955

Chevron Extra Mile Store #1707  
1650 4th Ave., Capitola, CA

70'-9 3/4"



Attachment: 1650 41st Avenue - Plan Set (1650 41st Avenue)

Total Store Size:	2,993 SF
Spirits Display:	8 SF
% of Store:	Less than 1%

# Floor Plan

**Chevron Extra Mile Store**  
**1650 41<sup>st</sup> Avenue, Capitola, CA**  
**Project Description**  
12/2/20

**Request:** Finding of public convenience or necessity and amendment of existing condition use permit to allow for the sales of beer, wine and distilled spirits for offsite consumption (ABC Type 21 License) at an existing convenience market owned and operated by Chevron USA that currently sells beer and wine (ABC Type 20 License). Chevron intends to cancel or move existing ABC license out of the Census Tract, hence there will be no additional licenses added to the census tract.

**Store Hours of Operation:** 6am – 12:00 a.m. (midnight) daily

**Overall Store Size:** Approximately 2,993 square feet

**Distilled Spirits Display Area:** Bottles of distilled spirits will be displayed behind the Cashier's Station in locked glass cabinet approximately 2' x 4' (8 sf) which will be less than 1% of overall store size.

**Security Measures:**

- Policy signs will be posted on premises: “No Open Containers”, “No Consumption of Alcoholic Beverage on the Premises” and “No Loitering”.
- No exterior advertising or window signs will advertise beer or wine products;
- No alcoholic beverage advertisement located on the motor fuel island.
- Alcohol display will be limited to 4 cooler doors totaling approximately 36 square feet and distilled spirits cabinet that will be visible to cashier.
- No fortified wines or malt liquor will be sold.
- Individual containers of distilled spirits will be only displayed in a locked cabinet behind the cashier.
- Employees on duty between 10:00pm and 12:00 am who sell beer/wine will be at least 21 years of age.
- Chevron currently operates a surveillance camera system.
- Surveillance video is stored for at least 30 days and be made available to law enforcement upon request.
- Cooler doors containing beer will be locked from 12:00 a.m. (midnight) to 6:00 a.m. daily.
- All persons that appear younger than 30 years old must provide ID in order to purchase alcohol.
- Point of sale system requires cashier to scan the ID to validate age. No alcohol will be sold if customer is a minor.

**Employee Training:**

- Employees are required to complete the corporate training program and pass the course test.
- Employees engaged in sale of beer/wine will complete responsible beverage service (RBS) training class that is approved by ABC. See attached CSI Security Plan.
- RBS Training includes looking for signs of intoxication, proper identification checking, procedures for dealing with various situations as well as general behavior observance training.
- Employees must review company alcohol policy each day.

**About Chevron Extra Mile**

Chevron USA operates 297 Extra Mile Stores in CA and approximately 123 of those stores sell beer and wine. Chevron is one of the largest corporations in the world.

# Maintenance Procedures

## Chevron Extra Mile Stores

### **Summary:**

Chevron Stations Inc. (CSI) goal is to maintain all Company Owned Company Operated (COCO) facilities by using Consistently Outstanding Retail Experience. It is very important that Chevron Company Operated Stores comply with all laws prohibiting the sale of alcohol and tobacco products to underage customers.

CSI's highest priority is to provide a clean, safe and secure environment for its employees and customers.

This document outlines specific maintenance conditions for our Walnut location.

### **Objective:**

To present a well maintained, clean and safe facility at all times.

### **Frequency:**

As required

### **How:**

For company-owned, company-operated (COCO) stores, all store personnel are committed to follow policies, process & procedures regarding to maintaining the facilities at all times. Store personnel include Site Manager, Assistant Site Manager & Customer Service Representative is held to the highest standards to ensure these policies, process & procedures are followed.

### **Person Responsible:**

Store Personnel: Customer Service Representative, Assistant Site Manager & Site Manager

### **Loitering & Panhandling:**

Loitering and panhandling will not be tolerated and Chevron will maintain a zero-tolerance policy. Loitering signs will be posted in conspicuous places containing wording (Spanish and English) that aligns with state and local law (work with BPPD to obtain proper language). All loitering and panhandling issues will be dealt with in a swift and consistent manner by notifying local police.

No consumption or open alcoholic beverages will be permitted on the premises. Signs specifically prohibiting this activity will also be placed in conspicuous places in both Spanish and English.

- Chevron employees are trained and directed to immediately deal with individuals attempting to or consuming alcohol on store property. If safe to do so, employees will instruct the person(s) to cease and desist consuming the alcoholic beverage and ask the person to leave the premises. If the employee deems it unsafe to approach the subject(s), law enforcement will be promptly called to assist.

Customer Awareness (Store personnel will do the following)

- Greet every customer as they come in through the front door.
- Make eye contact.
- Be aware of who are in the store and how long they have been there.
- If there are some people loitering in the store, ask if you can help them find something.
- Stay active in the store. Clean, stocks shelves, and move around.
- Be aware of who are in the lot and what they are doing. If necessary, call the police.
- Always keep safety at the top of your mind.

### **Trash and Graffiti Removal**

Any and all trash accumulating on the property and landscape areas will be removed promptly.

To prevent Littering and Graffiti: We ensure that all inside and outside lights are operational (as required). Burnt out lights should be replaced or reported ASAP.

We implement our steps to sundown daily checklist during the evening shift. Store personnel on the 2<sup>nd</sup> shift are to complete this checklist daily, prior to sunset, to provide a safe operating environment in starting night duties.

- To provide a clean and safe yard and lot for our customers and staff. In order to keep it free of trash. An outside cleaning check is done 1x every two (2) hours.
- During the steps to sundown or outside cleaning check if store personnel notice any graffiti, they are instructed to call maintenance immediately. Graffiti will be removed from any wall, fence, building, structure, window, equipment or other location within 48 hours.
- All Employees are instructed to call the central maintenance contractor at telephone number 1-866-845-4254. All calls are logged on maintenance log. (Site Manager reviews the log daily).

**To avoid consumption of alcohol on site, minors soliciting adults to purchase age restricted products. Store personnel are trained on the following techniques.**

### **S-I-R**

- **S**ize up the customer.
- **I**nterview the customer.
- **R**ate the customer.
- Do they look under the age of 30?
- Have they been drinking already?
- Could they be buying for someone else?
- Are they nervous, looking over their shoulder, in a hurry?

### **Interview the customer**

- Validate their ID
- Expiration Date (Valid as of today's date)
- Picture (Is it the person in front of you?)
- Birth Date (Alcohol – 21 years old) store personnel are instructed to enter birth date into cash register. *Same rule applies for tobacco & lottery.*

### **Mandatory Training**

All new hires and existing employees are required to attend New Employee Orientation/Annual Recertification. This includes Station Managers, Assistant Station Managers and Customer Service Representative (Cashier). This is our policy at Chevron Stations Inc. On the second day of the New Employee Orientation/Annual Recertification the employees are trained on Age Restricted Products. They are trained on the following:

- What's the legal age for purchasing alcohol/tobacco products Lotto and Lottery?
- What are the fines and penalties?
- List acceptable forms of ID that CSI accepts as valid
- Locate and review the ID Checking Guide
- What to look for on an ID and how to spot an alternated ID?
- How to verify the customer's age by properly enter their birthday in EPOS?
- What are the legal sale hours of alcohol? \_\_\_6:00\_\_\_ A M to \_\_\_2:00\_\_\_ A M
- CSI employees will ID all persons who appear under the age when they attempt to purchase age restricted product

- What to do if the customer's ID is expired?
- What types of payment we accept for purchasing Lotto/Lottery?
- How to handle a beer run?
- What to do if customer appears intoxicated?
- What to do if customer attempt or consume alcohol on the property.

If an employee fails to attend annual recertification, the employee will be removed from the schedule. The employee will not be schedule to work until he or she complete the training.



# Security Procedures

## Chevron - Extra Mile Stores

### **Summary:**

Chevron Stations Inc. (CSI) maintains an extremely robust security and crime prevention posture. Numerous security protocols and policies were developed through the partnership with Chevron Global Security to incorporate best practices, and a fit for purpose plan to be intergraded into each corporate owed store.

CSI's highest priority is to provide a safe and secure environment for its employees and customers.

### **Security and Safety by Design:**

The Extra Mile site provides a design that lends itself features that incorporate Crime Prevention Through Environmental Design (CPTED).

Our site will maintain operations 24 hours a day; therefore, adequate lighting is necessary for the safe operation during times of darkness. This site is equipped with the necessary lighting, inside and out, and provides a safe environment for our customers, employees, and also discourages loitering.

Outside lighting is the responsibility of Chevron management. All lighting concerns, such as inadequate lighting or burned-out lights, will be addressed promptly by contacting our maintenance provider.

The c-store is designed with full height glass windows to provide clear and unobstructed views from inside and out. All signage affixed to the windows will not obstruct these views.

### **Trash and Graffiti Removal**

Any and all trash accumulating on the property and landscape areas will be removed promptly. Graffiti will be removed from any wall, fence, building, structure, window, equipment or other location within 48 hours.

### **Loitering & Panhandling:**

Loitering and panhandling will not be tolerated and Chevron will maintain a zero-tolerance policy. Loitering signs will be posted in conspicuous places containing wording (Spanish and English) that aligns with state and local law (work with WPD to obtain proper language). All loitering and panhandling issues will be dealt with in a swift and consistent manner by notifying local police.

No consumption or open alcoholic beverages will be permitted on the premises. Signs specifically prohibiting this activity will also be placed in conspicuous places in both Spanish and English.

Chevron employees are trained and directed to immediately deal with individuals attempting to or consuming alcohol on store property. If safe to do so, employees will instruct the person(s) to cease and desist consuming the alcoholic beverage and ask the person to leave the premises. If the employee deems it unsafe to approach the subject(s), law enforcement will be promptly called to assist.

### **Security Equipment and Crime Deterrent:**

This station is currently equipped with several interior color cameras with a 24-hour operational CCTV DVR system. The system is capable of archiving a minimum of 30 days+ of stored video coverage (industry standard). The station cameras are strategically positioned to capture activity at the critical areas of the store, including the alcohol coolers. CCTV maintenance issues are handled with high priority and rectified in an expeditious fashion.

Robbery and crime deterrence is a meticulous process where each new hire is provided specific crime deterrence training and also receives an annual refresher. A daily checklist (Steps to Sundown) is provided to employees as a tool to guide them in crime deterrence as they prepare for the night shifts.

Any coolers containing alcoholic beverages will automatically lock at 2:00 a.m. and unlock at 6:00 a.m. daily.

### **ABC Compliance:**

Chevron employees are provided rigorous training in alcohol beverage sale rules, laws, and regulations. Chevron employees adhere to the stringent guidelines associated with the control and sale of alcoholic beverages.

All new hires and existing employees are required to attend New Employee Orientation/Annual Recertification. This includes Station Managers, Assistant Station Managers and Customer Service Representative (Cashier). This is our policy at Chevron Stations Inc. On the second day of the New Employee Orientation/Annual Recertification the employees are trained on Age Restricted Products. They are trained on the following:

- What's the legal age for purchasing alcohol/tobacco products Lotto and Lottery?
- What are the fines and penalties?
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- Locate and review the ID Checking Guide

- What to look for on an ID and how to spot an alternated ID?
- How to verify the customer's age by properly enter their birthday in EPOS?
- What are the legal sale hours of alcohol? \_\_\_6:00\_\_\_ A M to \_\_\_2:00\_\_\_ A M
- CSI employees will ID all persons who appear under the age when they attempt to purchase age restricted product
- What to do if the customer's ID is expired?
- What types of payment we accept for purchasing Lotto/Lottery?
- How to handle a beer run?
- What to do if customer appears intoxicated?
- What to do if customer attempt or consume alcohol on the property.

If an employee fails to attend annual recertification, the employee will be removed from the schedule. The employee will not be schedule to work until he or she complete the training.

Upon completion: \*\*\*Manager: Review ABC-299 Clerk's Affidavit and Sign; employee must complete part 2 and manager must sign part 3

It is very important that Chevron Company Operated Store employees comply with all laws prohibiting the sale of alcohol and tobacco products to underage customers. The failure to comply with such laws could constitute grounds for termination. Chevron has retained Maritz to perform alcohol / tobacco compliance checks at Chevron's Company Operated Stations to enhance Chevron's compliance with laws prohibiting age sensitive product sales to minors.

Four evaluations per calendar year, the evaluations will be every quarter. Jan-Feb-Mar: Tobacco, Apr-May-Jun: Alcohol, Jul-Aug-Sep: Tobacco, Oct-Nov-Dec: Alcohol & Shop times: 24 hours. Swift consequences will be given to any employee including the station manager who fails a compliance check. In reference to Law Enforcement Mystery Shop: Failed Shop 1: Any employee (inclusive of management) who fails a law enforcement mystery shop (aka "sting") will generally be **terminated upon notification** by the law enforcement agency of the failed shop, regardless of previous violation history.



TERRY MCMANUS  
CHIEF OF POLICE

422 CAPITOLA AVENUE  
CAPITOLA, CALIFORNIA 95010  
TELEPHONE (831) 475-4242  
FAX (831) 479-8881

May 12, 2021

District Administrator  
California Department of Alcoholic Beverage Control  
1137 Westridge Parkway  
Salinas, CA 93907

Reference: Chevron Stations Inc., Station 98958  
1650 41<sup>st</sup> Avenue, Capitola, CA 95010 (Proposed location)  
Type 21 Off Sale - General

Dear Administrator,

The applicant, Chevron Stations Inc., applied to the City of Capitola on April 26, 2021, to change ABC license #433377 from a Type 20 to a Type 21, authorizing the sale of spirits in addition to beer and wine at their business located at 1650 41<sup>st</sup> Avenue in the city of Capitola.

The proposed business is located in police responsibility area 4401 and U.S. census tract number 1218.00. The site is in a high crime area and the census tract is over-concentrated (6 off-sale licenses authorized and 14 currently existing) with "off sale" alcohol outlets, thus requiring a letter of necessity and convenience.

The Local Governing Body has determined, pursuant to §23958.4 of the Business and Professions Code, that the applicant serves the public convenience (§23958.4 b(2) B & P) and California Department of Alcoholic Beverage Control (A.B.C.) should approve the requested change from an alcohol license Type 20, Off Sale Beer & Wine (package store) to an alcohol license Type 21, Off Sale - General.

This letter is being issued with the understanding that conditions placed by the city of Capitola on the businesses' special use permit, be incorporated in the Off Sale - General license issued by ABC.

Attachment: 1650 41st Avenue - PCN Letter (1650 41st Avenue)

Page 2  
May 12, 2021

In 1994, the California legislature provided amendments to the law that allowed for local control of some alcohol licenses. The purpose of this legislation is to help fight blighted and crime-impacted areas. The City Council appointed the Chief of Police as the local governing body in decisions related to public convenience or necessity in the issuance of certain alcohol licenses as required by section §23958.4 B. & P.

In the several years that we have been working with these new laws, we have applied the law of undue concentration and high crime areas as defined by the legislation. As part of our review, we look at all the circumstances that could be negative or positive about the determination of convenience or necessity.

We also weigh both sides as it applies to specific location in the City and the specific applicant. Does the proposed establishment fit the goals of the city? Does the proposed establishment promote rather than detract from economic goals, plans, or redevelopment of the city? Does the proposed establishment pose a law enforcement or public health problem? Does the establishment help alleviate blight or a crime affected area?

In making the decision of public convenience or necessity in the aforementioned application, the following facts were considered;

1. The business has operated successfully within the city of Capitola under the currently issued ABC license and related conditions.
2. The company participates in an employee training program, with curriculum that includes not only business-related activities but also a section on ABC Laws. The business is committed to training people and has agreed to take part in future ABC LEADS (Licensee Education on Alcohol and Drugs) workshops.
3. The Capitola Police Department has conducted a site visit of the company's current location and found it to be a professional looking, clean, well-run business, which fits with the types of businesses the City supports in our community.
4. The business has agreed to prohibit the sale of "mini bottles" of alcohol which have proven to create nuisance type activity and present problems to communities and law enforcement.

Page 3  
May 12, 2021

In summary, Chevron Stations Inc. has been an existing and successful business in our City, and I believe they will continue to provide positive economic vitality with very few public safety concerns should the issuance of the requested license change be approved.

Sincerely,



Terry McManus  
Chief of Police

cc: Sean Sesanto, Assistant Planner, Community Development Department

Attachment: 1650 41st Avenue - PCN Letter (1650 41st Avenue)