



**FINAL ADOPTED MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, APRIL 2, 2015  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

Chairperson Smith called the Regular Meeting of the Capitola Planning Commission to order at 7 p.m.

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

Commissioners: Ron Graves, Ed Newman, Gayle Ortiz, and TJ Welch and Chairperson Linda Smith.

**2. ORAL COMMUNICATIONS**

- A.** Additions and Deletions to Agenda
- B.** Public Comment
- C.** Commission Comment

Commissioner Welch noted that homes continue to be rented on Depot Hill on a weekly basis and asked staff for a recommendation to address that concern. Community Development Director Rich Grunow noted that enforcement is difficult if advertisements list a 30-day minimum rental. It requires proof that two different tenants occupied the home during that period. He added that there is a state-level proposal to require services such as Airbnb and others to add TOT to all bills.

Commissioner Graves announced that he will be leaving the commission and this is his last meeting.

- D.** Staff Comments

Director Grunow thanked Commissioner Graves for his years of service and institutional knowledge.

**3. APPROVAL OF MINUTES**

- A. March 5, 2015, Draft Planning Commission Minutes**

**A motion to approve the March 5, 2015, meeting minutes was made by Commissioner Graves and seconded by Commissioner Ortiz.**

**The motion carried by the following vote: Aye: Commissioners Graves, Newman, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

**4. CONSENT CALENDAR**

Commissioners asked for a separate vote to allow for recusals.

- A. 828 Bay Avenue Suite #220 #15-032 APN: 036-011-31**  
Conditional Use Permit for a 3,882-square-foot general office, located in the CC (Community Commercial) Zoning District.  
This project is not in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption  
Property Owner: Capitola Crossroads, LLC  
Representative: Doug Kaplan, filed: 2/26/15

Commissioners Newman and Ortiz recused themselves from this item.

Commissioner Graves asked if the Commission wishes staff to address the loss of retail space within the upcoming zoning update. It is one of the identified issues.

**A motion to approve application #15-032 for a Conditional Use Permit was made by Commissioner Graves and seconded by Commissioner Welch with the following conditions and findings:**

### **CONDITIONS**

1. The project approval consists of a Conditional Use Permit for a 3,882-square-foot office at 828 Bay Avenue Suite 220. The interior space will be renovated to a general office. No modifications to the exterior of the building are proposed.
2. There is a master sign program for the Crossroads Center. Future signs for the Suite #220 shall be in compliance with the master sign program. The applicant must apply for a sign permit with the Community Development Department prior to installation.
3. Prior to occupancy by the new tenant, all Planning fees associated with permit #15-032 shall be paid in full.
4. Prior to occupancy by the new tenant, the new tenant shall apply for a business license from the City.
5. 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.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

### **FINDINGS**

**A. The proposed project, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed office may be granted a conditional use permit within the CC Zoning District. The use meets the intent and purpose of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

**B. The proposed project 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. The office is located in a commercial plaza. 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.**

The proposed project involves an office within an existing commercial plaza. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**The motion carried by the following vote: Aye: Commissioners Graves and Welch and Chairperson Smith. No: None. Abstain: None.**

**B. Capitola Village Parking Meter Time Limits #15-043**

Coastal Development Permit to increase the current time limit for metered parking in the Central Village from two hours to three hours on a trial basis from May 1, 2015, through November 25, 2015.

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: City of Capitola

Representative: Steve Jesberg, filed 3/12/15

Commissioner Graves watched the City Council meeting that preceded the formal application. He feels it is difficult to follow council action since commission members are appointees. He also suggested a compromise could have been a two-hour limit until 5 p.m. and then allow three hours.

Commissioner Ortiz disagreed that a council member would be upset should his/her appointee vote in opposition. She has never felt she would endanger her appointment by a vote.

Director Grunow noted the zoning update may include allowance for Council to issue a Coastal Development Permit in similar instances.

**A motion to approve application #15-043 for a Coastal Development Permit was made by Commissioner Newman and seconded by Commissioner Ortiz with the following conditions and findings:**

**CONDITIONS**

1. The project approval consists of a Coastal Development Permit to increase the time limit of parking meters in the Central Village from two hours to three hours. Prior to the end of the 8-month trial period (November 25, 2015) the proposal will be brought back to City Council to determine if a permanent change should be made or the time limit changed back to 2 hours. A permanent change would require another CDP approval process
2. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

**FINDINGS**

**A. The proposed project, 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. The use meets the intent and purpose of the Central Village Zoning District and will allow visitors to spend an additional hour in the village while parked at a metered parking space

along the street. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan.

**B. This project is categorically exempt under Section 15061(b)(3) 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 increasing time limits of parking spaces in the Central Village on a trial basis. The proposed parking meter time limit change will clearly not have any effect on the environment. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**COASTAL FINDINGS**

***D. Findings Required. 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:***

- 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:

***(D) (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.***

***(D) (2) (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 build-out. 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 in the Central Village of Capitola. The increase of parking time will allow additional access and opportunities for the public to access the beach.

***(D) (2) (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 in the Central Village. Only minor changes to existing city infrastructure are proposed.

***(D) (2) (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);***

- This area is almost primarily used by the public. The Central Village is adjacent to the beach and attracts residents and visitors from all over.

***(D) (2) (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 in the Central Village. The project involves minor alterations to existing infrastructure and 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.

***(D) (2) (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 adjacent to the Coast. Due to the projects minor nature, 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.

***(D) (3) (a – c) 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 access way on the subject land.***

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

***(D) (4) (a – f) 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 the Central Village Zoning District. The parking time limit change is simply a trial period.

***b. Topographic constraints of the development site;***

- The project is located throughout the Central Village.

***c. Recreational needs of the public;***

- The project will not affect the recreational opportunities 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.***

***(D) (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

***(D) (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 a time limit change to parking meters in the Central Village.

**SEC. 30223**

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

- The project involves a time limit change to parking meters in the Central Village.

***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 a time limit change to parking meters in the Central Village.

***(D) (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 a time limit change to parking meters in the Central Village.

***(D) (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.

***(D) (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.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project involves a time limit change to parking meters in the Central Village. Water and sewer services are not required.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located throughout the Central Village, which is near the Fire Station.

***(D) (12) Project complies with water and energy conservation standards;***

- The project involves a time limit change to parking meters in the Central Village. It does not apply to water or energy conservation.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project may be required to pay appropriate fees prior to building permit issuance.

***(D) (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.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project involves a time limit change to parking meters in the Central Village. It will not affect Monarch butterfly habitat.

***(D) (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.

***(D) (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;***

- Geologic/engineering reports are not required for this application. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

- The project involves a time limit change to parking meters in the Central Village. The above section does not apply.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project will not create new structures.

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

- Parking meters are issued by the city and allowed in the Central Village Zoning District.

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

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

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project involves a time limit change to parking meters in the Central Village.

**The motion carried by the following vote: Aye: Commissioners Graves, Newman, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

## **5. PUBLIC HEARINGS**

### **A. 502 Pine Street #14-175 APN: 036-022-27**

Application for a minor subdivision (2 lots) and a Design Permit for a single-family home and a duplex located in the RM-M (Multiple-Family Medium Density) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: David Kraemer, filed 12/5/14

Representative: Chuck Burket

Commissioner Newman recused himself and left the dais.

Senior Planner Katie Cattan presented the staff report. She presented an image that illustrated how lot size is not uniform in the multi-family zone along Pine Street. She noted the lot has four existing small trees that are not included in the landscape plan. They are under the size that would require a permit for removal.

Commissioner Ortiz asked about height concerns listed in the neighbors' letter and confirmed that all heights are in compliance with code.

Commissioner Graves confirmed height compliance is not affected by measuring from grade either as it currently exists or after proposed grading.

Engineer Bob Dewitt spoke on behalf of the applicant and asked if certain conditions could be modified, including adding “licensed land surveyor” to #3, changing the timing of required demolition in #4, clarification of sidewalk requirements between #5 and #21, and the necessity for legal descriptions in several others.

Commissioners asked staff if there is a way to grant approval absent specific language and Director Grunow said they may indicate staff has authority to modify conditions to meet intent. Commissioner Graves said many of the legal descriptions are necessary to define the subdivision. Planner Cattan said that while the addition of a land surveyor in #3 would be fine, the existing building must be demolished before the lot is split to avoid creating a non-conformity. Staff would need to check with the city attorney regarding other legal descriptions.

Applicant Dave Kraemer said he would accept a “conditional” approval to modify conditions. He added his family will be living in the single-family home and wishes to establish good relations with the neighbor. He will trim the existing cypress to the permitted 25 percent and would prefer to keep it well maintained. He is already a resident of Pine Street and feels the proposal is similar to existing parcels.

Mr. DeWitt agreed the application could proceed with the conditions as recommended.

Claudia Kelly, neighboring property owner and author of a previously submitted letter regarding concerns, explained the history of a redwood that was removed several years ago and replaced with ornamentals. She asked that redwood not be replanted. She is pleased with the applicant’s offer to coordinate landscaping to allow light and appreciates trimming of the cypress. Staff confirmed again that heights are within compliance and confusion may be from setback requirements. Ms. Kelly noted that parking is tight on the street and expressed concern about adequate parking spaces.

Commissioner Ortiz noted that parking is a challenge throughout the city and the commission can only require applications to meet code.

Chairperson Smith closed the public hearing.

Commissioners Welch and Ortiz said they did not have concerns with the project and appreciate the cooperative approach between neighbors. Commissioner Ortiz added that she supports keeping the cypress but is otherwise comfortable with new landscaping.

Chairperson Smith praised the plan and also would like the cypress preserved.

Commissioner Graves asked when the sidewalk would be installed. Staff responded that Public Works determined there were not enough sequential properties with deferrals for sidewalks at this time.

**A motion to approve application #14-175 for a minor subdivision and a Design Permit was made by Commissioner Ortiz and seconded by Commissioner Welch with the following conditions and findings:**

1. The project approval consists of design permit for a new single family home and a new duplex at 502 Pine Street. The new single-family home is in the RM-M zone but is reviewed for compliance with the R-1 (single family) zoning district development standards. The maximum Floor Area Ratio for the 7,938 square-foot property is 48% (4,662 square feet). The total FAR of the project is 38% with a total of 3,050 square-feet, compliant with the maximum FAR within

the zone. The new duplex on Parcel A, must comply with the development standards of the RM-M zoning district. The new duplex complies with the maximum lot coverage of 40%, the front, rear and side yard setbacks, height, landscaping, and parking requirements. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The project consists of the subdivision of a 14,326 square foot lot into two residential lots at 502 Pine Street. The single parcel will be subdivided into two parcels. The minor subdivision will create a flag lot with shared driveway access. The tentative map identifies the front lot as Parcel A and the rear lot as Parcel B. Parcel A will be 6,388 square feet and Parcel B will be 7,938 square feet.
3. Applicant shall have prepared a final parcel map by a registered civil engineer or licensed land surveyor and shall submit the final map for review, approval, and recording by the City's surveyor and the Public Works Department. ~~The parcel map shall include new legal descriptions.~~ A metes and bounds description of each lot will be submitted to the City with the final map.
4. Prior to recordation of the final parcel map, the existing structures on the property must be demolished.
5. Prior to recordation of the final parcel map, all plans and profiles of improvements shall be approved by the Director of Public Works and the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services. Installation of a public sidewalk along Pine Street is a required improvement. In lieu of installing this sidewalk the developer may enter into a deferred improvement agreement with the City.
6. ~~Prior to issuance of a building permit prior to recordation of the final parcel map,~~ a maintenance agreement and access easement for the shared driveway shall be recorded. The access easement must be reviewed and approved by the City attorney prior to recordation.
7. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
8. 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.
9. 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.
10. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
11. 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.

12. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
13. Prior to issuance of building permit, all Planning fees associated with permit #14-175 shall be paid in full.
14. 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 Water District, and Central Fire Protection District.
15. 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.
16. 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).
17. Prior to a project final, the applicant shall execute an Operation and Maintenance Agreement, for each lot, for the purpose of operating and maintaining the on-site stormwater improvements.
18. 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.
19. 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.
20. 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
21. Prior to a project final, the applicant shall be responsible for installing all required frontage improvements including curb and gutter, ~~and sidewalk~~ along Pine Street for the length of the property frontage. ~~All sidewalks are to meet the standards for ADA accessibility.~~
22. 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.

23. 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.
24. 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.
25. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

## 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 project. The subdivision, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan. The new single-family home and duplex comply with requirements of the zoning district

**B. The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

**The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan and Local Coastal Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.**

**C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the design of the single-family home and duplex. The structures fit within the built environment of the neighborhood. The neighborhood is characterized by a mix of residential densities including single family homes, secondary structures, multi-family homes, and apartments.

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

**B. Zoning Code Update - Title 17 of Capitola Municipal Code - Issues and Option Review Timeline**

Consideration of a timeline for the review of the Issues and Options report. The issues and option report outlines existing issues in the zoning code along with the options to address each issue. The City of Capitola is working on comprehensive update to Title 17, Zoning, of the City of Capitola Municipal Code.

This project will require an update to the Local Coastal Plan.

Environmental Determination: To be determined

Staff: Katie Cattan, Senior Planner

Consultant: Ben Noble

Commissioner Newman returned to the dais.

Senior Planner Katie Cattan reviewed previous support for additional meetings to move ahead with the update. City Council supported an accelerated schedule and staff responded with three options. She provided a survey that would identify items of consensus to potentially eliminate some items from discussion and asked for majority guidance.

Chairperson Smith clarified the intent of the proposed public workshops, which is to get more public input on non-conforming residential structures.

Commissioner Newman wishes to avoid redundant public meetings on the same topic. Commissioner Welch took from the City Council meeting that the initial joint meeting would help shape direction and consensus. Staff noted that if the initial commission discussion seems split, it can request a joint meeting with council. Should council's later guidance differ from the commission's, the commission will have the opportunity to restate its preference and reasoning during the formal draft adoption.

Chairperson Smith asked that the home page of the website feature meetings for public outreach, and Commissioner Graves said paid advertising may be a good way to reach seniors who don't use the internet.

Commissioners expressed consensus support for schedule 2, saying the most aggressive option 1 did not allow them enough time for review and option 3 would drag out the process.

Staff requested surveys by April 20.

## **6. DIRECTOR'S REPORT**

Director Grunow reported the mayor's ad hoc committee recommendation on outreach for redevelopment of the City Hall property will be presented to City Council next Thursday.

A second public workshop regarding plans for the Rispin park will be April 11.

## **7. COMMISSION COMMUNICATIONS**

Commissioner Newman noted that subdivision applications are rare in the City and acknowledged their complicated nature involving several jurisdictions. He suggested some fine tuning on the conditions and process could take place when the next application is received. Commissioner Graves agreed.

## **8. ADJOURNMENT**

Chairperson Smith adjourned the meeting at 8:31 p.m. to the regular meeting of the Planning Commission to be held on Thursday, May 7, 2015, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on May 7, 2015.

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Linda Fridy, Minutes Clerk