



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 6, 2012
7:00 P.M. – CITY HALL COUNCIL CHAMBERS**

Chairperson Graves called the Regular Meeting of the Capitola Planning Commission to order at 7:02 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Gayle Ortiz, Mick Routh, Linda Smith and
Chairperson Ron Graves
Staff: Consultant Susan Westman
Senior Planner Ryan Bane
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Senior Planner Bane stated Consent Item 4.D 1066 41st Avenue has been continued to the October 4, 2012 meeting.

Consultant Susan Westman announced a discussion regarding 119 Central Avenue will be added to Item 7: Director's Report.

B. Public Comments - NONE

C. Commission Comments - NONE

D. Staff Comments - NONE

3. APPROVAL OF MINUTES

A. August 2, 2012 Regular Planning Commission Meeting

Commissioner Smith clarified: Page 4, Public Hearing Item 5.A

Commissioner Ortiz supported the homes as proposed. She stated the landscape plan lacks detail and requested that all future project applications provide a final landscape plan inclusive of the species, size, and the number of plantings. She suggested an amendment to condition #9 to incorporate the size and number of trees required for replanting for each tree removed. She noted that the interlocking pavers need to be permeable.

Commissioner Smith stated the design of the new homes will be compatible with the surrounding neighborhood and was glad to see the non-conforming use eliminated with this proposal.

A MOTION WAS MADE BY COMMISSIONER SMITH AND SECONDED BY COMMISSIONER ORTIZ TO APPROVE THE AUGUST 2, 2012 MEETING MINUTES WITH CHANGES.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

4. CONSENT CALENDAR

**A. 520 PILGRIM DRIVE #12-077 APN: 035-103-06
426 CAPITOLA AVENUE 035-141-33**

Lot line adjustment to correct a building encroachment between an R-1 (Single-Family Residence) and MHE (Mobile Home Exclusive) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: City of Capitola, filed 6/5/12
Representative: William and Joyce Budisch

Chairperson Graves invoked the Rule of Necessity as Commissioner Ortiz, Newman and Chairperson Graves own property within 300 feet of the subject property application. Commissioners Newman, Ortiz and Chairperson Graves drew straws. Commissioner Ortiz and Chairperson Graves drew the long straws. Commissioner Ortiz and Chairperson Graves recused. Vice-Chairperson Routh chaired this item.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #12-077 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The applicant shall have the deed prepared and recorded reflecting the Lot Line Adjustment and a copy of the recorded deed shall be provided to the Planning Department.
2. This permit approval shall be for one year after the date of granting thereof.

FINDINGS

A. The proposed lot line adjustment is consistent with the General Plan and Zoning Ordinance.

Community Development Department Staff and have all reviewed the project. The project to convey a 385 square foot section of property from APN 035-141-33 (Lot 1) to APN 035-103-55 (Lot 2) conforms to applicable provisions of the Subdivision Map Act and of local ordinances. The density and use are not changing with this application, and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The lot line adjustment will not result in the creation of a greater number of parcels than currently exists.

The tentative map for the lot line adjustment prepared by Bowman and Williams Engineers, dated May 31, 2012 shows the 385 square foot section of land that extends over and into the adjacent parcel, and the adjustment of the boundary lines between the two parcels. No new parcels will be created and the number of lots will remain the same.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ROUTH AND SMITH. NOES: NONE. ABSENT: NONE. ABSTAIN: COMMISSIONER ORTIZ AND CHAIRPERSON GRAVES.

B. 820 BAY AVENUE #12-097 APN: 036-011-33
Conditional Use Permit to expand an existing restaurant use (Sushi Garden) in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Capitola Crossroads LLC, filed 8/3/12
Representative: Bryant Wi

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #12-097 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of an amendment to an existing Conditional Use Permit to expand an existing restaurant (*Sushi Garden*) within an existing vacant commercial space located at 820 Bay Avenue, Suite 148.
2. Any significant modifications to the size or exterior appearance of the structure 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. Business hours will be limited to 10:00 a.m. – 10:00 p.m.
5. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CC Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of Zoning District. Conditions of approval have been included to ensure that the use of the restaurant is consistent with the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the restaurant use and modifications to the building conform with the applicable provisions of the Zoning Ordinance and therefore 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.

The proposed project involves a restaurant use occupying an existing commercial space formerly occupied by an office business. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

C. 405 LOMA AVENUE

#12-087

APN: 036-092-17

Coastal Development Permit and Design Permit for the construction of a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

This project requires a Coastal Permit which is not appealable to the California Coastal Commission.

Owner: Matthew Howard, filed 7/3/12

Applicant: Peter Barnum

Senior Planner Bane presented the staff report.

Commissioner Ortiz clarified the garage is 100 sq. ft.

The public hearing was opened.

Dwayne Woods requested clarification regarding off-street parking and the proposed project colors. He requested consideration of the amending the weekday construction hours to end at 7:00 p.m. instead of 9:00 p.m.

Peter Barnum stated the parking requirement is one space in garage, and one uncovered space in the alleyway at the rear of property; a color board was submitted to staff and available for public review. He was not intending on working past 5:00 p.m.

The public hearing was closed.

Senior Planner Bane stated the parking requirement has been met as proposed; he presented a color and materials board; and commented that condition #3 is standard ordinance construction hours.

Commissioner Newman did not support amending the construction hours.

Chairperson Graves suggested modified construction hours: Monday – Friday 6:30 a.m. – 6:00 p.m.

Commissioner Ortiz supported modified construction hours: Monday – Friday 6:30 p.m. – 7:00 p.m., and that the ordinance standard hours be reconsidered.

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #12-087 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of construction of a new 1,765 square foot two-story single-family structure with a 300 square foot detached garage at 405 Loma Avenue.

2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – ~~9:00~~ 7:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
7. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
8. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
9. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
10. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15303(a) 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 single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NEWMAN. ABSENT: NONE. ABSTAIN: NONE.

D. 1066 41ST AVENUE #12-091 APN: 034-711-01

Master Sign Program for the commercial portion of an existing mixed-use development (Capitola Villas) in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Macquarie Capitola Villas Inc, filed: 7/18/12

Representative: Steve Elmore

Consent Calendar Item #4.D to be continued to the October 4, 2012 Planning Commission meeting.

5. PRESENTATION

General Plan Update by The Planning Center | DC & E

The Commission received the information presented.

6. PUBLIC HEARINGS

A. 4895 CAPITOLA ROAD #12-064 APN: 034-023-14

Sign Permit for a wall sign and monument sign in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Handloff, filed 5/7/12

Representative: Mardeen Gordon

Commissioner Newman recused himself as he owns property within 300 feet of the subject property application.

Senior Planner Bane presented the staff report.

Chairperson Graves questioned if the proposed sign was located in the public right of way?

Senior Planner Bane responded that Public Works had reviewed the plans, the sign is proposed in the city right of way. An encroachment permit is required and would be granted.

The public hearing was opened.

Mardeen Gordon, supported the redesign and presented the material and color samples to the Commission.

The public hearing was closed.

Commissioner Routh stated that the redesign was an improvement and supported the sign.

Commissioner Ortiz thanked the applicant for listening to the Commission's comments and complimented the redesigned sign.

A MOTION WAS MADE BY COMMISSIONER SMITH AND SECONDED BY COMMISSIONER ORTIZ TO APPROVE PROJECT APPLICATION #12-064 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a sign permit for a new wall sign and monument sign for an office building located at 4895 Capitola Road.
2. If minor modifications to the signs are desired by the applicant (i.e. lettering, materials, colors, illumination, etc.), the changes may be approved by the Community Development Department. Any significant changes shall require Planning Commission approval.
3. The applicant shall obtain an encroachment permit from the Public Works Department to allow for the 2' encroachment into the city right-of-way.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

The Planning Commission finds that the proposed wall and monument sign complies with the Sign Ordinance regulations in terms of size and design.

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

The Community Development Department Staff and Planning Commission have reviewed the plans to ensure that the sign maintains the character and integrity of the neighborhood.

C. This project is categorically exempt under the Section 15311(a) 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 the installation of a wall and monument sign for an existing office building. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NEWMAN.

B. 215 CAPITOLA AVENUE	#12-083	APN: 035-231-07
Sign Permit for a wall sign in the CV (Central Village) Zoning District.		
Environmental Determination: Categorical Exemption		
Property Owner: Paul Ballantyne, filed 6/20/12		

Representative: Bo Zimkowski

Senior Planner Bane presented the staff report.

The public hearing was opened and closed.

Commissioner Ortiz clarified that Monterey Signs is the sign company making the sign. She complimented the applicant for the effort to make a well made icon sign for the Village.

Commissioner Newman appreciated the Commission's input and direction to the applicant that created a better sign.

A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #12-083 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a sign permit for a new wall sign for *Vanity by the Sea* retail store located at 215 Capitola Avenue.
2. If minor modifications to the signs are desired by the applicant (i.e. lettering, materials, colors, illumination, etc.), the changes may be approved by the Community Development Department. Any significant changes shall require Planning Commission approval.
3. The applicant shall obtain a building permit for the sign prior to installation.
4. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan and Central Village Design Guidelines.

The Planning Commission finds that the proposed sign complies with the Sign Ordinance regulations and the Central Village Design Guidelines in terms of size, shape, color, texture, lighting and design.

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

The Planning Commission finds that the project, as conditioned, complies with the Sign Ordinance and the Central Village Design Guidelines, which were developed to ensure projects maintain the character and integrity of this area of the City. The sign is complimentary to the overall design of the building and is not in visual competition with other conforming signs in the area.

C. This project is categorically exempt under Section 15311(a) 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 the installation of an on-premise sign. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

C. 1575 38TH AVENUE

#12-028

APN: 034-181-17

Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Mitigated Negative Declaration

Property Owner: Maureen A. Romac, filed 3/2/12

Representative: Steve Thomas

Commissioner Newman recused himself as he has an interest in property within 300 feet of the subject property application.

Senior Planner Bane presented the staff report.

Chairperson Graves acknowledged receipt of a letter from County Supervisor John Leopold's office.

Commissioner Smith clarified the concrete wall shown on the current plans, is 6'-8" high. She asked staff to highlight the changes in the current proposal from the preliminary review plans. She noted that the City Council had reviewed and commented on a three story, 57 unit proposal, and this is a three story 23 unit project.

Senior Planner Bane responded that the current plans are almost identical to the preliminary review plans.

Commissioner Ortiz questioned the General Plan comments in the second to last paragraph on page 70 of the agenda packet. She asked if this is language from the current General Plan and will it carry forward into the next General Plan.

Consultant Susan Westman responded that the current Housing Element identified this property as a possible low income housing site. The next Housing Element will require new sites to be identified for low income units.

The public hearing was opened.

Maureen Romac, property owner/applicant, spoke in support in application. She stated that they have worked with the neighbors to design this project and will continue to listen to neighborhood and city concerns.

Commissioner Ortiz asked if there is an age requirement, if the residents buy a meal plan; is there more than one shuttle bus; how many employees are there; what is the range of units offered to residents in this project?

Maureen Romac responded that the minimum age is 55 years of age; residents will be purchasing a meal plan as part of the tenancy agreement; there will be one shuttle bus; there will be four employees; there are studio units, one-bedroom units and two-bedroom units.

Rick De La Cruz, spoke in support of the application.

Mark Davidson, spoke with concerns regarding the project. He requested clarification about the number of units specified in the staff report on page 4, General Plan, and the zoning change process. He requested a copy of the shading plan/shadow study.

Chairperson Graves explained the planned development process. He stated the staff would provide the shading plan/shadow study.

Don Mosegaard, representing three neighbors along the rear property boundary, spoke with concerns regarding the project. He submitted a handout of comments.

Kim Fry, spoke with concerns about the project height, setbacks, drainage issues, and loss of privacy and solar access. She requested construction hours be limited to 8:00 a.m.-6:00 p.m.

Tatiana Teeuwissc, spoke with concerns about the project height, loss of privacy and solar access, and noise during construction and the future use of the property.

Teressa Stolroff, spoke with concerns about the project and concurred with the prior speakers. She stated that the new plan reduced the number of units, but not the mass of the building. The elevation along the Bulb Avenue properties is a very straight wall with no articulation.

Steve Thomas, property owner, acknowledged the public comments.

Richard Haack, architect's representative, clarified the rear yard setback could be 10 feet, but the planned development permit allows for reduced setbacks.

The public hearing was closed.

Commissioner Routh stated the following: Below are the reasons I enumerated as to why the Planning Commission should not support this application and the commissioners agreed.

I stated the use is appropriate for the site but does not warrant all the exceptions being made to the zoning ordinance.

To quote the purpose of the CN Zone, "The purpose of the CN district is to accommodate, at convenient locations, those limited commercial uses which are necessary to meet frequently occurring basic shopping and service needs of people residing in adjacent areas and to implement the harmonious intermingling of pedestrian, commercial, and residential activities."

Here's the important part: "The style and scale of development should be consistent with the foregoing and the intensity of uses should have a low impact on the neighborhood".

The two important words here are "scale" and "consistent". This project is certainly not complimentary nor consistent to the scale of adjacent commercial and residential uses.

Planned Development standards and requirements state that "standards for area, coverage, density, yard requirements, parking and screening for PD district uses shall be governed by the standards of the residential, commercial, or industrial zoning district most similar in nature to the proposed PD district use." For this application, that would be the CN district standards and requirements.

The development standards and requirements for the CN district require a 27' height limit, (the proposed structure is 42' high), side yard setbacks of 10% for the first floor (the proposed development has 0' and 6'10" setbacks), and 15% for the second floor (the proposed structure has 0' and 6'10" setbacks), 15' front setback (the proposal is for 0' setback) and a minimum of 10' rear yard for

commercial uses and greater for residential uses (the proposed development has 15' rear yard setback).

The zoning ordinance does allow exceptions, but in order to grant these kind of exceptions there must be overwhelming benefits provided to the community through design, use, or special amenities. The benefits are not so overwhelming that we should set aside all of the CN district requirements and standards. Keep in mind also, this application is not even for a principal permitted use, but a conditional use.

In addition, the landscaping requirement in the CN zone requires 5% of the lot to be landscaped. This proposal has a few potted plants in the front, and minimal landscaping on the rear and north sides. On the south side the applicant is claiming the landscaping on the adjacent storage facility as if it were part of this project while it may adequately screen the south side, the applicant has no control over the adjacent property and redwood trees.

Nothing in this proposal conforms to any of the development standards required in the CN zone. In fact, it does not conform to any standards in any zone.

PD district standards and requirements also state no PD district shall include less than 4 acres (this proposal is .72 acres, 31,385 sq. ft.) unless certain findings are made; that the land is suitable as a PD district by virtue of its unique historical character (nothing historical about a used building supply lot), topography (nothing unique about a flat lot), land use (nothing special or unique about a large multi-family residential structure), or landscaping (no unique landscaping currently exists and none included in the proposal). It is impossible to make any of these findings.

In this case, the PD application simply is an end run around the requirements set forth in our zoning ordinance. It is a blatant attempt to squeeze more units, with inadequate setbacks and landscaping, at a height not in scale with the adjacent neighborhoods.

The density of this project is 1 unit for every 1365 sq. ft. The last time this community allowed a project of similar density was when the condominiums along Park Ave were approved way back in 1970. and the next election after those were approved a new council eliminated the zoning designation (RM-H) that supported that density and it has remained that way ever since, through several general plan updates and zoning ordinance revisions. The community has repeatedly spoken loudly, over several years and general plan and zoning updates, that this high zoning density is not supported in our community.

Approving this application, which meets no current development standards in the city, jeopardizes the very integrity of our zoning ordinance.

At the conclusion of the above comments, fellow Planning Commissioners concurred unanimously. A motion was made and seconded to deny the application based on the above reasons and passed unanimously. It is probable this application will be appealed to the City Council and the Planning Commission stated very specifically that they wanted the council to be made aware of the above comments.

Commissioner Ortiz concurred with Commissioner Routh's comments. She stated Commissioner Routh's comments should be forwarded to the City Council verbatim. She stated her concerns about applicant's anticipated number of employees with all of the services proposed: laundry, cooks, servers and the shuttle bus. She did not support the second floor decks as they eliminate privacy to adjacent properties. She recommended staff incorporate the green building requirements into the conditions of approval and that the construction hours be modified to address adjacent businesses and residents.

Commissioner Smith concurred with Commissioner Routh's comments. She stated that senior housing is an important housing type to incorporate into our community. But the project, as proposed, shows minimal changes from the preliminary review.

Chairperson Graves stated that although the current proposal is scaled back from the prior design in the number of units, there are several concerns about the mass of the building the lack of landscaping throughout the project site. There is very minimal privacy afforded to the adjacent neighbors. He supported the concept of senior housing on this site, and the planned development process is the correct mechanism to achieve this project, but there are too many units. He stated that large scale developments have not been successful in Capitola noting the Capitola Beach Villas project. He had concerns about the drainage the fence or wall on the west property boundary and the impact of balconies facing west into the adjacent residential properties.

Consultant Susan Westman explained through the General Plan process, the 41st Avenue Area study provided the applicants with design that included increases to the project density, wider sidewalks and higher buildings along 38th Avenue.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER ORTIZ TO RECOMMEND TO THE CITY COUNCIL DENIAL OF A NEGATIVE DECLARATION AND THE PROJECT APPLICATION #12-028.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NEWMAN.

7. DIRECTOR'S REPORT

Consultant Susan Westman stated that the property at 119 Central Avenue was approved as a remodel. However, as construction has progressed the building official has determined that the home is structurally unsound, requiring the home to be demolished and reconstructed, utilizing recycled materials from the existing home. The demolition will exceed the 80% remodel ruling, but due to the building official's direction, staff supports the reconstruction.

Commissioner Ortiz clarified that the scale of the damage is too extensive to save the building.

Consultant Susan Westman stated that the dry rot and termite damage is excessive, rendering most of the building in an unstable condition.

Commissioner Routh recommended that the city's historian, Carolyn Swift be involved in the reconstruction process.

Commissioner Ortiz suggested that the city require a bond to secure the project proceeds in accordance with approved building plans.

8. COMMISSION COMMUNICATIONS

Chairperson Graves requested staff distribute the state law regarding signs.

Commissioner Ortiz suggested the ordinances affecting landscaping, irrigation and trees be included in the zoning ordinance update. She recommended that the City Council conduct a land use study to determine what it would take to maintain the economic vitality on 41st Avenue. She inquired on the lack of landscape maintenance throughout the city on various recent developments.

In response, Consultant Susan Westman stated that the City Council has expressed concern about the increase of medical offices in the main commercial areas. She noted that there have been several inquiries to utilize the Marie Calendar's building for medical uses, but staff direction has been to decline the uses.

Both Santa Cruz Water Department and Soquel Creek Water District have imposed severe water restrictions, and therefore landscape maintenance has declined. There are also new state laws regarding landscaping. Although the Planning Commission approves landscape plans, the water districts restrict the implementation or maintenance of landscaping at this time.

Commissioner Ortiz inquired if there was a landscape plan required for the new Dollar Tree store on 41st Avenue.

Senior Planner Bane stated that the retail use is a principally permitted use and did not require an upgraded landscape plan.

Commissioner Ortiz announced she would not be at the October 4, 2012 meeting.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 9:30 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, October 4, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on October 4, 2012

Danielle Uharriet, Minute Clerk

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 4, 2012

SUBJECT: **809 BAY AVENUE** #12-105 APN: 035-021-43
Sign Permit for two wall signs (Nob Hill) in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Bay Creek Properties, filed 8/14/12
Representative: Save our Shores

PROJECT SUMMARY

The applicant is requesting a sign permit for two informational wall signs at Nob Hill located at 809-A Bay Avenue, in the CC (Community Commercial) zoning district.

DISCUSSION

Earlier this summer *Save Our Shores*, a non-profit marine conservation organization in Santa Cruz, placed two public service signs at the entrance to Nob Hill supermarket. The two wall signs were placed near the entrances to the store to promote the use of reusable bags. Both wall signs are vinyl decals, one approximately 10'-4" x 5'-4" (55 square feet) and the other 5' x 5' (25 square feet). A condition has been added requiring that the signs be removed when showing signs of wear or dilapidation.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #12-105, subject to the following conditions and based on the following findings:

CONDITIONS

1. The project approval consists of a sign permit for two informational wall signs at Nob Hill located at 809-A Bay Avenue.
2. If minor modifications to the signs are desired by the applicant (i.e. lettering, materials, colors, illumination, etc.), the changes may be approved by the Community Development Department. Any significant changes shall require Planning Commission approval.
3. The signs shall be removed when it is determined by the Community Development Director that they are showing signs of wear or dilapidation.

Item #: 4.A. 809_Bay_Avenue_stf_rpt.pdf

4. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

The Planning Commission finds that the proposed informational signs secure the purpose of the Zoning Ordinance and General Plan.

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

The Community Development Department Staff and Planning Commission have reviewed the plans to ensure that the sign maintains the character and integrity of the neighborhood.

- C. **This project is categorically exempt under the Section 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

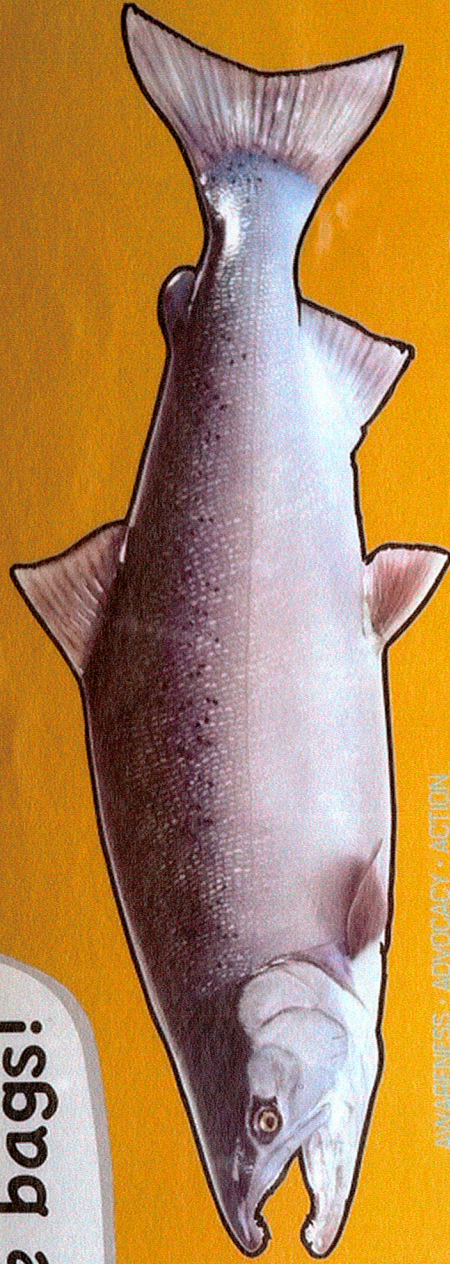
This project involves the installation of informational wall signs for an existing commercial retail building. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities.

ATTACHMENTS

- A. Sign Plans

**Report Prepared By: Ryan Bane
Senior Planner**

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reusable bags!



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Save Our Shores



1

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Your Reusable Bag!



#2



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 4, 2012

SUBJECT: **816-D BAY AVENUE** **#12-106** **APN: 036-051-29**
Design Permit to construct an accessory canopy structure as part of an existing health club (Toadal Fitness) in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Gotti Properties LLC, filed 8/14/12
Representative: Tom Conerly

APPLICANT'S PROPOSAL

As part of an existing health club (*Toadal Fitness*) use, the applicant is requesting a Design Permit to construct a detached canopy structure adjacent to the pool at 816-D Bay Avenue in the CC (Community Commercial) Zoning District.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On September 12, 2012, the Architectural and Site Review Committee reviewed the application.

- City Landscape Architect Susan Suddjian had several suggestions, including providing additional landscaping and chip mulch, trimming the existing juniper bushes, and planting additional trees around the new canopy.
- City Architect Frank Phanton recommended the plans show more information, including the neighboring structures and existing trees. He also supported the idea of planting additional trees.
- Senior Planner Bane requested a project description, specifically describing the uses proposed for the new canopy area.

The plans have been revised to better show the surrounding area, and a project description has been provided.

DISCUSSION

The new canopy structure is proposed over an existing wood deck adjacent to the pool area. The 40'-2" x 24'-10" structure will stand 18'-4" in height, and be constructed of wood clad metal posts, and a standing seam metal roof. The structure meets the development standards of the CC zoning, including setbacks, height and lot coverage.

The canopy is proposed to provide protection from the sun and rain for its health club members, both for normal pool usage, and for pool deck classes such as yoga, tai chi, pilates, boot camp,

Item #: 4.B. 816-D_Bay_Avenue_stf_rpt.pdf

zumba, chair yoga and stretch. The applicant has indicated that there will not be a stereo system or amplifier added as these are outdoor classes on a deck.

No new landscaping is proposed as part of this application, though the addition of landscaping and trees in the area surrounding the deck was suggested by the Architectural and Site Review Committee. While the area is enclosed by fencing and not visible from the public street or parking lot, it is fairly barren and would look dramatically improved with new landscaping.

RECOMMENDATION

Staff recommends the Planning Commission **approve** application #12-106, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of a Design Permit to construct a detached canopy structure as part of an existing health club (*Toadal Fitness*) use at 816-D Bay Avenue.
2. If any upgrades or modifications to the design are desired by the applicant (i.e., materials, colors, etc.), the changes may be approved by the Community Development Department. Any significant changes may require Planning Commission approval.
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. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee and the Planning Commission have reviewed the application, which consists of construction of a detached canopy structure as part of an existing health club (*Toadal Fitness*) use at 816-D Bay Avenue. The project is consistent with the development standards in the CC (Community Commercial) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee and the Planning Commission have all reviewed the project and determined that the project complies with the CC (Community Commercial) development standards, which were developed to ensure the projects maintain the character and integrity of this area of the City.

- 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.**

Item #: 4.B. 816-D_Bay_Avenue_stf_rpt.pdf

PLANNING COMMISSION AGENDA REPORT: October 4, 2012 816 Bay Avenue #D

3

The proposed project involves construction of a detached canopy structure as part of an existing health club (*Toadal Fitness*) use with no significant expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

ATTACHMENTS

- A. Project Plans
- B. Photo Rendering
- C. Project Description

**Report Prepared By: Ryan Bane
Senior Planner**

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REVISIONS	DATE	DESCRIPTION

SITE PLAN NOTES
 APN: 035-051-29
 Site Address: 816 Bay Avenue, Capitola, CA 95010

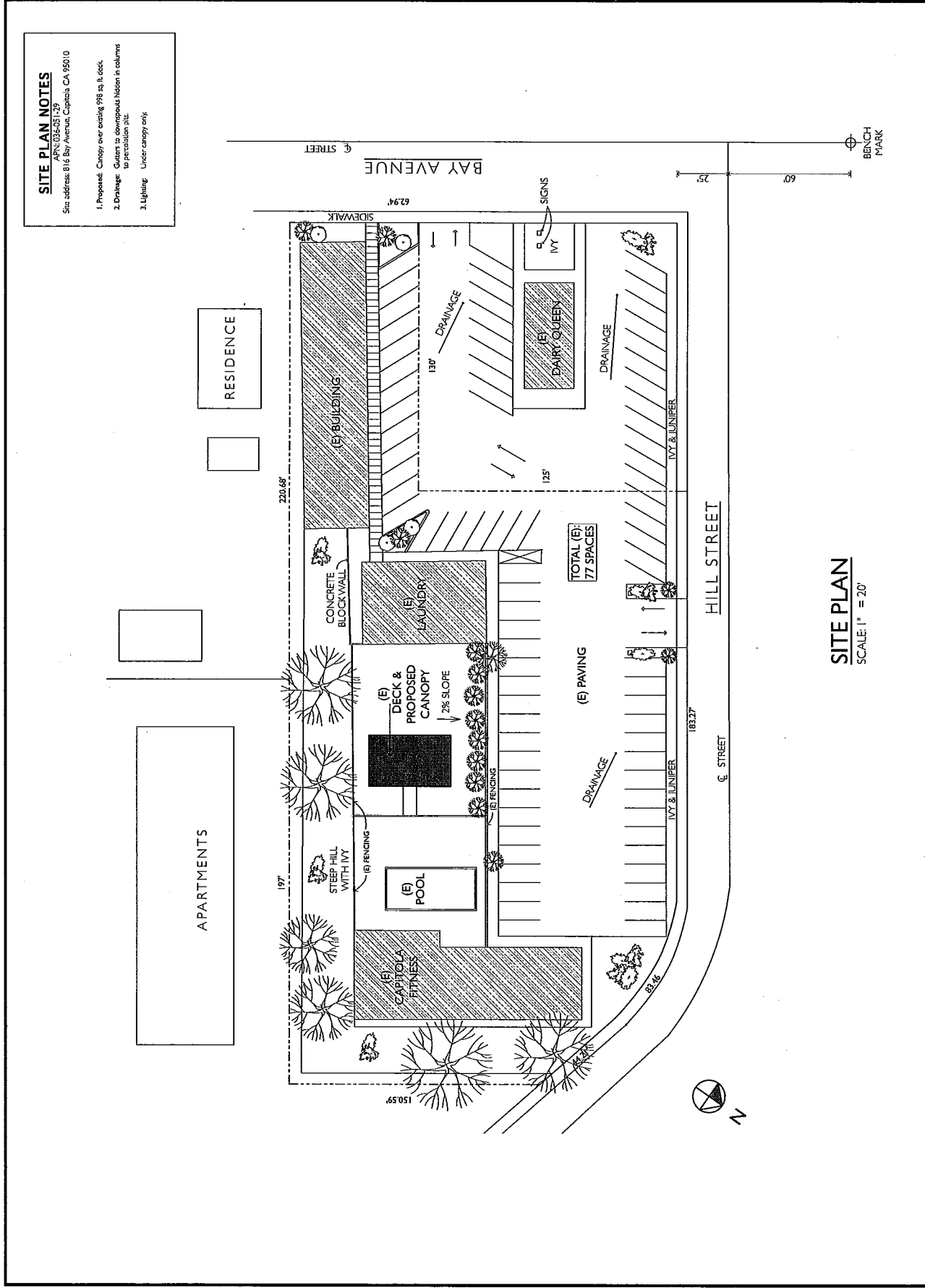
- Proposed: Canopy over existing 998 sq. ft. deck.
- Drainage: Gutters to downspout hidden in columns to perforation pit.
- Lighting: Under canopy only.

TOM CONERLY ARCHITECT
 450 TOWHEE DR.
 SANITA CRUZ, CA 95060
 (831) 458-9510

CAPITOLA FITNESS INC.
 816 BAY AVENUE
 CAPITOLA, CALIFORNIA 95010

DATE: 8/14/2017
 SHEET TITLE: SITE PLAN

SHEET: 1
 OF 2 SHEETS



SITE PLAN
 SCALE: 1" = 20'

REVISIONS	DATE	DESCRIP

TOM CONERLY ARCHITECT
 450 TOWNE DR
 SANTA CRUZ, CA 95060
 (408) 458-9510

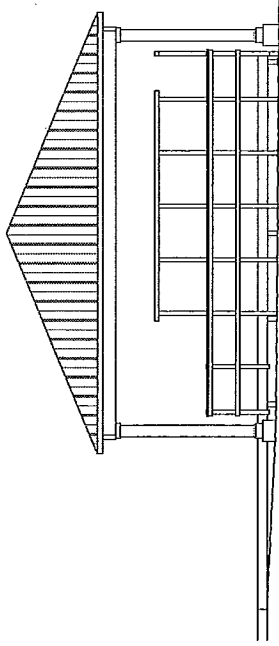
CAPITOLA FITNESS INC.
 816 BAY AVENUE
 CAPITOLA, CALIFORNIA 95010

DATE: 8/14/2012
 SHEET TITLE

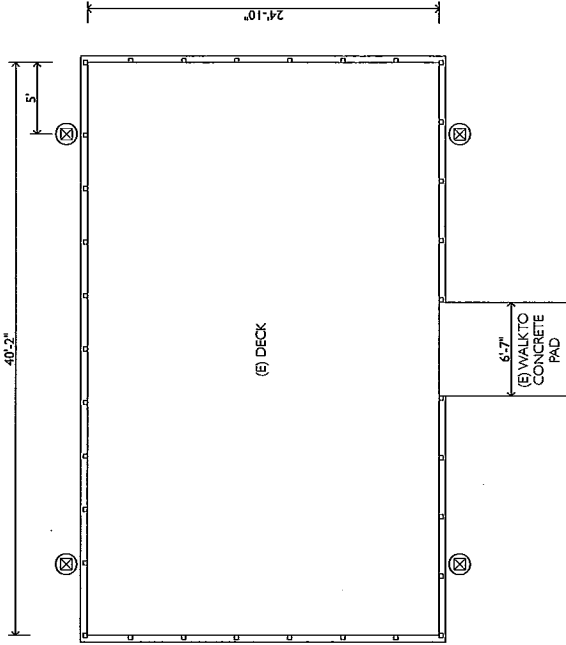
FLOOR PLAN
 AND
 ELEVATIONS

SHEET
 2

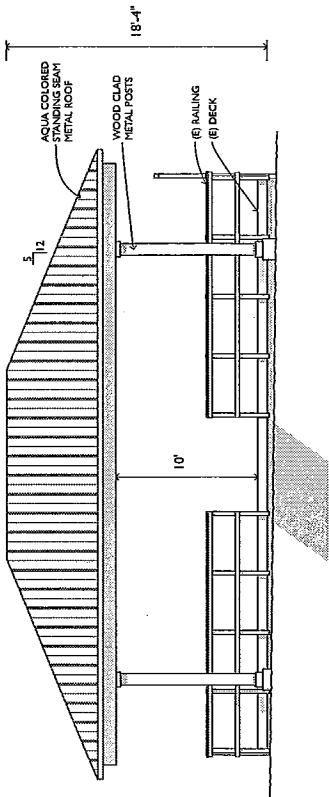
OF 2 SHEETS



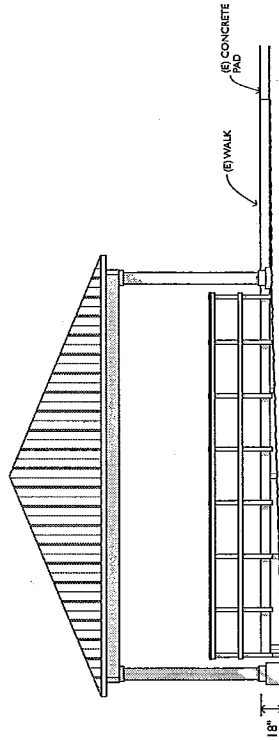
PROPOSED NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"



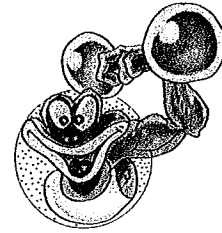
PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

CAPITOLA FITNESS
816 BAY AVE, CAPITOLA



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Toadal Fitness Capitola
816 Bay Ave
Capitola, CA 95010
(831) 475-1500



September 10, 2012

This canopy has several purposes.

It will provide protection from the sun for our members that enjoy being outside but can't be in direct sun because of skin conditions and/or skin cancer. This includes our lap swimmers resting between sets as well as our outdoor classes. It will also provide shelter during bad weather for the same people, dry place to keep towels, etc.

It will provide protection for our outside classes on the wet days as well as the days that are too hot (and allow member with skin issues to take the classes). Our current Pool Deck classes are Yoga, Tai Chi, Pilates, Boot Camp, Zumba, Chair Yoga and Stretch. There will not be a stereo system or amplifier added as these are outdoor classes on a deck. We currently use music for the water aerobics and zumba classes. There is no plan to add anything that would increase that volume.

Mike Bodge
Owner/Manager
Toadal Fitness Capitola

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
PUBLIC WORKS DEPARTMENT

DATE: OCTOBER 4, 2012

SUBJECT: **DRAFT LOCAL HAZARD MITIGATION PLAN**
Local Hazard Mitigation Plan (LHMP) for the purpose of identifying critical facilities that are vital to Capitola's response during a natural disaster.

BACKGROUND

After the March 2011 flood events, the City of Capitola pursued and received Community Development Block Grant Disaster Recovery Initiative grant funding to prepare a Local Hazard Mitigation Plan (LHMP). The purpose of the LHMP is to identify critical facilities that are vital to the city's response during a natural disaster, particularly those that are currently vulnerable or at risk, assesses our vulnerability to a variety of natural disasters (earthquake, flood, coastal erosion, etc), and identifies needed mitigation actions.

The Disaster Mitigation Act of 2000 requires that state and local governments develop and adopt a Local Hazard Mitigation Plan in order to receive certain federal financial assistance. Capitola hopes to receive federal assistance on a variety of natural hazard and flood response projects. The CDBG grant was received in Fall 2011, and after a Request for Proposals process, RBF Consulting was hired to completed the plan.

DISCUSSION

The LHMP process was begun in December 2011 with the creation of a countywide Technical Advisory Committee to review the development of Plan and provide multi-agency comment. The Technical Advisory Committee included the City Manager's Office, Public Works Department, Community Development Department, Fire Department, Police Department, as well as Santa Cruz Regional 911, Soquel Creek Water District, Soquel Union Elementary School District, Central Fire Protection District of Santa Cruz County, National Oceanic and Atmospheric Administration, Red Cross, California State Parks, Santa Cruz County Public Works, Flood Control and Water Conservation District, Santa Cruz County Sanitation District, and the County of Santa Cruz Office of Emergency Services. The TAC met in December 2011, March 2012 and June 2012.

The draft LHMP identifies critical facilities such as public buildings, transportation systems, emergency response communications networks, high potential loss facilities, hazardous material facilities, and important public resources which are vital to the City's response during a natural disaster or might be at risk during a disaster. The Plan also assesses Capitola's vulnerability to natural hazards, such as coastal storm, flood, drought, coastal erosion,

Item #: 5.A. LHMP_stf_rpt.pdf

PLANNING COMMISSION AGENDA REPORT: October 4, 2012 LHMP

2

earthquake, landslide, etc. It then identifies mitigation actions to assist with making Capitola and our critical facilities more resilient during a natural disaster. The focus of the plan is identifying facilities threatened by current hazards. Future hazards such as sea level rise are discussed as an impact in mitigating facilities. Long range planning to address the issue of sea level rise will be addressed as part of the General Plan update.

Bill Wiseman of RBF will provide a brief presentation on the LHMP at the October 4th Planning Commission meeting.

The LHMP is scheduled for presentation and adoption by the City Council in December 2012.

RECOMMENDATION

It is recommended that the Planning Commission conduct the Public Hearing on the Draft Local Hazard Mitigation Plan (LHMP), and provide comments and recommendations for the City Council.

ATTACHMENTS

- A. Draft Local Hazard Mitigation Plan

**Report Prepared By: Steven Jesberg
Public Works Director**



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 4, 2012

SUBJECT: **411 CAPITOLA AVENUE #12-101 APN: 035-131-34**
Design Permit for exterior façade changes to an existing mixed-use building, and a Sign Permit for wall signs in the CN (Neighborhood Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Suzy Rodoni Silverberg, filed 8/13/12
Representative: Fuse Construction

APPLICANT'S PROPOSAL

The applicant is requesting a Design Permit and Sign Permit for exterior improvements and signage to an existing mixed-use building at 411 Capitola Avenue in the CN (Neighborhood Commercial) Zoning District. Improvements include the addition of steel siding accents on the first floor elevations, a new window and door, in addition to a pair of wall signs.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On August 22, 2012, the Architectural and Site Review Committee reviewed the application.

- City Architect Derek Van Alstine supported the architectural changes, but suggested improving the plans by better identifying the location of the new materials. He supported the concept of the two signs.
- Building Official Mark Wheeler requested that the setbacks for the new window and door be shown on the plans.
- Senior Planner Bane requested that a sample of the steel siding be submitted and indicated that the City Sign Ordinance would only permit one sign.

The plans have been revised to better show the location of the new materials as well as the new windows and doors. A weathered sample of the steel will be provided at the Planning Commission meeting.

DISCUSSION

The commercial space formerly used as a city hall annex is now occupied by *Fuse Architects Inc.* With their new space, the applicants are proposing exterior improvements and wall signage to update the look of the building. Improvements include:

Item #: 5.C. 411_Capitola_Avenue_stf_rpt.pdf

- The addition of steel siding accents on portion of the first floor elevation, including a column to the left of the main front window, the wall to the right of the front door, and on columns along the right side elevation.
- A new fixed window and door along the right side of the building.
- Two new wall signs

The steel will be allowed to weather to bring out a rust patina. A sample of the weathered steel will be provided at the Planning Commission meeting.

Signage

The applicant is proposing two new wall signs, one fronting Capitola Avenue, and the other along the side of the building which would be visible from traffic traveling down Capitola Avenue toward the village. The “fuse” sign will be cut into the new steel siding, with the emblem being back lit with opaque acrylic. The Sign Ordinance requires that the size of wall signs be no greater than one square foot of sign area for each foot of lineal business frontage. With a total of 25 lineal feet of frontage, 25 square feet of sign area is permitted for the subject property. Both proposed signs combined total approximately 7 square feet, well within the allowable 25 square feet.

Though the signs fall within the allowable sign area, Section 17.57.070(b)(1) states that “Each business shall be permitted only one wall sign”. An additional wall sign is permitted when “Businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign.” While this building is not located on a street corner, the orientation of the building is such that it appears as a corner, sticking out where the adjacent building is setback from the street. The city has consistently not supported variances to the sign ordinance, but will leave the decision to the Planning Commission as to if a second wall sign should be permitted in this particular case.

RECOMMENDATION

Staff recommends the Planning Commission discuss and determine if the proposed additional wall sign is appropriate for the project location. If the Commission supports the application as proposed, it is recommended that the Commission **approve** application #12-101, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of a Design Permit and Sign Permit for exterior improvements and signage to an existing mixed-use building at 411 Capitola Avenue.
2. If any upgrades or modifications to the design are desired by the applicant (i.e., materials, colors, etc.), the changes may be approved by the Community Development Department. Any significant changes may require Planning Commission approval.
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. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Community Development Department Staff, the Architectural and Site Review Committee and the Planning Commission have reviewed the application, which consists of exterior improvements and signage to an existing mixed-use building at 411 Capitola Avenue. The project is consistent with the development standards in the CN (Neighborhood Commercial) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee and the Planning Commission have all reviewed the project and determined that the project complies with the CN (Neighborhood Commercial) development standards, which were developed to ensure projects maintain the character and integrity of this area of the City.

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 exterior improvements and signage to an existing mixed-use building with no significant expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

ATTACHMENTS

- A. Project Plan
- B. Photo Rendering

**Report Prepared By: Ryan Bane
Senior Planner**

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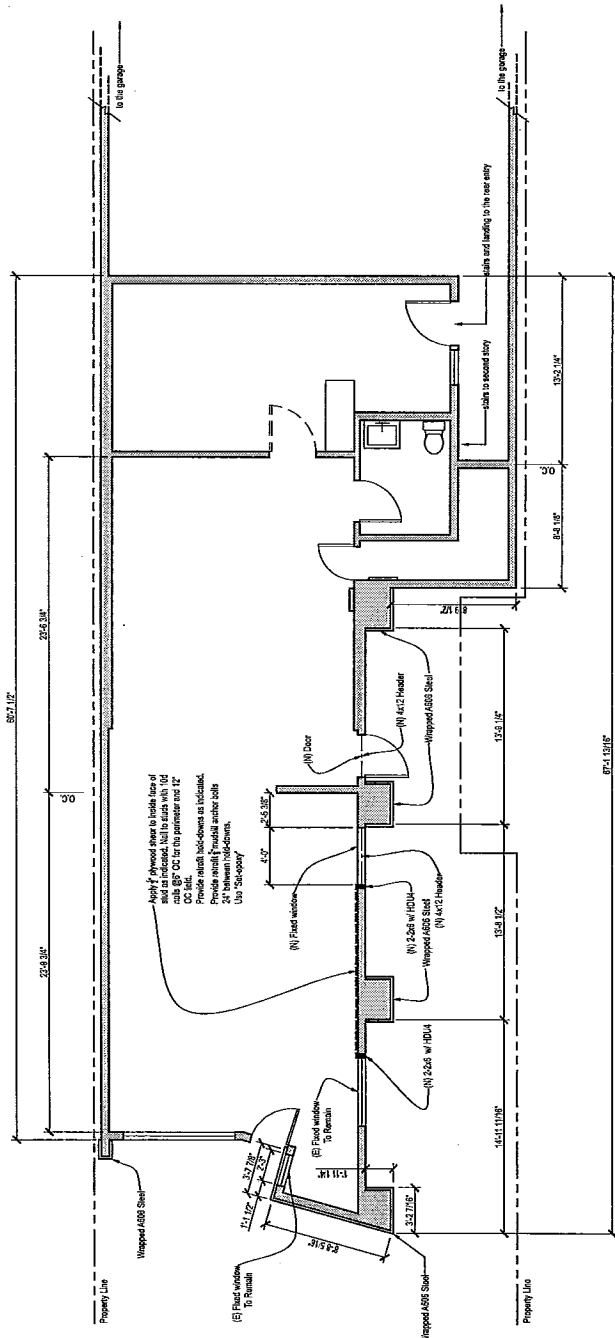
fuser architects inc.
 204 Monterey Avenue
 Suite 5
 San Francisco, CA 94133
 415.774.2225
 info@fuserarch.com
 www.fuserarch.com

Private
 client general / architect
 dated / issued / revised

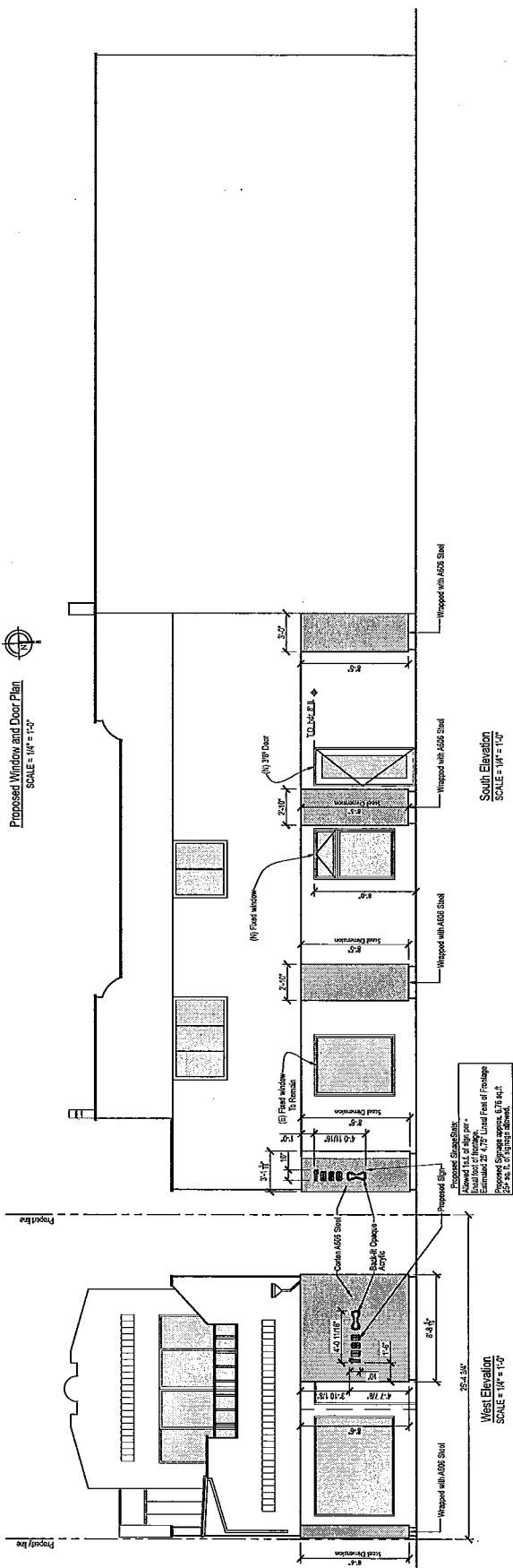
New Fuse Office
 Address: 411 Capital Avenue, Capitola, CA 95010
 APN #: 0515134
 September 24, 2012

Proposed Fuse Office Signage,
 Window & Door
 Floor Plan & Elevations

A1.0



Proposed Window and Door Plan
 SCALE = 1/4" = 1'-0"



South Elevation
 SCALE = 1/4" = 1'-0"

West Elevation
 SCALE = 1/4" = 1'-0"

Proposed Fuse Signage, Window & Door Plan with Elevation
 SCALE = 1/4" = 1'-0"

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