

**CAPITOLA CITY COUNCIL
SPECIAL MEETING ACTION MINUTES
MONDAY, OCTOBER 26, 2015 – 6:00 PM**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Dennis Norton: Present, Vice Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Late (6:03 PM), Council Member Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer McBroom was not present.

2. ADDITIONAL MATERIALS

City Clerk Sneddon stated that six communications were received regarding the City's Zoning Code Update (Item 7.A.); and staff provided the "Multi-Family Homes in the Single-Family Zone Public Input Summary Report" (Item 7.A.).

3. ADDITIONS AND DELETIONS TO AGENDA (None provided)

4. PUBLIC COMMENT

Charles Huddleston, Aptos resident, commented on parking for single-family units.

5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS (None provided)

6. CONSENT CALENDAR

A. Consider the October 19, 2015, Special City Council Minutes

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Vice Mayor
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bottorff, Harlan, Termini
ABSENT:	Bertrand

7. GENERAL GOVERNMENT / PUBLIC HEARINGS

The following issues were discussed (see attached Exhibit A – October 26, 2015 Special City Council Meeting Summary Notes):

A. Zoning Code Update: Review Issues and Options Report [730-85]

RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.

Issue 15: Visitor-Serving Uses on Depot Hill

Robert Blodgett, 620 El Salto Drive (Monarch Cove Owner), requested that the land-use designation for the Monarch Cove Property be reverted back to Visitor Serving/R-1.

Cathlin Atchinson, Depot Hill resident, stated that the Police Department does not enforce the Monarch Cove's Conditional Use Permit, and that the police do not respond to her calls for service regarding Monarch Cove complaints.

Ryan Brandt, Depot Hill resident, stated that he supports Visitor Serving/R-1 designation for Monarch Cove.

Adam Samuels, Depot Hill resident, stated that Monarch Cove property has reduced in size over the years. He supports maintaining the residential character of Depot Hill. He does not support the Visitor Serving designation for this property.

Helen Bryce, local resident, stated that she supports the preservation of the monarch butterfly habitat and designating the Monarch Cove property R-1 in the future.

Brian McKenzie, Depot Hill resident, supports R-1 designation for Monarch Cove to preserve the residential character of Depot Hill.

Tracy Armanino, Depot Hill resident, stated that the Police Department does not respond to her calls for service regarding Monarch Cove complaints.

Issue 8.A. Non-Conforming. Calculation of Structural Alterations

TJ Welch, Depot Hill resident, suggested if a non-confirming structure is rebuilt it be built to the current building code and be allowed to stay in its current location.

Issue 8.B. Non-conforming activities and structures on improved R-1 parcels

Ryan Brandt, Depot Hill resident, commented on the maintenance of multi-family units in the City.

Michael Adams, 1725 48th Avenue, commented on the need to mitigate the number of parked cars.

Peter Wilk, local resident, stated there appears to be a lot of turnover of home owners in the City and houses get rebuilt; he suggested that when the property is sold it should be required to come into compliance.

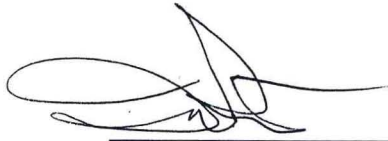
Stacy Cocherell, 1735 48th Avenue, stated that the Police Department has not responded to her calls regarding trash in a neighbor's yard.

Issue 9: Secondary Dwelling Units

Charles Huddleston, Aptos resident, spoke about "Friggebod" structures; he suggested broadening the structures in R-1 zones and that the City permit the building of duplexes or informal subdivision of existing single-family lots to permit the construction of an additional house to allow for extended family living residences.

8. ADJOURNMENT

Meeting adjourned at 8:40 p.m.


Dennis Norton, Mayor

ATTEST:


Susan Sneddon, City Clerk CMC

MINUTES WERE UNANIMOUSLY APPROVED ON NOVEMBER 12, 2015

Exhibit A**SUMMARY OF SPECIAL ZONING CODE UPDATE MEETING
OCTOBER 26, 2015**

Note: City Council additions/modifications are underlined.

Issue 15: Visitor-Serving Uses on Depot Hill**Direction: Option 2 and Option 4****Option 2: Modify permitted use.**

- Land uses to be modified as follows:
 - A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
 - B. Hotels, motels, hostels, inns; bed and breakfast lodging;
 - C. Food service related to lodging;
 - ~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~
 - E. Accessory structures and uses established prior to establishment of main use or structure;
 - F. Habitat restoration; habitat interpretive facility;
 - ~~G. Live entertainment;~~
 - H. Public paths;
 - ~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~
 - J. Weddings;
 - K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
 - ~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~
 - M. Offices and limited retail use, accessory to visitor-serving uses;
 - N. One caretaker unit for the purpose of providing on-site security;
 - O. Access roadway;
 - P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor-serving use within the three parcels;
 - ~~Q. Non-family residential use during the off-season months (November through April). (Ord. 886 § 3, 2005)~~
 - R. Add multi-family as a CUP

Option 4: Rezone ~~to R-1~~

- VS/R-1 on El Salto and Monarch Cove Property
- ~~• Eliminate the VS zoning on the El Salto property~~
- Eliminate Automatic Review from the parcels to the East of the El Salto property.
- The General Plan must be amended to reflect this direction.

ISSUE 8. A Non-Conforming. Calculation of Structural Alterations

Direction: Hybrid Option 3 with exception for reconstruction of historic structures.

Option 3: Remove valuation cap for structural alterations to non-conforming structures.

- Non-conforming structures may be rebuilt with the approval of a non-conforming permit issued by the Planning Commission.
- To approve a non-conforming permit, the Planning Commission must make a finding that the existing non-conforming structure does not have a negative impact on adjacent properties, the surrounding neighborhood, or the public.
- Alterations to non-conforming structure may not increase the degree of non-conformity.
- Any addition to a non-conforming structure would be required comply with all development standards of the zone.

Option 5: ~~Maintain the existing 80% threshold with~~ New exception for historic resources.

- Historic structures that do not comply with height, setbacks, floor area ratio, or parking standards may be reconstructed with the existing non-conformity as long as the structure is not modified or enlarged and the property exists in its entirety within the property lines of the site.

Issue 8.B. Non-conforming activities and structures on improved R-1 parcels.

Direction: Hybrid of Option 1, Option 4, and Option 5.

Option 1: Maintain existing sunset clause and opportunity to apply for extension.

- Require upgrades to mitigate impacts.
- Extensions are issued for 25 years maximum.
- Applicant must agree to participate in a future assessment district to mitigate impacts of multifamily. Confirm with City attorney that this condition is legal.
- Update code to include that the extension is publicly noticed and notice is sent to neighbor within 300 feet.

Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone.

- Rezone condominiums at Opal Cliff East and West to multi-family.

Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.

- City to work with City Architect to create design solutions to front facades and parking for typical Capitola four-plex.
- Create incentives for applicants to apply for extension and improve their property prior to sunset clause.
- Create a list of options for improvements that create more certainty within the extension process.

Issue 9: Secondary Dwelling Units

Direction: Option 2. Amend the code to encourage development of additional secondary dwelling units.

- Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented
- Allow secondary dwelling units to be built at the reduced setbacks for accessory structures (4' from rear property line) with reduced height (12' maximum). Administrative permit. The City Council was split on the decreased setback for secondary structure to 4'. Request to re-evaluate within draft ordinance.
- Create opportunity for secondary dwelling units above a garage.
 - Must comply with all development standards.
 - No decreased setbacks for detached garage with second story.
 - Require approval by Planning Commission. City Council request to re-evaluate permitting process for secondary units above garage within draft ordinance.