FINAL ADOPTED MINUTES
CAPITOLA PLANNING COMMISSION MEETING
SPECIAL MEETING THURSDAY, MAY 21, 2015
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS

Chairperson Smith called the Regular Meeting of the Capitola Planning Commission to order at 6 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Gayle Ortiz, TJ Welch, and Susan Westman and Chairperson Linda Smith.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - None

B. Public Comment – During items

C. Commission Comments - None

D. Staff Comments - None

3. PUBLIC HEARINGS

A. Zoning Code Update - Review of Issues and Option Report. Issues: 16, 15, 6, and 11.

Issue 16: Height

Senior Planner Katie Cattan gave an overview of standards for measuring height, which varies by community definition. These include from ground to top of wall plate or to ridge or to midpoint. Currently Capitola code defines height as from where the building perimeter meets final grade to top, which allows for multiple measurements on slopes. During stakeholder feedback, designers requested more flexibility.

Issue 16A: Height in Residential neighborhoods: Options for residential zoning discussed were maintain existing standards; eliminate the 27-foot exception; and allow more variation based on neighborhood characteristics.

Commissioner Welch would like more flexibility to encourage a variety of roof design. He favors measuring to the wall plate.

Commissioner Westman prefers to maintain the 25-foot limit in residential zones, but is open to flexibility in design guidelines. She found the existing half-story exemption confusing and asked for it to be rewritten if retained. The others commissioners agreed and felt it could be removed.

Commissioner Ortiz likes option 3 based on lot size, similar to FAR allowances. She believes larger lots could accommodate greater height. She noted most applications look to maximize FAR and height.

Commissioner Newman also supported option 3 as consistent with recognizing differences among neighborhoods, but wants specifics. He suggested using the top plate measurement in Cliffwood Heights, which has larger lots.

Director Grunow suggested a lower height for roof plate and noted a tie-in to lot size does not require development of design criteria. Planner Cattan also suggested slopes greater than 30 or 20 percent could have a height exception for portions of a story that exceed the height. Commissioner Newman supported those approaches, but Commissioner Ortiz she would like a differentiation for lots that slope up or down from the street level.

The commission agreed to revisit this discussion as part of the neighborhood character issue.

The Planning Commission recommended the following approach to this issue:

Issue 16A: Height in Residential Neighborhoods

Direction:

- *The Planning Commission requested this item be brought back during the future neighborhood character (Issue 1) discussion.*
- *Current code allows 25 feet max. Suggested allowing greater height (up to 27 feet max) on larger lots.*
- *Consider height exceptions on steep slopes to allow homes to step up a hill. Look at different types of slopes relative to the street (uphill and downhill).*
- *Clear direction to remove ½ story provision and historic.*

Issue 16.B: Height in Capitola Village: Options presented were to maintain the existing 27-foot standard; expand exceptions; and increase the limit to allow three stories.

Dunn Silvey, resident, expressed concern that allowing three-story structures above 27 feet in the Village will invite massive buildings.

Peter Wilk, resident, said that it is important to have clear standards. Areas that are subject to interpretation can put applicants in an uncertain situation and result in costly redesigns.

Carla Christensen, resident, also opposed larger three-story buildings, saying they create wind tunnels. Two-story structures with a nice-looking roof reflect the character of the Village.

Commissioner Newman noted that floodplain requirements do not allow new residential on the ground floor, resulting in homes with a bottom parking story and two living-area floors above.

Commissioner Welch suggested changing to a top-plate measurement to encourage variety in design. Clarity is the goal for the update and exceptions counter that effort.

Staff noted the height exception request for was made for mixed use, which often have higher-ceiling commercial on the bottom and two residential floors above.

The Planning Commission recommended the following approach to this issue:

Issue 16.B: Height in Capitola Village

Direction: Option 1

Option 1: Maintain existing standard.

- *Maintain existing height limit of 27 feet in the Central Village*
- *Include exception for non-habitable space such as elevator and lighthouse example. Current exception §17.81.070.*

Option 16.C: Village hotel: Staff noted the General Plan limits development to the height of the bluff. Options presented were to apply the CV standard height; establish project-specific performances standards; and set a specific height, such as feet above sea level.

Resident Dunn Silvey supports maintaining the 27 feet and noted height should take into consideration equipment on top.

Several commissioners did not wish to set this height into code without a project. There was support for either performance standards or another undetermined option.

The Planning Commission recommended the following approach to this issue:

Issue 16.C: Village Hotel - Height

Direction: Option 2

Option 2: Establish ~~performance~~ standard for Hotel height tied to General Plan.

- *Future height of hotel must be aligned with the guidance in the General Plan*
- *A future hotel on the unique parcel with should not be tied to specific height standards.*
- *Flexibility in the code is necessary to allow articulation, stepping, etc.*

Issue 15: Visitor Serving in Depot Hill

Staff noted the General Plan preserves the visitor serving zone at the tip of Depot Hill with a 0.5 maximum FAR. The neighborhood currently has several overlays and height exceptions. Some uses currently allowed by CUP could have significant impact on the surrounding neighborhood. There have been concerns with parking and noise from existing CUP events at Monarch Cove. Any increased development could intensify problems and be incompatible with a single-family neighborhood.

Options discussed were maintain existing uses; modify permitted uses; limit the intensity of visitor accommodation uses; and rezone to residential.

The Coastal Commission will review any changes to the zoning. Although option 4 is rezoning, staff acknowledged it would be difficult based on the General Plan and opposition from the Coastal Commission. Director Grunow said staff met with the Coastal Commission in February and its staff said it would not support rezoning and discouraged limiting expansion. It would allow some uses to be eliminated.

Commissioner Westman noted the zoning update should be consistent with the new General Plan. She supports flexibility about restricting uses, but with has concerns with rezoning.

Adam Samuels, resident, gave a presentation supported by a number of audience members. He highlighted that the concerns are not only the zoning for the Monarch Cove property, but also the existing CUP and a lack of compliance/enforcement. He described the current situation as unworkable given City staff's limited ability to monitor the use. The zoning is not consistent with the surrounding neighborhood and he asked for a workable solution. Many neighbors support a hybrid of options 2 and 3.

Mary Mcteague, a 20-year resident, noted that over time the population has become more dense and summer programs attract more people. She sees Depot Hill as visitor serving parkland and hopes the Coastal Commission will be as concerned with preserving the environment as allowing intensified visitor use.

Resident Carla Christensen noted many neighborhood concerns were raised in opposition to the recent proposed expansion of Monarch Cove. Weddings have caused problems within the neighborhood since the CUP was granted. She would like to see Monarch Cove development capped at current levels.

Resident Don Moccia echoed his neighbors' concerns and noted the poor access to the area adds to difficulties with visitor uses.

Commissioner Westman confirmed the Monarch Cove CUP can be reviewed or revoked if the applicant is not following conditions imposed and that the use would remain as legal non-conforming even if the property were rezoned. It would transfer with the property if sold.

Director Grunow said he believes the City Council approved the original CUP so it would be the body to review or revoke the permit. It has not chosen so far to take that action. He also responded that the status of the paths for public use is uncertain.

The commission reviewed principally and conditionally permitted uses in the three visitor serving zoning/overlay areas. They supported removing as conditionally permitted high-intensity uses such as RV parks and campgrounds, restaurants, and festivals.

Commissioners supported trying to remove the VS overlay in areas that are in practice R-1.

They disagreed about whether to further limit future development within the Monarch Cove visotr serving zone. Commissioner Westman felt the application review process would result in an appropriate project for the community. Commissioner Welch said that based on the recent application, the existing standards do not give applicants a clear sense of what would be appropriate and likely approved, undermining the goal of more clarity in the code. Director Grunow confirmed that any project would be reviewed by the Coastal Commission, but it cannot overturn a denial by the City.

The Planning Commission recommended the following approach to this issue:

Issue 15: Visitor Serving Uses in Depot Hill

Direction: Support for Option 2 and Option 4

Option 2: Modify permitted uses.

- *VS Zoning will remain on Monarch Cove Parcel*
- *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 to list of Conditional Uses

Option 4: Rezone to R-1.

- *Remove VS from the El Salto parcel*
- *Remove Automatic Review overlay from the parcels directly to the east of the El Salto parcel.*
- *The General Plan must be amended to reflect this directions.*

Issue 6: Historic Preservation

Planner Cattan summarized feedback from earlier stakeholder and survey results. Participants asked the city to establish clear standards to define historic properties, establish procedures for modifications, and to adopt and maintain a list of historic resources. She clarified five elements that would be part of the zoning update: procedures to identify historic resources; criteria for identification; procedures and criteria to modify such resources; criteria for demolition; and incentives to preserve.

The list of resources itself would not be part of the code. An adopted list would remove the current requirement that individual applications each undergo an historic determination.

Options related to this issue for were establishing an historic resources board; establish a new historic preservation overlay; establish new enforcement and penalty provisions; and establish new maintenance and upkeep provisions.

Resident Peter Wilk advised against an unnecessarily complicated process. He supports a straightforward list of truly historic structures rather than an overlay that would create confusion for property owners.

Commissioner Ortiz preferred that the resources board be an ad hoc committee rather than standing board. She also prefers a "more carrots than sticks" approach to preservation and a move away from state code requirements.

Commissioner Westman suggested some of the research work could be handled by the museum curator rather than planning staff.

Commissioner Welch supports a process that clearly guides applicants.

Commissioner Newman agreed an overlay would not be helpful and supported a priority list and standards.

Staff clarified that the City's historic features are public elements, not private homes.

The Planning Commission recommended the following approach to this issue:

Issue 6: Historic Preservation
Direction:

- *Do not include any of the options.*
- *As the new historic preservation ordinance is drafted, have the Architectural Historian, Leslie Dill, and local Historian, Frank Perry, review the draft ordinance.*

Issue 11: Architecture and Site Review: Authority of Committee, Timing of Review, and Composition of Committee

This issue was held over for discussion at a later date due to time constraints.

4. DIRECTOR'S REPORT

5. COMMISSION COMMUNICATIONS

6. ADJOURNMENT

Chairperson Smith adjourned the meeting at 9 p.m. to a regular meeting of the Planning Commission to be held on Thursday, June 4, 2015, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on June 22, 2015.

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Linda Fridy, Minutes Clerk