

Commissioner Smith added that 3 stories could be OK if you can include architectural articulation so that it is not a maxed out box.

Community Development Director Rich Grunow clarified that a TRO update would be a zoning ordinance amendment, requiring approval by City Council and certification by Coastal Commission. Requires significant time and may be challenging.

RESULT:	COMMENTS PROVIDED – NO VOTE
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B. Zoning Code Update All Properties within Capitola

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

Director Grunow responded to Chairman Welch's question about the status of the consultant contract and indicated that the contract is nearly expired and that staff is negotiating a new contract with Ben Noble to continue working on the code update.

Motion by Commissioner Westman to reopen public comment. Motion passes unanimously.

Ed Burwick - lives near Gayle's bakery. He likes having an AirBnB so that the house is not always vacant all the time. Makes them feel safer, as well as the rest of the neighborhood. Any change he can have a temporary one if there are no complaints? Director Grunow commented on process to amend TRO zone - zoning code amendment by City Council and LCP Amendment through Cali Coastal Commission – process takes time.

Public Hearing closed.

Commissioner Westman reiterates the importance of informing public and taking our time during this process.

Planner Cattan presented zoning code update. Provides overview of the process, will review code in order of document starting at beginning finishing at the end. Review the code systematically.

1) User Guide of zoning code - "how to" guide for zoning code. Presented an overview of how the document is utilized between the 5 parts. Planner Cattan asked if there are any questions on the "User Guide" section. Commissioners did not have questions.

Commission Westman asked if minor edits be reviewed at the PC level?

Director Grunow clarified that the minor edits list will not be discussed unless a Commissioner has questions or comments about a specific item. The presentation will include all requested discussion points.

Planner Cattan presented an overview of Part -1 Enactment and Applicability. – She explained there are a few minor edits including adding other alternative transportation types and capitalization. Planner Cattan asked if the Commission had additional comments. - No comments from Commission.

Planner Cattan explained next section is Interpretation – Asked if there were any comments? None received.

Planner Cattan presented the Zoning Districts and Zoning Map - Ties code to zoning map. Request from Commissioners to change from Village Mixed Use to Mixed Use Village so the words align with the truncation MU-V. Same for MU-N. Change to Mixed Use Neighborhood.

Commissioner Westman explained edit to 17.12.030.C to remove end of sentence “and on the official City of Capitola Website” Westman explained her request to take the requirement out of the draft code. It should be available online, but it should not be a requirement of the code.

Direction: to 17.12.030.C to remove end of sentence “and on the official City of Capitola Website”

Commission Ortiz noted that Bay Avenue was not included in the note on page 12-1 in the description of the neighborhood mixed use district. Katie verified that the notes are just for PC and public during update process of the code. Commissioner Ortiz retracted her suggest edit.

Planner Cattan presented the updated zoning map. Planner Cattan explained there are two corrections to the proposed zoning map. The parcel along the bluff that extends in front of Monarch Cove Inn to Livermore Avenue is incorrectly identified as Visitor Accommodations. This is the bluff parcel and is open space on the current zoning map. The map will be corrected to change this parcel to P/OS.

Direction: Support to modify map from VA zoning to P/OS for the bluff parcel along Depot Hill from Monarch Cove Inn to Livermore Avenue.

Discussed 3945 Melton Street. General Plan designation is SF. Existing map has property as Community Commercial. Proposed map changes to SF. Planner Cattan explained she talked with the owner and he would like to maintain CC zoning on Melton. Planning Commission support for request.

Direction: support to maintain CC zoning at 3945 Melton Street as commercial.

Commission Welch - visitor serving on El Salto residential, does that mean they need to provide public access? This should be corrected. Director Grunow clarified that public paths is not obligated, but is listed as a conditional use within the visitor serving overlay.

Commission Ortiz asked how the zoning map will be viewed? Suggested that if the map is printed on 11x17 paper, the map should take up more of the page and the key less so it is more legible.

Commission Smith requested more labels on the map for the individual zones. The shades are similar so more labels on the map will help.

Direction: Format map to be more legible. Also, add more labels to the map to avoid confusion, change legend to reflect revised zoning district names, and remove “Overlay” from “Affordable Housing Overlay” in legend.

Part 2 Zoning districts and overlay zones

Planner Cattan introduced Part Two of the Zoning Code: zoning Districts and Overlay Zones. She explained the residential zoning district is the first to be reviewed and stated the three subsections. Asked the Commission if there were any comment/questions on section 17.16.010 Purpose of the Residential Zoning Districts. There were none.

Planner Cattan introduced the Residential Land Use Table. Commissioner Welch asked what specifically changed. Director Grunow identified the changes as the new zoning classifications, new minor use permits, a few new use types. Ben Noble referred to the disposition table noting changes as administrative permit for secondary dwelling units. Other examples include conditional use permit for urban farm, minor utility as permitted use, minor use permit for Large Family Day Care.

Commissioner Newman asked about minor use permits. Director Grunow clarified the proposed process for a minor use permit would require noticing and option for a hearing at request of the public.

Commissioner Welch asked why under R-1 are parks and rec facilities prohibited. Director Grunow clarified that parks and open space locations are zoned as such. Typically, the owner of a single family lot would not request to develop a park on their parcel.

Direction: Correct vacation rental reference to 17.40.030.

Planner Cattan introduced section 17.16.30 - Development Standards. The first discussion request is on minimum lot size for the R-1. She explained that the minimum lot size would only apply with new subdivisions applications.

Commissioner Smith asked - can we add a note here to allow lot line adjustments with non-conforming lots ? Commissioner Newman asked what happens with lot mergers?

Director Grunow clarified the lot line adjustment standards are found in the subdivision ordinance which could be modified at a future time to include a percentage of what changes to non-conforming lots could be permitted.

Commissioner Newman expressed that the 5000 square feet minimum doesn't sit well with him because most lots are smaller than 5000 square feet.

Director Grunow reminded the Commission that during the General Plan update that some community members were strongly opposed to reducing a the minimum 5,000 square foot requirement for R-1 lots. He clarified that the regulations do not affect development rights of existing legal lots.

Ben Noble suggested that a note can be added to clarify that the minimum lot size does not affect existing lots. Commission supported this change.

Direction: Note the minimum lot size is not required for existing lots of record and reference subdivision ordinance for lot line adjustments to existing lots.

Planner Cattan continued presentation. She noted the edit request to input garage setbacks into table 17.16-2. Noted that the floor area ratios have not changed.

Planner Cattan noted discussion request for 17.16.030.B.2. Front Setbacks in Riverview. Suggested change to modify to 100 feet. Commissioner Westman and Welch expressed support for the 100 feet modification. Commission Newman supports 100 feet with additional request to keep the word “reflect”.

Direction: Modify language of 17.16.030.B.2 to state “the Planning Commission may approve a reduced front setback to reflect existing front setbacks of properties within 100 feet on the same side of the street”

Planner Cattan explained request for Sidewalk exempt areas to be more transparent and include a map online. Staff will work on this with Public Works department outside of the code update process.

Planner Cattan asked if there were comments/questions on corner lots. None were raised.

Planner Cattan asked if there were comments/questions on second story setback exemptions. None were raised.

Planner Cattan introduced the discussion on 17.16.030.B.7.plate height in the side setback areas. Explained exception for narrow lots (30 feet or less) – Standard for plate height is from existing code but not practical. Suggestion to remove the maximum plate height in section 17.16.030.B.7. Support from Planning Commission to remove plate height standard.

Direction: Remove 17.16.030.B.7 Plate height in side setback areas.

Decks/balconies 17.16.030.B.8. Planner Cattan explained new standards for upper floor decks approved administratively. Discussion requested by Commissioner Westman. Commissioner Westman explained perspective that all side, rear, and roof top decks need to come before Planning Commission for privacy concerns. Commissioner Ortiz expressed the public needs to know about decks in the back and side. Clarified there is not a problem with decks on the front of the house, or decks adjacent to open space. Commissioner Ortiz does not want administrative review of rear and side decks. Commission Newman did not agree and expressed perspective that residents deserve property rights. Commission Newman would like to see a better standard. Doesn't like how the neighbors have the ability to prevent new decks. Commissioner Westman stated that neighbors needs to have rights when properties are close together.

Direction: Require Planning Commission review of a Design Permit for all upper floor decks and balconies except when facing a street or adjacent to a public open space.

Planner Cattan introduced discussion item 6 of Open Space in the RM zoning Districts. 17.16.030.C.2. The draft code includes provision to allow 50 percent of the required common open space to be roof terraces and roof gardens.

Commission Westman suggested a change in the wording. Issue is that multi-family projects need some grass area. Not just a small roof deck.

Commission Newman suggested this concept is not applicable in Capitola. It is more of a big city standard.

Ben Noble clarified that in the RM only 40% of lot can be developed with structures. Remaining 60% used for parking, circulation, and open space.

Commissioner Westman suggested it needs to be an exceptional design, and should be something that PC approves.

Commissioner Welch echoed and asked if wording could be added so that a review is required with the approval process?

Ben Noble answered yes, required findings can be added.

Direction: Require Planning Commission approval with findings or criteria for approval of roof terraces and roof gardens utilized as common open space.

Planner Cattan asked if there are any comments/concerns for Mobile Home zoning district. None were raised.

Planner Cattan introduced Chapter 17.20 Mixed Use Zoning Districts. Discussion request #7 is specific to the formatting of this section and desire of Commissioner Westman to provide separate code sections for the MU-V from MU-N zoning districts.

Commissioner Westman explained that the village is unique and should be treated accordingly. It is confusing to have the two zones combined in one chapter. Needs to be different general design standards for the two.

Commissioner Ortiz asked why they were they done together?

Ben Noble explained that the goal was to group similar zoning districts. Seemed to work as the design standards for those two areas are similar.

Director Grunow clarified that the chapter can be revised to include subchapters. Planning Commission supported this direction

Direction: Chapter to be revised to include subchapters separating the MU-V from the MU-N as appropriate.

Planner Cattan asked if there are any comments/concerns regarding the purpose of Mixed Use Zoning. None were raised.

Planner Cattan asked if there are any comments/concerns regarding the land use table for Mixed Use districts.

Commissioner Westman suggested that secondary dwelling units should not be administrative permits. Commissioner Ortiz feels the same about day cares being administratively approved. Director Grunow verified that the minor use permit process contains noticing provisions. A daycare requires a minor use permit. He

suggested they both require a Minor Use Permit. Planning Commission agreed with direction.

Direction: Change Secondary Dwelling Units to require minor use permit in the land use table. No other issues with land use table.

Commissioner Ortiz suggested the Village Residential Overlay may be incomplete and asked staff to make sure that parts of Monterey Ave and California Ave are referenced if within the overlay district.

Direction: Village Residential Overlay identified in 17.20.020.B – staff will check Monterey Ave and California Ave to make sure they are appropriately shown on the updated map.

Planner Cattan introduced Discussion item 8 – Mixed use districts parcel widths and depths. She explained the standards are new within the code. New subdivision will be required to be designed to meet the new minimums. Planner Cattan also explained that the Planning Commission has the option to direct staff to remove the standards if not desired.

Commissioner Newman expressed concern that almost no existing parcels will be legal. What is the benefit of adding the standards to the Mixed Use zones?

Director Grunow explained that it provides minimum lot size requirements for subdivisions.

Commissioner Newman explained we do not need new provisions in the code that make things non-conforming

Commissioner Westman is OK with taking out the minimum lot size and lot dimensions in the village. The Planning Commission agreed to take these out.

Direction: Remove minimum lot size and dimensions in the MU-V

Planner Cattan asked for direction with the MU-N zone. Commissioner Westman stated a desire to keep the dimension. Commissioner Westman suggested the lots be a minimum of 30 feet wide, should not be smaller than 4,000 sf.

Planner Cattan clarified that currently there is no minimum lot size in MU-N, but there is a 5,000 sf minimum regulation in the R-1.

Commissioner Westman states need to have some minimum standard, possibly 3,000 ft. Commissioner Newman not convinced that legal non-conforming isn't a huge issue. Commissioner Westman suggests 3,000 sf minimum for MUN and 30 x 80 feet minimum dimensions. Commissioner Ortiz cautions we shouldn't guess these numbers. Need to see a map. Planner Cattan clarifies that staff will create a map to make a well informed decision. Ben Noble verifies that if standards are included the Planning Commission would like a note added to the section stating that this standard only applies to new lots. Planning Commission agrees.

Direction: Staff to conduct further research on existing conditions of lots size, width, and depth in the MU-N. Discussion tabled for later discussion.

Planner Cattan introduced Discussion items #9 and #12. There were requests for discussion from multiple Commissioners regarding setbacks in MU Village Zones. Commissioner Newman concerned with strict 0 foot setback. Asked why would we require this? Why is this a good thing? Commissioner Westman thinks that there needs to be some flexibility in the case someone doesn't want to bring building along property line.

Ben Noble clarified that the intent is that new development matches existing character of village. Window shopping. Suggested that the wording can be softened.

Commissioner Westman asked if language could be added to say we do not want parking in front of the use in the village.

Director Grunow suggested the wording can be changed from "shall" to "should". Commissioner Westman wants this in Neighborhood Commercial MU

Commissioner Westman suggested allowing increased flexibility to setbacks in MU zones (New Code proposes 0 from property, 10 from curb)

Ben Noble clarified that the 0 to 10 feet standards was more to allow the building to be built up to property line, while still having pedestrian/sidewalk access

Direction: Planning Commission support for proposed 0 to 10 feet from curb setback standard. No change.

Commissioner Westman requested discussion on the applicability of the General design standards to residential, commercial, or both. The standards seem to be directed toward commercial.

Direction: Design standards are geared to commercial. Clarify that standards do not apply to the village- residential overlay district. Revise standards so the design requirements for the MU-V and MU-N are treated differently.

Direction: Modify language in 030.D to allow more of the building to be setback from the front property line.

Planner Cattan introduced Discussion #11 regarding parking locations and buffers. Both Commissioner Smith and Commissioner Westman suggested the standard should not apply to MU-N. They may not have the ability to locate parking in MU-N only in the back or side. Some places can only park in the front. Director Grunow suggested softening the language to encourage parking in side or rear of the property. The Commissioners disagreed and stated that front yard parking works in the MU-N district.

Direction: Make C.5 (Parking Location and Buffers" apply only to the MU-V zoning district.

Planner Cattan asked if the Commission had concerns with Section 17.20.030.F. Height and FAR standards for Village hotel. Commissioner Ortiz is concerned with wording in the section heading "The Village Hotel". Commissioner Newman echoed the concerned.

Direction: Change heading to Height and FAR Standards for a Hotel. Change heading in 030.F to read “Height and FAR Standards for the Capitola Theater Site” and reference as such in the text.

The Planning Commission began a discussion on future zoning code meetings. Planner Cattan provided a list of 5 possible dates in April. Explained that these dates reflect availability of Council Chambers within the month of April. Requested discussion.

Commissioner Westman brought up that there is special meeting on March 31st and a regular meeting on April 7th. Suggested zoning meetings resume on April 18th. Commissioner Newman requested April 18th and 21st. Consensus that these dates work for all.

MOTION: Continue the hearing to the special meeting of April 18, 2016.

RESULT:	CONTINUED [UNANIMOUS]	Next: 4/18/2016 6:00 PM
MOVER:	Susan Westman, Commissioner	
SECONDER:	Gayle Ortiz, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch, Westman	

6. DIRECTOR'S REPORT

The final EIR for the Monterey Park skate park is available for public review.

7. COMMISSION COMMUNICATIONS

Commissioner Ortiz asked that for a future meeting combining applications and zoning update discussion, the regular applications be heard at 7 p.m. because the public is accustomed to this time.

8. ADJOURNMENT