



**FINAL MINUTES
CAPITOLA PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, APRIL 21, 2016
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

No additions or deletions to the agenda. Community Development Director Grunow noted the additional handout of discussion items.

B. Public Comments

None

C. Commission Comments

None

D. Staff Comments

None

3. PUBLIC HEARINGS

A. 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

Community Development Director Rich Grunow provided an update on the Coastal issues related to the draft zoning code. Expected review time of 9-18 months. Currently, staff has begun getting feedback from the Coastal Commission. It's in the process of negotiation, so the following issues are not certain:

The Local Coastal Plan (LCP) must find that the land use plan is consistent with the LCP implementation plan. Geological geologic hazard setbacks are likely to be 50, 75, or 100 years. Setbacks will account for worst case scenarios and assume no sea walls. This may prevent development in many areas. Staff is concerned with resource demand of tracking all work done in building permits and a possible building moratorium.

Marin County and Santa Cruz County are struggling with these issues as well. One exception: Solana Beach wrote in an exception for single-family development property rights, but not commercial. Staff looked at 2100 maps of estimated increased setbacks.

Based on maps, it would make it almost impossible to do any development in the village or the majority of Depot Hill.

Environment Hazards Evaluations: Anything within 100 feet of environment hazard area would need to create a hazards report. This will significantly add to time and costs.

Coastal Permit Exclusions: The Coastal Commission does not think the City ever had existing exclusions section certified by Coastal Commission, although we rarely use them. They have offered a new waiver process instead.

Environmentally Sensitive Habitat Setback will likely be requested to extend to 100 feet. Concerns are that this could make it impossible to redevelop in certain areas

Commissioner Ortiz asked if this would allow remodels.

Director Grunow responded that we do not know yet.

Coastal Commission request for new water quality/erosion control chapte:. Staff has concerns as this is typically under Public Works. It will trigger a LCP amendment. Also, stormwater regulations change often.

Commissioner Newman asked for clarification of geological hazard setback - thought it was from bluffs? Director Grunow explained in the current code it is. LCP proposed by Coastal Commission to include shoreline erosion, floods, tsunamis, etc. Not realistic. Other, bigger agencies are fighting this right now so hopefully it will get worked out.

Chairperson Welch asked if other jurisdictions have embraced all these LCP changes. Director Grunow explained that some have but they do not have the same development as Capitola so close to the coast. Example of Pacific Grove, but they have a large open space up to coast so it will not affect development.

Commissioner Smith asked if we adopt Zoning Code, do we begin using the new regulations before LCP is certified. Director Grunow clarified only outside of the coastal zone.

Commissioner Westman stated this will affect over half of Capitola. Director Grunow added that the worst case scenario would be that we do not accept the new zoning code in the coastal zone.

Commission Westman asked at what point do we make property owners aware and reach out to the public? Director Grunow responded that there is time to do this. When we know they are firm with their requests, then we will engage public. Right now we are not sure. Commissioner Newman asked if Coastal Commission generally accept LCP staff's recommendations? Director Grunow stated there is currently a change in leadership so this might affect it. We do not know.

Commission Westman stated this is a big deal. How much are we willing to give up to have a new Zoning Ordinance?

Director Grunow explained that the city started discussions with Coastal Commission staff. He noted that free village parking and parking permits have not been identified as big concerns for Coastal Commission.

Commissioner Smith asked if we will have a representative from Coastal Commission present. Director Grunow stated late May or June we will invite someone from Coastal Commission.

Commissioner Ortiz asked for clarification on 50% of the "life of project." Director Grunow responded to measure life of the property, we would need to track every improvement. No extra rights to historic structures. We would have to evaluate everything we permit.

Commissioner Westman noted other cities in Southern California should be fighting this as well. We should let them fight it out. Chairperson Welch stated it would be nice to have a common voice.

Senior Planner Katie Cattan provided an overview of the draft zoning code issues. The commission discussed each item and provided the following recommendations: The number listed coincides with the discussion item in attachment 3 for the meeting. Discussion items that were added during the meeting are prefaced with "added."

13. Chapter 17.52.020.A.3 - Page 52-1 - All Accessory Structures. Should all Accessory Structures be allowed basic electric (light) fixture and outlet without additional requirements for design review and floor area calculation. Standard is also referenced in Section 17.120.030.B.5 page 120-3.

Planning Commission Direction: Exception to one accessory structures to include allowance of electricity.

Added: The Commission also discussed that accessory structures may be utilized as an office and commented the standard shall remain that they are not for human habitation. This is confusing as an office would likely meet the definition of habitation. Reword to be clear that the space may not be utilized as a bedroom, sleeping area, and/or kitchen.

14. Chapter 17.52. 020. B.1 – Page 52-2. Development Standards. Table 17.51-1: Accessory Structure Standards in Residential Zoning Districts (Smith) Could you have an apartment on top of a garage if the garage was not located in setbacks?

Planning Commission Direction: The answer to the question is yes, but not stated clearly in the code. Staff will clarify code (Section 17.74: Secondary Dwelling Units) that a 2 story secondary dwelling unit may include a garage in the first story.

Added: Chapter 17.60 Fences and Walls:17.60.010.B.

Planning Commission Direction: Add criteria for Planning Commission exceptions to address areas in which the fences are typically taller than normal. Example is Wharf Road.

Added: Chapter 17.60 Fences and Walls:17.60.070 Non-Conforming Fences and Walls.

Planning Commission Direction: Remove non-conforming fences and walls. Also, allow fences to be replaced without a permit.

Added: Fences and Walls as encroachments into Side yard Table (17.48-2).

Planning Commission Direction: The Commission discussed allowed encroachments into setbacks. Directed to allow fences and walls to encroach into the side and rear yards that may be utilized as screening or decoration.

Resident Richard Lippi made public comment that setbacks are a health and safety, fire, and police requirements of the Building Code. He questioned reduced setbacks and asked what if there is a fire? Fences too, police protection? What happens when they need to scale a fence?

Added: Wood burning fireplace.

Planning Commission Direction: Add language that wood burning fireplaces are discouraged.

Added: 17.72 Landscaping

Planning Commission Direction:

1. 17.72.020. B – Applicability. Remove B ~~“additions that increase the floor area of a single family dwelling by 10 percent or more”~~

Add a second section under applicability to require Landscape that is removed during a remodel must comply with section 17.72.060 Landscape Standards.

2. Applicability should also specify that only multi-family and commercial are subject to the Maintenance requirements.
3. 17.72.050.A.2 allow residential to have outdoor dining areas and courtyards that count toward the landscape area requirements.
4. Table 17.72-1 Minimum Landscape Area in Non-Residential Zoning Districts. Modify Industrial to remove “none” and add “As determined by the permit approval process” Also modify development standard table 17.24-030 to change the required 10% in the Industrial Zone to also state “as determined by the permit approval process”
5. Edit. 17.72.060.A.1 and A.3. The word “plan” should be “plants”. This edit is in two different lines. A.1 and A.3

Added: 17.74 Secondary Dwelling Units:

Planning Commission Direction:

1. Add stipulation that only SDU is only allowed when there is one single family home on the property.
2. Remove from MU-V zoning
3. Require all 2 story secondary dwellings to get a conditional use permit
4. Keep owner occupied requirement with an waiver for hardship
5. Require an extra parking space for Secondary Dwelling Units
6. Increase rear yard setback to 8 feet.

15. Chapter 17.76.030.A – Table 17.76-1 – Page 76-2 - Required Parking Spaces – Mixed Use Zoning Districts (Westman) Request discussion of parking for mixed use.

Planning Commission Direction: Remove unique standards for MU-N in table 17.76.030. MU-N will be included in other zoning districts table 17.76-2.

Added: Return with scenario of decreasing restaurant scenario in the Village for 300 sf for kitchen. What will be allowed in term of expansions if a commercial space has onsite

parking? Bring back Mercantile example for existing restaurants. Figure out if there is a percentage that correlates for change in parking to allow existing businesses some flexibility to expand a little bit.

Added: Within parking table for restaurant use add the description of “Dining and/or drinking”

16. Chapter 17.76.030.B – Table 17.76-2 – Page 76-3 - Required Parking Spaces – Other Zoning Districts (Westman) Secondary Dwelling Units should require a 3rd parking space. Discussion requested.
Planning Commission Direction: Require one additional space for secondary dwelling unit.
17. Chapter 17.76.040.C.3 – Page 76-8 – Location of Parking MU-V Zoning District (Westman) Track ordinances. Why does the code require off-site parking in village for historic? If they have adequate space we should allow more onsite parking for residences.
Planning Commission: Allow residential to provide parking onsite in the Village. Note: will require modification to LCP.
18. Chapter 17.76.040.D – Page 76-8 – Large Vehicle Storage in the R-1 Zoning District (Westman) Add maximum width.
Staff will add maximum width.
19. Chapter 17.76.040.D – Page 76-8. Large Vehicle Storage in the R-1 Zoning District (Smith) Too restrictive, suggest removing second sentence
Planning Commission: Keep as drafted.
20. Chapter 17.76.050.D.1 Shared Parking (page 76-10) (Welch and Newman) Discuss the exclusion of residential land uses from shared parking (Welch) Too rigid (Newman)
Planning Commission: Remove D1. Parking Study should be done by the City and paid for by applicant.
27. Chapter 17.76.050.G – Page 76-11 - Transportation Demand Management Plan (Westman) Add standards for parking studies
Planning Commission Direction:
 - a. Shared Parking in MUN: 25% max decrease
 - b. Transportation Demand Management Plan: 15% max decrease
 - c. Transit Center: REMOVED
 - d. Mixed Use Village: No decrease in parking standards allowed.
28. Chapter 17.76.050.H – Page 76-11 - Transit Center Credit (Westman) Discuss
Planning Commission Direction: Remove
27. Chapter 17.76.060.H – Page 76-15 - Pedestrian Access (Westman) Applicable to village?
Planning Commission Direction: Leave as drafted.

Added: Tandem space

Allow reduction for tandem. 10 x 18 for tandem garage. 9 x 18 tandem uncovered.

The Planning Commission discussed future special meeting dates for May. The Commission agreed that special meetings will be held on May 5, 16, and 19. They will keep the option open to meet on May 23 if necessary.

Motion to continue item to the May 5, 2016, meeting.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/6/2016 6:00 PM
MOVER:	TJ Welch, Chairperson	
SECONDER:	Gayle Ortiz, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch, Westman	

4. DIRECTOR'S REPORT

None

5. COMMISSION COMMUNICATIONS

Commission Ortiz provided an update on Vision Capitola.

6. ADJOURNMENT

Approved by the Planning Commission at the special meeting of May 5, 2016.