

ACTION MINUTES

Group 4 Local Residents Stakeholder Interview Minutes

Tuesday, September 9, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.
Stakeholders present: Ron Burke, Molly Ording, Bruce Arthur, Cathlin Atchison, Nels Westman, and Planning Commissioner Ron Graves.
Staff present: Community Development Director Grunow and Senior Planner Cattan
2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Must be written so the average person can understand.
 - b. Non-conforming Structures and Non conforming Use must be better defined. The 80% rule is open to interpretation. Process for valuation should be codified. Consider using an outside consultant to do evaluation.
 - c. Floor area ratio definition in the General Plan is unclear. The Zoning Code should have more clearly written definitions.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. Historic Preservation
 - i. Regulations for historic do not specify the process for modifications to historic structures or demolition.
 - ii. City should adopt an official list of historic structures in Capitola which is legally defensible. A lot of work has been done without a memorialized document.
 - b. Coastal Access – The pathway around Depot Hill is no longer complete. City should reestablish public access along bluff.

- c. Pedestrian pathways – Protect public pathways within updated code. Identify what can/cannot occur along pedestrian pathways. Maintain setbacks from pathways to prevent further encroachment of development.
 - i. Riverview Pathway, Prospect Avenue, Cliff Drive, Grand Avenue, Lawn Way, Railtrail, Rispin Park
- d. Floor Area Ratio should not include the unbuildable portion of the lot. (Example: 1840 Wharf Rd, Riverview Avenue, Depot Hill properties on Bluff)

4. **Neighborhood Issues.** Are there any zoning issues unique to residential neighborhoods or commercial areas that need to be addressed?

- Architectural Design Compatibility
 - Height of New Homes and Additions
 - Size of New Homes
 - Privacy between Neighbors
 - Adequate Yard Size
 - Adequate Parking Onsite
 - Protection of Environmentally Sensitive Areas
 - Historic Preservation
 - Housing Costs and Affordability
 - Maintain Neighborhood Character
 - Sustainability (Reduce Energy and Water Consumption)
- a. Visitor Serving Use within Depot Hill. Suggest no increase in density (or intensity) for future projects. Current Hotel Use Permit must be enforced. The list of uses should be narrowed to include only those uses that are compatible with the surrounding single family neighborhood. Amusement Park and Campground are not compatible uses. City should consider eliminating VS zone in Depot Hill]
 - b. Compatibility concerns for infill development
 - i. Mass and Scale is specific to built condition of neighborhood/surrounding properties. Require streetscapes to evaluate compatibility of projects.
 - ii. Massing – More articulation should be required and prevent two storey homes with no change in wall plane between first and second storey, applicable to all sides. Concern for homes being developed to maximize FAR.
 - iii. Exterior finishes.
 - 1. Multiple exterior finishes should be required to add more interest. Stucco only should not be allowed.
 - 2. Regulate types of exterior finishes that are allowed. No vinyl.
 - 3. Require trim and of substantial profile.
 - c. Identify unique circumstances for lots with views of ocean, walkways, or river. In these areas the standards for front, side, and rear yard setbacks, allowed encroachments, and

fences should be improved. Prevent high fences on street facing yards where inappropriate. (Prospect Ave)

- d. Update and categorize uses better. Example: sauerkraut production not allowed.
- e. Transition areas between Commercial and Residential should have development standards to protect residents from lighting and noise impacts.
- f. Lighting in residential areas should be required to be down directed and shielded to not impact adjacent property owners. Night sky ordinance.
- g. Floor area ratio and basements discussion. Although basements do not influence mass and scale, basements should be included in the FAR calculation to prevent additional bedrooms and impacts on parking.
- h. Neighborhood integrity – protect neighborhoods from vehicle cut-through circulation.
- i. Parking
 - i. Capitola is maxed out of on-street parking
 - ii. Shared parking leads to more congestion, more competition for limited on-street parking, and impact to nearby residential neighborhoods. Commercial areas that are adjacent to residential neighborhoods should not be allowed to decrease parking requirement through mixed use. Also need to be cautious to not create additional residential parking problems by creating mid-block pedestrian connections between commercial and residential zones. Make it too easy for retail shoppers and employees to access residential neighborhoods to park during busy seasons like Christmas.
 - iii. Do not allow variances for parking.
 - iv. Avoid parking impacts on adjacent residential neighborhoods resulting for new multi-story mixed use development along the east side (between 41st & 42nd) of the 41st Avenue corridor. Separate dedicated parking for residential and commercial uses (no shared parking) is a key planning consideration.
 - v. be careful in allowing additional commercial space being built on existing mall parking which could very quickly change an "over-parked" condition into an "under-parked" one with inevitable negative impacts on adjacent residential neighborhoods.
- j. Second home owner impacts
 - i. Losing families in neighborhoods, losing community, 'dark' homes losing self-policing by residents.
 - ii. TOT must be enforced. City needs to enforce online nightly rentals in non-transient neighborhoods. (Air BnB, VRBO)
- k. Density in R-1. Do not increase density in R-1. Maintain minimum lot size requirement as is. (5000 sf).
- l. Rail – Build in zoning requirements for public improvements along mass transit routes and rail in anticipation of transit services. Parking, bicycle bays, covered seating areas, landscape, public art.

5. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current

code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?

- a. Architecture and Site Review Committee –
 - i. Empower this board to assess compatibility of infill development.
 - ii. Consider pre-application meetings with applicants to identify characteristics of the site/neighborhood and guide compatible design prior to the architect designing the project while still allowing unique structures (for example, the wave house on corner of Monterey and Fanmar).
 - iii. Update review criteria for Arch and Site to include:
 1. Modeling or streetscape requirement
 2. Privacy is maintained second storey
 3. Compatible Exterior Materials – no vinyl siding, require trim, etc.
 4. Parking Requirements
 5. Landscaping and Trees
 - a. Add condition that trees must stay alive after being planted.
- b. Enforcement is necessary. Renegade weekend tree cutting as an example.
- c. Must maintain a fair process for all. Favoritism is perceived by public.
- d. Duration of Planning and Building permits:
 - i. 2 year time period to develop a project based on approved planning permits is too long. Decrease (suggested: 4 months to 1 year) to encourage projects to be built which add to the community.
 - ii. Require that building permits be built within a specific timeframe. Enforcement issues exist throughout the City. (Example 4968 Capitola Road)

6. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?

- a. Check irrigation prior to occupancy to make sure it is captured onsite and not going down the drain.
- b. Educate rather than Legislate.
- c. Remove ordinance elements which have been superseded or duplicated by State or Federal Laws (example: green building ordinance relative to Title 24)

7. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?

- a. Improve coordination between departments and outside agencies.
- b. Application and interpretation of the code must be consistent.
- c. Enforcement Issues

- i. Conditions of approval should be monitored and enforced.
 - ii. Zoning code violations should be enforced throughout the City. There are numerous violations throughout Capitola that are ignored.
 - d. Lack of parks/recreation in the neighborhood in the North West corner of the City. (Capitola Road and 41st Avenue)
 - e. Non-conforming uses/structures: discussion on current sunset clause to end all non-conforming uses by the year 2019.
 - i. Requirement to go away isn't necessary unless the use is a nuisance.
 - ii. City should study the existing conditions and guide the outcome to a better resolution.
 - iii. City should drive re-development of blighted properties.
 - iv. Code should address public nuisance issue if present
 - 1. Adequate parking onsite
 - 2. Maintain structures so they are updated and look good in the neighborhood.
- 8. Close. Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.**