



**FINAL ADOPTED MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 5, 2015  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

Chairperson Smith called the Regular Meeting of the Capitola Planning Commission to order at 7 p.m.

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Commissioners: Ron Graves, Ed Newman, Gayle Ortiz, and TJ Welch and Chairperson Linda Smith.

**2. ORAL COMMUNICATIONS**

**A.** Additions and Deletions to Agenda

**B.** Public Comment

Richard Lippi, resident, presented a letter to the Commission regarding a proposed skatepark at Monterey Park. He spoke in opposition to the project and referenced concerns about noise and accurate location of the skate element listed within the correspondence.

Chairperson Smith confirmed with staff that a formal application has not yet been received. Community Development Director Rich Grunow gave an overview of the timeline and process.

Dan Steingrube asked for a coordinated study of a possible bike lane along Monterey Avenue in conjunction with the proposed skatepark. He expressed concern about parking impacts from both projects.

Lisa Steingrube also spoke in opposition to the skatepark.

**C.** Commission Comment

**D.** Staff Comments

**3. APPROVAL OF MINUTES**

**A.** February 5, 2015, Draft Planning Commission Minutes

**A motion to approve the February 5, 2015, meeting minutes was made by Commissioner Newman and seconded by Commissioner Welch.**

**The motion carried by the following vote: Aye: Commissioners Newman and Welch and Chairperson Smith. No: None. Abstain: Commissioners Graves and Ortiz.**

**4. CONSENT CALENDAR**

**A. Ordinance amending municipal code Chapter 17.03 to define supportive housing and transitional housing as required by state law.**

This project will require an amendment to the Local Coastal Plan.  
Environmental Determination: Exempt

Applicant: City of Capitola

**A motion to recommend adoption by City Council of the following amendment to the municipal code was made by Commissioner Ortiz and seconded by Commissioner Welch:**

Section 1. Section 17.03.665 is hereby added to the Capitola Municipal Code to read as follows:

**“17.03.665 Supportive Housing.**

“Supportive Housing” means housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health & Safety Code, and that is linked to onsite or offsite services that assist residents in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community. Supportive Housing shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.”

Section 2. Section 17.03.688 is hereby added to the Capitola Municipal Code to read as follows:

**“17.03.688 Transitional Housing.**

“Transitional Housing” means residential units operated under program requirements that call for: 1) the termination of any assistance to an existing program recipient, and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional Housing may be provided in all residential housing types. In all cases, Transitional Housing is and shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

**The motion carried by the following vote: Aye: Commissioners Newman, Ortiz, and Welch and Chairperson Smith. No: Commissioner Graves. Abstain: None.**

**B. 113 Oakland Ave #15-004 APN: 036-132-01**

Design Permit and Conditional Use Permit for an alteration on the rear elevation of a historic single-family home and new detached garage located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Julie and Matt Haniger

Representative: Dennis Norton, filed 1/20/2015

Commissioner Newman supports this project, but asked for future clarification of how the city identifies historic buildings and homes, and favors development of standards appropriate to the local situation.

Commissioners Welch and Graves concurred, specifically citing disagreement with Secretary of Interior standards that call for all new sections to be architecturally differentiated from the original.

Director Grunow noted that the development of local historical standards is included in the long-term work plan, but that goal is currently unfunded and is not part of the current zoning update process.

**A motion to approve application #15-004 for a Coastal Development Permit, Design Permit and Conditional Use Permit was made by Commissioner Ortiz and seconded by Commissioner Welch with the following conditions and findings:**

**CONDITIONS**

1. The project approval consists of an alteration to an existing historic resource located at 113 Oakland Avenue. The project approval consists of an alteration on the rear façade of the historic structure as well as construction of a 420 square-foot detached garage. The maximum Floor Area Ratio for the 3,969 square-foot property is 54% (2,143 square feet). The total FAR of the project is 46% with a total of 1,814 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of building plan submittal, the plans shall include a language on the cover sheet referring to the intent of the Secretary of Interior Standards and specifically reference Standard #6. The plans shall identify specific repairs at the time of submittal of the building permit drawings.
5. At time of building plan submittal, the California State Historical Building Code shall be referenced in the architectural notes on the front page, in the event that this preservation code can provide support to the project design.
6. At the time of building plan submittal, all proposed preservation treatments (e.g., epoxy wood consolidant and paint preparation techniques), shall be identified on the plans.
7. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
8. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval and potentially a review by the Historic Architect for continued conformance with the Secretary of Interior standards.
9. Prior to making any changes to the historic structure, the applicant and/or contractor shall field verify all existing conditions of the historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.
10. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning

Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.

11. Prior to issuance of building permit, all Planning fees associated with permit #15-004 shall be paid in full.
12. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
13. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
14. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
15. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant

to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

## **FINDINGS**

### **A. The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The integrity of the historic resource will be maintained with historic resource contributing to a potential historic district with the proposed design.

### **B. The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the modification to the historic structure. The modification will not overwhelm the historic structure. The home is located on Depot Hill and may be a contributing structure within a future historic district. The modification and new garage do not compromise the integrity of the historic resource or eligibility within a future Depot Hill historic district.

### **C. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This project involves an alteration to an existing historic resource located in the R-1 (single family) zoning district. The project is consistent with the Secretary of the Interior's Standards and therefore qualifies for the CEQA exemption.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 113 Oakland Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Oakland Avenue. No portion of the project is located along the shoreline or beach.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

- There is not history of public use on the subject lot.

***(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Oakland Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

- The project is not requesting a Public Access Exception, therefore these findings do not apply

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project is located in a residential area without sensitive habitat areas.

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.

***c. Recreational needs of the public;***

- The project does not impact recreational needs of the public.

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;******e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;******f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.******(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

- No legal documents to ensure public access rights are required for the proposed project

***(D) (6) Project complies with visitor-serving and recreational use policies;*****SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***



- The project involves an alteration to a single family home and new detached garage. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire station. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports are not required for this application. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project is not located along a shoreline.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is an allowed use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the area of the Capitola parking permit program.

**The motion carried by the following vote: Aye: Commissioners Newman, Ortiz, and Welch and Chairperson Smith. No: Commissioner Graves. Abstain: None.**

**C. 4850 Opal Street #15-006 APN: 034-065-19**

Design Permit for an addition to an existing single family residence located in the R-1 (Single Family Residential) Zoning District.

This project is in the Coastal Zone but is exempt from Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Dennis Leong

Representative: Linda Butler, filed: 1/20/15

**A motion to approve application #15-006 for a Design Permit was made by Commissioner Ortiz and seconded by Commissioner Welch with the following conditions and findings:**

**CONDITIONS**

1. The project approval consists of construction of a 511-square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 3,992-square foot property is 54% (2,156 square feet). The total FAR of the project is 38% with a total of 1,534 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit # 15-006 shall be paid in full.
9. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

## **FINDINGS**

### **D. The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of

approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**E. The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood.

**F. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves an addition to an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

**The motion carried by the following vote: Aye: Commissioners Graves, Newman, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

**5. PUBLIC HEARINGS**

**A. 231 Esplanade #15-013 APN: 035-211-01**

Sign Permit for two new wall signs and two menu signs at Margaritaville located at 231 Esplanade in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Sarah Orr, filed: 1/26/15

Senior Planner Katie Cattan presented the staff report. She presented images of signs to be removed and those proposed to replace them.

Commissioner Ortiz confirmed the existing sign with a parrot will remain. She asked if the raceway for the new sign at the east entrance will wrap around the sides of the covered entryway.

Commissioner Graves recalled that the original signs posed a potential hazard for the blind since those signs are not flush to the building and confirmed that the new signs do not create the same situation.

Sarah Orr, applicant, responded that the east entry sign would not wrap around the entire gable fascia but be attached to the building by painted metal brackets. Commissioner Ortiz asked how the mechanics would be masked.

Sean Adams, sign contractor, explained that the raceway required to create a halo effect on letters is about 4" deep and designed to be inconspicuous. The wiring is contained and sealed, and he confirmed the bracket attachment.

Commissioner Graves also expressed concern about the bracket and an overly industrial appearance.

Ms. Orr offered to continue the design of the raceway back to the building as a condition of approval.

Mr. Adams demonstrated a single-letter example of the sign, noting that nearby restaurants Zelda's and Brittonia Arms use the same style.

No members of the public spoke and Chairperson Smith closed the public hearing.

Commissioner Ortiz requested a condition to hide the metal bracket with a finished apron that complements the building.

**A motion to approve application #15-013 for a Sign Permit was made by Commissioner Newman and seconded by Commissioner Graves with the following conditions and findings:**

### **CONDITIONS**

1. The project approval consists of two wall signs located over each entrance of Margaritaville at 231 Esplanade. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Two new wall signs and two new menu signs are approved for the property at 231 Esplanade. The existing oval shaped wood wall sign with the painted parrot is allowed to remain. Additional signs at this location shall be approved by the Planning Commission. The approved signs include:
  - a. One (1) Wall Sign over the south entrance of the building. The sign is 10 inches high by 8 feet 3 inches wide. Reverse pan channel "halo" letters will backlight the exterior wall.
  - b. One (1) Wall Sign over the east entrance of the building. The sign is 10 inches high by 8 feet 3 inches wide. Reverse pan channel "halo" letters will backlight the new aluminum raceway that is 10 feet 4 inches wide by 15 inches tall.
  - c. One menu box with a maximum of 2 square feet shall be allowed at each entrance for the restaurant.
  - d. One existing oval shaped wood wall sign on the center of the east elevation. The oval sign has a large tropical parrot painted on the sign and the name of the restaurant.
3. The sign at the east covered entryway will be attached to a raceway over the existing narrow fascia. The width of the proposed raceway is greater than the existing fascia. To ensure that the raceway appears as part of the building architecture, the fascia of the covered entryway will be expanded on each side of the entry from each end of the raceway returning to the building face seamlessly. The fascia and raceway will match in width and color. Community development staff may require additional finish details if the sign does not blend with the architecture.
4. Prior to installation, a building permit shall be secured for the new sign authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission.
5. The two existing exterior wall signs at the entrances must be removed prior to installation of the new wall signs.
6. The two new wall signs are backlit. The backlighting shall not shine onto adjacent properties or distract motorists or pedestrians.
7. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.

8. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
9. Prior to issuance of building permit, all Planning fees associated with permit #15-013 shall be paid in full.

## **FINDINGS**

**A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**

The halo lit aluminum signs have a simple design that will complement the aesthetics of the Central Village district.

**B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**

The signs are modern and clean updating the exterior appearance of the restaurant.

**The motion carried by the following vote: Aye: Commissioners Graves, Newman, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

**B. 4200 Auto Plaza Drive #15-020 APN: 034-141-30 and 31**

Sign Permit Application for one additional internally illuminated wall sign at the Toyota car dealership in the CC (Community Commercial) Zoning District.

This property is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Charles Canfield, filed 1/24/2015

Representative: Bob Fischer

Senior Planner Cattan presented the staff report. The application includes a sign for the west elevation, which has no signs currently. The lighting level will be 27 lumens per foot. She also noted that two directional monument signs have been placed that were not part of the original or revised master sign program that should also be considered with this application.

Commissioners confirmed that the old building will be demolished.

Gary Shipman, applicant, explained the desire is for visibility from the west.

Staff confirmed the new sign will not be visible from the residential end of Derby.

Commissioner Graves praised the new building and asked if it were possible to lower the sign.

Mr. Shipman responded that they did consider a lower placement, but even at the requested height it can't be seen from the freeway, only the ramps.

Chairperson Smith confirmed the sign is flush to building with no overhanging edges.

There was no public comment and the hearing was closed.

Commissioner Ortiz noted a tree recently came down along the highway that gives the building more visibility. She expressed concern about future glow if other dealers also remodel and similarly increase lighted signage. She also continues to be concerned about a trend toward later additions to

master sign plans for commercial projects. She would like to condition approval upon removal of the banner along the CalTrans fence.

Commissioner Welch shares her concern about maintaining consistency in the future. He also acknowledged Toyota has worked well with neighbors through this process.

Commissioner Graves expressed concern about pageant signs that extend the height of poles and advertisements on light standards. He asked staff to enforce removal if there are no permits.

Commissioners indicated interest in supporting a monument sign or entrance element to unify the auto areas. Mr. Shipman noted that Subaru will be undertaking a remodel and applying for new signage, which may provide an opportunity.

**A motion to approve application #15-020 for a Sign Permit was made by Commissioner Graves and seconded by Commissioner Newman with the following conditions and findings:**

**CONDITIONS**

1. The project approval consists of one wall sign located on the west elevation of the new Toyota structure and two directional signs at the entrances to the property located at 4200 Auto Plaza Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The single wall sign is located on the west side of the building. The sign includes the Toyota logo next to “Toyota” in all capital letters. The red vinyl letters and logo 3 feet high. The sign is 26 feet wide.
3. The two directional signs are free standing monument signs located at the entrance of the dealership along Auto Plaza Drive. The Customer Parking/Used Vehicle sign is 16 square feet in size and 5 feet 2 inches tall. The Service/Customer Parking sign is 12 square feet in size and 5 feet tall.
4. Prior to installation, a building permit shall be secured for the new sign authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission.
5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
7. Prior to issuance of building permit, all Planning fees associated with permit #15-020 shall be paid in full.
8. The Toyota banner along 41<sup>st</sup> Avenue on the CalTrans fence shall be removed by March 12, 2015.

**FINDINGS**

- C. **The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**



The new wall sign and directional signs complement the aesthetics of Auto Plaza Drive. The halo lit aluminum signs have a simple design that will complement the aesthetics of the Central Village district.

**D. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**

The signs are modern and clean. The outdated existing wall-signs will be removed to ensure no visual blight on the building.

**E. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**The motion carried by the following vote: Aye: Commissioners Graves, Newman, Ortiz, and Welch and Chairperson Smith. No: None. Abstain: None.**

**C. Zoning Title 17 Update – Issues and Options White Paper**

Preliminary consideration of a comprehensive update to Title 17, Zoning, of the City of Capitola Municipal Code. An Issues and Options white paper will be distributed to the Planning Commission for initial discussion/review of Issues 1-4 at the April 2, 2015, meeting. The Issues and Options white paper outlines existing issues in the zoning code along with options to address each issue.

This project will require an update to the Local Coastal Plan.

Environmental Determination: To be determined

Staff: Katie Cattan, Senior Planner

Consultant: Ben Noble

Senior Planner Cattan explained the issues and options document has been distributed and is available to the public. She outlined the zoning update process to date, including how staff collected the feedback used to create the issues and options paper. Many perspectives are reflected in the comments. Commission packets include a spreadsheet with a master list of zoning issues.

The issues are divided into non-controversial topics (i.e. formatting, definitions) and 18 items for public discussions, for which staff seeks guidance (i.e. historic designation, mixed-used parking standards). She walked the commission through the structure, noting presented options are not all-inclusive; others are welcome during the process. The matrix is a working document for participants to make notes and will not be collected. Consultant Ben Noble will write the preliminary draft.

Commissioner Graves found the website references to outside agencies distracting; he prefers a summary rather than visiting the sites online.

Staff asked if the commission prefers to address the issues at regular and/or special meetings or hold day-long workshops. Commissioner Newman noted that with the number of issues, addressing them once a month at existing meetings would extend the proposed timeline. Commissioner Ortiz said that limiting discussion to a few items at a time is easier for her manage and be most productive. Full-day workshops could be overwhelming. Commissioner Graves agreed and suggested twice monthly meetings. Commissioner Welch initially preferred a longer focused time, but is also open to special meetings. Chairperson Smith suggested she and others may be more productive in the morning.

Commissioners reached consensus not to do full-day workshops, but attempt longer special meetings.

Commissioner Ortiz suggested a consistent meeting approach for both the Planning Commission and City Council would be easiest for public participation.

Commissioner Newman worried that the commission would spend many hours crafting a vision and then the City Council would virtually start over. He requested direction from the council on how it wishes to use the commission, and offered to bring that viewpoint to the council.

## **6. DIRECTOR'S REPORT**

Director Grunow reported the Housing Element update meeting was sparsely attended. Another workshop will be held before the draft is complete. This update does not require identifying new opportunity sites, which is often a major hurdle.

The long-unfinished house on Capitola Road has been issued a citation and there will be no extension to the 90-day deadline.

Ideal Homes was granted an extension for its model home with the condition to improve frontage landscaping.

The report of a halfway house in Cliffwood Heights is under investigation following neighbor concerns.

The city has enrolled in the solar roadmap program, which provides access to federal funding to streamline the permit process and possibly offer financing options.

## **7. COMMISSION COMMUNICATIONS**

Commissioner Graves said that the practice of tenants in Begonia Plaza claiming specific parking spots has illegally expanded. To his memory, the City Council allowed only the veterinarian signage for parking spaces and now others are following suit. Some 20-minute spaces have also appeared. He asked staff to check parking standards and send notices for violations.

Commissioner Ortiz asked staff to check on the permits for the swim lesson banner by the 41<sup>st</sup> Avenue ramp and the Kia dealership's south-facing "used" sign.

Chairperson Smith announced the Historical Museum's new postcard exhibit is open with a reception set for March 21.

## **8. ADJOURNMENT**

Chairperson Smith adjourned the meeting at 8:38 p.m. to the regular meeting of the Planning Commission to be held on Thursday, April 2, 2015, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on April 2, 2015.

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Linda Fridy, Minute Clerk