

**FINAL MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, SEPTEMBER 3, 2015**

**7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

# 1. Roll Call and Pledge of Allegiance

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

# 2. Oral Communications

## A. Additions and Deletions to Agenda

Item 5C, the Climate Action Plan, will be continued to the Oct. 1, 2015, meeting.

## B. Public Comments

None

## C. Commission Comments

None

## D. Staff Comments

Senior Planner Katie Cattan noted that on Aug. 21 the City hosted a well-attended state historic preservation training.

# 3. Approval of Minutes

A. Approval of July 16, 2015, regular Planning Commission meeting minutes

**RESULT: APPROVED AS AMENDED [UNANIMOUS]**

**MOVER:** Susan Westman, Commissioner

**SECONDER:** Edward Newman, Commissioner

**AYES:** Ortiz, Newman, Welch, Westman

**ABSENT:** Smith

B. Approval of July 20, 2015, special Planning Commission meeting minutes

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Susan Westman, Commissioner

**SECONDER:** Edward Newman, Commissioner

**AYES:** Ortiz, Newman, Welch, Westman

**ABSENT:** Smith

#

# 4. Consent Calendar

A. 416 Monterey Avenue #15-104 APN: 036-092-19

Design Permit for the demolition of the existing home and construction of a new 2,160-square-foot single family home in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Craig Blanchette

Representative: Roy Horn, filed: 6/18/15

MOTION: Approve a Design Permit and Coastal Development Permit with the following conditions and findings:

**CONDITIONS**

1. The project approval consists of construction of a new 2,160-square-foot residence. The maximum Floor Area Ratio for the 4,000-square-foot property is 54% (2,160 square feet). The total FAR of the project is 54% with a total of 2,160 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 September 3, 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 #­ 15-104 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**

1. **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 new 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.

1. **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 new single-family residence compliments the existing single-family homes in the neighborhood.

1. **This project is categorically exempt under Section 15303-A 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 the construction of a new single-family residence in the R-1 (Single-Family Residential) Zoning District. Section 15303-A of the CEQA Guidelines exempts the construction of a new home in a residential zone.

**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 416 Monterey 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 Monterey 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 no history of public use on the subject lot.
1. ***(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 Monterey 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 slightly sloping lot. The lot is accessed on the opposite side of the slope. The property is not near the coast.

 ***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 the construction of a single family home. 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 department. 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 have been prepared by qualified professionals for this project. 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 Residential 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 not located within the area of the Capitola parking permit program.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Edward Newman, Commissioner

**SECONDER:** Gayle Ortiz, Commissioner

**AYES:** Ortiz, Newman, Welch, Westman

**ABSENT:** Smith

B. 616 Sunset Drive #15-120 APN: 035-07-217

Design Permit for a remodel and second-story addition to a home located in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Cesar Castillo

Representative: Stroy Kaiser, filed: 4/2/15

MOTION: Approve a Design Permit with the following conditions and approvals:

**CONDITIONS**

1. The project approval consists of construction of a 500-square-foot second-story addition to an existing 1,192-square-foot residence. The maximum Floor Area Ratio for the 2,800-square-foot property is 57% (1,596 square feet). The total FAR of the project is 56.9% with a total of 1,593 square feet, compliant with the maximum FAR within the zone. The proposal also includes a 140-square-foot second-story balcony, which is not counted towards the maximum allowable FAR for the property (§17.15.100). The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 3, 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. The applicant must prove that the finished addition will not constitute more than 80% of the existing valuation of the home. The Building Official will verify this calculation, pursuant to section 17.72.070 of the Capitola Municipal Code.
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. 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).
7. 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.
8. 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.
9. Prior to issuance of building permit, all planning fees associated with permit #­15-120 shall be paid in full.
10. 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.
11. 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.
12. 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.
13. 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).
14. 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.
15. 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.
16. 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
17. 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.
18. 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.
19. 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.
20. 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.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. In any case where the conditions to the granting of a permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.

**FINDINGS**

1. **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 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.

1. **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 new single-family residence compliments the existing single-family homes in the neighborhood.

1. **This project is categorically exempt under Section 15301-E 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 the addition to an existing single-family residence in the R-1 (Single-Family Residential) Zoning District. Section 15301-E of the CEQA Guidelines exempts additions to existing homes in a residential zone.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Edward Newman, Commissioner

**SECONDER:** Gayle Ortiz, Commissioner

**AYES:** Ortiz, Newman, Welch, Westman

**ABSENT:** Smith

# 5. Public Hearings

A. 154 Cortez Street #15-110 APN: 036-222-12

Conditional Use Permit for a supportive housing facility to be 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 not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Ed Bogner

Representative: Mary Tausheck, Sobriety Works, filed: 6/30/15

Planner Cattan presented the staff report. She explained the home has been operating without a conditional use permit (CUP) as a 13-person large community care residential facility and clarified that the application is to continue to operate as it had. The home does not meet the definition of supportive housing under state regulations, therefore seven or more residents require a CUP for a large community care residential facility. She noted that currently the garage is not used for parking, but it also is not used for smoking as stated in staff report. The City does not assign parking within the neighborhood, so the commission cannot tie conditions to on-street parking locations. Conditions recommended by the police chief are tied to day-to-day operations. The home has five bedrooms, which are shared by two or three women.

Sarah Cooper, executive director, spoke on behalf of the application. The home opened in 1998 with a 13-resident capacity, and has been serving the county for 17 years, serving more than 500 women fighting drug and alcohol abuse. Management has worked to build a good relationship with neighbors. There are only four women's facilities in the county. Stays are a minimum of three months, but there is no maximum stay. She acknowledged parking is an issue. New residents are informed and reminded periodically to spread parking around the neighborhood. Sobriety Works would accept the proposed conditions.

Commissioner Newman asked about occupancy and was told the average has been close to the maximum 11 plus two managers. There is a waiting list so vacancies fill quickly. He asked what impact reduced occupancy would have and learned it would increase time on the waiting list and put those waiting at risk. He asked if the use could continue with fewer residents and was told management would have to examine the budget. It may not be affordable to the population. He confirmed that currently six residents including managers have cars.

Commissioner Ortiz asked about parking and was told the house manager has handled the issue. Residents are encouraged to park along Sir Francis where there are not the fronts of homes.

Commissioner Welch confirmed that a manager is onsite for 6 p.m. check-in and overnight.

Mark Beatty, Cortez resident, spoke to the application. His family has been in the neighborhood since 1977. He has witnessed more incidents than have been reported. Examples include public nudity, sex in a vehicle, drug use, intoxication, speeding, and loitering of males. He has attempted to contact the property owner. He feels the management has made minimal attempts to be a good neighbor. He proposed eight residents. He noted the use of Cortez Park adds to parking demand in the neighborhood and requested that the garage be used for parking.

Janet Newman, Park Avenue resident, requested further restrictions, including using the garage for parking. She noted that when there was a fire in the home, neighbors were the first to call 9-1-1, not residents.

Teela Williams spoke in support of the application. She is now a commissioner with juvenile justice and active in the community, which she attributes to the support received from Sobriety Works. She lived in the house in 2008 and is a former house manager. The program helps people who suffer from a disease and makes them productive citizens. It is a successful approach for women who are trying to change their lives.

Daniel Matera, Cortez resident, supports the program’s mission and said most residents are fine neighbors. His concern is about the number of people because of parking.

Neighbor John Gerhardt also admires the work, but it is a business and he suggests reasonable density.

Kathi Howard, Columbus resident, knows the many successes of the program but supports limiting the number of residents. She said most garages in the neighborhood don’t accommodate two cars, but it should be used for one.

Maura Matera, Cortez resident, said the current number of residents is too intense a use for parking.

Meg Beatty, Cortez resident, said relations with the home’s residents have varied over the years. She has concerns about speeding with young children at the park and noted that at times less appealing elements wait down the street away from the house manager's sight.

Shelly Cruddas, Cortez resident, is new to the neighborhood. She feels there should be equality of parking and fewer residents.

Rhett Beulton expressed concerns that some rules are not being followed. He feels there are too many residents and encouraged garage parking. He noted the fire alarm goes off frequently when the manager is not present.

Dave Macon, Cortez resident, supports the program but request a limit of eight residents and a full-time manager.

Nicole Catel, manager of another Sobriety Works home, has worked closely on rules and mindfulness. Managers and residents have jobs and/or school. She noted that men and friends are allowed to visit and the application is not asking for an increase from historical use.

Sidney Beccaria, 18-year Cortez resident, would support six to eight residents.

Police Chief Rudy Escalante said he reviewed calls for service, and prior to the fire there had been six and three since the beginning of year. They were for disturbances or traffic with no arrests, and some reports came from the house manager.

Ray Plamondon, COE of Sobriety Works, said the program pays $3400 monthly rent and is operated to break even, not show a profit. He responded to commission questions that he did not believe the program could have just one manager with fewer residents

Commissioner Westman expressed concern about the impact of parking. She is distressed that no one parks in the garage, although likely only one car is reasonable. The two spaces in driveway should be used before any street parking and not reserved. She also has concerns about number of people and impact on neighborhood. She would favor total 10 people and possibly allow the home to reapply for more at later date. She would like to assure that a manager is onsite 6 p.m.-8 a.m.

Commissioner Ortiz expressed appreciation for the value of the service but wants to seek balance. She favors either eight client residents and one onsite manager, or seven and two onsite with cars. She would like to review the permit after one year.

Commissioner Newman said this application contains two important, competing policies which the commission must balance. He praised the thoughtful public dialog. The existence of a use permit should help the neighbors. He doubts a 13-person use would have initially been approved. He would like to see parking in the garage and sufficient management.

Commissioner Welch also thanked those who commented. He said parking is an appropriate concern when considering a conditional use permit.

MOTION: Approve a Conditional Use Permit with the following conditions and findings:

**CONDITIONS**

1. The project approval consists of a large community care residential facility ~~supportive housing~~ ~~facility~~ within the single-family home at 154 Cortez Street. The proposed use is approved as conditioned by the Planning Commission on September 3, 2015, including conditions imposed by the Planning Commission during the hearing. The Conditional Use Permit shall be reviewed by the Planning Commission in one year.
2. All planning fees associated with permit #­15-110 shall be paid in full.
3. The applicant was granted a conditional use permit for the large community care residential facility ~~supportive housing facility~~ at 154 Cortez Street. In any case where the conditions of the permit are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.
4. An onsite house manager is required to live at the site who is responsible for the day-to-day activities, maintains good relationships with the neighbors, and ensures proper tenant behavior that does not disturb the quality of life to the surrounding neighbors and is conducive to treatment/recovery.
5. The house manager shall be readily available to speak with or meet with City staff should the need arise.
6. No growing of marijuana.
7. No storing of vehicles in the driveway or in the front yard.
8. The house manager ensures curfews and house rules are properly and consistently enforced.
9. All tenants are to obey local and state laws in regards to parking on public streets and noise.
10. No tenants are allowed to live in the garage.
11. The landscape shall be maintained in the front and back yards.
12. Necessary repairs shall be made in a timely manner with the proper permits when applicable.
13. The home is required to have three (3) onsite parking spaces, including one (1) space in the garage. To mitigate impacts of parking on the neighborhood, when a parking space is available in the garage or driveway, residents shall park within the onsite space prior to parking on the street.
14. The occupancy within the home is limited to eight (8) residents and two (2) managers. At the time of approval there were 11 residents and 2 managers. The community care residential facility shall not accept new residents until the new occupancy limit is in compliance.

# FINDINGS

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

The Planning Commission required conditions with respect to the maintenance and operation of the use to ensure that the supportive housing facility is managed to not have negative impact on the surrounding single-family neighborhood and secure the general purposes of the Zoning Ordinance and General Plan.

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

The Planning Commission reviewed the application and imposed conditions to preserve the character and identity of the single-family neighborhood. The use shall be managed responsible to avoid negative impacts on the neighborhood.

C. **This project is categorically exempt under the 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**.

This project involves a conditional use permit for a supportive housing facility within an existing single family home. Section 15301(a) exempts existing facilities.

**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 at154 Cortez Street. The home is existing and is not located in an area with coastal access. The use 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 Cortez Street. 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 no history of public use on the subject lot.
1. ***(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. 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;***

* There are no topographic constraints on the property.

 ***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 a single family home. 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 department. 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.

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

* The project will comply with all necessary fees.

***(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;***

* The home is existing.

***(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;***

* No new development is proposed. The home is existing.

***(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;***

* The applicant has applied for a conditional use permit for the intensification of the use.

***(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 with the approval of a conditional use permit and project development review and development procedures.

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

* The project site is not located within the area of the Capitola parking permit program.

**RESULT: APPROVED AS AMENDED [UNANIMOUS]**

**MOVER:** Gayle Ortiz, Commissioner

**SECONDER:** Susan Westman, Commissioner

**AYES:** Ortiz, Newman, Welch, Westman

**ABSENT:** Smith

B. 1575 38th Avenue #15-112 APN: 034-181-17

Conceptual Review for an 11-lot subdivision with 5 duplex townhomes and one single-family home in the CN (Neighborhood Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Joe Appenrodt, filed 7/10/15

Representative: Matthew Thompson

Commissioner Newman recused himself since he owns property in the vicinity and left the dais.

Planner Cattan presented the staff report and an overview of the Conceptual Review process. The applicant prefers to subdivide rather than create a condominium association that owns the shared space. Under this plan, each lot should meet development standards and does not, requiring variances. She noted many variations in neighboring uses and zoning. The applicant is hiring an arborist to review impact on adjacent redwoods, the preservation of which was a concern in previous applications for the property. He has already noted soil compaction should be avoided. Initial feedback shows the most impact by the single-family home at the back of the development.

The applicant asks for direction for how to approach the application process. For existing zoning, the front and side yard setbacks require variance and findings. Trees may provide some special circumstances. The other option would be a planned development, although the site does not meet the four-acre minimum.

Architect Matthew Thompson spoke regarding the application. He said a small-lot subdivision is a good use for the mix in the neighborhood and he is a personal advocate for this type of development. Variances would be "internal;" they do not impact adjoining properties, only those new lots being created. He suggested the special circumstance is the variety of zoning in vicinity. It is not a grant of special privilege since there is similar development with similar qualities nearby.

Commissioner Westman understands the distaste for condominium but ask if there will be an HOA and was told yes. The plan is to mimic Roosevelt Terrace of Broadway in Santa Cruz where the roads and front yards are common area landscaping. Buyers would be told no additions would be allowed.

Commissioner Ortiz asked how they will inform owners about neighboring noise? Joe Appenrodt noted the previous application asked for a noise, odor and light easement, and it would also apply to this project.

Commissioner Ortiz feels variances are appropriate and could support. She would prefer some commercial use but it is not required by current zoning.

Commissioner Westman does not have preference for process. She has some anxiety for variances but possible and feels it is a good use of the land and more compatible for back residential properties.

Commissioner Welch expressed concerns about variances, but prefers that approach to planned development.

Planner Cattan shared comments from absent chairperson Linda Smith, who likes the density, but would remove single-family from the zone. She would also prefer some commercial use as recommended in the General Plan.

C. Consideration of the Draft Climate Action Plan for City Council Adoption

Continued to the meeting of Oct. 1, 2015.

# 6. Director's Report

None.

# 7. Commission Communications

Commissioner Ortiz asked for a process to identify whether letters of support are from the owners of a neighboring property, especially ones such as those for a second-story deck.

# 8. Adjournment