

**APPROVED MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, JANUARY 16, 2014**

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

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

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

Commissioners: Gayle Ortiz, Linda Smith and TJ Welch and Chairperson Mick Routh

Absent: Ron Graves

**A.** **NEW BUSINESS**

1. Election of Chair and Vice Chair

**Commissioner Smith nominated Commissioner Ortiz as chair, seconded by Commissioner Welch. Commissioner Ortiz nominated Commissioner Smith as vice chair, seconded by Commissioner Welch.**

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

2. Committee Appointments

a. Traffic and Parking Commission

b. Arts and Cultural Commission

**A motion to retain current appointments of Commissioner Graves to the Traffic and Parking Commission and Commissioner Smith to the Arts and Cultural Commission was made by Commissioner Welch and seconded by Chairperson Ortiz.**

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

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda - None

## Public Comments - None

1. Commission Comments - None

**D.** Staff Comments - None

**3. APPROVAL OF MINUTES**

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| **A.** | **November 21, 2013, Joint Planning Commission and City Council Minutes  General Plan Special Meeting** |

**A motion to approve the Nov. 21, 2013, meeting minutes was made by Commissioner Smith and seconded by Commissioner Welch.**

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

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| **B.** | **December 5, 2013, Draft Planning Commission Minutes** |

**A motion to approve the Dec. 5, 2013, meeting minutes was made by Commissioner Smith and seconded by Commissioner Welch.**

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

**4. CONSENT CALENDAR**

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| **A.** | **822 Bay Avenue          #13-172          APN: 036-011-28** |
| Sign application for a new wall sign at the Quality Inn and Suites in the CC (Community Commercial) Zoning District.   Environmental Determination: Categorical Exemption Owner: Dan Patel Representative:  Mike Terron, filed 12/02/13 |

**A motion to approve project application #13-172 with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Routh:**

CONDITIONS

1. The project approval consists of 14 square foot wall sign located on the porte-cochere of the hotel at 822 Bay Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 16, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Three signs are approved for the property at 822 Bay Avenue. Additional signs at this location shall be approved by the Planning Commission. The approved signs include:
   1. One (1) Wall Sign on the porte-cochere at the entrance of the building. Sign size is 14 square feet. Internally illuminated cabinet sign.
   2. One (1) Monument Sign at the corner of Hill Street and the driveway entrance. The size of the sign is 3’10” x 10’.
   3. One (1) Directional Sign along the driveway. Sign height is 4’ 6”. The size of the sign face is 1’6” x 4’.
3. 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.
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. 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.
6. Prior to issuance of building permit, all Planning fees associated with permit #­13-172 shall be paid in full.

FINDINGS

1. **The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.**

The hotel is located 250 feet from the street frontage. The sign is necessary and appropriate for the hotel to remain competitive with other businesses of a similar nature. The sign will provide clarity to visitors of the location of the hotel that is currently unmarked.

1. **The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. This subsection C does not allow approval of: signs over sixteen feet high, sound signs, abandoned signs, balloon signs greater than fifteen inches in diameter, or freestanding signs.**

The special sign will not have a significant adverse effect on the character and integrity of the surrounding area. The hotel is located 250 feet from the street. The sign will be faintly visible from the street.

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

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| **B.** | **504 Bay Avenue          #13-176          APN: 036-062-40** |
| Design Permit application for a minor addition (63 square feet) to the existing Commercial Building (Gayle’s Bakery) in the CN (Neighborhood Commercial) Zoning District. Environmental Determination:  Categorical Exemption Owner:  Upper Village Shops, Joint Venture Representative: Joe Ortiz, filed:  12/11/2013 |

**A motion to approve project application #13-176 with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Routh:**

CONDITIONS

1. The project approval consists of construction of a 63 square-foot addition to a Commercial Building. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 16, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for modifications to the structure as 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. 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #­13-176 shall be paid in full.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

FINDINGS

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

Community Development Department 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 CN (Neighborhood Commercial) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms with the development standards of the NC (Neighborhood Commercial) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area. The area is defined by a neighborhood commercial uses adjacent to residential.

1. **This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e)(2) of the CEQA Guidelines exempts interior or exterior alterations to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

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

**5.** **PUBLIC HEARINGS**

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| **A.** | **1730 Wharf Road          #13-169          APN: 035-111-14** |
| Design Permit and Coastal Development Permit for a new single-family home in the  R-1/AR (Single Family/Automatic Review) Zoning District. This project 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 Owner: Bruce Golino Representative: Courtney Hughes, William Fisher Architecture, filed: 11/26/2013 |

Both Chairperson Ortiz and Commissioner Smith own property in proximity to the project and therefore recused themselves. However, that would leave the Planning Commission without a quorum, so it invoked the rule of necessity. Senior Planner Cattan explained the process and the affected commissioners drew straws. Commissioner Smith was selected to participate and establish a quorum, and Chairperson Ortiz withdrew.

Senior Planner Cattan presented the staff report. She highlighted the differences between the Visitor Serving zoning of the adjacent Shadowbrook Restaurant and the application lot’s R-1 zoning. The Shadowbrook’s trolley is an existing nonconformity along the shared lot line. She also reviewed the requirements for the riparian corridor on the lot’s Soquel Creek frontage. She explained that although the design is five stories, they are stepped to keep the home within the 25-foot height requirement. She noted that commissioners received public comment from the Shadowbrook.

Commissioner Routh asked if there was a plan to handle excavation and if a management plan will be required.

Commissioner Smith asked that the address of the lot be confirmed. She clarified that the required setback of roughly 4.5 feet is unaffected by the existing nonconformity.

Commissioner Smith opened the public hearing.

Architect William Fisher and designer Courtney Hughes spoke on behalf of the applicant. They offered images reflecting the street view as it would appear with the home built and an Illustration showing the path of trolley travel against the side of the proposed home. They noted the landscape plan calls for dense plantings between the trolley and the home.

Commissioner Routh recommended that plant types be evaluated for the spread of roots at full size to protect both the trolley’s track and home’s foundation.

A neighbor who lives across the creek from the proposed home complemented the design, but expressed concern about erosion control. Noting that homes further up the creek have experienced problems, he asked that soils reports and compaction assure that work on the home during construction or later runoff will not trigger a slide.

Commissioner Smith asked how the soils concerns are handled. Community Development Director Rich Grunow noted that strict sedimentation requirements must be followed for Soquel Creek. The building process will review soil types and compaction.

Mike Clark, owner of the Shadowbrook property, complimented the design. He said privacy and noise would be a concern for the proposed home’s occupants with the trolley path, but felt steps can be taken to lessen the impact. His greatest concern is potential impact upon the trolley structures.

Ted Burke, Shadowbrook business owner, reiterated the concerns about erosion in the comments he had previously provided. He asked for assurance that the plan allows enough room to tie back a large foundation on a wet hillside. He supports efforts to avoid possible future complaints about noise from restaurant patrons. He also voiced concerns about impact on the trolley structure.

Mr. Fisher offered to remove the window that faces the trolley and said the home’s foundation technique should not impact the trolley.

Commissioner Smith closed the public hearing.

Commissioner Routh said he considers the Shadowbrook and its cable car iconic Capitola and worries about the 4.5-foot setback. He would like to see a soils report and structural engineering. He would also have considered allowing a variance that moved the home closer to the other side of the lot.

Commissioner Welch said he has faith that the engineering will be handled appropriately before construction is allowed. He said even additional setbacks may not be sufficient to address noise concerns.

Commissioner Smith said she shares concerns about protecting the Shadowbrook. She agreed that future residents of the applicant property will likely complain about privacy and noise in spite of the fact that they bought next to a visitor serving location. She would like engineering assurance that the cable car structure would not be undermined.

Following further discussion, Commissioners Routh and Smith said they could likely support the project if it were located further from the trolley and would consider granting a variance for encroaching into the opposite setback.

**A motion to deny project application #13-169 without prejudice was made by Commissioner Routh and seconded by Commissioner Smith.**

**The motion carried by the following vote: Aye: Commissioners Routh and Smith. No: Commissioner Welch. Abstain: None.**

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| **B.** | **305 Fanmar Way          #13-026          APN: 035-161-14** |
| Plan revision to a previously approved Design Permit for remodel and addition to a single-family dwelling in the R-1 (Single-Family Residence) Zoning District. Property Owner:  Peter Wilk, filed 12/6/13 Representative:  Peter Wilk |

Senior Planner Cattan presented the staff report and outlined the differences between proposed and as-built. She noted Mr. Wilk provided correspondence that addressed the reasons for the change in the garage door.

Chairperson Ortiz noted that the style of doors in back and trash enclosure appear different from the proposed plan.

Commissioner Routh expressed frustration about a recurring problem of homes not built to approved design and his desire to put “teeth” in the enforcement process.

Director Grunow said the City enforces its standards by denying a certificate of occupancy.

Commissioners expressed support for additional ways of alerting both the applicant and contractors to the expectations, including forms attached to building plans.

Chairperson Ortiz opened the public hearing.

Applicant Peter Wilk said he was surprised at the comments and felt he tried to be consistent about what the neighborhood desires. He did not realize the commission was interested in the level of detail of materials. He noted the neighborhood has many garage doors similar to the one he installed.

The applicant and commission discussed elements that changed from the initial approved design.

The public hearing was closed.

Commissioner Smith said the commission wants to emphasize to applicants that an exterior appearance change comes back to the Commission for review and approval.

Chairperson Ortiz said she believes the carriage-style garage door, siding and railings should be as approved. The outside of a home is a reflection on the whole community, which is why the Commission reviews it.

Commissioner Routh concurred. He felt the approved plan added character, and the result does not.

Commissioner Smith agreed that she would not have supported the design as built.

Commissioner Welch shared the frustration with changes made after approval, but would support a continuance for a new proposal.

**A motion to deny the as-built changes to project application #13-026 was made by Chairperson Ortiz and seconded by Commissioner Routh.**

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

**6. DIRECTOR’S REPORT**

Director Grunow shared an opportunity for commissioners to attend a training.

He noted the City Council passed plans to waive building fees for solar panels, solar hot water, and vehicle charging stations. It also specifically prohibited commercial marijuana cultivation.

Staff will be adding a half-time assistant planner next month.

The General Plan Update draft and EIR have been released for public comment. He asked commissioners to let him know if they would be available for a special meeting Mar. 20, 2014, should the level of comments allow the draft to be discussed at that point.

**7. COMMISSION COMMUNICATIONS**

Commissioner Routh noted Commissioner Graves has been ill and is wished a speedy recovery.

**8. ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:42 p.m. to the regular meeting of the Planning Commission to be held on Thursday, Feb. 6, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on Feb. 6, 2014.

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Linda Fridy, Minute Clerk