

**MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, JUNE 6, 2013**

**7 P.M. – CAPITOLA COMMUNITY CENTER**

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: Ron Graves, Gayle Ortiz, Linda Smith, and TJ Welch and

Chairperson Mick Routh

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda - None

## Public Comments – None

1. Commission Comments

Commissioner Graves noted that the commission received updated elevations showing exterior changes to a new home being built on 47th Avenue recently approved by the commission. These elements (including siding, skylight, and entry columns) differ from those shown in the approved plan. The discrepancy was caught in the building permit process. Staff deemed the differences of a minor nature and provided the drawings as information. Staff explained that the exterior elements were changed during the planning review process and while the staff report for the public hearing described the correct plans, the actual plans in the packet were not correct.

Commissioners expressed concern about plan changes after approval and want the community to know that they expect only what has been approved will be built. Community Development Director Rich Grunow said this response will help him to know what information to bring back to the commission in the future, and commissioners agreed that they would like to formally review the plans at the July 18, 2013, meeting. They also asked for a determination if the error was caused by staff or the incorrect submission of older plans by the applicant, and discussed whether the commission has some responsibility for not catching the discrepancy. That decision will determine whether or not the applicant should pay any additional fees for a second hearing. The commission did concur that since the changes involve final elements in the building process, the applicant can continue with the early stage construction.

**D.** Staff Comments

Director Grunow informed the commission that following concerns about the state of the grounds of Northcoast Orthodontics on 41st Avenue, the applicant was contacted and warned that he was in jeopardy of not meeting the required condition of maintaining the property. The applicant has since submitted a draft landscape plan and expressed intent to move quickly on the work. If action is not taken, the application will be brought back to the commission at its August meeting.

**3. APPROVAL OF MINUTES**

1. May 2, 2013, Regular Planning Commission Meeting

Commissioner Graves noted that Chairperson Routh’s comments about shortening the snout of the sea otter, which were later recommended by the City Council, should be added to item 4A.

**A motion to approve the May 2, 2013, meeting minutes as amended was made by Commissioner Ortiz and seconded by Commissioner Smith.**

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

**4. CONSENT CALENDAR**

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| **A.** | **137 CORTEZ STREET      #13-062      APN:  036-226-11** |
| Design Permit to construct a second floor deck in the R-1 (Single-Family Residence) Zoning District. Environmental Determination:  Categorical Exemption Owner:  David McKinnon, filed:  5/6/13 |

**A motion to approve project application #13-062 with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Ortiz:**

**CONDITIONS**

1. The project approval is to construct a 199-square-foot second story deck at 137 Cortez Street.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

**FINDINGS**

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

Planning Department Staff and the Planning Commission have 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 carry out the objectives of the Zoning Ordinance and the General Plan.

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

Planning Department Staff and the Planning Commission have 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.

1. **This project is categorically exempt under Section 15303(e) 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 construction of a second story deck in the R-1 (Single-Family Residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of accessory structures in

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

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

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| **A.** | **4980 CAPITOLA ROAD      #13-045      APN:  034-041-07** |
| Design Permit to convert an existing office use into a duplex in the CR Commercial/Residential) Zoning District. Environmental Determination:  Categorical Exemption Owner:  Mark Murphy Applicant:  Thomas Branagan, filed:  4/5/13 |

Commissioner Smith recused herself because she owns property close to the project.

Interim Senior Planner Uharriet presented the staff report. In response to a commission request about the landscaping requirements for converting a commercial use to residential, she shared the CR district requirements from the 1985 amendment, but said she was unable to find any requirement in code that a change of use to residential requires the property to come up to residential district standards. She presented a new landscape plan created from two previous parking spots, and noted the plan calls for pervious paving in the covered parking.

Property owner Mark Murphy spoke, explaining he and his wife purchased the property earlier this year and decided to change the only remaining commercial use in that block. He said the landscaping requested by the commission makes the house look much more appealing and they will enjoy it since they plan to use the studio unit themselves on weekends.

Commissioners Welch and Ortiz commended the owner for his willingness to improve the landscaping. Commissioner Ortiz asked if the plan would include small trees, and Mr. Murphy said he hopes they can be incorporated.

Chairman Routh opened the public hearing. There was no public comment.

Commissioner Graves praised the project and said he hoped the tandem parking did not prove too difficult on Capitola Road.

**A motion to approve project application #13-045 with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Ortiz:**

**CONDITIONS**

1. The project approval is to convert an existing 864-square-foot office into two residential units: a 203-square-foot studio unit and a 661-square-foot two-bedroom unit at 4980 Capitola Road.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The final landscape and irrigation plan shall be submitted with the building permit application. Front yard landscaping shall be installed prior to final building occupancy.
4. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
5. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

**FINDINGS**

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

Planning Department Staff and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the CR (Commercial/Residential) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the CR (Commercial/Residential) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

**C. This project is categorically exempt under Section 15303(a)(e) 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 conversion and remodel of an existing office into two residential units in the CR (Commercial/Residential) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

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

**B.** **305 FANMAR WAY #13-019 APN: 035-161-14**

Coastal Permit and Design Permit to remodel an existing multi-story single-family house, including a first and second story addition in the RM-LM (Multi-Family Residence – Low Medium) Zoning District.

Environmental Determination: Categorical Exemption

This project requires a Coastal Permit which is not appealable to the California Coastal Commission.

Owner: Peter Wilk, filed: 2/19/13

Applicant: Derek Van Alstine

Commissioner Smith rejoined the meeting. Senior Planner Uharriet presented the staff report, noting that since the commission continued the item over height and size concerns, the applicant submitted revised plans. She referred to an email from the owner in which he explained he would be doing some work on the home himself and requested standard construction hours to 9 p.m. He also asked that he not be subject to any additional parking requirements. Planner Uharriet also said neighbors expressed concerns about an avocado tree, and explained that as a fruit-bearing tree, no permit was required to remove it and the issue must be resolved by the private parties. Plans for a fence along the western property line may provide screening of the garbage cans for adjacent neighbors, but not for the neighborhood. Finally, she reported the receipt of an email from a neighbor supporting the redesign.

Commissioner Ortiz said she had seen work on a fence bordering Cherry Avenue and asked if that had been permitted. Staff did not recall a permit.

Derek Van Alstine spoke on behalf of the property owner. In response to questions from Commissioner Graves, he said the proposed fence will conform to front yard setback height requirements and screening for garbage cans can be incorporated.

Chairperson Routh opened the public hearing.

Neighbor Patricia Darrow lives to west of project. She applauds the effort to improve the property and expressed hope that the avocado tree can be removed. She supports reduced construction hours, and asked if the unpermitted exhaust fan has been addressed. Staff confirmed that the fan will be handled by the building department.

The tenant of 303 Fanmar supported the construction of a fence, which would provide privacy to her bedroom. She said she has found the project owner responsive to noise requests in past and hopes that will continue to be the case.

Neighbor Sue Gray expressed her appreciation for response to her concerns. She also supported reduced construction hours.

Chairperson Routh closed the public hearing.

Commissioner Welch commended Mr. Wilk for accommodating many of his neighbor’s requests and said he supports the project.

Commissioner Ortiz also expressed appreciation for changes to accommodate neighbors. She supports screening garbage and confirmed that landscape plans have been submitted. In response to Mr. Wilk’s description of his work on the project, she felt that type of finish work is not subject to the construction hours. She asked if the fence could be constructed first and when told it could, asked that it be added as a condition.

Commissioner Smith concurred that the construction hours should not pose a burden for indoor work and supported reduced hours.

Commissioner Graves agreed that 9 p.m. is too late for heavy construction work in a neighborhood, but felt finish work is exempt. He wanted assurance that fence heights would fall within ordinance requirements, and supports its construction at the beginning of the project.

**A motion to approve project application #13-019 with the following conditions and findings was made by Commissioner Ortiz and seconded by Commissioner Graves:**

**CONDITIONS**

1. The project approval is to remodel and construct one-story and two-story additions to an existing two-story single-family residence at 305 Fanmar Way in the R-1 (Single Family Residence) zoning district.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.

3. Hours of construction shall be Monday to Friday 7:30 a.m. – 6 p.m., and Saturday 9 a.m. – 4 p.m.

1. An encroachment permit shall be acquired for any work performed in the right-of-way.
2. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
3. The ~~final~~ landscape plan approved by the Planning Commission on June 6, 2013, shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
4. Prior to final occupancy, the kitchen in the lower level/basement area shall be removed. All electrical and plumbing, including any gas line, shall be removed to the satisfaction of the Building Official.
5. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
6. A garbage and recycling enclosure design shall be submitted with the final building plans, to the satisfaction of the Community Development Director. The enclosure shall be constructed prior to final building occupancy.
7. The perimeter fence shall be constructed, with a permit, prior to the commencement of construction on the residence.

**FINDINGS**

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally 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.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally 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.

**C. 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.**

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

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

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| **C.** | **1575 38th AVENUE      #13-061      APN:  034-181-17** |
| Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District. Environmental Determination:  Mitigated Negative Declaration Property Owner:  Maureen A. Romac, filed:  5/11/13 Representative:  Steve Thomas |

Interim Planner Uharriet reviewed background on the project and previous applications. The project now consists of a three-story, 23-unit senior housing building. Changes to this application based on prior input include reduced height, stepped back stories, a single driveway, additional landscaping, and eliminated back decks. The on-site restaurant will not serve the public, and six to eight of the on-site employees will be housed in four of the apartments. Additional conditions recommended by staff are the installation of a mid-block pedestrian crossing, the retention of an arborist who will be on-site to ensure protection of the redwoods on the property boundary, and the minimization of construction vehicles on site.

The conditions also call for an acoustic report to be completed prior to building that will recommend levels for soundproofing. Planner Uharriet said she was unable to find an industry standard for the decibel level for residential uses adjacent to commercial uses. The acoustic report will determine the appropriate mitigations.

Commissioner Ortiz confirmed that a lighting plan had not yet been submitted, and said that were the project to be approved, she would like to see that element come back to the commission for approval, rather than at staff level. She also confirmed that employee residents would need to be served by the parking.

Property owner Maureen Romac gave an overview of the vision for Villa Capitola’s independent senior living. Residents of the studio and one-bedroom units can choose from a variety of meal plans through the on-site restaurant, and rents include housekeeping, maintenance, landscaping, a shuttle service, pool and spa, fitness equipment, a community rooftop garden and 24-hour emergency service. It does not include assisted living, but tenants may bring in that additional help. The building will be fully ADA accessible and use green construction techniques.

Commissioner Graves said that parking is a major concern, and confirmed that none of the spaces are compact size. He worries about ample accommodation for residents, staff, and guests. He also asked if the palm tree shown in elevations is in the landscaping plan. He was told it is not.

Chairman Routh asked what the planned age requirement will be since he feels it should be listed as a condition. Ms. Romac and Steve Thomas replied that they initially considered age 55, but since the project has been scaled back 65 is more likely.

Chairman Routh and Commissioner Ortiz expressed concerns that if the project is not successful as a senior residence, they fear it could come back to the City with a request for an all-age use, and then the parking will not be sufficient. Mr. Thomas noted that his team used the consultants chosen by the City to prepare the parking study, which is based on various senior facilities, and the parking provided in the project was derived from that study.

Ms. Romac and Mr. Thomas also confirmed that the units will be leased, not sold, and have no up-front entrance fee. They estimated a studio with a partial meal plan would cost about $3,300 a month, while a one-bedroom with full meals may go for about $5,000 a month. They agreed to bring both final lighting and landscaping plans back for commission review.

In response to concerns about a fountain, Mr. Thomas noted that the site is collecting rainwater and reusing water on site.

Commissioner Smith suggested the project may add an additional fee for parking as a way to discourage extra vehicles.

Chairperson Routh opened the public hearing.

A member of the public spoke in support of the project, saying it is ideal for seniors who lose the ability drive before they need other services.

Neighbor Kim Frey likes the idea of the project, but feels it is too large for the parcel. She does not feel it will work well with the adjacent single-family home neighborhood. She gave the commission a petition signed by 15 owners and residents of Bulb Avenue opposing the scale and style of the development. She also expressed concern about water runoff management given the area’s tendency to be marshy.

Tatyanna Teenwisse, who operates a business on property she co-owns adjacent to the site, said that while she in is favor of the concept of the project, she feels its scale does not suit the community. She also expressed concerns about access to solar rights and privacy issues for her clients. Bart Teenwisse noted they installed a sump pump to address drainage problems. He questioned whether the apartment cost was appropriate for the location and worried about a domino effect of larger projects.

Nancy Huyck shared the shading study to address concerns about solar impacts, and Josh Schneider of Slatter Construction explained it shows no impact by shading most months of the year.

Don Mosegaard of Bulb Avenue said he believes the project is too dense and too high for the location. He worried how the construction would impact the redwood trees.

Chairman Routh closed the public hearing.

Commissioner Ortiz confirmed the shuttle will park on site.

Commissioner Smith asked about noise levels for the acoustic study. Mr. Schneider confirmed that noise levels from outdoors are generally not a concern with modern construction materials and an appropriate decibel level can usually be achieved with double pane windows.

Commissioner Graves noted the redwood trees are not on the project property and can be protected. He said his main concern is parking. He visited a number of the homes on Bulb Avenue and thinks the shade fears would prove unfounded. He said he sees much improvement in the plan and noted that dense development and narrower setbacks could be permitted under current zoning. He recommended establishing set decibel levels for rooftop equipment.

Commissioner Smith agreed the plan is much improved. She feels it would benefit the city and is appropriate for the location. She wants to see a complete landscaping plan and would support both the conditions calling for an arborist for the redwoods and setting the age limit at 65 and above.

Commissioner Ortiz said she believes the parking is not adequate. She wanted assurance that wall heights were acceptable to neighbors. She recommended adding a lighted crosswalk to the conditions and supports the arborist requirement.

Commissioner Welch commended the applicants for their determination and willingness to accommodate concerns. He said the project supports the housing element and goals of allowing a population to age in place. He accepts the parking study. In response to Commissioner Ortiz’s comment that many in the community felt the housing element density was forced on the city by the state, he said this location is one where it seems appropriate to allow a greater density, and this project would enhance the corridor.

Chairperson Routh addressed a letter from King’s Plaza owner George Ow Jr. concerning the possibility of future complaints about noise from long-existing commercial uses. Chairperson Routh would like to require that lease agreements include an acknowledgement that there may be noise from the adjoining commercial district. He supports a condition restricting residents to age 65 and up, and he confirmed that a drainage plan would be required. He said his primary concern is the protection zoning provides neighbors, and he is having trouble finding that this project rises to a level that would allow an exception. The parcel is significantly smaller than the recommended four acres for a planned development, and he feels the project falls short of finding (a) “securing the purposes of the zoning ordinance” and (d) “the requested exemptions to development standards are warranted by the design and amenities.”

**A motion to approve application #13-061 as described in the staff report with the additional condition of having an arborist on site was made by Commissioner Welch. The motion failed to receive a second.**

Commissioners Graves and Ortiz concurred with Chairman Routh regarding the size and findings for a Planned Development.

Commissioner Smith disagreed that the lot size should be a major factor, noting that there are numerous Planned Development areas within the city under the four-acre total. She said the need to revitalize the 41st Avenue corridor is compelling and this project serves that goal.

Commissioner Graves expressed concern about allowing a very dense use adjacent to single-family residences. He did note, however, that a commercial development would allow 10-foot setbacks in the rear, less than this project proposes. He also took exception to portions of Mr. Ow’s letter regarding screening, calling the back of Orchard Supply an eyesore because items are not enclosed as they should be. Commissioner Graves also noted the store violates city ordinance by placing garden products in the front parking; therefore, he would not support language preventing all future restrictions.

Commissioner Ortiz said that she would support restricting spillover parking into King’s Plaza and other nearby businesses. Commissioner Graves agreed, and said he does not believe the parking study allowed for the possibility of additional assisted living personnel.

**A motion to deny application #13-061 with note of the following requested conditions and concerns in case of appeal was made by Chairman Routh and seconded by Commissioner Graves:**

Require language in the lease alerting tenants to potential noise from commercial uses

Age restriction of 65 and older

Final lighting plan must be approved by the Planning Commission

Submission of a drainage plan

Landscaping plan must be approved by the Planning Commission

Establish a specific decibel level for rooftop equipment at a set number of feet from the building

Require the hiring of an arborist to confirm that current setbacks do not endanger existing redwood trees bordering the property and to be present during construction to assure that steps are taken to protect the trees

Construct a lighted crosswalk to King’s Plaza

Confirm that the needs of seven staff, the shuttle van, no specific visitor parking and possible assisted living workers have been considered in parking needs

Prohibit parking in nearby business lots

Ask the city attorney to review how to enforce parking restrictions or conditions

Require the applicant to work with adjoining property owners on the wall height

Commissioner Welch noted that a number of these are addressed in the staff report and recommendation, and asked that Council be made aware that this list does not reflect all members of the Commission.

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

1. **DIRECTOR’S REPORT**

Director Grunow reported that he will be presenting a revised schedule for the General Plan update to the City Council on June 13 that aims to maximize resources and prioritize completion.

Monarch Cove has submitted plans to expand at the El Salto Resort parcel on Depot Hill. A consultant has been hired for the project and has begun initial review. A request for proposals for the environmental impact report has been issued and should be selected by July 27.

A new senior planner has been hired, Katie Cattan from Park City, Utah. She will join the staff in July.

1. **COMMISSION COMMUNICATIONS**

Commissioner Ortiz expressed concern about the trend of people moving into a project before landscaping is in place and then the landscaping is not completed. Commissioner Welch noted that in his case he posted a bond that the City could use to install the landscaping if he had not done so, and that seemed to be an effective approach.

Commissioner Ortiz also said she would like to include enclosing garbage as a regular condition for projects.

1. **ADJOURNMENT**

The Planning Commission adjourned the meeting at 10 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, July 18, 2013, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on July 18, 2013.

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Linda Fridy, Minute Clerk