



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, FEBRUARY 21, 2008 7:00 P.M. – COUNCIL CHAMBERS

Chairperson Harlan called the Regular Meeting of the Capitola Planning Commission to order at 7:05 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Commissioners Burke, Marlatt, Norton and Chairperson Harlan
Absent: Commissioner Newman (excused)
Staff: Community Development Director Rebagliati
Senior Planner Bane
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

3. APPROVAL OF MINUTES

A. February 7, 2008

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO APPROVE THE MINUTES OF FEBRUARY 7, 2008.

MOTION PASSED 3-0, COMMISSIONER MARLATT ABSTAINED.

4. CONSENT CALENDAR

A. **207 MONTEREY AVENUE – PROJECT APPLICATION #08-004**

SIGN PERMIT FOR A PROJECTING SIGN (“DAHLIA BOUTIQUE”) IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT (APN 035-185-23) FILED 2/6/08.

PROPERTY OWNER: GUMMOW INDUSTRIES

APPLICANT/REPRESENTATIVE: LEYNA WADLINGTON

Commissioner Norton removed the item from the Consent Agenda. Senior Planner Bane presented the staff report.

The public hearing was opened. Leyna Wadlington, applicant, spoke in support of the application and responded to the Commission’s questions. She commented that the proposed size of the sign was intended to mimic the size and proportion of the square windows of the building design.

The public hearing was closed.

Commissioner Norton stated that a blade sign is appropriate for the site, but the dimensions of the sign as proposed will be the largest blade sign in the Village at 36" long. He suggested an additional condition for the appropriate sign size of up to 24" x 24", not including the bracket.

Commissioner Burke commented that a larger sign would be subjected to damage by the wind and weather.

Chairperson Harlan suggested an additional condition prohibiting outdoor display, except to participate in the Village businesses annual sidewalk sale or if the appropriate permits are obtained with the Planning Department.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER MARLATT TO APPROVE APPLICATION #08-004 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a projecting sign for a retail store located at 207 Monterey Avenue.
2. The projecting sign must maintain an overhead clearance of eight (8) feet.
3. The applicant must obtain an encroachment permit from the Public Works Department for the sign prior to installation, since it projects over the public sidewalk.
4. If minor modifications to the signs are desired by the applicant (i.e. lettering, materials, colors, illumination, etc.), the changes may be approved by the Community Development Department. Any significant changes shall require Planning Commission approval. The applicant shall obtain a building permit for the sign prior to installation.
5. The sign size shall not exceed 24" x 24".
6. Outdoor display shall be prohibited, except to participate in the Village businesses sidewalk sales or if the appropriate permits are obtained with the Planning Department.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan and Central Village Design Guidelines.**

The Planning Commission finds that the proposed sign complies with the Sign Ordinance regulations and the Central Village Design Guidelines in terms of size, shape, color, texture, lighting and design.

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

The Planning Commission finds that the project, as conditioned, complies with the Sign Ordinance and the Central Village Design Guidelines, which were developed to ensure projects maintain the character and integrity of this area of the City. The sign is complimentary to the overall design of the building and is not in visual competition with other conforming signs in the area.

- C. **This project is categorically exempt under Section 15311(a) 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 installation of an on-premise sign. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities.

MOTION PASSED 4-0, WITH ADDITIONAL CONDITIONS.

5. PUBLIC HEARINGS

- A. **4630 CAPITOLA ROAD - PROJECT APPLICATION #07-035**
SIGN PERMIT, A VARIANCE TO PARKING, AND A CONDITIONAL USE-PERMIT TO CONVERT A SINGLE-FAMILY RESIDENCE INTO A BED AND BREAKFAST USE IN THE CR (COMMERCIAL/RESIDENTIAL) ZONING DISTRICT. (APN 034-031-28) CATEGORICALLY EXEMPT. FILED 6/1/07
PROPERTY OWNER/APPLICANT: TINA DISTAD

Senior Planner Bane presented the staff report.

Chairperson Harlan spoke with concerns about the parking layout, and the findings for a variance to the parking requirements.

The public hearing was opened. Tina Distad, owner and applicant, spoke in support of the application. The public hearing was closed.

Chairperson Harlan stated her concerns about the parking situation. She could not support the application unless she could visit the site and see that the parking would actually work.

Commissioner Norton stated that the neighborhood is a good mix of commercial and residential, and a transition neighborhood. A bed and breakfast use is appropriate for the property and the district.

Commissioner Marlatt, stated that the proposed bed & breakfast use is a great transitional use and embodies what was envisioned with the creation of the Commercial/Residential (C-R) zoning district. He complimented the applicant on the sign design, but spoke with concerns about signage visibility from Capitola Road, and suggested a small monument sign along the frontage. He recommended pursuing permission from Public Works to place a small sign in the public right-of-way.

Chairperson Harlan commented on the various proposed parking configurations. She supported the bed & breakfast use in the district, but could not support the application with the proposed parking. She stressed that the Commission needs to approve projects that work.

Commissioner Norton stated that the Commission has approved several residential projects with a parking arrangement requiring one car to move, allowing a second car to back out. The trade off to maintain curb appeal and trees in the district, is to allow parking arrangements that blend in the surrounding neighborhood.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER MARLATT TO APPROVE APPLICATION #07-035 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the conversion of an existing three-bedroom, two-bath single-family residence into a Bed and Breakfast establishment consisting of two guest suites, an innkeeper's quarters, and a communal kitchen and eating area at 4630 Capitola Road.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. 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.
5. All lighting shall be focused downward and away from adjacent properties.
6. The rooms shall be rented for transient (less than thirty days) occupancy.
7. The total number of persons staying within the rented portion of the bed and breakfast premises shall at no time exceed four, regardless of the number of rooms utilized by those four persons.
8. The innkeeper shall be the primary resident of the Bed and Breakfast with no employees or assistants that are not residents of the dwelling.
9. There shall be no display or outside storage.

FINDINGS

- A. **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 with 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 and General 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 conforms with 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. **The Variance to the parking will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.**

Special circumstances applicable to the property exist, including two significant trees in the front portion of the lot as well as city improvements that hinder the property owner from meeting the strict application of the ordinance. In addition, there is approximately 7' of right of way that exists between the back of sidewalk and the front property line that can accommodate the 2'-5" of encroachment by the proposed parking space which will not

negatively affect pedestrian access to the existing sidewalk and will create a safer ingress and egress situation for the site. The surrounding neighborhood has similar situations whereby required off-street parking encroaches into the right-of-way. Therefore, the proposed variance would not be inconsistent with the existing neighborhood and would not constitute a grant of special privilege.

- D. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303 of the CEQA Guidelines exempts conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. No adverse environmental impacts were discovered during review of the proposed project.

MOTION PASSED 2-1, CHAIRPERSON HARLAN DISSENTING AND COMMISSIONER BURKE RECUSED.

- B. **1550 41st AVENUE- PROJECT APPLICATION #07-028**
 FOUR MONTH REVIEW OF THE GOODWILL DONATION CENTER AS CONDITIONED BY THE APPROVAL OF APPLICATION #07-028 TO REMODEL AN EXISTING SHOPPING CENTER, AND A CONDITIONAL USE PERMIT TO EXPAND THE EXISTING RETAIL STORE (GOODWILL) AND ESTABLISH A COSMETOLOGY SCHOOL IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. (APN 034-111-22) CATEGORICALLY EXEMPT. FILED 5/11/07 *1
 PROPERTY OWNER: GOODWILL INDUSTRIES
 REPRESENTATIVE: GOODWILL INDUSTRIES

A MOTION WAS MADE BY COMMISSIONER BURKE AND SECONDED BY COMMISSIONER MARLATT TO CONTINUE APPLICATION #07-028 TO THE MARCH 6, 2008 PLANNING COMMISSION MEETING.

MOTION PASSED 3-0.

6. NEW BUSINESS

NONE

7. ORAL COMMUNICATIONS

- A. Director's Report

Community Development Director Rebagliati discussed the successful code enforcement action pertaining to the trucks and cars at the former Ralph's property. She complimented Community Service Officer Keane for his hard work to achieve removal of the trucks and cars from the property. She commented that there has been slow, but steady progress of having PODS and signage removed from various properties.

There is an upcoming application for review by the Commission of a fourteen residential unit development on 42nd Avenue. There is a long agenda planned for the March 6 meeting, in addition to the introduction of the Green Building Ordinance.

- B. Commission Comments

Commissioner Norton asked if the developer's of the project at 1066 41st Avenue had received their White Paper from the DRE to sell the new units. Chairperson Harlan commented about the design plan, construction plan, and field construction discrepancies.

Commissioner Norton commented that the Council should consider offering some type of incentive package to encourage the developers of the Theater property and the former Ralph's property, to move forward with their development plans.

Chairperson Harlan requested a presentation to the Commission regarding the library tax, prior to the election.

Commissioner Norton and Commissioner Marlatt commented that the Bed & Breakfast ordinance should be reviewed to consider allowing more than four guests and locations.

Community Development Director Rebagliati responded that staff did not know the status of the DRE documents for 1066 41st Avenue. The Bed & Breakfast ordinance discussion can be added to the economic development portion and the historic preservation portion of the General Plan updates.

8. ADJOURNMENT

Adjourn at 8:17 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, March 6, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on _____

Approved by Juliana Rebagliati, Community Development Director _____