



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, SEPTEMBER 18, 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, Hale, Newman, and Chairperson Harlan
Absent: Commissioner Norton
Staff: Interim Community Development Director Carney
Associate Planner Akeman
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda
- B. Public Comments

3. APPROVAL OF MINUTES

September 4, 2008

A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER BURKE TO APPROVE THE MINUTES OF THE SEPTEMBER 4, 2008 PLANNING COMMISSION MEETING.

MOTION PASSED 4-0

4. CONSENT CALENDAR

- A. **4555 JEWEL STREET - PROJECT APPLICATION #08-040**
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO DEMOLISH A ONE-STORY SINGLE-FAMILY HOUSE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY HOUSE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 034-034-17) FILED 7/1/08 *1
PROPERTY OWNERS: BEV & KEN LITTLE
REPRESENTATIVE: WAYNE MILLER

A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #08-040 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the demolition of a single-family residence a construction of a new 1,821 square foot two-story residence with attached garage at 4555 Jewel Street.

2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
4. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
5. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
6. The irrigation system and landscaping shall be installed prior to final building occupancy.
7. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
8. An encroachment permit shall be acquired for any work performed in the right-of-way.
9. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.

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 conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. 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 conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. 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) 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 new single-family residence in the R-1 (Single Family Residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

MOTION PASSED 4-0

- B. **815 BAY AVENUE – PROJECT APPLICATION #08-020 (MODIFICATION)**
MODIFICATION TO REVISE THE FLOOR PLAN OF A PREVIOUSLY APPROVED
CONDITIONAL USE PERMIT TO ESTABLISH A 6,467 SQUARE FOOT MEDICAL
CLINIC IN AN EXISTING COMMERCIAL BUILDING IN THE CC (COMMUNITY
COMMERCIAL) ZONING DISTRICT. (APN 035-021-43) FILED 04/21/08
PROPERTY OWNER/APPLICANT: BAYCREEK LLC
REPRESENTATIVE: TOM HART, SANTA CRUZ MEDICAL FOUNDATION

**A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER
NEWMAN TO APPROVE PROJECT APPLICATION #08-020 (MODIFICATION) WITH THE
FOLLOWING CONDITIONS AND FINDINGS:**

CONDITIONS

1. The approved project (#08-020) is the establishment of a 6,467 square-foot medical clinic and sleep center in the 9,340 square-foot building at 815 Bay Avenue in the Nob Hill Shopping Center, with the addition of a canvas entrance awning.
2. Any significant modifications to the size of the lease area, hours or nature of the clinic (as described in Attachment A “ Letter of September 11, 2008, from Tom Hart” must be approved by the Planning Commission.
3. Santa Cruz Medical Foundation employees will comply with the Parking Management Plan established and enforced by the property owners, and subject to an annual review, at the discretion of the Community Development Director.
4. Santa Cruz Medical Foundation will comply with the sign plan for the site approved by the Planning Commission and enforced by the property owner. That sign program limits the size, number and location of signs in order to maintain consistency within the site. The sign proposal for the secondary monument sign and building sign submitted with the application are consistent with that program. Any change requires approval of the Community Development Department and/or Planning Commission dependent on the nature of the change. This modification also notes the change in name from Santa Cruz Medical Foundation to Palo Alto Medical Foundation.
5. No more than four doctors are permitted to operate out of the clinic, consistent with the parking requirement for this use, unless approval is secure from the Planning Commission for such a change.
6. The parking spaces in the front of the building which are being removed to provide the covered entry will be replaced and the pavement repaired at such time as the medical clinic relocates and is not replaced by another medical use.
7. The canvas awning and the supports for that awning shall be maintained in good repair at all times and the canvas or supports replaced or repaired when damaged or faded for any reason. No lettering is permitted on the awning.
8. No dialysis is to occur at the site. Blood and urine specimens collected there are to be processed at a licensed lab rather than on this site. Any and all medical waste associated with specimen collection or treatment procedures, is to be stored and disposed of in the required manner by state agencies and evidence of compliance with those procedures is to be provided to the City.

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed operation of a medical clinic is appropriate and consistent with the Zoning Ordinance and General Plan, in that it is an allowable use in the CC Zoning District with a Conditional Use Permit. It will not generate a high volume of traffic and parking demand or have other potential nuisance issues since its operation and clients are spread throughout the day and evening. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan, including conditions which address the maintenance of the canvas awning proposed to provide the required covered entrance for a new medical clinic. Limits on the number of doctors permitted for the clinic will ensure that the operation does not change in a way which significantly intensifies the traffic and parking associated with the use.

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

Planning Department Staff and the Planning Commission have reviewed the project and considered public testimony, and determined that the proposed project will maintain the character and integrity of the site and the neighborhood. The recently remodeled, existing shopping center site provides an attractive commercial center at one of the gateways to the City. The medical office will contribute to the commercial mix of the refurbished shopping center where clients and employees can utilize the stores and other businesses while at the site. It will not have a negative effect on the neighborhood because the use is not associated with nuisance issues of noise, odor, behavioral problems, or potential safety problems. The signs proposed, with elimination of the lettering on the awning, are consistent with the sign program approved by the Planning Commission.

C. The proposed establishment of a Sleep Center and Medical Clinic in 6,467 square feet of the 9,340 square-foot building at the rear of the site, is Categorically Exempt under CEQA.

An EIR was certified for the shopping center expansion and remodeling. That EIR anticipated and considered the impacts of a range of commercial uses, including uses like a medical clinic. This application is consistent with that previously approved EIR.

MOTION PASSED 4-0

- C. 417 MCCORMICK AVENUE - PROJECT APPLICATION #08-039
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO DEMOLISH A SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-093-13) FILED 6/30/08 *1
PROPERTY OWNERS: RICHARD AND BRONWYN WYRSCH
REPRESENTATIVE: GRAHAM SIMMONS**

A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #08-039 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of demolition of a one-story single-family house and construction a new two-story 2,064 square foot single-family residence with a 208 square foot detached garage at 417 McCormick Avenue.
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 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
7. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized.
8. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
9. 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, 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, as well as the Guidelines for Single Family Residential Projects. 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 conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. 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) 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 new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

MOTION PASSED 4-0

5. PUBLIC HEARINGS

- A. **115 & 117 LAWN WAY – PROJECT APPLICATION #08-002**
ARCHITECTURAL AND SITE REVIEW AND COASTAL PERMIT FOR INTERIOR REMODEL, EXTERIOR MODIFICATIONS AND A NEW FOUNDATION FOR A DUPLEX IN THE CV (CENTRAL VILLAGE - LAWN WAY RESIDENTIAL OVERLAY) ZONING DISTRICT. (APN 035-251-02) *2
PROPERTY OWNER: HOWARD DEMERA
REPRESENTATIVE: DALE MEYER

Associate Planner Akeman presented the staff report.

Commissioner Burke questioned the method used to establish the historic date of the structure, considering the multiple building modifications. He also inquired if the new Green Building Ordinance would affect the project and if the design met ADA regulations. He suggested that upon completion of the project, the owner place a historic plaque on the building.

Commissioner Newman questioned what could be re-built on the parcel, and if a duplex would be permitted by today's standards.

Commissioner Hale asked if the duplex was a legal, but non-conforming structure.

In response to the Commissioner's questions, Associate Planner Akeman stated that the historic analysis determined that there are three different historic periods represented in the architectural styles of the structure. The historian recommended that the final design blend the key materials and features of the three architectural styles. The project is not subject to the Green Building Standards and the project is on private property and is not required to meet ADA regulations. He suggested that the plaque be added as a condition of approval. The current structure is legal non-conforming and is located within an historic district and the Central Village district. The current zoning allows for single family and multi-family dwellings, in addition to commercial and office uses. A new residence could not be built in the same configuration as the proposed project as the property is within the flood zone and new construction would be required to be elevated above the flood level.

The public hearing opened.

Dale Meyer, project architect, spoke in support of the project and would be happy to place a plaque on the property for the historic district. He detailed that he designed the project utilizing the city records, staff resources, the city museum resources, the historic consultant and building materials of each architectural period.

Public hearing closed.

Commissioner Newman complimented the applicant and architect on the outstanding presentation of the project. He stated that the project is a good example of a positive city process utilizing the Arch and Site Committee, staff and the historic consultants.

Commissioner Burke also complimented the applicant and architect. He questioned how the two-foot elevation was selected and suggested raising the crawl space. He suggested that due to the location

of the project that the construction hours be revised to Monday – Friday, 7:30 a.m. to 7:00 p.m. and Saturday, 9:00 a.m. to 4:00 p.m.

Commissioner Hale stated that it was nice to see an historic property renovation proposal. She questioned the necessity of condition #2 and if condition #8 pertaining to inclusionary housing fees were applicable to this project. She supported Commissioner Burke's amended construction hours.

A MOTION WAS MADE BY COMMISSIONER BURKE AND SECONDED BY COMMISSIONER HALE TO APPROVE PROJECT APPLICATION #08-002 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the renovation of an 831 square foot structure (historic cottage/duplex), at 115 & 117 Lawn Way.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Secretary of the Interior's Standards and Guidelines shall be followed.
4. A note shall be placed on the final building plans indicating that the utilities shall be underground to the nearest utility pole in accordance with Public Works Department requirements.
5. Applicant to obtain a letter of approval from Soquel Creek Water District and PG&E stating that there are no objections to the new concrete steps and new wood canopy that extends into the rear alley way.
6. Any portions of the adjacent walkway that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
7. 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.
8. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
9. Applicant shall provide a clear and concise step-by-step approach to the renovation process in the form of a Descriptive Construction Sequencing Plan, to be approved by the City's Building Official prior to building permit submittal.
10. A pre-construction meeting between the contractor, Building Official, and Planning Staff shall be conducted prior to construction to clarify and confirm the building elements of historical importance that are to be retained and/or restored.
11. Hours of construction shall be 7:30 AM to 7:00 PM Monday-Friday and 9:00 AM to 4:00 PM Saturday.
12. Upon project completion the owner shall place an historic plaque on the building.

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 generally conforms to the development standards of the CV (Central Village) 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.

Community Development 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 CV (Central Village) 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 and 15064.5(3) 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 remodeling of an existing multiple-family residence. Section 15301 of the CEQA Guidelines exempts interior or exterior alterations of private structures. Section 15064.5(3) exempts the rehabilitation of historic resources that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*.

MOTION PASSED 4-0**6. NEW BUSINESS**

NONE

7. ORAL COMMUNICATIONS**A. Director's Report**

Acting Community Development Director Carney provided an update of the Community Development Director recruitment process. He announced the upcoming Housing Element Update citizen participation meeting with the Planning Commission will be held on Thursday, November 20, 2008. The Rispin Project issues have been settled and the updated project amendment will be reviewed at the City Council meeting on October 9, 2008.

B. Commission Comments

Chairperson Harlan ascertained that the Planning Commission would not be reviewing the IHOP application. She requested that staff strongly encourage the applicant to upgrade the existing site landscaping. She emphasized the need to hold a joint meeting with the City Council, prior to the election, to discuss condominium conversions.

Commissioner Newman ascertained that unless there is a sign proposal that requires Planning Commission review, the Commission would not review an application for IHOP. He noted that the

meeting Agendas continue to have few items, but in the interest of applicants the Commission should continue to hold meetings.

Commissioner Hale suggested that the Building Department provide the Commission a briefing on the Green Building Ordinance.

Commissioner Burke asked if there was a limit on construction fencing and building permits. He asked when the Green Building Ordinance will become affective and if staff would provide a copy of the checklist.

8. ADJOURNMENT

Adjourned at 8:00 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, October 2, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on October 16, 2008

Approved by Ryan Bane, Senior Planner _____