



## MINUTES

### CAPITOLA PLANNING COMMISSION THURSDAY, NOVEMBER 6, 2008 7:00 P.M. – COUNCIL CHAMBERS

Vice-Chairperson Burke called the Regular Meeting of the Capitola Planning Commission to order at 7:06 P.M.

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

Present: Vice-Chair Burke, Commissioners Hale, Newman, and Norton  
Absent: Chairperson Harlan  
Staff: Community Development Director Goldstein  
Senior Planner Bane  
Associate Planner Akeman  
Minute Clerk Uharriet

#### 2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - NONE
- B. Public Comments – Bud Carney, former Acting Community Development Director thanked the City for the opportunity to work with the Planning Department staff. Mr. Carney introduced Jamie Goldstein as the new Community Development Director.

#### 3. APPROVAL OF MINUTES

October 16, 2008

**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO APPROVE THE MINUTES OF THE OCTOBER 16, 2008 PLANNING COMMISSION MEETING.**

**MOTION PASSED 4-0**

#### 4. CONSENT CALENDAR

Commissioner Hale removed Consent Item #4A and #4B.

- A. **1375 49<sup>th</sup> AVENUE - PROJECT APPLICATION #08-057**  
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 034-065-29). FILED 10/15/08 \*1  
OWNER/APPLICANTS: JOHN & BEATA HOFACRE

In anticipation that the Council may change the construction hours, Commissioner Hale suggested modifying the wording of the standard condition restricting construction hours.

Commissioner Newman suggested that the hours of construction standard condition be modified to read: Hours of construction shall be per City Ordinance in effect at the start of construction.

**A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER HALE TO APPROVE PROJECT APPLICATION #08-057 WITH THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

1. The project approval consists of the demolition of a single-family residence and the construction of a new 1,830 square foot two-story residence with attached garage at 1375 49<sup>th</sup> Avenue.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. Curb, gutter and/or sidewalk 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. The fees are determined by multiplying the habitable square footage by \$2.50. For the 1,535 habitable square feet, the anticipated fees are \$3,837.50.
6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
7. The associated Irrigation Plan and final Landscaping Plan shall be submitted at time of building permit submittal, and installed prior to final building occupancy.
8. All precautions shall be made to protect the existing Oak Tree during the course of construction. Temporary (orange) construction fencing should be erected so that equipment or vehicles will not be stored within the tree's drip-line.
9. 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.
10. An encroachment permit shall be acquired for any work performed in the right-of-way.
11. Hours of construction shall be per City Ordinance in effect at the start of construction.

**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. **1820 41<sup>st</sup> AVENUE – PROJECT APPLICATION # 08-047**  
ARCHITECTURAL AND SITE REVIEW FOR AN AMENDMENT TO THE EXISTING MASTER SIGN PROGRAM IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. (APN: 034-131-22). CATEGORICALLY EXEMPT. \*1 FILED 9/2/08.  
PROPERTY OWNER: VAUDAGNA, MELEHAN, CHABOYA RANCH  
REPRESENTATIVE: BEVERAGES & MORE, INC.

Associate Planner Akeman presented the staff report.

Commissioner Hale asked staff if other tenants at the center comply with the existing sign program and if the existing monument sign is in compliance with the approved sign program.

Associate Planner Akeman stated that the other tenant's have complied with the approved master sign program.

The public hearing was opened.

Jeff Sealy, representative for BevMo spoke in support of the sign proposal. He stated that the monument sign on the 41<sup>st</sup> Avenue frontage is owned by McDonalds. BevMo has a lease agreement for the sign space on the monument. BevMo has some concerns that there is no guarantee that the McDonalds will maintain the monument sign, thus BevMo may lose the signage along the 41<sup>st</sup> Avenue frontage. The proposed sign would be visible from a greater distance than what is presently approved.

Commissioner Norton asked Mr. Sealy if BevMo would be willing to lose the monument sign in exchange for the larger wall sign.

Mr. Sealy stated, no, both signs are needed for the business.

Vice-Chair Burke ascertained that if McDonalds were to end the lease for the monument sign, BevMo may apply for a separate monument sign along the 41<sup>st</sup> Avenue frontage.

Joy Turnipseed, representative for the sign company, spoke in support of the application.

Senior Planner Bane explained the property boundaries for the entire site and the sign program applicability for each business.

The public hearing was closed.

Commissioner Hale did not see any compelling reason to approve the proposed sign program amendment. The current signage is sufficient.

Commissioner Norton stated that the proposed sign is visually too large for the site and the wall. If the Commission approved the proposed amendment, then it would create a precedent for the sign program where other tenants at the center would want to obtain a similar exception to the approved sign program.

Vice-Chair Burke stated that the current signage is adequate for the building on which it is located, in addition to the monument signage along the 41<sup>st</sup> Avenue frontage.

**A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER NORTON TO DENY PROJECT APPLICATION #08-047.**

**MOTION PASSED 3-0, COMMISSIONER NEWMAN RECUSED.**

## **5. PUBLIC HEARINGS**

- A. **107 SAXON AVENUE- PROJECT APPLICATION #07-053**  
COASTAL PERMIT, VARIANCE TO THE FRONT YARD SETBACK, ARCHITECTURAL AND SITE REVIEW FOR THE REMODEL AND ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A NEW SECOND-STORY IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-131-05). FILED 8/07/07 \*2  
PROPERTY OWNER: MIKE GRABILL  
APPLICANT: DEREK VAN ALSTINE

Senior Planner Bane presented the staff report.

Commissioner Norton noted that the Commission received an email from a neighbor with concerns about the basement. However there is not a basement proposed in the plans before the Commission.

Commissioner Newman spoke with concerns about the representation of the floor area ratio calculations in the staff report. He noted that the comparison between existing and proposed should be consistent. In this proposal, the comparison is pertinent since the massing representation is significant. He questioned the ordinance definition of an historic feature. He stated that through his research, historic features may be parts of buildings, and not necessarily the building itself. He noted that Kathryn Gualtieri's evaluation mentions the hip roof as an historic feature, but his reading of the plans indicates that the hip roof on the front of the building will be remaining. He commented that all seven historic reports reach the same conclusion that the house does not qualify under the federal or state historic designation so the project fall strictly within the Capitola Historic Features Ordinance. The ordinance does not specify what an historic feature is and it does not provide direction as to how or what to do with an historic feature.

Commissioner Norton stated that historic features may not be cataloged, rather historic features are pieces of a whole. The historic features make the character of the house.

Commissioner Hale identified page A-3 of the plans indicate excavation for a basement, but a basement does not appear to be part of this proposal.

Vice-Chair Burke ascertained that there is not a specific percentage of a building that determines the historic status of a building. He noted that the project design attempts to maintain the historic front of the home and adequately maintains the surrounding neighborhood character. He commented that

Mr. Seavey's report states that the building does not meet the state or local requirements for an historic structure.

The public hearing was opened.

Derek Van Alstine spoke in support of the project. He stated that the front portion of the home, including the front porch with the hip roof, would be maintained.

Commissioner Newman commented that a strategy to remodel an historic building is to differentiate between the historic portion of the building and the new portion with different materials.

Mr. Van Alstine stated that the building is not historic and does not need to meet the historic standards, therefore the design does not separate the historic and new portions of the building.

Commissioner Hale highlighted Ms. Lehman's comments in response to the most current review of the plans and stated that the metal flues and the roof configuration were not of an historic nature. She questioned Mr. Van Alstine's rationale regarding the metal flues

In response, Mr. Van Alstine stated that the original brick chimney came down in the earthquake and to rebuild a brick today would be cost prohibitive.

Vice-Chair Burke asked if the neighbors had any comments during the design process.

Mike Grabill, property owner, spoke in support of the application. He stated that Tom Mader, neighbor, supports the project and had gathered support from surrounding neighbors and submitted a letter in support of the project. He commented that the process has been lengthy, unclear, frustrating and extremely expensive. There are seven reports with many different interpretations and no clear direction.

The public hearing was closed.

Commissioner Norton stated that the house was built in 1895 and must be historic simply by age and community quality. However the ordinance does not lend itself to an evaluation process that maintains historic quality. As designed, the house will lose any historic importance. He suggested that the chimney chase could be enclosed to have a more traditional design, and the proposed exterior materials are fine. He suggested a condition that would require that the building be documented with photos and drawings, prior to the start of construction. He supported the application, but commented that piece-by-piece, Capitola is losing historic structures throughout town. He would like to put an historic ordinance in place as soon as possible to protect historic properties in the City.

Commissioner Newman concurred on several points made by Commissioner Norton. He stated that all the reports discuss the porch, which is not an historic feature. He agreed that the 1895 house is historic, but what does that mean and how do we deal with that determination in the context of the current ordinance. The applicant has made numerous changes to the design that will mitigate and lessen the impact of the loss of an historic structure. He would like to create an understandable, clear, and effective ordinance that protects historic properties.

Commissioner Hale supported the creation of an ordinance that provides clear rules, direction and determinations. She noted that projects with structures, like this application, are not just old but have historic value. She appreciated the efforts of the application to make significant changes to the design that will maintain the historic nature of the building and the surrounding neighborhood.

Vice-Chair Burke concurred with the comments of the Commission. He would like to see the historic element in the general plan update move forward quickly. He appreciated the applicant's design changes that will maintain the historic nature of the home.

Commissioner Norton made a motion to approve the application; Commissioner Newman seconded the motion. Under discussion, Commissioner Norton suggested the following additional conditions: The historic inventory be specified on the plans; that there be no basement; and that the south-facing chimney be enclosed.

Commissioner Newman suggested the addition of the revised standard condition regarding construction hours be added. He did not support Commissioner Norton's suggestion to enclose the chimney.

Commissioner Norton withdrew the chimney design suggestion.

**A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #07-053 WITH THE FOLLOWING CONDITIONS AND FINDINGS:**

CONDITIONS

1. The project approval consists of a significant rehabilitation and remodel, including a first and second floor addition to an existing one-story residence located at 107 Saxon Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. 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.
4. An encroachment permit shall be acquired for any work performed in the right-of-way.
5. 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.
6. Hours of construction shall be per City Ordinance in effect at the start of construction.
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. A final Landscape Plan, including an associated, detailed irrigation plan that includes a drip irrigation system, shall be submitted with the final building plans.
9. There shall be no basement plan or excavation as part of this permit.
10. Prior to the issuance of a building permit, the owner/applicant shall document the existing house with photos and as-built plans, including the exterior elevations; and submit the documentation to the Planning Department.

## 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 and the Planning Commission have 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.**

Community Development Department Staff and the Planning Commission have reviewed the project and made recommendations to ensure that the project maintains the character and integrity of the neighborhood. The project conforms with 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. Because of special circumstances applicable to the subject property, including size, shape, topography or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

Approval of the variance(s) would legitimize an existing first floor front yard setback encroachment. The existing residence is setback 14 feet from the front property line and generally lines up with the other residences on the same side of the block. The Saxon Avenue right-of-way is 13 feet wider than the improved right-of-way on this side of the street, giving the residence an appearance that it has a 27-foot front yard setback. Depot Hill is also within an established “curb, gutter and sidewalk exemption zone,” therefore it is unlikely that those types of improvements would occur that would alter the appearance that the residence has a 27 foot setback. Further, approval of the variance would allow a significant portion of the original structure to remain.

**D. The granting of variance to legitimize an existing first floor front yard setback encroachment would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated because:**

- The residences along this side of Saxon Avenue generally maintain the same or similar setback as the existing dwelling.
- The setback maintained by the existing dwelling unit will not change.

**E. This project is categorically exempt under Section(s) 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.**

This project involves an addition to an existing residence that is considered infill development. Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area.

## **MOTION PASSED 4-0**

**6. NEW BUSINESS-NONE****7. ORAL COMMUNICATIONS**

- A. Director's Report - NONE
- B. Commission Comments

Commissioner Hale requested that the Planning Department assemble the Commission's work item list for discussion at a future meeting.

Commissioner Norton suggested that the Planning Commission initiate the historic ordinance revision process immediately and bring the revised ordinance before the Council.

Community Development Director Goldstein explained that the general plan update is a complicated process in that there are many pieces taken into consideration throughout the process.

Commissioner Newman complimented Senior Planner Bane's staff report and presentation for Public Hearing Item #5A.

Vice-Chair Burke clarified that time extensions on projects cannot exceed one-year, but an applicant may apply for additional time extensions.

**8. ADJOURNMENT**

Adjourned at 8:25 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, December 4, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on November 20, 2008

Approved by Ryan Bane, Senior Planner \_\_\_\_\_