



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, NOVEMBER 20, 2008 7:00 P.M. – COUNCIL CHAMBERS

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Commissioners Burke, Hale, Newman, Norton and Chairperson Harlan
Absent: None
Staff: Community Development Director Goldstein
Associate Planner Akeman
Housing and Redevelopment Project Manager Foster
Intern Ariana Green
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Community Development Director Goldstein deleted Item 6

B. Public Comments – NONE

3. APPROVAL OF MINUTES

November 6, 2008

Community Development Director Goldstein clarified: Page 8 "... in that there are many pieces taken into consideration throughout the process." Eliminate the second sentence of his statement.

Commissioner Burke clarified: Page 1 under Item 4.A. Consent Calendar, the same sentence was repeated on page 2.

Commissioner Hale clarified: Page 1, Item 2.B. Public Comments: "...introduced Jamie Goldstein as the new Community Development Director. Page 3, Item 4.B. "... 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 responded that the other tenant's have complied with the approved master sign program."

A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY COMMISSIONER NORTON TO APPROVE THE MINUTES OF THE NOVEMBER 6, 2008 PLANNING COMMISSION MEETING, WITH CHANGES.

MOTION PASSED 4-0, CHAIRPERSON HARLAN ABSTAINED

4. CONSENT CALENDAR

- A. **1920 WHARF ROAD – PROJECT APPLICATION #08-056**
REQUEST FOR A FENCE PERMIT TO CONSTRUCT A 6' TALL STUCCO WALL.
LOCATED IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT.
(APN:035-031-26) CATEGORICALLY EXEMPT. COASTAL PERMIT EXEMPT.
PROPERTY OWNER/APPLICANT: LAURENCE HOLGUIN

Commissioner Burke removed Consent Calendar Item 4.A.

Associate Planner Akeman presented the staff report. He noted that a letter was received and distributed to the Commission and property owner/applicant.

Chairperson Harlan questioned staff if the fence ordinance included walls; and how many walls have been constructed over 3'-6"?

Commissioner Newman noted that the Commission considered applications for a wall along Prospect Avenue and a wall along Cliff Drive. He asked what staff had envisioned for the streetscape on Wharf Road.

Commissioner Burke ascertained that the proposed plan did not include any landscaping along the street frontage. He stated the streetscape experience, visually and from a pedestrian viewpoint, is entirely hardscape of sidewalks, walls and fences. There is minimal or no landscaping incorporated along walls and fences on the Wharf Road frontage.

In response to the Commission's comments, Associate Planner Akeman stated the fence ordinance includes regulations and a review process for fences and walls. There have been few walls and fences constructed that have required Planning Commission review. With the exception of a wall recently approved as part of a development application, the walls and fences along Wharf Road have existed for a long of time, are grandfathered in, and possibly constructed without the benefit of permits. Although these walls and fences are the dominant streetscape feature along the Wharf Road frontage, staff would prefer to see more landscaping incorporated into the streetscape.

The public hearing was opened.

Laurence Holguin, property owner/applicant, spoke in support of the application. He said that Wharf Road has become noisy and very busy. He has minimal yard area at the rear portion of the lot due to the slope and the creek. He would like to maintain the small front yard area for his dog. The existing fence allows for a small garden and lawn area.

Judith Holguin, property owner/applicant, spoke in support of the application. She said that there is mature, well established landscaping behind the existing fence that will remain. There is a rose bush that has recently been pruned, but will grow back and climb over the wall to soften the appearance of the wall. The proposed wall is to replace an existing dilapidated five-foot fence to provide a yard area, privacy from the busy street and to keep trash from accumulating along the street frontage.

The public hearing was closed.

Commissioner Burke spoke with concerns about the community view of the wall and concrete hardscape. He suggested moving a portion of the wall slightly back or offset the wall to allow for a landscaping area that would soften the impact of a solid wall; and to create articulation in the wall.

Commissioner Newman supported a lower wall design that would create a relationship between the street and the house.

Commissioner Hale did not want to discourage the applicant from replacing the dilapidated fence. The notion of creating a sense of community on Wharf Road is not going to happen unless the street is redesigned. She noted that there are several existing walls and fences along the street, and the application before the Commission should not be held to a different standard than what has been permitted in the past.

Commissioner Norton questioned staff if the applicant wanted to replace any fence over 3'-6" would the Planning Commission be reviewing the application? He stated that the location of the property warrants a higher fence. He supported some landscaping to provide relief and softness to the proposed wall. He also supported the concept of an offset in the wall to allow for planting.

Associate Planner Akeman stated that any replacement fence over 3'-6" would require Planning Commission review. If the existing fence were non-conforming, then a new fence design would be required to meet the current standards.

Commissioner Burke suggested that 30% of the 42' fence length be setback to allow for some type of landscaping that would set a precedent for the entire street.

Chairperson Harlan did not support the application. The ordinance allows for a 3'-6" fence, and a 3'-6" fence is what should be installed. Because there are other fences in the surrounding neighborhood that are higher does not justify approval of this application outside of the ordinance requirements. Commissioner Burke's suggested redesign will lead to fence variations throughout the City. The law needs to be applied evenly to everyone unless there are extenuating circumstances that would justify an exception.

Commissioner Newman stated that there should be a vision of what the streetscape should look like prior to deciding on a six-foot wall along the street. If the Commission approves this application, then they cannot deny any future similar applications.

Chairperson Harlan stated that the issue of trash is not a good argument to justify approving this application. Rather privacy seems to be the overriding issue. Approval of this wall will set a precedent. The ordinance specifies that 3'-6" is what is permitted, and 6' fences simply are not permitted in the front yard setback.

Commissioner Hale commented that this property is situated differently with the slope and the creek at rear of property, which limits the usable yard areas and private outdoor areas to the front yard area along the street frontage. The wall would provide usable private open space for the owners. She pointed out that the application is not for a variance, but a fence permit is a discretionary permit reviewed by the Planning Commission.

Commissioner Norton made a motion approve a five-foot high stucco wall. Adding conditions that specify that no less than 40% of wall shall be inset 1'-0" from the sidewalk to allow for a landscaping area. The landscape plan shall be submitted to staff for review and approval. The landscaping shall be maintained.

Commissioner Burke seconded the motion. Under discussion he proposed that the top one foot of fence be designed to be open to allow for vines to grow through.

Commissioner Hale ascertained that the existing fence is 5'-0" high. She supported the proposed redesigned 5'-0" wall.

Commissioner Norton did not support Commissioner Burke's design suggestion.

Commissioner Burke withdrew his design suggestion and supported the proposed redesigned 5'-0" solid wall with the additional conditions specified in the original motion.

Commissioner Newman stated that the proposed redesigned 5'-0" solid wall is a good compromise.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO APPROVE PROJECT APPLICATION #08-056 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the construction of a new 5-foot tall stucco wall enclosing the front yard area for the residence at 1920 Wharf Road.
2. The existing landscaping shall remain. If any landscaping is to be removed as a part of the project, the applicant shall provide additional landscaping, to be approved by the Community Development Director prior to construction of the wall.
3. Applicant to obtain a Building Permit for the construction of the wall, from the City of Capitola Building Department.
4. No less than 40% of the length of the wall shall be inset 1'-0" from the sidewalk to allow for a landscaping area.
5. The landscape plan shall be submitted to staff for review and approval. The landscaping shall be maintained.

FINDINGS

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

Both Planning Department Staff and the Planning Commission have reviewed the project and find that the project is consistent with the Zoning Ordinance and General Plan. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

- B. 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.**

This application involves the construction of a stucco wall not to exceed 5-feet in height. No adverse environmental impacts were discovered during review of the project.

MOTION PASSED 4-1, CHAIRPERSON HARLAN DISSENTING.

5. PUBLIC HEARINGS

A. HOUSING ELEMENT WORKSHOP

Housing and Redevelopment Project Manager Foster and Intern Ariana Green presented the staff report.

Erin Bernall, property owner at 1922 42nd Avenue, spoke with concerns about comments regarding child-care made at the July meeting were made by a non-profit representative outside of the city and

those comments became a major consideration. She supported the concept of affordable housing, but would like to see other parts of population and types of housing taken into consideration, such as existing neighborhoods where approving projects on vacant properties for the purpose of reaching the States' affordable housing numbers, that then impact the neighborhoods with overcrowding.

Housing and Redevelopment Project Manager Foster responded to Ms. Bernal's comments. He stated that the July meeting was highly publicized. There were numerous participants from the non-profit community and those in attendance voted on the priority of the various discussion issues. Child-care was voted as a priority.

Jacques Bertrand, property owner at 101 Monterey Avenue, supported the goal of preserving the character of Capitola. He has concerns about the trend to demolish the small houses and build mega houses even though the new homes meet the ordinance requirements. He was concerned about secondary dwelling units that are automatically approved without the benefit of public discussion or review. He would like to see a provision in the ordinance that includes neighborhood input in the review process.

Jean Roddy, resident at 426 Capitola Avenue, spoke with concern about the lack of mobile home residents at the meeting. She did not feel the meeting was adequately advertised or publicized. She supported preserving the small cottage character of single-family neighborhoods. She would like to see programs that would allow seniors to age in place, as suggested in the existing housing element. She was also concerned about the possible reduction of the parking requirements. As more people build larger homes, there will be a greater demand for additional parking. She also spoke with concerns about overcrowding.

Sheryl Develin, new resident on Monterey Avenue, supported preservation of open space as more new units are going to be constructed. She spoke with concerns about the balance of maintaining the cottage and village character of Capitola, but acknowledging the need to support homes where residents can raise a family. She supported family home day care, pre-schools in residential areas and secondary dwelling units. She stated that there is significant traffic created by Public Works vehicles along Monterey Avenue. She suggested moving the corporation yard to the McGregor property to keep the excessive traffic out of the residential neighborhoods. The noise from highway is getting worse and can be heard at all hours of the day and night. She suggested that some barrier or wall could be constructed to help reduce noise.

Jacques Bertrand complimented Housing and Redevelopment Project Manager Foster for his efforts in advertising the meeting. He stated that most citizens don't know what a housing element is or the purpose of a housing element. He reiterated his concerns about the process for accessory dwelling units and the impact secondary dwelling units have on the surrounding neighborhoods.

Ann Schroedel, resident at Pacific Cove Mobile Home Park, stated that the resident's would like to buy the park from the City, and the Housing Element discusses the availability of loans and grants to assist existing mobile home park tenants with the purchase of their mobile home parks. She stated that there is significant discussion about creating new housing, but no discussion about preserving affordable housing in mobile home parks. She suggested that there be renewed interest in providing the loan and grant programs to preserve existing mobile home parks as affordable housing.

Commissioner Hale supported continuing to preserve existing affordable housing. She supported the concept of perpetuity. The community should be looking at real housing and let staff look at paper housing to meet the required numbers. Green space is important to maintain and incorporate into plans for new construction. Brown spaces are desirable construction opportunities. The overall goal should be to discourage black space, i.e. cars and paving. She does not support the current requirements for the amount of parking for development because it supports the notion of cars. She suggested restrictive parking, i.e. the entire street is permit parking and each home gets one space. She supported the review of the 41st Avenue corridor for potential development sites and to look at

what could potentially reduce black spaces. She encouraged and supported opportunities and options for secondary dwelling units, and suggested reviewing the City of Santa Cruz ordinance and programs as examples of a successful secondary dwelling unit ordinance program.

Commissioner Newman would like addressed, the issue of second homes and vacation homes and how these housing types fit into the community. He commented that the housing element addresses only affordable housing, but that there are other segments and components of housing and other issues that are involved in maintaining and establishing housing in the community. He stated that Capitola should start looking at a wider concept for a housing element.

Housing and Redevelopment Project Manager Foster commented that the housing element focuses on affordable housing within the City, however the State will begin looking at the issue of jobs/housing balance, especially with cities that are built out.

Commissioner Newman stated that there should be consideration of the various sectors of the City's population, where are they employed and what are their housing needs. The old housing element and the general plan are too focused.

Commissioner Hale stated that the regional blueprint would be discussing how these issues would fit into the blueprint future for the City and the County.

Commissioner Norton stated that the City should be reviewing the land use element at the same time as the housing element. The City should be envisioning what the community will look like as it grows and changes with housing. The State's numbers should not dictate the discussions and decisions about the design of the community. Neighborhoods should have a say in how they will look and how they will function. To preserve quality of life, then control density. He supported creating higher density housing along major transportation corridors and centers. These types of areas can absorb affordable housing and support worker housing. He stated that the City has reached the highest density it can support. He continues to support the granny units, but not many exist within the community. The City needs developments similar to the Venetian Courts. The Venetian Courts work well as a high density, architecturally appealing community. This type of development should be encouraged in this community.

Commissioner Burke concurred with the previous comments. He supported that land use, housing, traffic and circulation are a disjointed effort, but should be related. Housing is constructed one at a time, but the infrastructure is constructed to support housing ahead of the housing units, making the assumption that the housing will always exist in the manner in which the streets are improved. Streets are the primary effort and homes are secondary. Another important issue is to maintain neighborhood integrity. He spoke with concerns as to how to ensure that the housing element ties in with all the other elements of the general plan.

Community Development Director Goldstein stated that the City's housing element is in a positive position to meet the State's mandates to keep programs funded and grants supported. The true purpose of a general plan is identify where this community is going, the trajectory it's going to follow and how it will transition through time. The integration of the various elements of the general plan establishes where will we build housing, where will there be transportation, and viewing how the 41st Avenue corridor will be envisioned to set the future of the commercial area. He explained the basic reasoning for the State mandated housing element process. The main question for this community is how do we integrate housing, jobs, with growth or preserving the status quo. He stated that the RENA numbers are achievable, however the housing element must be certified by the State prior to the City working on the general plan. He stated that the City does not have to take drastic measures to get a certified.

Housing and Redevelopment Project Manager Foster stated that the RENA number is down compared to previous years and that the City made major changes to meet the past housing

obligations. Upon approval of the upcoming zoning ordinance amendments there should not be additional changes to submit the draft housing element in a timely manner to the State.

Commissioner Burke noted a major population change in the number of children in the City has begun to decline. The housing element should address the concept of encouraging families into the community to maintain a healthy balance.

Housing and Redevelopment Project Manager Foster stated that AMBAG's projections indicate that by 2035 the senior population of Capitola will be double the current percentage, and the number of people under 25 will decline by half. He stated that there should be consideration of various types of special needs housing and ways to encourage families.

Commissioner Burke stated that the City should maintain the quick and efficient development process, and to keep the fee structure reasonable in order to encourage construction. He supported quality development, new construction, and rehabilitation of the existing housing stock. He requested that staff provide a map or graphic showing the affordable housing properties and sites at next public housing meeting for the public to review. He suggested the Ow property behind OSH on 38th Avenue as an opportunity site. He did not support the use of eminent domain for taking over properties for affordable housing. Finally, there are several residential streets and arterials that could be narrowed to take back the right-of-way land to reduce paving. Capitola Road between 41st Avenue and 45th Avenue is a prime example.

Chairperson Harlan stated that she would like to end the state mandate. She does not support the fact that the State dictates what and how Capitola will build. She suggested that the issue be discussed in a larger forum with local legislators to prompt a change in Sacramento. The State is not in touch with local needs and development. The community goal is to maintain neighborhoods and not increase the density to meet the demands of the State. She supported preserving affordable housing through maintaining mobile home park zoning. She discussed the opportunity site at 600 Park Avenue, noting that the density at 15-25 units per acre is just too dense.

Commissioner Norton stated that the location of the Silercrest project near to transportation, and shopping, senior center, post office, is perfect for it's success, whereas the McGregor site is at a disadvantage with no services nearby.

Commissioner Hale noted that the housing element should emphasize preservation and enhancement of the character of existing neighborhoods.

Commissioner Newman would like to seek alternatives for the 600 Park Avenue opportunity site.

Commissioner Norton stated that although mixed uses are permitted along the 41st Avenue corridor, parking requirements are a drawback for the development of mixed use.

Housing and Redevelopment Project Manager Foster presented a time-line for the update process, including the upcoming scheduled meetings for ordinance amendments.

6. OTHER BUSINESS

A. Committee Appointments

- Commission on the Environment
- Arts and Cultural Commission
- Village Master Plan Advisory Committee

Community Development Director Goldstein removed this item from the agenda. The Committee Appointments will occur after the new Commission has been appointed.

7. ORAL COMMUNICATIONS

A. Director's Report

Community Development Director Goldstein announced that due to the lack of applications ready for review, the December 4th meeting will be cancelled and the December 18th meeting will have a full agenda. The first Thursday of January falls on New Year's Day, therefore there will not be a meeting. The first meeting of 2009 will be held on January 15th. The first reading of zoning ordinance amendments addressing various 2004 housing element items will be on the agenda. He asked the Commission to reserve January 29th as a meeting date for the second reading of the ordinance amendments. This would assist Staff in keeping the housing element moving forward through a tight timeline.

Community Development Director Goldstein stated that after the new Commission has been appointed, he would like to discuss the roles and duties of the Planning Commission. The Whole Foods application is moving forward; IHOP has submitted an application for a building permit. The Village Parking Study is moving forward to the City Council on December 11th and to the Planning Commission on December 18th.

B. Commission Comments

Commissioner Hale announced that she is unable to attend the January 15th meeting.

Chairperson Harlan suggested that any new Planning Commissioners should attend the Planning Commissioner's institute at either U. C. Davis or through the League of California Cities.

8. ADJOURNMENT

Adjourned at 9:55P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, December 18, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on December 18, 2008

Approved by Ryan Bane, Senior Planner _____