



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, DECEMBER 18, 2008 7:00 P.M. – COUNCIL CHAMBERS

Chairperson Harlan called the Regular Meeting of the Capitola Planning Commission to order at 7:07 P.M.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Commissioners Burke, Newman, and Chairperson Harlan
Absent: Commissioner Hale
Staff: Community Development Director Goldstein
Public Works Director Jesberg
Associate Planner Akeman
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

3. NEW BUSINESS

A. Oath of Office for Newly Appointed Commissioners Gayle Ortiz and Mike Termini

Community Development Director Goldstein swore Commissioner Ortiz and Commissioner Termini into office.

B. Election of Chair and Vice-Chair

Commissioner Newman made a motion to nominate Commissioner Burke as Chair. Commissioner Termini seconded the motion. Motion passed 5-0. Commissioner Harlan made a motion to nominate Commissioner Newman as Vice Chair. Commissioner Ortiz seconded the motion. Motion passed 5-0.

C. Committee Appointments

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

Commissioner Harlan made a motion to appoint Commissioner Termini to the Arts and Cultural Commission and Commissioner Ortiz to the Village master Plan Advisory Committee, and to continue the appointment for the Commission on the Environment. Motion passed 5-0.

4. APPROVAL OF MINUTES

A. November 20, 2008

Commissioner Burke clarified on page 3, fourth paragraph: “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.”

COMMISSIONER HARLAN MADE A MOTION TO APPROVE THE NOVEMBER 20, 2008 MINUTES WITH CHANGES, CHAIRPERSON BURKE SECONDED THE MOTION.

MOTION PASSED 3-0. COMMISSIONER ORTIZ AND COMMISSIONER TERMINI ABSTAINED.

5. CONSENT CALENDAR

NONE

6. PUBLIC HEARINGS

A. **612 CAPITOLA AVENUE- PROJECT APPLICATION #08-024**

COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY HOUSE WITH A VARIANCE TO THE FRONT AND REAR SETBACK IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT. (APN 035-302-09). FILED 5/13/08 *2

PROPERTY OWNER: JOE MARTINA

REPRESENTATIVE: RICHARD EMIGH

Associate Planner Akeman presented the staff report.

Commissioner Ortiz questioned if the ingress/egress is jointly owned by the three adjoining properties.

Commissioner Newman ascertained that the property owner of 610 Capitola Avenue is also the property owner of 612 Capitola Avenue. He questioned the current parking arrangement and who currently has the right to use the parking lot. If there is a house built where will those currently using the parking lot park in the future? He was supportive of the project if the proposal met all the requirements, but he cannot support the variance request and spoke with concerns regarding the landscape requirement non-compliance.

Commissioner Harlan questioned if the fire department had reviewed the plans for code compliance and if the Public Works and Building departments had any concerns with the proposal. She asked if Betty Ann Court is a utility easement and how is access permitted over the easement? JA-building and public works have reviewed

Chairperson Burke ascertained that there are potentially four or five properties in the surrounding area that have similar property line configurations. He questioned the legality of the unit at 608 ½ B and if it was previously a garage, where is the parking for the unit?

In response to the Commission's questions Associate Planner Akeman stated that the ingress/egress is not jointly owned; there is not a known parking arrangement and it is unknown where those utilizing the current parking lot will park in the future; both the Public Works and Building departments have reviewed the plans and did not have any additional comments; there is not parking specifically designated for unit at 608 ½ B.

Community Development Director Goldstein stated that the front parcel meets the parking requirements with four spaces. The other parking on the site is not designated and may not be legally created spaces.

Public Works Director Jesberg stated that the subject easement is granted to the property owner. No permission is necessary to grant ingress/egress across a legal easement.

The public hearing was opened.

Richard Emigh, designer and representative for the property owner stated that the two lots are legal lots of record, verified by a previously approved Certificate of Compliance. The parking area at the rear of 608 Capitola Avenue was paved without the benefit of permits and is used by those on the adjacent property. The design was achieved as a result of the owner's desire to discourage traffic with the potential of an office use. Thus the design is a small residence with adequate parking on the first floor.

Commissioner Harlan asked if the fire department had reviewed the plans.

Commissioner Newman asked if the 15' easement area could be landscaped to meet the minimal landscaping requirement.

Commissioner Ortiz questioned what changed in the windows on the west elevation to address a comment made by the Architectural and Site Review Committee.

Chairperson Burke questioned why the south facing window is so large and intrusive on the adjacent small unit. He also asked Mr. Emigh to speak to the variance issues. He stated that the second story is massive and the dormers add to the bulk of the building and are out of scale to the building. He suggested that the windows in the east elevation should be higher to avoid intruding on the neighbors.

In response to the Commission's questions, Richard Emigh stated that the Fire Department requirements have been met; the easement cannot be landscaped; the large window on the south side of the unit is to gain light into the unit and to add articulation to the elevation. With respect to the variance, it is not possible to get parking on-site without placing the stairs into the setback. The second story windows can be modified to address the Commission's issues. The Architectural and Site Review Committee suggested that the windows should be higher on the east elevation, not the west elevation.

The public hearing was closed.

Commissioner Harlan stated that the site is problematic and design proposal is overbuilt for a small lot. The setbacks are very minimal. She would be supportive of a smaller project that meets the standards without a variance. She would also like to see the large tree on the site maintained or replaced per the ordinance requirement. She stated that there are small homes built on small lots without variances. The property should not be built on and should be a garden for an adjacent property.

Commissioner Ortiz concurred with Commissioner Harlan. She could not support any of the variances requested. She would support a design that meets the standard regulations without any variances. She was also concerned about the Fire Department review of the plans for compliance with fire codes and suggested that the Fire Department approve the plans before the City approves any plans. The design is too massive for the small lot.

Commissioner Termini spoke with concerns about potential issues with the parking situation created by the unit at 608 ½ B. He was supportive of requiring Fire Department review and approval of the

proposal prior to further City review. The proposed design is problematic for this small lot. He was not supportive of the variances.

Commissioner Newman stated that this proposal was an example of taking infill housing to an extreme. The circulation and parking is a nightmare. He was concerned about the prescriptive easements with the neighbors parking on the property, and he was not able to make the findings for the variance requests

Chairperson Burke stated that the proposed home is too massive for the lot, the window placement is inappropriate; and he supported the variance to the parking for the garage.

Commissioner Ortiz disagreed with Chairperson Burke, stating that the building will be viewed from the street and should be designed to address a street view.

A MOTION WAS MADE BY COMMISSIONER HARLAN AND SECONDED BY COMMISSIONER NEWMAN TO DENY PROJECT APPLICATION # 08-024.

MOTION PASSED 5-0

B. VILLAGE PARKING ANALYSIS

Community Development Director Goldstein and Public Works Director Jesberg presented the staff report.

Commissioner Ortiz questioned why the Commission is reviewing the item after the Council. She inquired if items requiring Coastal Permits or amendments are reviewed by the Planning Commission first then forwarded to the Coastal Commission for action.

In response to Commissioner Ortiz' questions, Community Development Director Goldstein stated that the Planning Commission acts as an advisory committee to the City and the Village Parking Analysis is an informational item only. If the City were to increase parking rates, then the Coastal Commission review and approval would be required.

Public Works Director Jesberg stated that the City Council wanted to see a parking management implementation plan before spending money on studies; they did not approve funds to hire an outside parking management consultant. However, an outside parking management consultant would be essential in assisting in the development of a parking implementation plan.

Commissioner Harlan stated that more data should have been collected on other days. She suggested that the Pac Cove lot is under utilized and there is a need to further promote the Pac Cove lot. She stated that before spending addition funds for studies and designing a completely new system, the City should look into an inexpensive and easy solution such as running another remote lot and bring in visitors by bus. This could be a joint plan with the Chamber of Commerce to increase economic vitality.

Chairperson Burke stated that the issue is parking verses circulation. He ascertained that the parking plan does not narrow the existing parking spaces. He inquired what the risks would be to implementing the parking plan now verses including the plan with the General Plan update.

Community Development Director Goldstein stated that the City needs to consider what the desired future of the Village is, and what the current and future carrying capacity of Village is. Changes to the parking ordinance should be made with consideration of larger goals to be set within the General Plan update. He suggested that a parking in-lieu fee should be a more immediate consideration.

Commissioner Ortiz suggested the concept of pay to park model.

Commissioner Harlan stated that the City is not going to solve the parking problem in the Village. The Village will always be congested with parking and circulation issues. Economic development will be the key to the success and survival of the Village.

7. ORAL COMMUNICATIONS

A. Director's Report

Community Development Director Goldstein stated that the City had met with the representatives of Kohl's. Kohl's is proposing to open October 2009 and would be remodeling the entire interior of the building, with very minor exterior changes. There will be a new sign and some improved landscaping. The Soquel Union School District Opal Cliffs Public Works Plan was submitted to the City and is available for public review. There is a public hearing on the plan scheduled for January 20, 2009 at the New Brighton School Community Center. Copies of the Plan are available on the web.

B. Commission Comments

Commissioner Harlan requested that a hard copy be made available at the public counter.

Commissioner Newman stated that based on past applications and the development application reviewed this evening; he did not support the staff making a recommendation on the Commissions' discretionary actions. He would prefer that staff state the facts in the application and present a case that specifies the reasons why the Commission should approve application, and the reasons to not approve application; and the let the Commission make a decision. Currently sets up unreasonable expectations for the applicant. He recommended that staff provide thorough project background information and a focused analysis and then allow the Commission to make the findings and determination of approval or denial.

Commissioner Harlan did not support the variance process. She stated that only in rare circumstances should variances be considered, otherwise variances should not be approved, but rather the ordinance should be changed to address recurring variance circumstances. She would like to discuss variances with the City Council so that when the Commission denies an application, there is support from the Council to uphold the Commission's decision.

Commissioner Termini supported holding an annual joint meeting with the Council to discuss various issues raised by the Commission.

Commissioner Ortiz supported Commissioner Newman's comments regarding the staff recommendations. She supported staff providing the Commission with findings for both approval and denial for difficult applications, but did not want staff to recommend approval or denial. She stated that based on the expert Commission currently seated, that the Commission should make the decision.

Chairperson Burke recognized Commissioner Harlan for her service as the Chairperson.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 9:10 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, January 15, 2009 in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on January 15, 2009

Approved by Ryan Bane, Senior Planner _____