

**FINAL ADOPTED MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, SEPTEMBER 4, 2014**

**7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

Commissioners: Ron Graves, Mick Routh, Linda Smith and TJ Welch and Chairperson Gayle Ortiz.

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda - None

## Public Comment - None

1. Commission Comment

Commissioner Welch noted that in April 2013, the Commission approved an application for a home redesign and major revocable encroachment permit at 116 Grand Ave. In hindsight, he feels he did not understand the extent of the encroachment. Although the report addressed preserving the road turnaround and required bollards to remain, the fence extends well off the property line. The project set a precedent since it also includes an approved fire pit and bench within the encroachment area. He acknowledged receipt of an email concerned about traffic trying to turn around there and asked if the area was subject to fire truck requirements. Community Development Director Rich Grunow explained that fire turnarounds typically aren’t required for existing roads and many older neighborhoods do not meet current standards. He also said staff would check on traffic concerns and the process for revoking an encroachment permit.

Chairperson Ortiz noted that encroachments on Depot Hill have a history of causing concern.

Commissioner Routh felt that City Council is a better body to address the turnaround.

Commissioner Welch also expressed concern about the zoning issue of vacation homes, which are restricted to the village. Some property owners outside the district are skirting the law by advertising online that they rent for a month or more, and he asked if they city can require those landlords to collect Transient Occupancy Tax. Director Grunow said staff has responded to some complaints but know that there are others. For TOT, he believes the 30-day definition is set by state law.

Commissioner Graves said he believes collecting TOT on properties outside of the overlay district would undermine the zoning.

Commissioner Smith noted that month-to-month is not considered a vacation rental and there are other reasons people may seek or offer a shorter lease.

1. Staff Comments - None

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**3. APPROVAL OF MINUTES**

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| **A.** | **August 7, 2014, Draft Planning Commission Minutes** |

**A motion to approve the August 7, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Welch.**

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, and Welch and Chairperson Ortiz. No: None. Abstain: Smith.**

**4. CONSENT CALENDAR – No Items**

**5.** **PUBLIC HEARINGS**

 **A. 111 Central Ave #14-099 APN: 036-112-08**

Design Permit for a second story addition and Variance for the required parking at the existing Single Family Residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Anh Do

Representative: Devlin Jones, filed 6/24/14

Assistant Planner Ryan Safty presented the staff report. He also outlined privacy concerns from an adjacent neighbor regarding the placement of second-story windows and offered additional illustrations.

Chairperson Oritz opened the public hearing. Designer Devlin Jones represented the applicant. Commissioner Smith confirmed the only access to the utility room remains from outside.

John Glina, homeowner of 113 Central, spoke in opposition to the project at its current size. He said he would favor a reduction of the addition to bring it into parking compliance rather than granting a variance or allowing the current proposed size and tree removal. He is particularly concerned about privacy and the loss of light to the area of his home which was designed for solar warmth in winter months. He asked for all windows facing his property to be opaque and requested a shade study.

Maureen Kane, 109 Central, expressed concern about projects that are granted variances to maximize height and square footage, resulting in the loss of the character of Capitola.

Toni Moccia, 114 Central, expressed concern about losing another large tree, noting the neighborhood has lost a lot of greenery on the street already. A large black walnut on the street is dying and must be removed. She agrees with the applicant that the tree and current parking are more appealing, but thinks that a reduction in the addition would be the appropriate solution.

Mr. Devlin believes this is a case of “I have mine, you can’t have yours” in comparison to neighboring properties which have large windows. He suggested blinds and curtains will provide privacy.

Susanna Glina addressed Mr. Devlin’s remarks and reiterated her family’s concerns about the project as proposed.

Commissioner Routh commented that the size of homes has become a significant concern and parking requirements were put in place to mitigate the impact. He does not believe findings can be made for a variance but agrees with the community that the tree should be preserved, and favors a reduction of square footage.

Chairperson Ortiz emphasized that simply falling within the allowed floor area ratio does not guarantee the granting of a design permit for that size home.

Commissioner Graves agreed with Commissioner Routh and said if other commissioners concur, rather than denying the application it could be continued to offer the applicant the opportunity to redesign.

Commissioner Smith expressed concern that the design may encourage conversion of the garage. She also felt that a variance is not appropriate and would prefer reduction.

Commissioner Welch also shares a desire to preserve the tree. He acknowledged that applicant tried to address privacy concerns by changing the glass in several windows. While he does not feel that the proposed home is overbuilt, the tree cannot be preserved without a variance and he is concerned about that precedent.

Chairperson Ortiz said the Commission has asked for changes to windows in past applications for privacy concerns. She suggested options for reducing the project size and impact.

Commissioners Smith and Graves asked the applicant’s representative if a continuance to review design options would be appropriate

Mr. Devlin said he was not certain how the design would work with a 120-foot reduction but he can explore options with the owners.

**A motion to continue project application #14-099 to the Oct. 2, 2014, meeting was made by Commissioner Smith and seconded by Commissioner Graves. The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None.**

 **B.**  **306 Riverview Avenue      #14-120      APN: 035-172-13**

Design Permit, Variance for reduction to required 10% front yard open space requirement, and Coastal Development Permit for a new single-family residence located in the CV (Central Village) zoning district.
This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Arthur Lin, applied: 08/17/14
Representative: Dennis Norton

Senior Planner Katie Cattan presented the staff report, including streetscape photos to support the request for a variance. She also noted that there are trees on the adjacent lot along the property line that may not survive once the new home is built. Commissioners asked when the 10 percent requirement was enacted and were told sometime in the mid-1980s to ‘90s.

Chairperson Ortiz opened the public hearing.

Applicant Arthur Lin offered to answer any questions.

Marilyn Glover, 310 Riverview Ave., explained that her adjacent property has four trees planted as required when their home was built that have become overgrown. Commissioners confirmed that she would support removal of the trees and is mainly concerned with compliance.

Commissioner Graves noted lots are very small and the front landscaping requirements have not been enforced. He expressed concern about impact on the parking access of the neighbor to the south with the way the home is sited, but supports the project and variance.

Commissioner Welch was concerned about granting a variance for the 10 percent front landscaping requirement when the commission did not support a variance for the previous application.

Commissioner Smith asked if the municipal code is incorrect listing the north “side” instead of north “end” of Riverview. Several commissioners felt this was possible, which would explain why other homes have not been held to the 10 percent front landscaping standard.

Commissioner Routh felt that the variance must be granted since other property owners have not been held to the standard.

Commissioner Smith does not feel that a tree should be required as suggested by staff in the conditions.

Mr. Lin confirmed that the project is designed for four-car parking.

Chairperson Ortiz said she would be satisfied if the applicant worked with Ms. Glover to plant one tree between the two parcels. The other commissioners agreed. They would support staff issuing a tree removal permit and waiving additional replanting requirements for the trees along the property line.

**A motion to approve project application #14-120 for a Design Permit, Variance and Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Graves:**

**CONDITIONS**

1. The project approval consists of construction of a 2,096 square-foot new single-family home. There is no maximum Floor Area Ratio within the Central Village zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 4, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail Storm Water Best management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended. ~~One 15 gallon tree must be planted in the front yard that will contribute toward a 15% tree canopy on the site.~~ The applicant shall work with the adjacent property owner to plant one 15-gallon tree near the shared property line. The existing trees along the property line will be impacted by the construction and may be removed.
7. Prior to issuance of building permit, all Planning fees associated with permit #­14-120 shall be paid in full.
8. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a storm water management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

**FINDINGS**

1. **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 application for a new single-family home. ~~rehabilitation of the historic structure.~~  The project secures the purpose statement of the CV (Central Village) Zoning Districts and carries out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

1. **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 application rehabilitation of the historic structure.  The proposed single family home modifications will maintain the character and integrity of the neighborhood and the ~~Lawn Way/Six Sisters~~ Riverview Historic District.  ~~The proposed design will enhance the home’s architectural appearance and historic integrity~~. The home will complement the existing character and integrity within the neighborhood.

1. **That because of special circumstances applicable to subject property, including location or surroundings, the strict application of this title for front yard open space is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; The grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.** Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the request for a variance to the Front Yard Open Space requirement of 10% and found that the properties in the vicinity and under identical zone classification have not been subject to this requirement.  Granting a variance does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone.
2. **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.**

 Section 15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.  This project involves construction of a new single-family residence subject to the CV (central village) Zoning District.  No adverse environmental impacts were discovered during review of the proposed project.

 ~~Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.  This project involves a restoration and remodel of an existing historic resource located in the CV (central village) zoning district. The project conforms with the Secretary of the Interior’s Standards for Rehabilitation.  No adverse environmental impacts were discovered during review of the proposed project.~~

**COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

* The proposed development conforms to the City’s certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

* The proposed project is located at 306 Riverview Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

* The proposed project is located along Riverview Avenue. No portion of the project is located along the shoreline or beach.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

* There is not history of public use on the subject lot.
1. ***(2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***
* The proposed project is located on private property on Riverview Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

 ***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development’s physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public’s use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

* The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public’s use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

 ***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

* The project is not requesting a Public Access Exception, therefore these findings do not apply

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

* The project is located in a residential area without sensitive habitat areas.

 ***b. Topographic constraints of the development site;***

* The project is located on a flat lot.

 ***c. Recreational needs of the public;***

* The project does not impact recreational needs of the public.

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;***

***e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;***

***f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.***

***(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

* No legal documents to ensure public access rights are required for the proposed project

***(D) (6) Project complies with visitor-serving and recreational use policies;***

 *SEC. 30222*

 *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

* The project involves a single family home on a residential lot of record.

 *SEC. 30223*

 *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

* The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

* The project involves a single family home on a residential lot of record.

 ***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

* The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city’s architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

* The project complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola’s shoreline;***

* The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola’s shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

* The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

* The project is located within close proximity of the Capitola fire department. Water is available at the location.

 *(D) (12) Project complies with water and energy conservation standards;*

* The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the soquel creek water district.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

* The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

* The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

* Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

* The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

* Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

* Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

* Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

* The proposed project is not located along a shoreline.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

* This use is an allowed use consistent with the Central Village zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

* The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

* The project site is located within the area of the Capitola parking permit program.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Chairperson Ortiz. No: Commissioner Welch. Abstain: None.**

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| **C.** | **203 Central Avenue      #14-040      APN: 036-111-08** |
| Design Permit, Variance for rear yard setback, fire pit in front yard, and parking width, Conditional Use Permit, and Coastal Development Permit for a second story addition to a historic resource located in the R-1(Single Family Residential) Zoning District. This project is in the Coastal Zone and thus requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.Environmental Determination: Categorical ExemptionProperty Owner: Douglas SatzgerRepresentative: Richard Emigh, filed 3/13/14 |

Senior Planner Cattan presented the staff report, including options for reducing the appearance of massing. She explained how the applicant arrived at the floor area ratio given the existence of lofts, one of which will be lost to the new addition. The area of the second loft was added to the square footage and it has been checked for accuracy in response to neighbors’ concerns. She also noted the additional review and recommendations by an arborist outlining measures to protect the sequoia on the adjacent property.

Chairperson Ortiz confirmed that the side door and steps will remain and Commissioner Smith checked the size of proposed parking spaces.

Designer Richard Emigh represented the applicant. He provided commissioners with plans from a remodel he designed for the property in 1998 and noted that elements that are now considered historic were part of that remodel. He emphasized that the metal roof is the strong preference of the owner and explained how he worked with historic review to address concerns. He acknowledged that parking is tight and noted the current grouted brick is not pervious.

Doug Satzger, owner, said the addition is intended to improve access and add a bath. He wants the metal roof for both aesthetics and its lifespan. He noted it is available in a wide range of patterns and colors. He noted the permit on 116 Grand for structures within the easement set precedent for his bench and fire pit request.

Chairperson Ortiz asked if concerns about rain runoff could be addressed and was told they could.

Rex Walker, 206 Central, wants to maintain Capitola’s historic character. He provided pictures of street parking and noted the impact of Junior Guards, concerts, and overflow from neighboring streets with permits. He questioned whether eight feet was sufficient driveway width to exit a vehicle.

Lon Price, 205 Central, said he believes the addition overwhelms the historic cottage. He does not support the fire pit and is concerned about use of the right-of-way for the parking requirement.

Starley Moore said she feels that since 116 Grand was allowed a fire pit, not allowing one here is inconsistent and inappropriate

Susana Glina, 113 Central, said development at the end of the street has set a precedent that is now being felt throughout the neighborhood. She asked for dialog about the impact on the character of the neighborhood.

Mike Sorkowski, Escalona, wonders if the addition may block what small view he has of the ocean. He noted a fire pit was installed about 30 feet away from his bedroom and in spite of neighbors’ promises to limit times, there has been regular loud, late use.

Mr. Emigh announced the applicant was willing to withdraw the bench and fire pit. He explained the lofts were not initially included in the square footage because he applied building code standards for room size.

Commissioner Smith thanked the applicant for removing the front structures and giving the Commission time to have a dialog about such uses. She articulated the concerns about the size of the second parking space, which requires a variance for both width and depth. She expressed appreciation for efforts to keep the cottage at front and asked that the historian’s request for notes on drawings be included as conditions. She does not want to allow a metal roof if it would prevent the home from being a contributing structure to a historic district and would prefer a lower height of the rear addition.

Commissioners Routh and Graves do not like the window for the staircase, although it is designed for Secretary of Interior standards.

Graves confirmed that pitch of cottage roof remains. He confirmed that garbage cans would be stored behind the house.

Commissioner Welch said he looks to seek consistency in variances, noting the rear yard seems to be consistent within the neighborhood. The height could overwhelm the cottage from the side view. Parking is an existing problem and this project does not appear to exacerbate the situation.

Chairperson Ortiz also supports reducing the height of the addition. Mr. Emigh explained the height has already been lowered at the request of the historian and offered to create a scale model if his client would agree to a continuance.

Commissioner Smith likes that the window decreases the mass on the side while delineating the addition from the historic front.

In response to a question from Chairperson Ortiz, Director Grunow explained that shade studies are generally required only for large commercial projects and could prove burdensome if required for single-family residences in developed neighborhoods.

Commissioners agreed that the item would need to be continued to review roofing material for historic acceptability and to view the model. They also asked that the conditions be updated and a new landscape design submitted that outlines how the neighbor’s large tree would be protected.

**A motion to continue project application #14-040 to the meeting of Thursday, Nov. 6, 2014, was made by Commissioner Smith and seconded by Commissioner Routh. The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None.**

**6. DIRECTOR’S REPORT - None**

**7. COMMISSION COMMUNICATIONS**

Commissioner Smith asked how the zoning update work was progressing. Director Grunow responded that two stakeholder panels have been held and the online survey has more than 100 responses.

Commissioner Graves said he would have liked more opportunities for participants to share what they would like to see in the code as part of the survey, not primarily concerns.

**8. ADJOURNMENT**

Commissioner Ortiz adjourned the meeting at 9:55 p.m. to the regular meeting of the Planning Commission to be held on Thursday, October 2, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on October 2, 2014.

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Linda Fridy, Minute Clerk