

**APPROVED MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, MAY 1, 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 Smith noted that Open Streets Capitola is May 4 and the Historical Museum will introduce an application for touring public art and historic buildings.

**D.** Staff Comments -- None

**3. APPROVAL OF MINUTES**

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| **A.** | **April 3, 2014, Draft Planning Commission Minutes** |

**A motion to approve the April 3, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

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

**4. CONSENT CALENDAR**

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| **A.** | **121 Cabrillo Street      #14-035      APN: 036-185-10** |
| Design Permit for a 151 square foot addition to the front facade of a single-family residence located in the R-1 (Residential Single Family) Zoning District.  This project does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption  Property Owner: Chris Heck Representative: Kurt Useldinger, filed 03/10/14 |

Commissioner Graves noted receipt of an email about submitting paint colors. He confirmed that there is no regulation of color, but the Commission does ask for a materials and color board. He also noted Capitola is not a Charter City.

He also asked in the future for landscape plans when work is being done in the front yard.

**A motion to approve project application #14-035 for a Design Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of construction of a 152 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 6,098 square-foot property is 48% (2,927 square feet). The total FAR of the home with new addition is 40% with a total of 2,427 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 1, 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 SMP STRM 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 BMP STRM.
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. The existing front yard landscaping shall be retained other than the vegetation within the footprint of the new addition. If additional landscaping is removed, the applicant shall submit a landscape plan to the Community Development Department for approval. The landscape plan will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping must be planted prior to final building occupancy.
7. Prior to issuance of building permit, all Planning fees associated with permit #­14-035 shall be paid in full.
8. 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 Creek Water District, and Central Fire Protection District.
9. 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.
10. Prior to issuance of building permits, the applicant shall submit a stormwater 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).
11. 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.
12. 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.
13. 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 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
14. 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.
15. 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.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be 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 addition to the single family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to carry 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 addition to the single-family home. The project conforms to the development standards of the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

1. **This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition in under 10,000 square feet and not located in an environmentally sensitive area. This project involves a remodel to an existing home located in the single family residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

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| **B.** | **312 Capitola Ave #B       #14-049      APN: 035-182-20** |
| Design Permit for front façade modifications and Conditional Use Permit for outdoor dining and the sale of alcohol for the “It’s Wine Tyme” business which is located in the CV (Central Village) Zoning District.  This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption Property Owner: Peter Portido Representative: Mike Grabill, filed 4/1/14 |

**A motion to approve project application #14-049 for a Design Permit, Conditional Use Permit, and Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of a Coastal Development Permit, Conditional Use Permit to allow beer and wine sales and outdoor dining and a Design Permit for modifications to the exterior of the existing commercial space located at 312 Capitola Avenue Suite B. The two windows on the front façade of Suite B will be modified to a roll-up door. A door on the side elevation will be relocate five feet toward the front of the building. No other modifications are proposed.
2. Parking for the wine tasting establishment must be accommodated within the onsite parking.
3. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
4. The owner, manager or operator of Its Wine Tyme may arrange for or allow entertainment to be conducted on the premises without obtaining an entertainment permit if the entertainment is entirely enclosed within a structure and cannot, at any time, be audible outside of the structure. An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department. An Entertainment Permit has not been approved within this application (#14-049).
5. The applicant shall receive permission from ABC prior to May 1, 2016. The conditional use permit will expire in the case where the conditional [use](http://www.codepublishing.com/ca/capitola/cgi/defs.pl?def=17.03.690) permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

**FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed sale of business may be granted a conditional use permit for the sale of alcohol within the CV Zoning District. The use meets the intent and purpose of the Central Village Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

1. **The application will maintain the character and integrity of the neighborhood.**

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is a mix of commercial and residential uses. Conditions of approval have been included to carry out these objectives.

1. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves an existing restaurant with the additional use of beer and wine sales. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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 312 Capitola Avenue. The business 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 at 312 Capitola 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 no 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 at 312 Capitola 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 an existing commercial building. There are no sensitive habitat areas on the property.

***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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 a commercial use within an existing commercial lot of record. 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 Central Fire District. Water is available at the location.

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

* The project is a commercial use within an existing commercial lot of record. 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;***

* The project involves a commercial use within an existing commercial building. There are no impacts to natural resource, habitat, and archaeological resources.

***(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;***

* There are no modifications to drainage on the site proposed within the application. The footprint of the building is not being modified.

***(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;***

* There are no structures proposed therefore geological engineering reports are not required.

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

* The project modifies two windows to a roll up door. All geological, flood, and fire hazardsa are accounted for and 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 parking for the use can be met within the onsite parking.

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

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| **C.** | **911B Capitola Avenue      #14-050      APN: 036-011-11** |
| Conditional Use Permit for the sale of alcoholic beverages at the existing Quail and Thistle Tea Room located in the AR/CN (Automatic Review/ Neighborhood Commercial) Zoning District.  This project does not require a Coastal Development Permit.   Environmental Determination: Categorical Exemption Property Owner: Margo Felldin Representative: Cindy Fairhurst, filed: 4/4/14 |

**A motion to approve project application #14-050 for a Conditional Use Permit with the following conditions and findings was made Commissioner Routh and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales at the existing Quail and Thistle Tea Room within an existing commercial space located at 911B Capitola Avenue. No modifications to the size of the operation or the exterior of the structure are proposed within the application. Any significant modifications to the size or exterior appearance of the existing design require approval of a Design Permit by the Planning Commission.
2. Parking for the restaurant must be accommodated within the onsite parking.
3. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
4. The owner, manager or operator of the Quail and Thistle Tea Room may arrange for or allow entertainment to be conducted on the premises without obtaining an entertainment permit if the entertainment is entirely enclosed within a structure and cannot, at any time, be audible outside of the structure. An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department. An Entertainment Permit has not been approved within this application (#14-050).
5. The applicant shall receive permission from ABC prior to May 1, 2016. The conditional use permit will expire in the case where the conditional [use](http://www.codepublishing.com/ca/capitola/cgi/defs.pl?def=17.03.690) permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

**FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed sale of business may be granted a conditional use permit for the sale of alcohol within the CN Zoning District. The use meets the intent and purpose of the Neighborhood Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

1. **The application will maintain the character and integrity of the neighborhood.**

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is dominated by residential uses with commercial located within a ¼ mile. The historic property has been utilized as a commercial property for over forty years. Conditions of approval have been included to carry out these objectives.

1. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves an existing restaurant with the additional use of beer and wine sales. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

1. **The use is consistent with the General Plan and will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood and the city.**

The applicant is not proposing in increase the size of the existing restaurant or to modify the historic resource. The use will remain as a restaurant with the addition of alcohol sales to help the company remain competitive. The addition of alcohol within a restaurant will not be detrimental to the surrounding neighborhood or the City.

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

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| **D.** | **Improvements at the Intersection of Esplanade and Stockton Avenue   #14-054      APN: N/A** |
| Coastal Development Permit for intersection improvements at Esplanade and Stockton Avenue in the CV (Central Village) Zoning District.  These improvements combine two crosswalks across Stockton Avenue into a single crosswalk, construct a median island, construct a raised bulb-out, and add street lighting to the intersection.  In addition approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced.   This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination: Categorical Exemption Property Owner: City of Capitola Representative: Steve Jesberg, filed 4/14/2014 |

Commissioner Graves noted that he found it very difficult to understand the location of improvements without a map since compass directions are somewhat off. He said he had hoped for a better design, although this is an improvement. He expressed concern about moving the crosswalk from the river walk entrance. He attributed problems at the intersection to the addition of planters and bicycle racks.

**A motion to approve project application #14-054 for a Coastal Development Permit with the following conditions and findings was made by Commissioner Routh and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of a coastal development permit to combine two crosswalks across Stockton Avenue into a single crosswalk, construct a median island within Stockton Avenue and a raised bulb-out at the south-west corner of the intersection, and add street lighting to the intersection. In addition, approximately 100 lineal feet of sidewalk along the eastern side of Stockton Avenue north of Esplanade will be widened 18 inches and 50 lineal feet of sidewalk fronting 103 Stockton Avenue will be replaced.
2. All work shall be completed per submitted plan reviewed and approved by the Planning Commission on May 1, 2014.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.

# FINDINGS

1. **The application, subject to the conditions imposed, 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 coastal permit for the right of way improvements conform to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B**. **This project is categorically exempt under Section 15301(c) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301 of the CEQA Guidelines exempts existing facilities. Specifically, 15301(c) exempts “existing sidewalks and pedestrian trails including road grading for the purpose of safety.” No adverse environmental impacts were discovered during review of the proposed project. 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 intersection improvements conform 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 intersection improvements are located at the intersection of Esplanade and Stockton Avenue in the Capitola Village. The proposed modifications to the right of way will improve pedestrian safety to coastal access. The project will not have an impact on demand for access or recreation.

***(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;***

* 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 a history of public use within the intersection by automobiles, pedestrians, and cyclists. The intersection as currently designed is unsafe. The City is modifying the layout of the intersection to increase safety of pedestrians and slow down traffic. There are no adverse impacts on public use.

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 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 intersection improvements are located at the intersection of Esplanade and Stockton Avenue in the Capitola Village. The proposed modifications to the right of way will improve pedestrian safety to coastal access. The proposed project 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 within an existing right-of-way that does not have sensitive habitat areas.

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

* The project is located on a flat area of land.

***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 right-of-way improvements within an existing road way.

*SEC. 30223*

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

* The project involves right-of-way improvements within an existing road way.

***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 right-of-way improvements within an existing road way.

***(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 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 does not require 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 Central Fire District. Water is available at the location.

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

* n/a

***(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;***

* The project is located in an existing improved right-of-way.

***(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;***

* The project is located in an existing improved right-of-way.

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

* The project is located in an existing improved right-of-way. .

***(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 modifications to the right-of-way do not impact the Capitola parking permit program.

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

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

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| **A.** | **1649 41st Avenue      #14-017      APN: 034-151-09** |
| Conditional Use Permit and Design Permit application for the addition of a propane tank to an existing service station (Shell) that is located in the CC (Community Commercial) zoning district.  This project does not require a Coastal Development Permit.  Environmental Determination: Categorical Exemption Property Owner: Peninsula Petroleum LLC Representative: Hillary McClurg |

Senior Planner Katie Cattan presented the staff report and images of the proposed tank and landscaping. She noted that the applicant has been very cooperative in trying to find a suitable solution, but staff recommended denial based on the tank’s proximity to one of the city’s busiest intersections.

Commissioner Graves asked whether there is room for the tank behind the food mart and between the car wash. Staff ceded that question to the applicant.

Chairperson Ortiz opened the public hearing.

MJ Costelo and Hillary McClurg spoke on behalf of the application. Ms. McClurg said she began the process reviewing the site with the fire marshal to identify appropriate locations for a tank. That process eliminated the area behind the store. She noted the operator takes pride in both the service and appearance of the business. She emphasized the demand for propane expressed by customers and the opportunity to improve the appearance with landscaping. She said there are a small number of propane vendors in the area and noted the added benefit of reducing water demand in landscaping. She offered support from the landscape architect of appropriate plant choices.

Commissioner Smith confirmed that the fire extinguisher would in fact be kept within the filling cage rather than in the store.

She also asked if the existing vapor collector is flammable. Mr. Costello explained that the tank is there to vent any vapors from the underground tanks, which usually occurs only during filling of fuel tanks. The tank is also electronically monitored.

She also confirmed RV circulation and availability of propane.

Commissioner Graves asked how long it would take plants to grow to the size indicated. Ms. McClurg said the landscape architect indicated they could find plants at that size. He also asked the size of the cage for the nozzles and fire extinguisher. Mark Conklin responded that it is a self-contained cage about four feet tall and three feet wide.

There was no public comment, and the hearing was closed.

Commissioner Routh asked for clarification from staff on why the application does not conform to 41st Avenue design guidelines. Planner Cattan said it did not appear to meet the emphasis on improving the intersection and pedestrian appeal of the 41st Avenue since as an additional tank could be visual clutter. Commissioner Routh expressed concern about the power of guidelines over zoning ordinance.

Commissioner Welch said he struggles with the addition of another tank just because there is already one in place that is required by laws beyond local jurisdiction. He also questioned the reality of the landscaping masking the tanks, but acknowledged the application appears to meet zoning requirements.

Commissioner Smith noted as an RV user she thinks about circulation and she worries about the addition of more traffic to that area causing congestion.

Commissioner Routh said his own experience with circulation there has been positive.

Chairperson Ortiz noted this is a service business and she is weighing how much of an advantage to the community there is to this proposal. She asked if there was any concern about site lines. Community Development Director Rich Grunow said the tanks are far enough from the intersection that it does not appear to be a concern. Chairperson Ortiz suggested that raising the soil could aid the screening from the sidewalk view.

**A motion to approve project application #14-017 for a Conditional Use Permit with the following conditions findings was made by Commissioner Routh and seconded by Chairperson Ortiz:**

### CONDITIONS

1. The project approval consists of a Conditional Use Permit for a propane tank within an existing service station located at 1649 41th Avenue. No modifications to the existing building are proposed within the application. Any significant modifications to the size or exterior appearance of the existing building require approval of a Design Permit by the Planning Commission.
2. Prior to utilization of the propane tank for sales to customers, landscaping must be installed as proposed within the landscape plans. The plants surrounding the tanks must be of sufficient size to screen the new and existing tank as viewed from Capitola Road and 41st Avenue.
3. Prior to utilization of the propane tank for sales to customers, drip irrigation must be installed to the water the landscape bed around the new and existing tank.
4. Ongoing maintenance of the propane tank is required to avoid the appearance of weathering, rust, and corrosion. Visibility and appearance of the tank are an impact of the use that must be mitigated due to the location within the front of the property on a prominent road frontage.
5. Prior to granting of utilization of the propane tank for sales to customers, the City shall collect a landscape bond in the amount of $3000 to ensure the landscape around the tank will be maintained. The bond may be released after 3 years from the date the bond was received with evidence of the landscaping being maintained during the 3 year period and established to a sufficient size to screen the new and existing tank.
6. Prior to granting of utilization of the propane tank for sales to customers, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
7. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
8. The conditional use permit will expire in the case where the conditional [use](http://www.codepublishing.com/ca/capitola/cgi/defs.pl?def=17.03.690) permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.

**FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed expansion of the business may be granted a conditional use permit within the CC Zoning District. The use meets the intent and purpose of the Community Commercial Zoning District.  Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

1. **The application will maintain the character and integrity of the neighborhood.**

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of this area of the City. The Planning Commission approved the tank along the frontage of Capitola Road with the conditions that the proposed landscaping screens the existing and proposed tank. Conditions of approval have been included to carry out these objectives.

**C.  This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves a propane tank within an existing commercial space, the Shell Gas Station. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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

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| **B.** | **712 Rosedale Avenue      #13-153      APN: 036-072-05** |
| Design Permit application for a 450-square-foot addition to a single-family home in the R-1 (Single-Family) Zoning District. This project does not require a coastal permit.   Environmental Determination: Categorical Exemption Owner: Holger Schmidt Representative: Greg Heitzler, filed: 03/25/2014 |

Assistant Planner Ryan Safty presented the staff report and images of the proposed addition. He reviewed the zoning requirement for parking and the options for parallel versus perpendicular within the driveway.

Chairperson Ortiz opened the public hearing.

Representative Greg Heitzler reiterated the request to allow perpendicular parking within the existing driveway and noted the current owner/occupants do not have three vehicles.

Commissioner Graves asked about the timeline to begin work. The applicant said the family plans to pull permits immediately.

Commissioner Smith asked whether the proposed pavers would remain if the length requirement for parking was waived. The applicant indicated she would prefer to keep landscaping.

The public hearing was closed.

Commissioner Routh complimented the design and cautioned against making any exterior changes.

**A motion to approve project application #13-153 for a Design Permit with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of construction of a 450 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 6,914 square foot property is 48% (3,319 square feet). The total FAR of the home with new addition is 32% with a total of 2,216 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 1, 2014, except as modified through conditions imposed by the Planning Commission during the hearing. The Commission waived the parking length requirement to allow for perpendicular parking in the driveway with the requirement that the proposed adjacent pavers instead remain landscaping.
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 SMP STRM 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 BMP STRM.
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 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.
7. Prior to issuance of building permit, all Planning fees associated with permit #­14-045 shall be paid in full.
8. 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 Creek Water District, and Central Fire Protection District.
9. 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.
10. Prior to issuance of building permits, the applicant shall submit a stormwater 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).
11. 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.
12. 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.
13. 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
14. 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.
15. 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.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be 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 addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry 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 addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

1. **This project is categorically exempt under Section 15301(e) 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 single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

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

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| **C.** | **Zoning Ordinance Update Work Plan**  Director Rich Grunow presented the staff report on the history, goals, and timeline for  updating the City’s zoning ordinance. Following the identification of issues and options from stakeholder interviews, the proposal estimates at least four commission workshops each on a specific topic or area. These will likely require additional dedicated Commission meetings. The work plan calls for adoption as early as summer 2015, but will be impacted by the number of workshops.  Commissioner Ortiz opened the public hearing.  Cathlin Atchison, resident, asked the Commission to consider the ongoing issue of neighborhood preservation, and the harmony and compatibility of Monarch Cove within the Depot Hill neighborhood. She also noted residents have presented a proposed zoning change and asked that it be reviewed early in the process.  Chairperson Ortiz closed the public hearing.    Commissioner Routh said he supports an expedited process.  Commissioner Graves said a major concern the interpretation of what is allowed by a non-conforming use. He added the timeframe is very ambitious.  Commissioner Welch expressed confidence in the staff and added that while he supports a quick process he also wants to be certain it is thorough.  Commissioner Smith asked that general contractors be included in one of the interest groups since not all remodels involve an architect or designer.  Chairperson Ortiz said she appreciates the inclusion of Planning Commissioners and City Council members in the interviews so the community understands that leaders are genuinely listening. She said she would like to see at least one commissioner at each session, and other commissioners concurred. She also supports additional dedicated meetings. |

**6. DIRECTOR’S REPORT -- None**

**7. COMMISSION COMMUNICATIONS**

Commissioner Graves thanked staff for the regular updates on applications and asked for a bit more detail in the description. He also asked staff to look into work being done on the corner of Capitola Avenue and Beverly. Finally, he noted that the RTC regional plan update includes a roundabout at Capitola Avenue and Bay Avenue and asked if any public discussion or hearing had been held. Director Grunow replied that he believes the project is only in the preliminary state, but Commissioner Graves and Chairperson Ortiz both encouraged a public hearing sooner than later.

Chairperson Ortiz asked that more detail or descriptions about locations for applicant properties be included on agenda descriptions when possible, especially for those changing use, to make identification easier.

**8. ADJOURNMENT**

Chairperson Ortiz adjourned the meeting at 8:20 p.m. to the regular meeting of the Planning Commission to be held on Thursday, June 5, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on June 5, 2014.

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Linda Fridy, Minute Clerk