



## MINUTES

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

Chairperson Harlan called the Regular Meeting of the Capitola Planning Commission to order at 7:04 p.m.

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

Present: Commissioners Burke, Marlatt, Newman, Norton and Chairperson Harlan  
Absent: None  
Staff: Community Development Director Rebagliati  
Senior Planner Bane  
Associate Planner Akeman  
Minute Clerk Uharriet  
Building Official Kostelec  
Intern Ariana Green

#### 2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

#### 3. APPROVAL OF MINUTES

A. February 21, 2008

**A MOTION WAS MADE BY COMMISSIONER MARLATT AND SECONDED BY COMMISSIONER BURKE TO APPROVE THE MINUTES OF FEBRUARY 21, 2008.**

**MOTION PASSED 4-0, COMMISSIONER MARLATT ABSTAINED.**

#### 4. CONSENT CALENDAR

A. **430 KENNEDY AVENUE – PROJECT APPLICATION #08-001**

COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO CONSTRUCT TWO 400 SQUARE FOOT DETACHED STEEL BUILDING GARAGES AT THE CITY OF CAPITOLA CORPORATION YARD IN THE PF-F (PUBLIC FACILITY-FACILITY) ZONING DISTRICT. (APN 036-041-22) CATEGORICALLY EXEMPT. FILED 1/24/08.\*1

PROPERTY OWNER/APPLICANT: CITY OF CAPITOLA

**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER MARLATT TO APPROVE APPLICATION #08-001 WITH THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

1. The project approval consists of the construction of two (2) 400 square-foot prefabricated, detached steel buildings at 430 Kennedy Drive (City Corporation Yard).
2. Any significant modifications to the size or exterior appearance of the prefabricated structures must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.

**FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the PF-F (Public Facility-Facility) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the PF-F (Public Facility-Facility) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

- C. **This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15332 of the CEQA Guidelines exempts in-fill development projects that meet the following conditions:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
3. The project site has no value as habitat for endangered, rare, or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The site can be adequately served by all required utilities and public services.

**APPROVED 5-0****5. PUBLIC HEARINGS**

- A. **1550 41<sup>st</sup> AVENUE- PROJECT APPLICATION #07-028**  
FOUR MONTH REVIEW OF THE GOODWILL DONATION CENTER AS CONDITIONED BY THE APPROVAL OF APPLICATION #07-028 TO REMODEL AN EXISTING SHOPPING CENTER, AND A CONDITIONAL USE PERMIT TO EXPAND

THE EXISTING RETAIL STORE (GOODWILL) AND ESTABLISH A COSMETOLOGY SCHOOL IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. (APN 034-111-22) CATEGORICALLY EXEMPT. FILED 5/11/07 \*1  
PROPERTY OWNER: GOODWILL INDUSTRIES  
REPRESENTATIVE: GOODWILL INDUSTRIES

Senior Planner Bane presented the staff report, noting that the item is for information only.

Commissioner Norton questioned the timeline for moving the collection station inside the building.

Commissioner Burke questioned the parking impact on the neighboring property and how will Goodwill inform students about the parking restrictions.

The public hearing was opened.

Michael Paul, President and CEO of Goodwill Industries, stated that the timeline for moving the collection station is dependant upon the outcome of lease negotiations with two tenants whose leases do not currently expire at the end of 2009. In response to concerns about the parking, all students must participate in an orientation, which includes information on all the rules and regulations for participating in the Goodwill programs. Students must abide by the rules including specifics pertaining to the parking, or be dismissed from the program. The public hearing was closed.

Commissioner Norton suggested the addition of a 12-month review. Senior Planner Bane stated that Staff would prefer not to include a 12-month review, because review of the use permit conditions is ongoing throughout the life of the permit. If a problem arises or the use is in non-compliance with the permit conditions of approval, then the ordinance specifies a procedure to address any problems.

**A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO ACCEPT THE REPORT AS SUBMITTED BY STAFF, 5-0,**

- B. **GREEN BUILDING ORDINANCE – PROJECT APPLICATION #08-006**  
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING TITLE 17 OF THE CITY MUNICIPAL CODE BY ADDING SECTION 17.100 PERTAINING TO GREEN BUILDING REGULATIONS. (CITYWIDE) EXEMPT FROM CEQA SECTION 15061(B)(3). FILED 2/19/08  
APPLICANT: CITY OF CAPITOLA

Building Official Kostelec presented the history and background of the City's Green Building Ordinance. Intern Ariana Green and Community Development Director Rebagliati presented the staff report.

The public hearing was opened. No one spoke and the public hearing was closed.

Commissioner Burke supported the ordinance, noting that Santa Cruz had done much of the work to establish a Green Building Ordinance and that the transition will be easier for the building trades as they have had an opportunity to adjust to the new requirements from other surrounding jurisdictions. He supported from both an environmental and return on investment perspective and the inclusion of drainage, landscaping, etc. in the point system. He commented that the ordinance does not set a high construction standard and that some construction already meets the standards; he suggested the following additions: 1. Create financial incentives to encourage a higher green standard and raise the bar on minimum points required; 2. Recognize previously built green homes on a fee basis; 3. Work with other jurisdiction to refine the point values such that green certified projects would pay zero dollar fees, others on a sliding scale. He asked how many staff hours will it take to evaluate the Green Building requirements.

Commissioner Marlatt supported the ordinance and suggested that the required minimum number of points should be raised to encourage a higher green standard. He suggested that a Green Building working group comprised of representatives from each jurisdiction with Green Building ordinances, work to achieve and maintain uniformity in ordinances, points, standards and systems.

Commissioner Newman complimented staff on the work, organization and presentation of the Green Building Ordinance. He questioned what the benefits of a green building award and spoke with concerns about the added plan check fee of approximately \$1,500.00 per project. He did not support the ordinance. He did not believe that the Green Building ordinance is a local issue, rather it is national, international and global issue. Deforestation in Indonesia and Brazil will have a bigger effect on climate change. The City should concentrate locally, not internationally, as Santa Cruz. Capitola is unique. The issue of climate change is a frustrating global issue and frustration propagates bad policy. This ordinance adds another layer of government and cost to the building process. Current construction methods can meet the minimum Green Building requirements without an ordinance.

Commissioner Norton supported the ordinance. He spoke with concerns about an additional layer of review and the cost of the plans, plan check and site inspection process. He commented that it would be easier to be more general in the initial design and plan check stage to not designate the brand and model of appliances, rather stating “Energy Star” and “Low VOC paint” should suffice. If an application were submitted for a residential addition, just the addition would need to meet the standards, not the existing home. He suggested that site planning, public works projects, land divisions should be included in the program. California native landscaping should also be incorporated into the point system, in addition to an incentive to achieve a minimum of 50% permeable area. He stated that the biggest issue with green building is house size and suggested an incentive to build a smaller home on larger lot. He supported making the ordinance mandatory as soon as possible.

Chairperson Harlan questioned the timing of the program. She strongly supports the ordinance and stated that the Green Building ordinance ties into the numerous environmental programs previously established in Capitola. She emphasized that uniformity in the ordinance is essential to the success of the program. She supported the incentive concept for smaller homes on larger lots, site planning incentives and that the minimum point scale should be higher. She stated that zoning practices would be incorporated into the General Plan Update process.

In response to the Commissioner’s comments, Building Official Kostelec stated that there will be an additional two to four hours of time to review plans and perform inspections to verify the requirements of the Green Building ordinance without additional site visits. He commented that education will be a key to the success of the program. Retroactively recognizing green building may prove to be difficult since a majority of the acknowledgement and verification occurs during the construction of a building. Community Development Director Rebagliati stated that the benefit of a green building award is an increase of property marketability and pride. The ordinance currently includes drought tolerant landscaping and conservation in the point system. Staff is recommending that the ordinance become mandatory upon final adoption.

**A MOTION WAS MADE BY COMMISSIONER BURKE AND SECONDED BY COMMISSIONER NORTON TO RECOMMEND TO THE CITY COUNCIL, ADOPTING THE GREEN BUILDING ORDINANCE WITH SPECIFIC RECOMMENDATIONS AND COMMENTS TO BE REPORTED TO THE CITY COUNCIL.**

**APPROVED 4-1, COMMISSIONER NEWMAN DISSENTING.**

- C. **1816 & 1820 WHARF ROAD- PROJECT APPLICATION #07-052 & #07-025**  
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR  
CONSTRUCTION OF A RETAINING WALL AND NEW TWO-STORY SINGLE FAMILY  
RESIDENCE WITH A REQUEST FOR VARIANCES TO THE SETBACKS AND

PARKING, IN THE AR/R-1 (AUTOMATIC REVIEW/SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 035-111-17 & 035-111-08) FILED 4/30/07 \*2  
PROPERTY OWNER/APPLICANT: NEILS & JOANNE KISLING  
REPRESENTATIVE: FRANK PHANTON

**A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER NEWMAN TO CONTINUE APPLICATION #07-052 AND #07-025 TO THE MARCH 20, 2008 PLANNING COMMISSION MEETING.**

**APPROVED 5-0**

**6. NEW BUSINESS**

NONE

**7. ORAL COMMUNICATIONS**

A. Director's Report

Community Development Director Rebagliati reminded the Commissioner's that there is funding available for education should they wish to attend a class. A recruitment for the General Plan Coordinator is in the proposal stages. The City's Housing Element Update will be completed by June 2009, so the same committee will be working on the General Plan Update. The progress on the PODs is slow but some have been removed. The department is anticipating the submission of an application for the former Ralph's site. The architects for Whole Foods have discussed working with the Longs owners to work together on a design plan.

B. Commission Comments

Commissioner Norton stated that he had returned for a trip to China and would like to present photos of the trip at the next meeting.

**8. ADJOURNMENT**

Chairperson Harlan adjourned the meeting at 8:26 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, March 20, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on March 20, 2008

Approved by Juliana Rebagliati, Community Development Director \_\_\_\_\_