



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, APRIL 3, 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, Newman, Norton and Chairperson Harlan
Absent: Commissioner Marlatt (excused)
Staff: Community Development Director Rebagliati
Senior Planner Bane
Associate Planner Akeman
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

3. APPROVAL OF MINUTES

A. March 20, 2008

Commissioner Newman clarified his comments in the corrections to the March 6, 2008 minutes: Page 4, second sentence, "...spoke with concern about the added plan preparation and plan check fees of approximately \$1,500.00 per project."

Commissioner Burke clarified his comments: Page 5, third sentence, "...parking configuration to accommodate three parking spaces." Page 5, fourth sentence, "... clarify the way FAR is calculated on a riparian sloped site."

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER BURKE TO APPROVE THE MINUTES OF MARCH 20, 2008.

APPROVED 4-0, WITH CHANGES

4. CONSENT CALENDAR

A. **725 MONTEREY AVENUE- PROJECT APPLICATION #08-007**

COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR THE REMODEL OF AN EXISTING SINGLE-FAMILY RESIDENCE, INCLUDING AN ATTACHED SECONDARY DWELLING UNIT IN THE R-1 (SINGLE-FAMILY

RESIDENCE) ZONING DISTRICT. (APN 036-211-16) CATEGORICALLY EXEMPT.
FILED 2/21/08.*1
PROPERTY OWNER/APPLICANT: ROBERT & LINDA RASMUSSEN
REPRESENTATIVE: DENNIS NORTON

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER BURKE TO APPROVE APPLICATION #08-007 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a remodel and 470 square foot single-story addition to an existing single-family home.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. Curb, gutter and sidewalk that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
4. The new courtyard area shall be developed with a permeable surface material, to the satisfaction of the Community Development Department.
5. The landscaping shall remain intact. If any existing, established landscape is to be removed, a new landscaping plan shall be submitted, with diverse and drought tolerant plants, to the satisfaction of the Community Development Department.
6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
7. Construction hours shall be limited to Monday through Friday 7:30am to 9pm., Saturday 9:00am to 4:00pm, and prohibited on Sundays.

CONDITIONS OF APPROVAL FOR SECONDARY DWELLING UNIT

8. The project approval consist of a 390 square foot attached secondary dwelling unit at 725 Monterey Avenue.
9. The property owner shall file a deed restriction with the County Recorder prior to building permit issuance. The deed restriction shall include the following restrictions:
 - a. The secondary dwelling unit shall not be sold separately.
 - b. The unit is restricted to the approved size.
 - c. The administrative review or the architectural and site review permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit.
 - d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies.
 - e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

FINDINGS

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

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 R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal 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 R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. 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 15301(e)(2) 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)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a one-story single-family residence that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project.

FINDINGS FOR SECONDARY DWELLING UNIT

- A.
1. The Exterior design of the secondary dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices;
 2. The exterior design is in harmony with, and maintains the scale of, the neighborhood;
 3. The secondary dwelling unit does not result in excessive noise, traffic or parking congestion;
 4. The property fronts on an adequate water main and sewer line each with the capacity to serve the additional secondary dwelling unit;
 5. The site plan provides adequate open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties;
 6. The location and design of the secondary dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties;
 7. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.

The design of the secondary dwelling unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties;

8. The site plan shall be consistent with physical development policies of the general plan, any required or optional element of the general plan, and any area plan or specific plan or other city policy for physical development. If located in the coastal zone, a site plan shall also be consistent with policies of the local coastal plan;

9. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms;

10. The site plan is situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

APPROVED 3-0, COMMISSION NORTON RECUSED.

5. PUBLIC HEARINGS

- A. **1441 A/B & 1443 A/B 38TH AVENUE - PROJECT APPLICATION #07-062**
REQUEST FOR APPROVAL OF A MINOR LAND DIVISION TO CONVERT FOUR APARTMENT UNITS TO CONDOMINIUMS IN THE RM-M (MULTIPLE FAMILY RESIDENCE: MEDIUM) ZONING DISTRICT. (APN 034-181-34) CATEGORICALLY EXEMPT. FILED 9/18/07
PROPERTY OWNER: JOSE I. MORENO
APPLICANT: LEILANI WILLIAMS

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO CONTINUE APPLICATION #07-062 TO THE PLANNING COMMISSION MEETING OF APRIL 17, 2008.

CONTINUED 4-0

- B. **210 STOCKTON AVENUE- PROJECT APPLICATION #07-066**
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR DEMOLITION OF A TWO-CAR CARPORT AND CONSTRUCTION OF A NEW TWO-CAR GARAGE AND SECOND FLOOR DECK FOR AN EXISTING DUPLEX IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT. (APN 035-183-23) CATEGORICALLY EXEMPT. FILED 11/19/07 *1
PROPERTY OWNER: TEDDRA LAPID
REPRESENTATIVE: DARYL V. WOODS

Senior Planner Bane presented the staff report. The public hearing was opened.

Daryl Woods, architect and representative for the applicant, spoke in support of the application and highlighted the changes made in response to the Commissioner's redesign comments. He noted other changes to the plans pertaining to privacy to neighboring properties.

Terry Lapid, owner and applicant, spoke in support of the application. He stated that the property will be rented on a long-term basis and enclosing the garage area will provide increased security to the property.

Rick White, a neighbor at 216 Stockton Avenue, spoke in support of the garage enclosure. He spoke with concerns about the size of deck. He felt that the deck was a large open living space on the street

with the potential for increased noise on the street, neighborhood and surrounding community. He supported the design of a smaller deck but not located directly on the street, and in keeping with the neighborhood.

George Adzich, a neighbor at 208 Stockton, spoke in support of the garage enclosure and the deck as proposed. He commented on the enjoyment of an outdoor living area and the family nature of the street. He objected to the large homes that fill the lots in the surrounding area.

Shirley Allen, a neighbor at 212 Stockton applauded the applicant's effort to redesign the project and address her concerns, but she spoke with concerns about the size of the deck as proposed and would like to see the deck redesigned to be more in keeping with the scale of the neighborhood.

Public hearing closed.

Commissioner Burke ascertained that the noise ordinance is citywide and not specific to the Village areas. He would have liked a smaller deck, but supported the redesigned project. He stated that due to the close proximity of homes in the Village, that noise is a challenge.

Commissioner Newman supported the application and stated that the redesign is a reasonable response to the Commissions' comments. He commented that the Commission should not utilize planning rules to regulate behavior.

Commissioner Norton concurred with Commissioner Newman's comments. He stated that there is no floor area ratio in the Village so the project has the potential to be much larger. He noted that the south elevation redesigned plan is incorrect.

Chairperson Harlan appreciated the applicant's redesign effort, but stated that decks and privacy are an on-going concern in the Village area. She stated that the Commission needs to plan for the future of the community and the future of the subject property may not remain a long-term rental. Although she supported the garage enclosure she could not support the project.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO APPROVE APPLICATION #07-066 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the demolition of a detached two-car carport and in its place construction of a two-car garage with a new second story deck above at 210 Stockton Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Curb, gutter and sidewalk that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
4. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Landscaping shall be complete prior to final building permit sign off.
5. A revocable encroachment permit from the Public Works Department shall be required for any work done within the public right-of-way.

6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
7. Hours of construction shall be 7:30 AM. to 9:00 PM Mon.- Fri. and 9:00 AM to 4 PM Sat.

FINDINGS

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

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 CV (Central Village) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal 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 CV (Central Village) 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 15301(e)(2) 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)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a two-story residential duplex that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project

APPROVED 3-1, CHAIRPERSON HARLAN DISSENTING.

- C. **504 ESCALONA- PROJECT APPLICATION #08-008**
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO DEMOLISH A SINGLE-FAMILY HOUSE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY HOUSE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-121-15). FILED 2/21/08 *1
PROPERTY OWNERS/APPLICANT: CHRIS RASMUSSEN

Associate Planner Akeman presented the staff report. The public hearing was opened.

Chris Rasmussen, owner and applicant, spoke in support of the application.

Commissioner Burke commented that the design was elegant and looks like the home has been in the neighborhood for a long time.

Commissioner Norton supported the project and commented that the home was well designed. He pointed out that the City Council just passed an ordinance that does not allow trash containers in the

front yard and the design is in violation of the new ordinance. He felt that the applicant could meet the ordinance requirements for the trash containers.

Commissioner Newman stated that even if the project wasn't a nice design, he supported the project because it meets all the requirements

Commissioner Harlan supported the project and complimented the design.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO APPROVE APPLICATION #08-008 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of the demolition of a single-family residence and construction of a new 2,159 square foot two-story residence at 504 Escalona Drive.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. Utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. (A note shall be placed on the final building plans indicating this requirement).
4. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
5. A final Landscape Plan, including an associated, detailed irrigation plan that includes a drip irrigation system, shall be submitted with the final building plans.
6. Project shall maintain the existing drainage swale (drainage flow) along the edge of the roadway.
7. An Encroachment Permit shall be acquired for any work performed in the right-of-way.
8. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.
9. Prior to building permit issuance, the applicant shall pay relevant Inclusionary Housing Fees, as appropriate. The applied square footage is 1,847 square feet and is multiplied by \$2.50. Therefore, the anticipated fees for this project will be approximately \$4,618.

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 R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. 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 project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. 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 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.

This project involves construction of a new single-family residence in the R-1 (Single Family Residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

APPROVED 4-0

- D. 328 MONTEREY AVENUE– PROJECT APPLICATION #07-029**
 COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO CONSTRUCT A FIRST STORY BEDROOM AND GARAGE ADDITION TO A SINGLE-FAMILY RESIDENCE WITH VARIANCES TO THE SIDE AND REAR SETBACK IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-091-14) CATEGORICALLY EXEMPT. FILED 5/22/07.*1
 PROPERTY OWNER/APPLICANT: JAMES & ROBERTA CALDWELL
 REPRESENTATIVE: RICHARD EMIGH

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO CONTINUE APPLICATION #07-029 FOR REDESIGN.

CONTINUED 4-0.**6. NEW BUSINESS**

NONE

7. ORAL COMMUNICATIONS

- A. Director's Report

Community Development Director Rebagliati announced that UC Davis Extension is offering a class for the "Practical Guide to Updating the General Plan" on Wednesday, April 23, 2008. The City Council will be reviewing the Rispin proposal on Wednesday, April 9, 2008.

- B. Commission Comments

NONE

8. ADJOURNMENT

Chairperson Harlan adjourned the meeting at 7:43 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, April 17, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on _____

Approved by Juliana Rebagliati, Community Development Director _____