



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, MAY 15, 2008 7:00 P.M. – COUNCIL CHAMBERS

Chairperson Harlan called the Regular Meeting of the Capitola Planning Commission to order at 7:05 P.M.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Commissioners Burke, Newman, Norton and Chairperson Harlan
Absent: None
Staff: Community Development Director Rebagliati
Senior Planner Bane
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

3. APPROVAL OF MINUTES

A. May 1, 2008

Public hearing item 5.B, 1820 41st Avenue, Application #08-018: Commissioner Burke made the following clarifications:

Page 6, Public Hearing Item 5.A., third sentence, "He thanked the applicant for 37 new trees to be planted on-site instead of grass."

Page 6, Public Hearing Item 5.A., sixth sentence, "The driveways of lots 9-11 need to be longer to provide adequate on-site parking and site guest parking without hanging out into the narrow street."

Page 6, Public Hearing Item 5.A., eighth sentence, "He expressed concern about second stories being too imposing on the narrow street."

Page 6, Public Hearing Item 5.A., fourth paragraph, second sentence, "Glen Iland, project engineer, stated that the County of Santa Cruz Drainage division has not responded to the preliminary review, but the project has been designed with a connection to the existing storm drain line."

Page 7, Recommendations and Concerns: 8. Retain the many trees but assure that each has enough open ground area to succeed. 9. Retain homes facing on 42nd Avenue. 10. Push back to lots facing 42nd Avenue to allow for on-street front parking, especially on the south end to allow widening of the street where it narrows at Grace Street.

Page 8, Public Hearing Item 5.B., Commissioner Burke's comments, second sentence, "He also questioned the applicant about the interior lighting, stating that he was concerned about the brightness of the interior lights and that he did not want it to be a beacon late at night. He also expressed concern about the pediatric medical office two storefronts away, though not grounds for denial since parent accompany children to such a business."

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO APPROVE THE MINUTES OF MAY 1, 2008, WITH CHANGES.

MOTION PASSED 4-0

4. CONSENT CALENDAR

- A. **750 BAY AVENUE – PROJECT APPLICATION #06-060AMEND**
REQUEST FOR MODIFICATIONS TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT REZONING, CONDITIONAL USE PERMIT, AND ARCHITECTURAL AND SITE DESIGN APPROVAL OF A 4.62 ACRE SITE TO REHABILITATE FIVE EXISTING TWO-STORY APARTMENT BUILDINGS, DEMOLISH AN EXISTING APARTMENT BUILDING AND RECREATION ROOM, CONSTRUCT A NEW 33 UNIT THREE-STORY BUILDING WITH MANAGEMENT OFFICE AND COMMUNITY ROOM, INCREASING THE OVERALL COMPLEX UNIT COUNT FROM 96 UNITS TO 109 UNITS IN THE RM-M (MULTIPLE FAMILY RESIDENCE – MEDIUM) ZONING DISTRICT. (APN 036-051-33) CATEGORICALLY EXEMPT. FILED 5/2/08.
PROPERTY OWNER: THE SALVATION ARMY
APPLICANT: FIRST COMMUNITY HOUSING

Commissioner Norton pulled the item for discussion. Commissioner Norton questioned the status of the use permit and suggested that the site improvements be completed at the same time as the building improvements.

Commissioner Newman stated that the original application was well received and supported by the Commission and the City.

Community Development Director Rebagliati stated that the original project approval conditions required the Planning Commission to review and approve any changes to the project. She stated that the site improvements will be done at the same time as the building improvements. First Community Housing has been working diligently to put all the funding together for the entire project.

Chairperson Harlan commented that the original design should have included covered parking.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO APPROVED APPLICATION #06-060 AMEND.

MOTION PASSED 4-0

5. PUBLIC HEARINGS

- A. **1750 41ST AVENUE- PROJECT APPLICATION #07-032**
ARCHITECTURAL AND SITE REVIEW FOR AN EXTERIOR REMODEL TO AN EXISTING RETAIL STORE (LONG'S DRUGS), SIGN PERMIT, AND AMENDMENT OF A CONDITIONAL USE PERMIT TO ADD A DRIVE-THRU PHARMACY IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. (APN 034-131-16) CATEGORICALLY EXEMPT. FILED 6/1/07
PROPERTY OWNER: LONGS DRUGS, INC.
APPLICANT: LAILE GIANSETTO, PSM ARCHITECTS, INC.

Senior Planner Bane presented the staff report.

Commissioner Norton questioned the status of the Whole Foods market application.

Senior Planner Bane responded that on May 7th the Architectural and Site Review Committee reviewed the Whole Foods application and made some suggested changes to the proposal. He anticipated revised plans within the next few weeks. Both staff and the Architectural and Site Review Committee have recommended that Longs and Whole Foods utilize similar site landscaping, planting materials, complimentary exterior paint schemes, common sidewalk and pedestrian access, and roadway and sidewalk alignment.

Commissioner Newman expressed concern about Condition 13, which requires consistency with the Whole Foods application.

Commissioner Burke clarified that the landscape plan incorporates additional new trees and replacement trees in the existing planter areas. He questioned the paving material in the pedestrian access between McDonald's to Longs, stating that the staff report calls out textured concrete, but the plans show asphalt. He also questioned Condition 10 pertaining to Water District requirements and what items will be reviewed.

Senior Planner Bane responded that the City has a strong desire to upgrade the entire shopping center and has encouraged both Longs and Whole Foods to consider design and landscape compatibility. The paving material in the pedestrian access between McDonald's to Longs is textured concrete, not asphalt. The water district reviews landscape materials and the irrigation plans.

The public hearing was opened.

Laile Giansetto, representative from PSM Architects, discussed the compatibility with the Whole Foods application. She stated that Longs is trying to move forward with their application and the timing of Whole Foods application is different than Longs. The landscape architect for Longs has been working with the Whole Foods landscape architect to achieve a compatible landscape design. Ms. Giansetto highlighted the changes made in the design plans to address the Commission's previous comments.

Commissioner Burke ascertained that the lettering for the drive-thru signage will be contrasting to the wall color. He also commented that the trellis on the side of the building will be removed and replaced with landscaping. He suggested a condition that would ensure that the tree wells will be large enough for the trees to survive, and widening the crosswalk in front of the store.

Commissioner Newman questioned if Longs had conducted a survey of how many current customers will be using the drive-thru since the drive-thru seems to be the key issue in the application. The traffic study indicates that there may be 15 customers at peak hours, but the design of the two lanes for the drive-thru indicates that the drive-thru will be encouraged.

The public hearing was closed.

Commissioner Norton questioned the argument that competition is the purpose for the drive-thru. He also questioned if the Fire Department had reviewed and approved the plans. He spoke in opposition to the drive-thru location and the use, stating that the drive-thru encourages people to drive when we should be discouraging automobiles. He sees the site design as difficult to access, poor traffic flow and conflicting with pedestrian access. He did not see any reason for Longs to have a drive-thru pharmacy. He stated that Longs will see a 20% increase of business with the neighboring Whole Foods market, according to the San Jose Redevelopment Agency statistics.

Commissioner Newman stated that balance should support the application. He supported the site improvements along 41st Avenue, and the building upgrades and improvements.

Commissioner Burke complimented the applicant on working with the City to make the changes the Commission suggested. He agreed with Commissioner Newman that balance supports the

application. He appreciated the widened sidewalk that will blend with the Whole Foods market property. He supported the application with the following recommended conditions:

1. The paving material of the crosswalk between Longs and McDonalds, be specifically designated on the project plans.
2. The tree wells in the parking lot area to be designed to accommodate the trees.
3. Widen the crosswalk at the entry of the building
4. Incorporate a sign at the entrance of the drive-thru to require customers to shut off the vehicle engine while waiting
5. Strengthen the language of Condition 13 to ensure that Longs and Whole Foods work together to achieve a compatible and complementary landscape design, pedestrian area and color scheme.

Chairperson Harlan spoke in opposition to the application. She stated that the City strives for quality development. She appreciated the applicant's efforts to redesign to the Commissions recommendations, but there is not adequate space to accommodate the drive-thru at this location.

Under discussion, Commissioner Norton stated that approval of this permit would be setting a precedence for doing business at the rear of the building.

Commissioner Newman stated that he was not supportive of disapproving the application on speculation of what the City Council may have intended at a different time.

Commissioner Burke respected the ordinance as currently written and noted that several banks have drive-thru uses.

A MOTION WAS MADE BY COMMISSIONER BURKE AND SECONDED BY COMMISSIONER NEWMAN TO APPROVED APPLICATION #07-032 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a remodel of an existing retail store (Longs Drugs), including demolition of 1,925 square feet of retail space, the addition of a new drive-thru pharmacy canopy and drive-aisle, as well as an exterior facelift of the west (front) elevation of the store. Also included is new signage and landscaping.
2. Any significant modifications to the size or exterior appearance of the approved design 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. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Delivery hours shall be limited to 8AM – 8PM to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
6. Trash enclosures shall be covered, gated and maintained to provide a clean and sanitary area.
7. Security lighting in the rear of the store shall be shielded to prevent light from shining on to neighboring properties.

8. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
9. Prior to issuance of a building permit, any necessary encroachment permit shall be obtained from the Public Works Director.
10. The applicant shall comply with all requirements of the Santa Cruz Water District with regard to the required landscape irrigation and any other new water fixture requirements.
11. 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. A drip irrigation system shall be incorporated as part of the landscape plan.
12. The applicant shall develop, submit, and enact a plan for the use and control of their carts, including a plan to collect carts removed from their property.
13. The applicant shall work with the Community Development Department to ensure that Longs and Whole Foods work together to achieve a compatible and complimentary site and parking lot landscaping, common pedestrian walkways, and compatible paint scheme and exterior building materials.
14. The final site plan submitted with the building permit application shall include the paving material of the crosswalk between Longs and McDonalds, be specifically designated as concrete.
15. The final site plan submitted with the building permit application shall include tree wells in the parking lot area to be designed to accommodate the trees.
16. The final site plan submitted with the building permit application shall include the design and materials to widen the crosswalk at the entry of the building.
17. The final site plan submitted with the building permit application shall include a sign at the entrance of the drive-thru that require customers to shut off the vehicle engine while waiting.

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 with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. 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 with the development standards of the CC (Community Commercial) Zoning District and the 41st Avenue Design Guidelines. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

- 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 interior or exterior alterations to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

MOTION FAILED TO PASS FOR LACK OF A MAJORITY VOTE, 2-2. COMMISSIONER NORTON AND CHAIRPERSON HARLAN DISSENTING.

- B. 4980 CLIFF DRIVE- PROJECT APPLICATION #08-013**
ARCHITECTURAL AND SITE REVIEW FOR A SECOND STORY ADDITION AND EXTERIOR REMODEL TO AN EXISTING THREE UNIT APARTMENT BUILDING IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT. (APN 034-052-03) CATEGORICALLY EXEMPT. COASTAL PERMIT EXEMPT. FILED 3/11/08 *2
PROPERTY OWNER: SALLY HOLT & GREGORY NICHOLLS
REPRESENTATIVE: HOWELL & MCNEIL DEVELOPMENT LLC

Senior Planner Bane presented the staff report.

Commissioner Newman questioned the 1946 construction date with photos from 1939. He asked staff if this application was an all or nothing decision by the Commission, specifically, if the decision is that the site is not an historic resource, then the Commission can review the application as proposed; and if the decision is that the site is historic, then the Commission will need to be reviewing revised plans along with a revised CEQA determination and a full E.I.R.

Commissioner Burke ascertained that only one criteria needed to be met to designate the site as historic. He questioned how the local ordinance differed from the state regulations, how many analysis' are required for a project and does the City always hire a peer review.

Commissioner Norton stated that the plans indicate parking the garage and one space behind the garage. He questioned if the parking space by the public stairway is in the public right-of-way or if it is on private property.

In response to the Commissioners questions, Community Development Director Rebagliati briefly explained the ordinance history and that the current local adopted ordinance is very out of date. A revised updated ordinance with specific properties has been prepared but has not been adopted. However, the Council has adopted an Historic Context Statement that designates specific properties. Some properties are locally designated, but then additional studies are prepared to determine if properties are eligible to qualify for national, state or local listing. If the property is locally listed then any site or building changes must meet the Secretary of the Interior Standards. Finally, she clarified that the applicant pays for a third party review, and the City selects the professional.

The public hearing was opened.

Tom Thacher, project architect and qualified historic architect, clarified the photos were taken in 1949, not 1939. He was looking forward to rehabilitation a very dilapidated prominent architectural feature in Capitola. The design was not making any significant defining changes to the original structure, but merely upgrading the building and making the building more functional and more in keeping with the period architecture. He noted that the building will be more consistent with the art deco style following the rehabilitation. If the owner's were required to follow the Secretary of the Interior Standards, then repair much of the building, inclusive of vinyl siding, T111 siding, pipe railing and steel windows that would be cost prohibitive.

Commissioner Norton questioned if a redesign could bring the building up to today's building standards and utilize the same type of window structure with the same with the same visual appearance but not meet the Secretary of the Interior Standards.

Mr. Thacher stated that you would be looking at building as it was built, including the various siding types and pipe railings. He commented that as currently designed the top floor windows are the same, the second floor windows are similar to the original fenestration, and the lower two levels are the same as the original. There are new doors and new windows, but maintaining as many of the original openings as possible to make the interior floor plan logical.

Kathryn Gultieri, historian on Architectural and Site Review Committee, spoke in support of the application. She stated that when the City hired Kent Seavey, a third party historic consultant, to review the various historic evaluations, he mainly reviewed for history not the architectural value. She stated that the Battistini House is an historic feature for the City, but it does not meet the Secretary of the Interior Standards for designation. The Capitola ordinance was adopted in 1987 and does not mirror the state criteria. And does not address important person(s) criteria. The local community needs to determine what is considered of historic value to the local area. To blur both the state and local criteria is a disservice to the local community. The local ordinance may be old but can be used to designate local historic features. She suggested that the project be reviewed by an historic architect.

Carolyn Swift, City Museum Directory stated that she had submitted comments to the Commission and that the photos are from 1947. She presented a brief history of Mr. Battistini and noted that he should be considered an important person in Capitola's incorporation history.

Commissioner Newman questioned if the Commission designated the building as a local historic property does this action then require compliance with the Secretary of the Interior Standards, does the building have to look exactly the same as when Mr. Battistini built it?

Kathryn Gultieri stated that all original materials need to be used in the rehabilitation. There is no middle ground.

Commissioner Burke commented that the historic value seems to be Mr. Battistini's contribution to the community not the architecture of property. He ascertained from Kathryn Gultieri that there is 17 other properties that are historically significant based on the occupant's contribution to the establishment of the City.

Tom Thacher commented that the property is either historic or not, there is no in-between or middle ground. If designated as historic, then strict compliance with Secretary of the Interior Standards will mean that the steel windows could be replaced but cost prohibitive for the owner. The design as proposed meets the integrity of the original home and lends to a more authentic representation of the architectural style.

Community Development Director Rebagliati commented that the City's historic features ordinance specifies a process to designate a property as a local historic feature.

Commissioner Newman stated his concern with preserving older buildings in the City, but as soon as the property is designated historic then there is a jump into extremely strict guidelines for rehabilitation. There is not a middle ground to address any local community designation.

Chairperson Harlan stated that the City needs a clear process for applicants and staff to deal with historic properties. She supported the historic significant of both the person and building, favoring following the Secretary of the Interior Standards and restoring the building to the steel windows and pipe railings.

Commissioner Norton stated that the historic context did not consider how Mr. Battistini built his home with the cheapest, left over, and mismatched construction materials. The City needs to preserve the historic fabric of the community and give applicant's leeway to bring a building up to current building standards; forcing the use of the Secretary of the Interior Standards is sever and does not lend to maintaining any architectural style for this project. He would like to see the building rehabilitated to the original intention and to maintain the architectural style. He did not support the use of the Secretary of the Interior Standards. However it is difficult to decide against the recommendations of the City Historian.

Commissioner Burke supported maintaining and promoting the City's history, but he could not support the sever use of the Secretary of the Interior Standards, especially with regard to materials. He was generally not supportive of the proposed rehabilitation, but wanted to see some upgrade. He supported the wood siding and no radical changes to the building elevations.

Community Development Director Rebagliati suggested that an historic architect could review the project with consideration of the Secretary of the Interior Standards and that staff could discuss the project with a representative from the State Office of Historic Preservation to get suggestions and direction for meeting the standards with flexibility for a local feature. She recommended that the Commission continue the item for redesign to attempt to comply with the standards under the direction and assistance of the State Office of Historic Preservation staff.

Commissioner Norton stated that it is the City's intent to preserve historic structures and to save historic features of the home. He suggested the Commission consider a redesign that would incorporate the historic features of the home, but not to the Secretary of the Interior Standards.

Chairperson Harlan supported an analysis of historic features and a study prepared by an historic architect to see what alterations may be made as a locally designated historic feature under the Secretary of the Interior Standards. Thereby acknowledging the building as historically significant.

Tim McNeill, property owner, requested direction from the Commission for redesign.

Commissioner Newman commented that the City needs it's own ordinance and that a two tiered ordinance that acknowledges locally important historic features could be a much more realistic way of reviewing locally important properties.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER NEWMAN TO CONTINUE APPLICATION #08-013 TO THE JULY 3, 2008 MEETING WITH THE FOLLOWING ITEMS:

1. Consider a redesign that is closer to the historic features of the original house.
2. An historic architect provide a peer review the redesign
3. The historic context to remain on the Wharf Road elevation
4. Avoid a new CEQA process

MOTION PASSED 4-0

6. NEW BUSINESS

NONE

7. ORAL COMMUNICATIONS

A. Director's Report

Community Development Director Rebagliati commented that the appeal at 1816 Wharf Road was overturned by the City Council. The Council specifically stated that they do not like to overturn the Planning Commission's decisions, but the Council was able to make the variance findings and require the public improvement of a sidewalk along the property frontage.

She stated that the BevMo had been appealed.

The next meeting the Commission will be reviewing the CIP report and a housing report next meeting. The Rispin court case was continued to another date.

There is an office space issue therefore no further information regarding the General Plan Update.

Senior Planner Bane stated that the Whole Foods application was reviewed before the Architectural and Site Review Committee on May 7th. The Committee had a few design suggestions and the applicant should be resubmitting plans in the next few weeks.

B. Commission Comments

Chairperson Harlan requested a joint meeting with City Council to discuss variances

Commissioner Norton asked for an update on the Rispin court case and the status of the general plan update.

Chairperson Harlan announced the seawall art tile project.

Commissioner Burke as about the status of the Whole Foods market application.

Commission Newman suggested that new Commissioner Hale review the recording of the meeting pertaining to 4980 Cliff Drive hearing so that she is informed on the issues and Commission's comments before the July 3rd meeting.

8. ADJOURNMENT

Chairperson Harlan adjourned the meeting at 9:30 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, June 5, 2008, in the City Hall Community Room, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on June 5, 2008

Approved by Juliana Rebagliati, Community Development Director _____