

In response to a question, Planning Assistant Sesanto explained that on the side of the opposing property the proposed design is nonconforming.

In public comment, neighbor John Shenk expressed concern with the proposed design's imposing nature and its negative impact on the neighborhood. He stated that moving the wall back is desired.

Commissioner Wilk confirmed that the application did not require a variance.

Commissioner Westman recommended the item be continued to a future Planning Commission meeting, to give the applicant and their neighbor an opportunity to resolve privacy concerns and make revisions.

MOTION: Continue item to the December 2, 2021, Planning Commission Meeting

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Courtney Christiansen
SECONDER:	Susan Westman
AYES:	Westman, Wilk, Routh, Christiansen
RECUSED:	Newman

5. PUBLIC HEARINGS

A. 111 Capitola Avenue #21-0408 APN: 035-241-04

Amendment to Conditional Use Permit for alcohol sales to include beer and wine at the English Ales tasting room located within the C-V (Central Village) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: John Kettmann

Representative: Peter Blackwell, English Ales Brewery, Filed: 09/13/2021

Community Development Director Herlihy presented a staff report.

Commissioner Christiansen commented that this business has positively contributed to the Village community.

There was no public comment.

Commissioner Wilk commented that in general the Planning Commission has been approving more liquor licenses and spoke to his concern with encouraging noise and unruliness in the Village. Commissioner Westman agreed that further discussion about general strategy would be beneficial.

MOTION: Approve amendment to Conditional Use Permit for alcohol sales, with the following conditions and findings.

CONDITIONS

1. The project approval consists of an amendment to the Conditional Use Permit for alcohol sales (English Ales Brewery) and a 158-square-foot tasting room within a 775-square-foot commercial structure. The amendment is to allow the sale of beer and wine onsite. The proposed project is approved as indicated approved by the Planning Commission on November 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The primary use on the site is retail related to English Ales Brewery and includes the sale of beer for offsite consumption. The tasting room is limited to a maximum of 160 square feet of area open to customers for tasting with a maximum of 6 seats.
3. A copy of the approved Department of Alcoholic Beverage Control (ABC) Permit must be filed with the Community Development Department prior to initiating on-site beer and wine sales. The Conditional Use Permit was amended on November 4, 2021, to allow the sale of beer and wine at 111 Capitola Avenue.
4. The conditional use permit will expire in the case where the conditionally permitted use has not been exercised within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit. Applications for extension may be submitted by the applicant prior to permit expiration, pursuant to Municipal Code section 17.81.160.
5. Compliance with all conditions of approval and the ABC license requirements and conditions 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 issue in a timely manner may result in permit revocation.
6. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
7. 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.
8. 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.

FINDINGS

A. The proposed use is allowed in the applicable zoning district.

The tasting room is allowed within the MU-V zoning district with a Conditional Use Permit for the sale of alcohol. A tasting room is considered a retail establishment with limited onsite area for consumption.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The retail space with alcohol sales and a tasting room with six seats or less with the added allowance of wine consumption is consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

111 Capitola Avenue is located in the Mixed Use Village zoning district, an area with a variety of eating and drinking establishments and retail establishments. Allowing the consumption of wine to patrons at the tasting room is compatible with existing land uses in the vicinity of the property.

D. The proposed use will not be detrimental to the public health, safety, and welfare.

Allowing beer and wine sales at the English Ales Tasting Room will not be detrimental to public health, safety, and welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

111 Capitola Avenue is properly located within the Mixed Use Village and adequately served by services and infrastructure.

F. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves a retail space with alcohol sales and a tasting room with six seats or less with a duplicate Type 23 alcohol license for the sale of beer and wine for on-site consumption within the MU-V (Mixed Use Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Peter Wilk
SECONDER:	Courtney Christiansen
AYES:	Newman, Westman, Wilk, Routh, Christiansen

B. 1500 Wharf Road #21-0287 APN: Common Walkways 'B' through 'H'

Master Sign Program for common area walkways of the Capitola Venetian Condominiums located within the MU-V (Mixed Use Village) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Venetian Court HOA

Representative: Craig Nunes – Venetian Court HOA Filed: 07.09.21

Assistant Planner Sesanto presented a staff report.

During public comment, an email was received in support/ in opposition to the master sign permit. Craig Nunes, president of the Venetian Court HOA, spoke in support of the proposed sign program.

Chair Routh commented that he'd heard the noted police calls had only been made on behalf of a couple specific residents; Mr. Nunes responded that police have been called several times by many people.

Commissioner Westman said she supported the Sign Program if the Commission made a few word modifications.

Commissioner Routh commented that the Coastal Commission's recommended sign language is different than the applicant's sign language. He said he did not want to prohibit people sitting on the seawall.

MOTION: Approve the Master Sign Program and Coastal Development Permit, using the language recommended by the Coastal Commission, with the following conditions and findings.

CONDITIONS

1. The project approval is for a Coastal Development Permit and Master Sign Program for the Venetian Court Condominiums at 1500 Wharf Road. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 4, 2021, except as modified through conditions imposed by the Planning Commission during the meeting.
2. The Master Sign Program shall consist of the following:
 - a. Location:
 - i. One freestanding sign is permitted at each of the four locations marked with a circle on the site map.
 - ii. One gateway sign is permitted at each of the three gate locations marked with a triangle on the site map.
 - b. Minor changes to the sign color or style may be approved by the Community Development Director or their designee with an administrative sign permit and building permit.
 - c. Changes in sign locations and/or content are subject to an amendment to the Master Sign Program by Planning Commission.
 - d. Sign Dimensions: gateway and freestanding signs cannot exceed the following dimensions:
 - i. Maximum sign height: 18"
 - ii. Maximum sign width: 18"
 - e. Illumination: The signs shall not include illumination.
 - f. Gateway signs content:

*Venetian Court
Residences
No smoking
No bikes, no skateboards,
No noise after 10 PM
Please Respect our
Private Homes*
 - g. Pathway signs content:

Venetian Accessway
We welcome you to use the pathways to access Capitola Beach
Please do not sit, stop, loiter, or obstruct the pathway
Skateboarding, bicycling, and skating are prohibited
3. Minor alterations to signs covered in Condition #2 may be issued by the Community Development Director or their designee with an administrative sign permit and building permit.
4. Pathway signs shall use the language suggested by California Coastal Commission staff on May 5, 2021 as listed above in Condition #2(g).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #21-0287 shall be paid in full.
7. 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.
8. 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
9. 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.
10. 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.

SIGN PERMIT FINDINGS

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
Community Development Staff and the Planning Commission have reviewed the project. The proposed master sign program complies with the development standards of the MU-V (Mixed-Use Village) zoning district.
- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**
Community Development Staff and the Planning Commission have reviewed the application for the master sign program. The proposed project will maintain the character and integrity of the neighborhood.
- C. The proposed sign will not adversely impact the public health, safety, or general welfare.**
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed sign will not have adverse impact on public health, safety, or general welfare.

D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.

E. The proposed signs are restrained in character and no larger than necessary for adequate identification.

Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site. The signs utilize matching designs and are restrained in character and size.

F. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303 of the CEQA Guidelines exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project includes the installation of four walkway signs and three gateway signs within the MU-V (Mixed Use Village) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on the Venetian Court common walkways 'B' through 'H' located at 1500 Wharf Road. The project will not negatively impact public landmarks and/or public views. Public access is discussed in Findings D through F.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 1500 Wharf Road. The project is located in an area with adjacent natural resources. The proposed signs will be affixed to existing hardscape and will not negatively impact vegetation, habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves informational signs on a site that has and is adjacent to public recreational access including the beach and ocean. Specifically, the project is along walkways between public roads and the Capitola Beach. The proposed sign language has been written to avoid restricting public access. The intent is to reduce nuisance activities, impaired walkways, and disturbances during quiet hours.

E. The project maintains or enhances opportunities for visitors.

The project involves informational signs on a site that has and is adjacent to visitor opportunities. Specifically, the project is along walkways between public roads and the

Capitola Beach. The proposed sign language does not restrict public access and would therefore maintain visitor opportunities.

F. The project maintains or enhances coastal resources.

The project involves informational signs on a site that has and is adjacent to coastal resources. Specifically, the project is along walkways between public roads and the Capitola Beach. The proposed sign language does not restrict public access and would therefore maintain visitor opportunities.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed signs comply with all applicable design criteria, design guidelines, area plans, and development standards. Specifically, the project is consistent with sign standards for multifamily properties, the local coastal plan, and uses within the MU-V (Mixed Use Village) zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves informational signs for a multifamily site that has and is adjacent to coastal resources. The project will not obstruct public access along the affected walkways. The project balances the priority of protecting existing public access to coastal resources with existing residential land uses.

RESULT:	APPROVED [4 TO 0]
MOVER:	Susan Westman
SECONDER:	Courtney Christiansen
AYES:	Westman, Wilk, Routh, Christiansen
RECUSED:	Newman

C. Outdoor Dining Ordinance

Update to Zoning Ordinance/Local Coastal Plan Implementation Plan to repeal and replace Zoning Code Section 17.96.170 Outdoor Dining in Public Right of Way, amend Section 17.120.030 Design Permits When Required, and add Section 17.96.175 Outdoor Dining on Public Property.

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and must be certified by the Coastal Commission prior to taking effect in the Coastal Zone.

Environmental Determination: Categorical Exemption 15305 and 15311

Property: The draft ordinance affects all properties within the Mixed use, Commercial, and Zones in the City of Capitola.

Representative: Katie Herlihy, Community Development Director, City of Capitola

Director Herlihy presented a staff report.

In public comment, Mike Newall spoke in support of outdoor dining and asked Planning Commission to consider the impact on those with village parking permits. The owners of English Ales Brewery and Linda Smith spoke in support of outdoor dining. Eric Fawcett spoke against outdoor dining. Doug spoke in favor of outdoor dining and asked that it be allowed for free, with no permit fees or other costs. Via email, Dawn Campbell supported outdoor dining and owners on Lawn way opposed permanent outdoor dining.

The Planning Commission provided the following feedback on the ordinance:

Topic	Feedback
Locations	Remove Monterey Avenue
Permit Review Process	Remove Sidewalk Dining from the ordinance
Materials Allowed	Support new standards with detailed list of supported and discouraged materials
Signs Allowed	Restaurants can have two signs – one for menu and one for restaurant name – size to be determined by prototype design
Bicycle Parking	If a parking space is utilized for the in-Lieu bike parking, the utilized parking space(s) should be included in the 25 maximum spaces allotted for dining, not additional spaces
Activation	Support activation requirement of 5 days per week, weather permitting

MOTION: Provide feedback on proposed ordinance as indicated in the minutes and 1) Recommend City council extend the temporary dining program; 2) Recommend City Council refrain from approving a permanent program until there has been sufficient review of proposed ordinance and a prototype design is approved and 3) Remove outdoor dining on private property from the outdoor dining ordinance.

RESULT: AMMENDED AS BELOW [UNANIMOUS]
MOVER: Edward Newman
SECONDER: Susan Westman

AMENDEMENT BY COMMISSIONER WILK: In addition to above motion, 4) Require Planning Commission to review the prototype design.

RESULT: PASSED [UNANIMOUS]
MOVER: Edward Newman
SECONDER: Susan Westman
AYES: Westman, Wilk, Routh, Newman, Christiansen

6. DIRECTOR'S REPORT

Updated IHO was adopted at the last City Council meeting

7. COMMISSION COMMUNICATIONS

Commissioner Wilk said he was concerned about not allowing music in the outdoor dining areas; he agreed on banning amplified music, but thought some music should be allowed

Commissioner Westman asked that more details on how many loading spaces are in the Village when the outdoor dining ordinance next comes before the Planning Commission.

8. ADJOURNMENT

The meeting adjourned at 9:27PM to the next regular Planning Commission meeting on December 2, 2021.

Approved by the Planning Commission

Chloe Woodmansee, City Clerk

APPROVED DECEMBER 2, 2021