



FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
Thursday, February 4, 2021
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Chair Routh called the meeting at 7 P.M. Commissioners Christiansen, Newman, Westman, Wilk and Chair Routh were present remotely.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

3. PUBLIC HEARINGS

A. 1855 41st Avenue #21-0023 APN: 034-261-07, -37, -38, -40, & -52

Conditional Use Permit for Mobile Food Vendors located within the C-R (Regional Commercial) zoning district.

This project is not in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Merlone Geier Management, LLC

Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 01.21.2021

Associate Planner Orbach presented the staff report.

Commissioner Wilk asked staff whether COVID precautions that were imposed on businesses in the Village would apply here. Associate Planner Orbach answered that the outdoor seating requirements would be applicable, but the applicant is not proposing seating at this time.

Commissioner Westman stated that she would like to include a condition of approval describing where the food trucks will be permitted to operate.

Commissioner Newman asked staff for specific enforcement mechanisms in place to enforce the conditions. Director Herlihy answered that the City's Municipal Code provides authority to the Planning Commission to review violations. She added that precedent exists, where conditional use permits are new, for the Planning Commission to bring the permit back for review within a year.

Commissioners Wilk and Christiansen stated that they would like a six-month review of the permit.

Chair Routh asked staff if design controls were applied to the barriers. Director Herlihy answered that design controls on the barriers can be included in the conditions.

Chair Routh also asked if designated parking spaces were provided for this specific use.

Associate Planner Orbach answered that dedicated parking spaces are not included in the plan but there is ample parking on the property.

Brian Kirk, the mall manager, informed the Commission that vendors have a separate agreement with the mall to ensure compliance with the conditions.

Commissioner Wilk would like emphasis on enforcement of Municipal Code § 8.36.040. Associate Planner Orbach stated that compliance with Capitola Municipal Code §8.36.040 is mandatory, but suggested that the mall owners provide vendors with information on applicable laws prior to operation at the site.

MOTION: Approve the conditional use permit with the following conditions and findings.

CONDITIONS

1. The project approval consists of the approval of a conditional use permit for the operation of up to three mobile food vendors seven days a week in the locations indicated on the approved site plan. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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 site plan or expansion of the proposed use shall require Planning Commission approval.
3. Prior to exercising the conditional use permit, the applicant must provide documentation of plan approval by the Central Fire Protection District.
4. Mobile food vendors shall obtain a Capitola Business License and any required county and state licenses prior to commencing business in Capitola.
5. Placement of food vendor vehicles or trailers shall not obstruct fire lane access.
6. Placement of food vendor vehicles or trailers shall not obstruct vehicular right of way.
7. Mobile food vendor customers shall utilize parking spaces located on parcels owned by the Capitola Mall.
8. Mobile food vendors shall supply their own bird deterrent trash receptacles and empty them in the Capitola Mall refuse collection areas when full and upon leaving the premises daily.
9. Mobile food vendor lighting shall be limited to lighting located on the food vendor vehicle or trailer. Lighting shall be in compliance with the Capitola Municipal Code.
10. Mobile vendor may not discharge any liquids including wash water onto the ground.
11. Mobile vendor must clean up any spills caused by their operation or customers.
12. Mobile food vendors shall be responsible for maintaining ADA access to the vendor vehicle or trailer.

13. Mobile food vendors shall provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during hours of operation.
14. Mobile food vendors shall comply with all sign standards in CMC Chapter 17.80. Specifically, mobile food vendors shall comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.
15. Mobile food vendors shall not put out seating or tables for customers.
16. Mobile food vendors shall not utilize a loudspeaker or other amplified sound.
17. This permit shall expire 24 months from the date of issuance. The applicant shall exercise the permit before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code §17.156.080.
18. 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.
19. Mobile food vendors shall comply with the biodegradable and compostable disposable food service ware requirements under Capitola Municipal Code §8.36.040.
20. Mobile food vending uses shall be limited to the locations identified in the site plan approved by Planning Commission on February 4, 2021. Locations include: the parking spaces along 41st Avenue north of the main eastern mall entrance and along the north side of the entrance driveway; the parking spaces along 41st Avenue south of the main eastern mall entrance and along the south side of the entrance driveway; the parking spaces along Capitola Road between the main southern mall entrance and the Bank of America parcel; and the parking spaces along Clares Street south of the main western mall entrance.
21. Conditional use permit #21-0023 shall be scheduled for a Planning Commission review in six months (August 19, 2021) to ensure all impacts of the new use are adequately mitigated. The Planning Commission may modify the conditions of the conditional use permit during the six-month review to improve the overall operations of the mobile food vendor use.
22. The physical barriers shall be of high quality and add to the aesthetics and visitor experience within the food vending area. City staff shall review and approve the design of physical barriers (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the customer queue prior to initial mobile food vending operations for each vendor.
23. Prior to issuance of a Capitola Business License, a fire safety inspection of each truck must be conducted to ensure that portable fire extinguishers or fixed fire suppression systems have been inspected, tested, and are in good working order. Applicant must provide proof of fire safety inspection approval from Central Fire Protection District with Business License application.

CONDITIONAL USE PERMIT FINDINGS**A. The proposed use is allowed in the applicable zoning district.**

Mobile food vending is allowed in the C-R (Regional Commercial) zoning district with Planning Commission approval of a conditional use permit.

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 mobile food vending use is consistent with the general plan, local coastal program, and zoning code.

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.

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.

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

Community Development Department Staff, Public Works Staff, Police Department, Central Fire Protection District, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the 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.

The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Peter Wilk
SECONDER:	Courtney Christiansen
AYES:	Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk, Mick Routh

B. Study Session to Introduce Objective Standards for Mixed Use and Multifamily Development Projects

Introduction to Objective Standards for Mixed Use and Multifamily Development Applications

The future standards will be applicable in all zoning districts which allow multi-family and mixed-use development. The future ordinance adding objective standards will require certification by the California Coastal Commission prior to taking effect in the Coastal Zone.

Representative: Ben Noble, Ben Noble City and Regional Planning

Applicant: Katie Herlihy, City of Capitola

Ben Noble of Ben Noble Planning presented the staff report.

Commissioner Newman asked staff about the scope of the grant and how much is allocated to this project. Director Herlihy responded that Capitola received \$160,000.00 from the SB2 grant program. The grant must be used for projects that will expedite housing production. Approximately \$115,000.00 is allocated towards ADU development, while

\$45,000.00 is allocated to the objective design project.

Commissioner Newman raised his concern that SB35 may not be economically feasible for builders since the prevailing wage rate applies, but 50% of the units must be reserved for low-income housing. Commissioner Westman and Director Herlihy believe it is possible for SB35 projects to come to Capitola. Mr. Noble added that the presentation should be viewed in the larger context of state housing law and its direction in the future.

Chair Routh believes strict design standards are necessary to protect and maintain Capitola's character.

Commissioner Wilk believes creating objective standards, while minimizing subjective standards, is a great idea.

Commissioner Newman stated that he would like the new standards integrated into the existing code in a user-friendly manner. Commissioner Christiansen concurred with Commissioner Newman.

Commissioner Westman looks forward to the proposed design guidelines in the multi-family zone.

RESULT: The presentation was a study session only. No action was required.
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4. DIRECTOR'S REPORT

Director Herlihy updated the Commission on eviction protections and SB91.

She also informed the Commission that Santa Cruz County received \$8.1 million for rental assistance, and that the State of California will match those dollars.

Lastly, Director Herlihy updated the Commission on CDBG-CV2 grant money.

5. COMMISSION COMMUNICATIONS

6. ADJOURNMENT

The meeting was adjourned at 8:47 P.M. to the next regular meeting of the Planning Commission on March 4, 2021.

Edna Basa, Clerk to the Commission

FINALIZED 03/04/2021