

**ADOPTED MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, JULY 17, 2014**

**7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

Commissioners: Ron Graves, Mick Routh, Linda Smith and TJ Welch and Chairperson Gayle Ortiz.

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda - None

## Public Comment - None

1. Commission Comment

Commissioner Graves noted he has heard a lot of questions from merchants about other merchants’ outdoor sales and signs. He asked about the Village tripod sign program including how many permits and fees have been issued and collected. Community Development Director Rich Grunow responded that City Council addressed Village signs last year and made some modifications. There has been only one application, which was withdrawn. Regarding enforcement of both signs and outside merchandise, the City Council direction to staff was that enforcement be handled on a complaint basis rather than proactively. Commissioner Graves noted that citizens are often reluctant to be the “bad guy” and report violations.

**D.** Staff Comments - None

**3. APPROVAL OF MINUTES**

|  |  |
| --- | --- |
| **A.** | **June 5, 2014, Draft Planning Commission Minutes** |

**A motion to approve the June 5, 2014, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch. No: None. Abstain: Chairperson Ortiz**

**4. CONSENT CALENDAR**

|  |  |
| --- | --- |
| **A.** | **528 Capitola Avenue      #14-094      APN: 035-094-29** |
| Sign Permit for a new wall sign to be located at the Dignity Health Medical Group located at 528 Capitola Avenue on a parcel that is located within two zoning districts including CN (Commercial Neighborhood) and R-1 (Single-Family Residential) Zoning District.  This project is in the Coastal Zone, but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption Property Owner: Harold LaFont Representative: Bob Deschamps (Pro Signs Inc.), filed: 6/17/14 |

**A motion to approve project application #14-094 for a sign permit with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Routh:**

**CONDITIONS**

1. The property is located at 528 Capitola Avenue on the corner of Capitola Avenue and Beverly Avenue. There is no monument sign on the site. The new sign application is for wall sign facing Beverly Avenue. The sign will be 35 square feet. The proposed halo illumination is not approved within this application.
2. The proposed halo illumination on the new wall sign facing Beverly Avenue has not been approved within this application due to possible impacts of lighting and visual clutter on adjacent residential properties.
3. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.
4. Prior to operation of a new business, the applicant shall obtain a business license from the City of Capitola.
5. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and installation of the sign underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

**FINDINGS**

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed sign is allowed in the CN Zoning District. Conditions of approval have been included to ensure the sign will secure the purpose of the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the sign and determined that the sign complements the building form. The sign maintains the character and integrity of the neighborhood within the City of Capitola. The proposed internal lighting has not been approved due to possible impact on adjacent property owners. Conditions of approval have been included to carry out these objectives.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves a sign for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None**

|  |  |
| --- | --- |
| **B.** | **2000 Wharf Road and Parcel Adjacent to 809 Bay Avenue      #14-096**  **APNs: 035-021-42; 035-371-01; and 035-371-02** |
| Coastal Development Permit application and Tree Removal Permit for the Soquel Pump Station Force Main Replacement project. The project runs on either side of and under Soquel Creek from property adjacent to Peery Park through the Rispin property to Clares Street.   This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination: Mitigated Negative Declaration Applicant: Santa Cruz County Sanitation District Property Owners: Santa Cruz County Sanitation District and City of Capitola Representative: Rachel Lather, filed: 06/17/14 |

This item was pulled from the Consent Agenda by Commissioner Graves and heard at the start of Public Hearings.

Commissioner Graves noted as he read the proposed mitigation it appeared that the County has not decided precisely what it is going to do since it references two types of pipes and sizes. He expressed concern about granting a mitigated declaration for an incomplete EIR and asked for clarification. He also noted a specific concern of preserving the large sandstone rock in the vicinity that is home to many steelhead. He added he is in general supportive of the project.

Rachel Lather spoke on behalf of the County. She explained the project is designed to minimize any chance of fracking under the creek and will be 40 feet underground at the creek and rock. The project engineer explained that the EIR references two types of pipe to allow bids using either one. Although they sound like different sizes, the interior diameter is the same and meets the required pressure rating.

Commissioners expressed concern about potential slurry contamination from fracking. The contractor will have a contingency plan in place that requires work to stop and immediate action to prevent spread should there be any slurry.

Commissioner Ortiz opened the public hearing.

Kate Arietta voiced concerns about hours of operation and noise.

Ms. Lather noted the contractors will observe construction hours of 7:30 a.m. to 5 p.m. for most of the project. The County is requesting an exception for the approximately five-day period when it will be pulling the pipe through, which requires a 24-hour operation. It is working with the nearby sleep center to coordinate timing of sleep studies.

At the Clares and Wharf end, the project requires open cut construction for about a two-week period during regular construction hours. For the 24-hour work period, they can install a fence and noise barrier curtain 8- to 40-feet high to push sound away from nearby two-story apartment buildings.

Chairperson Ortiz noted the creek is a natural amphitheater and often more people are affected because sound carries. The applicant and staff noted mitigation measures call for the contractor to have a noise complaint line and address concerns on a case-by-case basis. Hotel vouchers are available if needed.

Commissioners asked for extensive outreach and a live person monitoring the complaint line as a condition of approval.

In response to questions about traffic impact on the Wharf Road side, the applicant explained that part of Clares will be closed, but no property access will be blocked and the intersection should not be impacted.

Ms. Arrieta requested residents be sent a letter with plenty of information ahead of time and asked for early construction of any noise barriers.

The public hearing was closed.

Commissioners directed staff to work on noticing and noise abatement with the County.

**A motion to approve project application #14-096 for a Coastal Development Permit and a Tree Removal Permit with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Smith:**

**CONDITIONS:**

1. The project approval consists of a Coastal Development Permit to replace a sewer main currently located under the Soquel Creek with approximately 1,200 linear feet of a new transmission pipeline extending from the Soquel Pump Station on Bay Avenue to Clares Street and improvements to the existing pump station.
2. A time schedule and phasing plan shall be submitted to and approved by the City of Capitola Public Works Director prior to commencement of the project. The phasing plan shall include the work schedule, including what months of the year the construction will take place, construction hours, and traffic control plan.
3. The proposed extended hours for construction require an exemption for public health and safety which is approved by the Public Works Director and/or the City Manager. At the time of exemption request, a noise mitigation plan must be submitted to the City. The noise mitigation plan shall include details of a highly visible onsite sign with 24-hour contact information, public noticing delivered to residents within 500 feet of the property line of the project, installment of sound shields prior to construction, all mitigation included in the mitigated negative declaration, and response times for questions/complaints,
4. Two (2) weeks prior to the commencement of construction, all residents and property owners within 500 feet of the affected properties shall be noticed of the future construction and expected duration of the construction and noise. During the period of nighttime construction, a representative must be available 24 hours a day to answer calls from the public. The contact information for the representative with phone number must be included on the notice. The City must approve the details of the noticing and point of contact prior to the notice being mailed. If there is a noise complaint, noise metering should be conducted within the time specified in the noise mitigation plan.
5. Required easements shall be documented and recorded prior to commencement of the project.
6. The applicant shall be responsible for obtaining the necessary approvals for Riparian Exception from the County of Santa Cruz, Encroachment Permit from the California Department of Transportation, a Coastal Development Permit from the City of Capitola, and a Lake and Streambed Alteration permit from the California Department of Fish and Wildlife.
7. All mitigations measures proposed within the mitigated negative declaration for the project must be adhered to.
8. The existing landscaping and trees adjacent to the Soquel Creek Pump Station will be removed to construct the flow meter room. The four trees to be removed shall be replaced with 8 new trees in accordance with the City of Capitola tree replanting requirements.

**COASTAL FINDINGS**

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

Zoning Ordinance and General Plan

The project secures the purposes of the Zoning Ordinance and General Plan by replacing a vital utility line (sewer line force main) that is in need of replacement in order to prevent leaks and provide service to the city’s existing uses.

Local Coastal Plan

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

* The proposed development conforms to the City’s certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

* Public access and recreation will not be impacted.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

* No portion of the project is located along the shoreline or beach. The purpose of the project is to replace an existing sewer lines.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

* The proposed project will be within property owned by the Santa Cruz County Sanitation District, City owned parcels of land, and the city owned right-of-ways.

1. ***(2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

* While temporary delays will occur on certain city streets, the project will not impede the ability of the public to access the shoreline.

***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development’s physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public’s use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

* While temporary delays will occur on certain city streets, the project will not impede the ability of the public to access the shoreline.

***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

* The project is not requesting a Public Access Exception, therefore these findings do not apply

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

***b. Topographic constraints of the development site;***

***c. Recreational needs of the public;***

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;***

***e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;***

***f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.***

* No Management Plan is required; therefore these findings do not apply

***(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

* No legal documents to ensure public access rights are required for the proposed project

***(D) (6) Project complies with visitor-serving and recreational use policies;***

***Policy 17, Pg. 15 of the 1989 City General Plan, states that, “Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated visitor-serving/residential parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means”.***

* The project complies with visitor-serving and recreational use policies in that it replacing and upgrading an existing public facility that provides utility service to existing visitor serving and/or recreational uses.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

* The project will not permanently affect public or private parking, pedestrian access, or alternate mean of transportation as the construction will be temporary with nearly all of the resulting infrastructure being located underground.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city’s architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

* The project was reviewed by the City Public Works Director, as the majority of the work will be taking place underground within City owned property and the City of Capitola right of way. The work in the right of way will meet the applied street design guidelines and standards.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola’s shoreline;***

* No public landmarks are affected by the project. Impacts on views are temporary, limited to the presence of construction equipment and disturbance during work, as the improvements are largely underground. Therefore, the project will not block or detract from public views to and along Capitola’s shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (12) Project complies with water and energy conservation standards;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

* A Mitigated Negative Declaration has been prepared and will be adopted by the applicant. The proposed mitigation measures ensure that the project complies with the natural resource, habitat and archaeological protection policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

* A Mitigated Negative Declaration has been prepared and found that the project site does not support the habitat suitable for overwintering by monarch butterflies.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

* The project will comply with all applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

* The project complies with hazard protection policies and applies mitigation measures.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

* The project is located underground and will not be a cause for a fire hazard.

***(D) (20) Project complies with shoreline structure policies;***

* The proposed development is not located on the shoreline and therefore does not require compliance with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

* The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

* The project is replacement of an existing sewer service, therefore this finding does not apply.

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

The project involves replacement of an existing sewer service that will be placed underground, therefore the character and integrity of the neighborhood will be maintained.

**C**. **A Mitigated Negative Declaration has been prepared and adopted for this project based upon the completion of an Initial Study.**

An Initial Study was prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration with mitigation measures addressing potential impacts will be adopted based on the determination that the project will not have a significant effect on the environment.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None**

**5.** **PUBLIC HEARINGS**

|  |  |
| --- | --- |
| **A.** | **1440 41st Avenue      #14-075      APN: 0034-111-50** |
| Amendment to Master Sign Program (Four Starr Center) to allow an additional Verizon sign on the building located at 1440 41st Avenue in the CC (Community Commercial) zoning district.  This project is in the Coastal Zone, but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption Property Owner: Richard Starr Representative: Chris Merrell (Northwest Signs), filed: 5/20/14 |

Assistant Planner Ryan Safty presented the staff report. He noted the existing master sign program allows one sign for tenants. The proposed change to allow two applies only to corner location expansions.

In response to code reference that allows two signs at locations on a corner, Chairperson Ortiz questioned whether this change is considering a parking lot equivalent to a second street. Planner Safty replied that was not the intent.

Chairperson Ortiz opened the public hearing. There was no public comment.

Commissioner Graves said he anticipated this request and agreed that within the center you cannot see a Verizon sign.

Chairperson Ortiz is not in favor of having two signs visible from one direction of the public roadway but none from another. She worries about the precedent for other master sign programs along 41st Avenue and a proliferation of duplicate signs.

**A motion to approve project applications #14-075 to amend the Master Sign Program with the following conditions and findings was made by Commissioner Graves and seconded by Commissioner Routh:**

**CONDITIONS**

1. All future signs at 1440 41st Avenue shall comply with the Master Sign Program. Individual sign permits may be issued by the Community Development Director or designee.
2. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.
3. Prior to operation of a new business, the applicant shall obtain a business license from the City of Capitola.
4. Part ‘C’ of the Four Starr Center’s MSP shall be amended to say, “Tenants on end-cap spaces facing 41st Avenue who expand their premises into contiguous adjacent units may be permitted, at Landlord’s sole discretion, to have one additional sign on the 41st Avenue side. The sign along 41st Avenue must be oriented on the diagonal elevation facing 41st Avenue. The second sign must be located in the original location above the door to the second suite. Such signs shall meet the requirements and specifications set forth herein.”

**FINDINGS**

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed Master Sign Program amendment is allowed in the CC Zoning District. Future sign applications will comply with the requirements of the Master Sign Program. Conditions of approval have been included to ensure that future signs for the commercial suites are consistent with the Master Sign Program, Zoning Ordinance, and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the amended Master Sign Program complements the building form. The MSP establishes requirements for future signs that will maintain the character and integrity of this commercial center within the City of Capitola. Conditions of approval have been included to carry out these objectives.

**C**. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, and Welch. No: Commissioner Smith and Chairperson Ortiz. Abstain: None.**

|  |  |
| --- | --- |
| **B.** | **1649 41st Avenue      #14-076      APN: 304-151-09** |
| Sign Permit for new monument sign with LED lettering at the Shell Gas Station, located in the CC (Community 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: Peninsula Petroleum LLC Representative: Hillary McClurg, filed 5/21/14 |

Senior planner Katie Cattan presented the staff report. She noted that the requirement for opaque or wood background in the current sign ordinance is out-of-date for today’s signage. While staff has recommended denial of the application pending the zoning ordinance update, should the Commission consider approval staff would recommend language limiting such lighting to gasoline monument signs within the CC zoning district and prohibiting motion.

Commissioner Graves confirmed that the square footage of the logo proposed for the canopy is smaller than that of the existing lettering, which allows that element to be approved at staff level.

Chairperson Ortiz opened the public hearing.

Hillary McClurg represented the applicant. She explained the proposed changes are a Shell requirement of all franchisees. Shell agreed to keep the pecten shell logo size within the height of the canopy. She noted that the requested LED on the monument sign reduces the carbon footprint and is safer for employees that have to change the pricing.

The public hearing was closed.

Commissioner Smith agreed with staff that the impact of digital elements does require significant thought, but gas station pricing is moving in that direction.

Commissioner Welch does not have a problem with the proposal. LED is cleaner and the other option is not as aesthetically pleasing. He feels non-moving LED for gas stations could be appropriate at this time.

Chairperson Ortiz clarified that architectural illumination such as the canopy band is not regulated under signs, but could be considered under a design permit if the applicant wishes to challenge the staff denial. The applicant noted they are on a tight schedule to implement the required changes and they do have options for denials.

**A motion to approve project application #14-076 for a Sign Permit with the following conditions and findings was made by Chairperson Ortiz and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of a new monument sign at the Shell Gas Station and replacement of existing Shell lettering within the Canopy. The new monument sign is limited to the existing sign size of 96 square feet. No increase in the height, width, or size of the monument sign is allowed. The Shell logo is allowed to replace the Shell lettering in the canopy. The red internally illuminated band around the canopy was not approved by the Planning Commission.
2. Digital LED lettering is allowed within the approval. The image on the LED sign shall not be animated or moving at any time. The installed sign must match the plans reviewed and approved by the Planning Commission on July 17, 2014. Any significant modifications to the size or exterior appearance of the approved design 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. Prior to installation of a new sign, the applicant must obtain a permit from the Community Development Department and Building Department.

**FINDINGS**

**A. The application, subject to the conditions imposed, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**

Community Development Department Staff and the Planning Commission have reviewed the monument sign. The proposed monument sign maintains the character and aesthetic integrity of the subject property and the surrounding CC (Community Commercial) Zoning District and the surrounding area. The property is not located close to residential uses or within an area dominated by historic resources. LED lettering is appropriate in the CC zone limited to gasoline pricing within service station monument signs.

**B. The application, subject to the conditions imposed, will reasonably prevent and reduce the sort of visual blight which results when signs are designed without due regard to effects on their surroundings.**

Community Development Department Staff and the Planning Commission have reviewed the project. The project will not cause visually blight. The Digital LED lettering within the sign provides a practical, clean solution for displaying changing gasoline prices. Although appropriate for gas pricing, digital LED lettering is not appropriate for monument signs for other uses within the CC zoning district.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**The motion carried by the following vote: Aye: Commissioners Graves, Routh, Smith and Welch and Chairperson Ortiz. No: None. Abstain: None**

|  |  |
| --- | --- |
|  |  |

**6. DIRECTOR’S REPORT**

Staff is moving forward with the Zoning Ordinance update work plan and finalizing interview and survey questions. Commissioners will be contacted about participation on panels.

**7. COMMISSION COMMUNICATIONS**

Commissioner Routh asked about the status of the home on Capitola Road that has exceeded acceptable limits for completion. Director Grunow said staff continues to work with the property owner.

Commissioner Smith said she will not be able to attend the August meeting.

Commissioner Ortiz asked if anyone could identify the series of four short blasts that neighbors have been hearing in the Riverview area. It was suggested that it could be a sewer alarm.

**8. ADJOURNMENT**

Commissioner Ortiz adjourned the meeting at 8:32 p.m. to the regular meeting of the Planning Commission to be held on Thursday, August 7, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on August 7, 2014.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Linda Fridy, Minute Clerk