

City of Capitola

Planning Commission Meeting Minutes

Thursday, December 07, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Susan Westman

Commissioners: Courtney Christiansen, Paul Estey, Gerry Jensen, Peter Wilk

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:00PM. In attendance, Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman.

2. Oral Communications

A. Additions and Deletions to the Agenda

None

B. Public Comments

Goran Klepic, a member of the public, shared that he made a call for service to the Police Department recently stating that he found methamphetamines near Hill St. He is disappointed that he sees this type of illicit material in his community.

C. Commission Comments

Commissioner Wilk commended Senior Planner Froelich on his work on this agenda, saying that Mr. Froelich helped allay his concerns with certain items and issues that concern the Commission.

D. Staff Comments

None

3. Approval of Minutes

A. Approve the November 2, 2023 Planning Commission Meeting Minutes

Motion to approve Item 3A: Commissioner Wilk

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, Chair Westman

4. Consent Calendar

A. 2024 Regular Meeting Schedule

Recommended Action: Adopt the 2024 Regular Meeting Schedule of the Planning Commission.

Motion to approve Consent Calendar Item 4A: Commissioner Wilk

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, Chair Westman

B. 417 Capitola Avenue

Permit Number: #22-0330

APN: 035-131-04

Design Permit to demolish an existing commercial building (Baash) and construct a new single-family dwelling with a Variance request for the garage floor area, a Minor Modification request for the maximum driveway width, and exception requests to the rear and side setbacks. The project is located within the MU-N (Mixed Use Neighborhood) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Bombora LLC.

Representative: Dan Townsend – Fuse Architects, Inc., Filed: 7/11/2023

Due to conflicts of interest related to the proximity of the project to the residences of Commissioner Wilk and Commission Westman and an employment conflict for Commission Christiansen, the rule of necessity was invoked. Commissioner Westman drew the shortest straw and participated in the review and discussion of the project.

Motion to continue Item 4B to the next regularly scheduled meeting: Commissioner Estey

Seconded: Commissioner Jensen

Voting Aye: Commissioners, Jensen, Estey, and Chair Westman

Recuse: Commissioner Wilk, Vice Chair Christiansen

5. Public Hearings

A. 200 Monterey Avenue #2

Permit Number: #23-0513

APN: 035-261-07

A Conditional Use Permit application for beer and wine sales at an existing restaurant (Mijo's Taqueria) located in the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption 15301

Property Owner: Sarah Realty, LLC

Representative: Anthony Guajardo Filed: 11.17.23

Senior Planner Froelich presented a staff report describing a proposal to grant a Conditional Use Permit to Mijo's Taqueria allowing the sale of beer and wine at this existing restaurant.

Vice Chair Christiansen asked about the previous tenant's type 41 license, asking whether or not it was transferrable to Mijo's.

Commissioner Jensen asked whether or not these beverages would be opened on-site or if to-go sales would be permitted.

Chair Westman opened the public hearing.

Business Owner Anthony Guajardo thanked the staff and commission for consideration and took questions. Chair Westman asked about the intent to sell to-go beverages, and Mr. Guajardo replied that the intent was for all sales and consumption to occur on-site only.

Chair Westman closed the public hearing. Commissioner Wilk commented on the historical discussion of designating zones in which these types of businesses that sold alcohol could operate. He also discussed the proximity to an ice cream store, where kids may congregate, and wondered if that could pose a problem. He then recalled that a pizza shop in the Mercantile, which is next to an arcade, was recently given a Conditional Use Permit to sell alcohol, so the precedent has been set to allow such business activity in the Village.

The Commissioners, in general, agreed with the proposal and stated their appreciation of the variety of businesses in the Village.

Motion to approve Item 5A: Vice Chair Christiansen

Seconded: Commissioner Wilk

Voting Aye: Commissioners, Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman

Conditions of Approval:

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales at the existing Mijo's Taqueria located at 200 Monterey Avenue Suite #2. No modifications to the exterior or interior of the building are proposed. Parking requirements are not affected by this application. The CUP application #23-0513 was approved by Planning Commission on December 7, 2023.
2. Any significant modifications to the size and appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or 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. The applicant shall maintain a current business license to operate the business.
5. Onsite beer and wine consumption shall be limited to inside the restaurant. No beer and wine consumption shall be allowed within the public right-of-way seating areas adjacent to the property.
6. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
7. Signage shall be installed and maintained at all customer exits to the restaurant stating that "consumption of alcohol is prohibited on the sidewalk, street, and beach".
8. No new lighting or signs are approved with this permit.
9. Amplified sound is prohibited outside the building.
10. An onsite restroom shall be available to customers at all times during business hours.
11. Beer and wine sales may occur between 7 a.m. and 10 p.m. seven days a week.
12. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
13. Food and beverage equipment and supplies (including kegs) shall be stored inside the building. Exterior storage is prohibited.

Conditional Use Permit Findings:

- A. The proposed use is allowed in the applicable zoning district.**
Beer and wine sales are permitted through a conditional use permit in the MU-V zoning district.
- 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 restaurant space with beer and wine sales, as conditioned, 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.**
Mijo’s Taqueria is an established and compatible business appropriately located within the blend of land uses in the Capitola Village.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**
Sales of beer and wine offered by Mijo’s Taqueria will not be detrimental to the public health, safety, and welfare. Similar services are currently operating in the Capitola Village.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
Mijo’s Taqueria is properly located within the Capitola Village area and has been a business operating in good standing. The property is 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 no new permanent physical improvements and does not require a Building permit. The permit will involve a minor change in operations and utilization of existing spaces. No adverse environmental impacts were discovered during review of the proposed project.

B. 4400 Jade Street – Capitola Community Center

Permit Number: #23-0506

APN: 034-551-02

Design Permit to remodel the Capitola Community Center at Jade Street Park, located within the P/OS (Parks and Open Space) zoning district.

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

Environmental Determination: Categorical Exemption 15301(d & e)

Property Owner: Soquel Union Elementary School District

Representative: Kailash Mozumder, Capitola Public Works Department

Associate Planner Sesanto presented the staff report.

Project architects Jacqui Low and Kate Rhein continued the presentation, offering a history of the building, and describing both the current condition of the building and improvements being proposed. The description included a variety of exterior upgrades being proposed to the siding, roof, and windows, as well as interior upgrades to the HVAC system. The upgrades are necessary from a performance and structural perspective, but also improve the aesthetics and serve to modernize the building.

Kate Rhein provided an insight into the design inspirations, describing the intended purpose of certain design elements, meeting rooms, community spaces, and other aspects of the

proposal. She also described the landscaping plan. Elements of the plan provide improvements to accessibility, sustainability, community engagement, and public art.

Commissioner Estey asked about the change in the building's energy consumption that will occur with the new heating/HVAC system. He recommended that measures be taken to mitigate the energy challenges created by climate change, and strongly supported the future addition of solar to the roof design. Ms. Low commented that the amp usage is remarkably low for a community building of this type.

Commissioner Wilk asked about the administrative process for this project as it relates to the City Council and Director Herlihy provided some information. Jessica Kahn, Public Works Director, described the Council approval process for this project.

Commissioner Estey asked for a cost assessment for this project. Director Kahn commented that the project is not fully funded, but a cost assessment is available for review and there is an estimate that the project is around 50% funded.

Commissioner Jensen asked about the details of the 5-year time frame as described in the staff report and posed additional questions regarding the approval timeline for this process. Finally, he wanted to clarify that this project is separate from the Universally Accessible Playground Project, which includes funding available.

Motion to approve Item 5B: Commissioner Estey

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners, Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman

Conditions of Approval:

1. The project approval consists of a Design Permit for the renovation and repair to the existing Community Center building. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 7, 2023, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
5. During 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 if approved by the building official. §9.12.010B
6. This permit shall expire five years from the date of issuance. The applicant shall have an approved building permit and construction 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 17.156.080.

Design Permit Findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed Community Center renovation project complies with the development standards of the P/OS (Parks and Open Space) zoning district.

- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff and the Planning Commission have reviewed the application for the proposed Community Center renovation. The project complies with all applicable provisions of the zoning code and municipal code.

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

Section 15301d & e of the CEQA Guidelines exempts renovations and minor additions to existing buildings. This project involves renovation of the Community Center within the P/OS (Parks and Open Space) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed Community Center renovation project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties in the vicinity.

- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

The Community Development Staff and the Planning Commission have reviewed the application. The proposed Community Center renovation project complies with all applicable design review criteria in Section 17.120.070.

- F. The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have all reviewed the application for the Community Center renovation project. The design of the building renovations and enhancements will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

6. Director's Report

Director Herlihy provided an update on the next meeting, reminding the Commission that the seats will change next meeting, and a new Chair and Vice Chair will be appointed.

She then provided an update on the Housing Element, stating that the Element has been submitted and we are waiting for comment or certification.

She then described a land-use study being conducted at the Capitola Mall site.

There is one remaining business that is still not open after damage from the Jan 2023 storms, the Bay Bar. They hope to re-open in the coming weeks.

Soon, staff will provide a plan on the 78 deliverables of the Housing Element plan once it's certified. Commissioner Estey asked if money has been set aside to help with consulting on these deliverables.

Finally, she provided an update on the Wharf Enhancement Project, showing a variety of plans, images, and renderings.

7. Commission Communications

Chair Westman asked a question about some of the tree tagging that is seen along Park Ave. Director Kahn commented that trees have been recently tagged related to the Rail Trail, as well as a PG&E project.

8. Adjournment

The meeting was adjourned at 7:08PM to the next regularly scheduled meeting on January 18th, 2024.