



MINUTES

CAPITOLA PLANNING COMMISSION THURSDAY, MAY 1, 2008 7:00 P.M. – COUNCIL CHAMBERS

Chairperson Harlan called the Regular Meeting of the Capitola Planning Commission to order at 7:07 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Commissioners Burke, Newman, Norton and Chairperson Harlan
Absent: None
Staff: Senior Planner Bane
Associate Planner Akeman
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

NONE

B. Public Comments

NONE

3. APPROVAL OF MINUTES

A. April 17, 2008

Commissioner Burke clarified: Page 3, Item 5A, seventh paragraph, "... the traffic and parking study showed a maximum of 13 cars per hour utilizing the drive-thru..."; and Page 5, sixth paragraph, "... 41st Avenue for ease of entry onto the site; proposed installing alternating curbed medians to prevent cross traffic in the parking lot area;"

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE THE MINUTES OF APRIL 17, 2008, WITH CHANGES.

MOTION PASSED 4-0

4. CONSENT CALENDAR

A. 1475 41st AVENUE- PROJECT APPLICATION #08-015
CONDITIONAL USE-PERMIT AMENDMENT TO ALLOW THE SERVICE OF BEER AND WINE IN AN EXISTING RETAIL BOOKSTORE/CAFE (CAPITOLA BOOK CAFE) IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. (APN 034-151-20) CATEGORICALLY EXEMPT. FILED 3/25/08
PROPERTY OWNER: DAVID OW
REPRESENTATIVE: CAPITOLA BOOK CAFÉ, MELINDA POWERS

APPLICATION WITHDRAWN

- B. **214 ESPLANADE- PROJECT APPLICATION #08-017**
ARCHITECTURAL AND SITE PERMIT TO CONSTRUCT A NEW CANVAS AWNING ON THE FACADE OF AN EXISTING TAKE-OUT RESTAURANT IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT. (APN 035-221-09) CATEGORICALLY EXEMPT. FILED 4/7/08
PROPERTY OWNER/APPLICANT: MICHAEL & CHRISTINE HERBERG

Commissioner Norton removed the item from the consent agenda. He commented that the proposed awning was too large and out of scale, adding mass to the building and enclosing the sidewalk area; the awning will create a tent feel to the outdoor area. He could not support the size of the proposed awning as designed. He suggested a retractable type awning that could be extended as needed. He also suggested the need for a trash receptacle on site.

The public hearing was opened.

Mike Herberg, owner/applicant, stated that the awning as proposed is needed to provide shade on the outdoor granite countertop and to provide cover for customers in inclement weather.

The public hearing was closed.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO APPROVE APPLICATION #08-017 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a new metal frame with a canvas awning on the façade of an existing structure (Capitola Kitchen) at 214 Esplanade in the CV (Central Village) zoning district
2. If any upgrades or modifications to the design are desired by the applicant (i.e. frame, materials, colors, etc.), the changes may be approved by the Community Development Department. Any significant changes may require Planning Commission approval.
3. The awnings shall be replaced when they show signs of deterioration, as determined by the Community Development Department.
4. The applicant shall provide a trash receptacle on site at all times.
5. The design of the awning shall be modified to be a retractable type awning. The final design shall be reviewed and approved by the Community Development Department.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the application, which consists of new frame and awning for an existing commercial structure, (Capitola Kitchen) which is an allowable use in the CV (Central Village) Zoning District and compliant with the Central Village 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.

Community Development Department Staff and the Planning Commission have all reviewed the project and determined that the project complies with the Central Village Design Guidelines, which were developed to ensure projects maintain the character and integrity of this area of the City.

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 the addition of an awning to an existing commercial use with no significant expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

MOTION PASSED 4-0, WITH ADDITIONAL CONDITIONS.

- C. 1530 PROSPECT AVENUE- PROJECT APPLICATION #06-001 AMENDED**
 REQUEST FOR A MODIFICATION TO A PREVIOUSLY APPROVED ARCHITECTURAL AND SITE REVIEW PERMIT FOR THE REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 034-046-05). FILED 4/17/08
 PROPERTY OWNER: RLC, LLC
 REPRESENTATIVE: RICHARD EMIGH

Commissioner Norton removed the item from the Consent Agenda. He stated that there was not much visual difference of the aluminum-clad windows verses the wood windows and the material change was acceptable. He commented that this type of change would have been easier for staff to review rather than Planning Commission review.

Commissioner Newman stated that the reason this change was brought before the Commission was that the windows were an issue at the time of the project's original review.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE APPLICATION #06-001 AMENDED WITH THE FOLLOWING CONDITIONS AND FINDINGS:

Based on consultation with the State Office of Historic Preservation, staff feels that the aluminum clad windows are consistent with the State Secretary of the Interior's Standards for Rehabilitation and recommend that the Planning Commission approve the requested revision to condition #7 to read as follows:

7. With consideration of the subject property's proximity to the ocean and associated weathering elements, replacement windows, consistent in appearance with the originals, shall be aluminum clad wooden windows trimmed with wood casing, crown moldings and sills.

MOTION PASSED 4-0**5. PUBLIC HEARINGS**

- A. **1911 42ND AVENUE – PROJECT APPLICATION #08-003**
 PRELIMINARY DEVELOPMENT PLAN FOR A PROPOSED PLANNED DEVELOPMENT REZONING FOR A FOURTEEN LOT SUBDIVISION, AND

CONSTRUCTION OF FOURTEEN SINGLE-FAMILY HOMES IN THE RM-M
(MULTIPLE FAMILY RESIDENCE: MEDIUM) ZONING DISTRICT. (APN 034-201-033)
FILED 2/4/08.
PROPERTY OWNER/APPLICANT: MARK DEMATTEI
REPRESENTATIVE: TOM THACHER/THACHER & THOMPSON ARCHITECTS

Senior Planner Bane presented the staff report.

Commissioner Newman ascertained that the environmental review process is not complete at this point in the process. He commented that the plans before the Commission seem to be substantially complete for a conceptual review process.

Commissioner Norton verified the various steps of the planning process: This preliminary application will be reviewed by the City Council, then a formal applicant may be made by the applicant followed by review by the Architectural and Site Review Committee, then to Planning Commission and City Council for a final decision. He stated his appreciation for the completeness of the plans at this stage of the process.

Commissioner Burke ascertained some of the differences between the R-1 and the R-M zoning district, such as minimum lot size, setbacks and density. He questioned the density differences between the two districts. According to the site plan on sheet 4 of the plan sets, the street R.O.W. is located on the subject property but questioned the type of public improvements that would be required by the City.

Commissioner Norton questioned if the subject property was specifically designated by the state as a property with potential to increase density.

Senior Planner Bane responded to the Commissioner's questions. The property is zoned RM-M, Multiple Family Residence: Medium and the general plan designation is R-M: Medium density 10-15 units per acre. The property is slightly under one acre, therefore staff recommended the maximum density at 14 units. He stated that floor area ratio is not considered in the R-M zoning district. However, lot coverage is a requirement, but could be modified under the Planned Development regulations. The City would typically require the installation of standard curb, gutter and sidewalk. The subject parcel is included in the City's adopted Housing Element, which incorporated the State requirements to identify specific parcels that have the potential to provide increased density.

The public hearing opened.

Tom Thacher, project architect, introduced property owners, Mark Demattei, and David LaBarron, and project engineer, Glenn Ifland. He discussed the various types of housing units that could be developed on the site, highlighting that all options would utilize the allowable density. Based on the housing needs for Capitola, it was determined that small single-family detached homes are the appropriate housing type to fit into the neighborhood. The average unit size is 1,100 sq.ft. Mr. Thacher discussed the various unit sizes in the proposed development and the proposed gate access from the residential development to the adjacent commercial uses. In response to the Architectural and Site Review Committee's concerns about the side yard easements, he stated that there will be three feet from the garages to the side of the residence. The design is in compliance with the newly adopted building codes. The 18' driveways are adequate to accommodate a standard car, but 20' could be provided at the expense of taking away square footage for the private patio areas.

Scott Mayer, neighbor at 1939 42nd Avenue, submitted two petitions signed by 26 neighbors in opposition to the project. He stated that currently 42nd Avenue is used as a bypass for traffic avoiding 41st Avenue. The proposed development will increase the traffic significantly and be a huge impact on the neighborhood. He also noted that the existing street design does not function properly to allow a smooth flow of traffic.

Tony Seifort, neighbor at 1912 42nd Avenue, spoke in opposition to the project. He stated that existing traffic, parking and circulation in the neighborhood is difficult. He stated that the existing sewer line is a huge problem that cannot handle the existing residences. The proposed 14-unit development seems to squeeze as much out of the property as possible. He questioned how the proposed development meets the district regulations and how can the proposed configuration of the parcels meet the zoning regulations. He questioned why the City would consider a rezoning to accommodate the application.

Michael Howard, neighbor at 1963 42nd Avenue, spoke in opposition to the project. The development does not help support any city revenues or city services; it does increase the number of vehicles and people in the neighborhood. The proposal does not help the neighborhood it just helps those residents in the new development. He could not believe the submitted traffic report.

Mark Regalin, neighbor at 1822 42nd Avenue, spoke in opposition to the project. He stated that traffic is a problem. He questioned the proposed substandard parking in the development and commented that the residents will park their cars, trucks, boats and RVs on the street.

Michael Carrington, neighbor at 1850 42nd Avenue, stated that the roadway is too narrow, traffic and parking are a problem, no one stops at the stop sign, and there is no clearance at the corner of Grace Street and 42nd Avenue. He supported the design of the buildings and would consider supporting a smaller residential development.

Liz Carrington, neighbor at 1850 42nd Avenue, asked if the City would consider any street signage to address the traffic and parking on the street and if there may be any consideration for changing the street configuration or traffic patterns in the neighborhood.

Karen Siefert, neighbor at 1912 42nd Avenue, spoke in opposition to the project. She questioned the traffic report and asked if moving and parked vehicles were included in the report. She stated that parking needs to be addressed and the residents of the existing townhomes and apartments, park along the street. Over the years, she has called County Sanitation to address the sewer problems, one of which was grease being dumped into the sewer by tenants at the apartments.

Tom Thacher responded to the public's comments. He stated that the design is not to the R-1 district regulation, but that someone could design a 5-6 lot single-family development that would conform to the R-1 regulations. He compared the potential square footage of a single-family home of ~3,000 sq.ft., parking, paving, number of bedrooms, residents, building square footage with the proposed 14 unit development.

Public hearing closed.

Commissioner Newman questioned if the building area calculations presented by the architect included garages. He suggested that the site design incorporate impervious surfaces and questioned what types of low impact drainage strategies were being incorporated into the project. The legal structure of subdivision with easements over property lines may be appropriate for Capitola and saves the developer from creating homeowner's association. The property is a transition site between the commercial district, multifamily residential and single-family residential, therefore it is difficult to determine the right density. He supported the concept and unit design, but reducing the number of units to a 9 or 10 unit project could be a compromise, which might satisfy the neighbors. The concept of requiring the developer to make a street right-of-way dedication may force a reduction in the density. He supported the overall concept of building additional housing within the city.

Commissioner Burke ascertained that there is a new sewage pump station generator at western edge of property. He suggested incorporating a drainage bio-swale onsite to address the onsite drainage; capturing drainage onsite is desirable. He questioned the applicant's design to have small side yards

or zero lot line buildings, and if the zoning had changed since other properties in the neighborhood had been developed. He supported the smaller homes, unit design, and the units facing 42nd Avenue that blend well with the neighborhood. He thanked the applicant for 37 new trees to be planted on-site instead of grass. He stated that the city's housing goals were driving the maximum density that did not necessarily lend to the best site design, and supported a lower density. He was concerned about the extremely minimal size of the affordable units 7 & 8, noting that the garage is very large and the house is very small. 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. He supported a site plan that might accommodate 10-11 units, and encouraged the use of photovoltaic and solar heating. He expressed concern about second stories being too imposing on the narrow street.

Commissioner Norton questioned if it was possible to design a street with flush sidewalks that would be acceptable to the Fire Department, and if Vega Court was approved as a planned development. He supported the detached unit concept as a perfect community for both the neighborhood and the city. The concept of attached units would be too much mass on the site. The size of the units seems to be designed to be in relationship to the size of the lots, similar to the R-1 F.A.R. standards. He spoke with concerns about the ability to park two cars on each lot and supported a 20-foot long driveway to accommodate one covered and one uncovered parking space. There needs to be a public pathway from the neighborhood to the adjacent commercial district. He suggested that the City maintain a five-foot wide pathway at south end of property. The sewer issues need to be addressed regardless of the proposed development. He was not familiar with the concept of filing a map without a homeowner's association and CC and R's. He strongly supported that all hardscape areas off of the street should be impervious surfaces. Additionally, future hardscape work installed by individual homeowners to be impervious surfaces and restricted by a deed restriction or specified in the CC and R's. He supported the proposed density, but wanted the parking issue resolved. Which may require the unit square footages to be reduced.

Senior Planner Bane stated that the traffic report discussed in the staff report was a summary, but a full copy of the report is available for the public to review. The zoning had not changed since other properties had been developed in the neighborhood. Vega Court was most likely approved as a planned development with two duplexes and two triplexes.

Tom Thacher responded that the building calculations presented in the plans include the garage square footage. Glen Iffland, 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. He did not support the incorporation of a bioswale for on-site drainage since the yard areas are so narrow and there are fences along property lines. He stated that flush sidewalks may be acceptable to the Fire Department, but not a narrower street. Mark DeMattei, property owner/developer, stated that he would was not interested in building attached units and would like to build a project that is appealing to the largest demographic within the City, which is a lower income homeowner or a young family, or a trade down market homeowner. The goal would be to sell the units at a price that can be supported by a standard conventional loan.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER NORTON TO APPROVE APPLICATION #08-003 IN CONCEPT WITH THE FOLLOWING RECOMMENDATIONS, CONCERNS AND FINDINGS:

RECOMMENDATIONS & CONCERNS

1. Reduce the number of units to a 9 or 11 unit project.
The proposed density is acceptable, but the parking issue needs resolution, which may require the unit square footages to be reduced.
2. The detached unit concept is perfect for the community and the neighborhood.
3. The ability to park two cars on each lot. Redesign to accommodate a 20-foot long driveway to accommodate one covered and one uncovered parking space.
4. There needs to be a public pathway from the neighborhood to the adjacent commercial district.
5. All hardscape areas off of the street should be impervious surfaces. Additionally, future hardscape work installed by individual homeowners shall be impervious surfaces and restricted by a deed restriction or specified in the CC and R's.
6. The extremely minimal size of the affordable units 7 & 8, noting that the garage is very large and the house is very small.
7. Encouraged the use of photovoltaic and solar heating
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 narrow at Grace Street.

FINDINGS

- A. **The uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.**

The Planning Commission finds that the use of the PD Zoning District is appropriate to accommodate the proposed single-family residential configuration, in the low medium density that is proposed. The project is compatible with and will not be detrimental to the existing neighborhood and will provide a nice transition from the neighboring single-family zoning to the south to the higher density multiple-family developments to the north.

- B. **Proposed exceptions from the R-1 zoning district standards is warranted by the design and amenities incorporated in the general development plan and is in accordance with General Plan and Local Coastal Program policies.**

The Planning Commission finds that the use of the PD Zoning District is appropriate to accommodate the proposed single-family residential configuration that is proposed, given the configuration of the subject parcel. The project is found to be consistent with applicable policies of the General Plan.

- C. **The PD district and general development plan are compatible with the General Plan.**

The PD district and general development plan are consistent with the adopted goals and policies of the General Plan.

MOTION PASSED 3-0, COMMISSIONER HARLAN RECUSED.

- B. **1820 41st AVENUE – PROJECT APPLICATION # 08-018**
CONDITIONAL USE-PERMIT FOR A RETAIL BUSINESS ESTABLISHMENT (BEVMO) WITH OFF-SITE SALE OF ALCOHOL AND LIMITED CONSUMPTION OF ALCOHOL ON THE PREMISES IN THE CC (COMMUNITY COMMERCIAL) ZONING

DISTRICT. (APN 034-131-22, 034-131-24) CATEGORICALLY EXEMPT. FILED
4/14/08
PROPERTY OWNER: VAUDAGNA, MELEHAN, CHABOYA RANCH
REPRESENTATIVE: BEVERAGES & MORE, INC.

Senior Planner Bane presented the staff report.

Commissioner Burke noted a conflict between the business hours in the report and the business hours in the conditions.

Chairperson Harlan ascertained that a sign was not being reviewed as part of the application.

The public hearing opened.

Mike Lyons, BevMo representative, spoke in support of the application. He clarified that the hours of operation are 9:00 A.M. to 9:00 P.M, seven days a week. The last six weeks of the year, November 16- December 31, the hours are 9:00 P.M. – 10:00 P.M. There are tastings, Friday from 4:00 P.M. to 7:00 P.M., Saturday from 12 NOON to 6:00 P.M., six (6) holidays from 4:00 P.M. to 7:00 P.M. The ABC called BevMo the Nordstrom's of the liquor business. Mr. Lyons presented a detailed list of the type of stock that BevMo carries, i.e. beer, wine, cheeses, gourmet foods, wine accessories, etc.

John Machado, representative for the property owners, stated that the property owner approves any signage. The signage must be in compliance with the center's city approved sign plan. He clarified that there are reciprocal easements for access to all the properties.

Tom Regal, business owner of 41st Avenue Liquors, spoke in opposition to the application. He stated that he was informed of the application less than 24 hours ago and that several other interested parties would like to address the Commission, but were not informed of the hearing in a timely manner. He stated that BevMo is a poor fit for Capitola. BevMo is a corporate business taking out smaller local businesses. He expressed his concern about the corporate businesses coming into the city, such as BevMo and Whole Foods Market. He stated that local wholesalers, wineries and other long time local liquor stores will be put out of business.

Aimee Hobson, spoke in opposition to the application. She stated that much of the stock that BevMo carries, as presented by Mr. Lyons, is already available in the local businesses. As a corporate business, BevMo would create a severe impact on long time local businesses. There was not much notice, indicating that this application was being sneaked through. She did not see a need for another liquor business, that the need in the area has already been met. She was made aware of the application less than 24 hours prior to the meeting and was alarmed and opposed to the application. She requested that the Commission take into consideration other local businesses already existing.

The public hearing was closed.

Commissioner Burke questioned the applicant about the appearance of the Capitola store compared to the Santa Clara store. 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 a pediatric medical office two storefronts away, though not grounds for denial since parents accompany children to such a business.

Commissioner Norton stated that competition is not grounds to deny the application, and that the zoning allows for retail uses in the district, but retail is not specifically defined. He suggested adding a condition to have the applicant submit a lighting plan, to be reviewed and approved by staff, adding lighting to the parking lot area to improve the safety and quality of the center and the businesses. He also highlighted that the applicant shall not use foam containers.

Chairperson Harlan was sympathetic with the public comments, but stated that the Commission does not make decisions about business competition. The Commission can only look at the use and the design of the businesses. She would only support the application if the applicant followed the 41st Avenue Guidelines to improve the site and add more trees. She also wanted a condition to address clear language about the number and type of holidays open for tastings. She suggested continuing the item so that the Commission could review the lighting and landscape plan.

Senior Planner Bane stated that there may not be a nexus to require major site improvements, such as a site landscaping plan. A parking analysis that was prepared when the building was remodeled determined that the parking is adequate for the shopping center, but parking cannot be eliminated to accommodate a revised landscape plan.

In response to Commissioner Burke's question, Mike Lyons stated that the Capitola store will be an newly updated design and will not be like the Santa Clara store.

Commissioner Burke suggested the following amended and additional conditions:

1. Condition 5: hours of operation 9:00 A.M. to 9:00 P.M, seven days a week. The last six weeks of the year, November 16- December 31, the hours are 9:00 P.M. – 10:00 P.M. There are tastings, Friday from 4:00 P.M. to 7:00 P.M., Saturday from 12 NOON to 6:00 P.M., six (6) holidays from 4:00 P.M. to 7:00 P.M.
2. The holidays shall be specifically listed in the conditions. The applicant shall provide staff a list of the holidays .
3. The applicant shall submit a parking lot lighting plan to staff for review and approval.
4. The applicant shall work with the property maintenance staff and city staff to design a landscape plan to be reviewed and approved by city staff.

A MOTION WAS MADE BY COMMISSIONER NORTON AND SECONDED BY COMMISSIONER BURKE TO APPROVE APPLICATION #08-018 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a Conditional Use Permit for the off-site retail sale of alcohol (Beverages and More! Inc.) in addition to limited wine and beer tasting at 1820 41st Avenue.
2. Beer and wine tasting shall be limited to Friday 4:00 P.M. – 7:00 P.M. and Saturday, 12 NOON - 6:00 P.M. Tasting shall also be allowed on Valentine's Day, St. Patrick's Day, Cinco de Mayo, Halloween, day before Thanksgiving, and New Year's Eve from 4:00 P.M. – 7:00 P.M. No seating shall be provided for the tasting events and tasting samples shall be limited to approximately 1 oz. sizes.
3. Any significant modifications to the size or exterior appearance of the structure 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.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Business hours will be limited to 9:00 A.M. – 9:00 P.M., seven days a week. The last six weeks of the year, November 16 through December 31, the hours will be limited to 9:00 P.M. – 10:00 P.M.
6. The applicant shall obtain a business license prior to operating the business.

7. Delivery hours shall be limited to 8:00 A.M. – 8:00 P.M. to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
8. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
9. Trash enclosures shall be covered, gated and maintained to provide a clean and sanitary area.
10. Security lighting in the rear of the store shall be shielded to prevent light from shining on the neighboring properties.
11. 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.
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 submit a lighting plan for the parking lot area, for review and approval by the Community Development Department prior to, or in conjunction with building permit submittal.
14. The applicant shall submit a landscape plan for the parking lot area, for review and approval by the Community Development Department prior to, or in conjunction with building permit submittal.
15. The applicant shall comply with the Municipal Code Section 8.36 Environmentally Acceptable Packaging Materials.

FINDINGS

- A. **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 project and determined that the proposed business is an allowable use in the CC Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. **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 proposed business will provide a much-needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. 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 and 15311(a) 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 leasing of a portion of an existing commercial space with no expansion of use what has currently existed. No adverse environmental impacts were

discovered during project review by either the Planning Department Staff or the Planning Commission.

MOTION PASSED 2-1, CHAIRPERSON HARLAN DISSENTING AND COMMISSIONER NEWMAN RECUSED.

6. NEW BUSINESS

NONE

7. ORAL COMMUNICATIONS

A. Director's Report - NONE

B. Commission Comments

Commissioner Norton submitted a complaint about the excessive signage at the new check cashing business in the same center as the BevMo application. Requested that staff send the City Council a memo to consider reviewing the drive-thru ordinance pertaining to food businesses and that the original intent was for all businesses.

Chairperson Harlan submitted a complaint about McDonald's banner. She suggested that the Planning Commission and City Council hold a joint meeting to discuss the drive-thru ordinance and variances.

Commissioner Burke attended a class at UC Davis Extension pertaining to updating the general plan. He provided copies of the class materials to the Commission and to staff.

8. ADJOURNMENT

Chairperson Harlan adjourned the meeting at 9:52 P.M. to a Regular Meeting of the Planning Commission to be held on Thursday, May 15, 2008, in the City Hall Community Room, 420 Capitola Avenue, Capitola, California.

Adopted by the Planning Commission on _____

Approved by Juliana Rebagliati, Community Development Director _____