

**APPROVED MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, DECEMBER 5, 2013**

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

Acting 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, Gayle Ortiz, Linda Smith and TJ Welch

Absent: Chairperson Mick Routh

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda - None

## Public Comments - None

1. Commission Comments - None

**D.** Staff Comments - None

**3. APPROVAL OF MINUTES**

1. November 7, 2013, Regular Planning Commission Meeting

**A motion to approve the Nov. 7, 2013, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

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

**4. CONSENT CALENDAR**

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| **A.** | **209 Fanmar Way      #13-150      APN: 035:163-01 & 02** |
| Design Permit and Coastal Development Permit to remodel an existing single-family home in the CV (Central Village) Zoning District Environmental Determination: Categorical Exemption Owner: Vince and Sheryl Barabba Representative: John Hofacre, Architect, filed: 10/24/2013 |

**A motion to approve proje*ct* application #13-150 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of construction of a 1,136 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 4,075 square-foot property is 53% (2,159 square feet). The total FAR of the home with new addition is 47.5% with a total of 1,973 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 5, 2013, 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. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #­13-150 shall be paid in full.
8. Prior to issuance of building permit, Affordable Housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. 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 Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of 9 p.m. and 7:30 a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months 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 17.81.160.
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. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

**FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the RM/LM (Multiple Family Low Density) and the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single-family home. The project conforms to the development standards of the RM/LM (Multiple Family/Low Density) and the R-1 (Single-Family) Zoning Districts. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

This project involves an addition to an existing single-family residence in the RM/LM (Multiple-Family /Low Density) zoning district, subject to the R-1 (Single-Family) zoning district standards. Section 15301 of the CEQA Guidelines exempts additions to existing structures provided that the addition in under 10,000 square feet and not located in an environmentally sensitive area.

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

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| **B.** | **141 Magellan Street      #13-153      APN 036-192-20** |
| Design Permit and Coastal Development Permit for remodel of existing single-family home in the R-1 (Single-Family) Zoning District.  Environmental Determination: Categorical Exemption Owner: Gene Benson Representative: Roy Horn, filed: 11/4/2013 |

**A motion to approve project application #13-153 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

### CONDITIONS

1. The project approval consists of construction of a 541 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 6,000 square foot property is 49% (2,940 square feet). The total FAR of the home with new addition is 37% with a total of 2,223 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 5, 2013, 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. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #­13-153 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. 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 Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months 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 17.81.160.
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. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

**FINDINGS**

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

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning Districts. 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.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood in use, mass and scale, materials, height, and architecture.

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

This project involves an addition to an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

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

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| **C.** | **723 El Salto Drive      #13-155      APN: 036-143-35** |
| Coastal Development Permit and Minor Land Division to create two lots of record, and request for a two-year extension to the previously approved Minor Land Division to convert four apartment units to condominiums in the R-1/VS (Single Family/Visitor Serving) Zoning District. This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination:  Categorical Exemption Owner:  Doug Dodds Representative:  Thacher & Thompson, filed:  11/5/2013 |

**A motion to approve project application #13-155 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project consists of the subdivision of a 35,439 square-foot lot into two residential lots in the VS/R-1 (Visitor Serving/Single-Family Residence) Zoning at 723 El Salto Drive. The application proposes to create two lots. Parcel A is a 6,480 square-foot flag lot which will include the single-family house. Parcel B is a 28,959 square-foot lot containing the existing four-unit apartment building. The single-family house will remain in its current location. The existing carport structure will be demolished and a new 4-car carport constructed near the existing location yet entirely within Parcel B.
2. The applicant has also requested an extension of the approved tentative map for the four-unit apartment into condominium units (application 10-082) that will expire on January 20, 2014. No relevant substantial change of circumstances, regulations or planning policies has occurred since the original approval and such extension would not be detrimental to the purpose of the certified local coastal program and zoning ordinance. With the two-year extension, the final map for the four-unit condominium must be recorded prior to December 5, 2015.
3. No structures will be developed within the view easement of Parcel B.
4. No existing trees are permitted to be removed within this application.
5. Prior to issuance of a building permit, a Coastal Permit and Design Permit for a new carport constructed entirely within the boundary of Parcel B must be approved by the Planning Commission.
6. Prior to recordation of final map, a new 4-car carport must be constructed entirely within the boundary of Parcel B. Onsite improvements must be completed to the satisfaction of the Community Development Director.
7. Prior to the recordation of final map, the applicant shall submit new legal descriptions for the two lots for review by the Community Development Department.
8. Prior to recordation of final map, all utility easements shall be provided on the parcel map in a configuration which meets the requirements of the utility companies and the City of Capitola Public Works Director.
9. Prior to recordation of final map, the owner shall contact the Capitola U.S. Postmaster to locate in the subdivision placement of “Neighborhood Delivery and Collection Boxes (NDCBU’s). Any required easements shall be dedicated and shown on the parcel map within a public utility easement, as approved by City Staff and the Postmaster.
10. Prior to the recordation of final map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
11. Prior to recordation of final map, all Planning fees associated with permit #­13-155 shall be paid in full.
12. The tentative map for the two-lot minor land division and extension of the minor land division for the four-unit apartment into condominiums shall expire 24 months from the date of approval. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

**FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the project. The minor land division, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

The minor land division was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan and Local Coastal Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

**C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

**D. A substantial change of circumstances has not occurred since the original Planning Commission approval of application 10-082 on January 20, 2011. A second extension of the permit to December 5, 2015, would not be detrimental to the purpose of the certified local coastal program and zoning ordinance.**

The Planning Commission finds that neither the physical characteristics of the lot nor the zoning ordinance has changed since approval of the permit on January 20, 2011. Therefore, a second extension of said permit is appropriate.

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

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| **D.** | **904 Sir Francis      #06-061      APN 036-222-07** |
| Request for a one-year extension to a previously approved Coastal Development Permit and Architectural and Site Review for the remodel of an existing single-family residence and construction of a new second story in the R-1 (Single-Family Residence) Zoning District. Environmental Determination:  Categorical Exemption Property Owner:  Justin and Lisa Maffia |

Commissioner Welch asked if the applicant could receive the new standard conditions of approval to clarify the development process. Senior Planner Katie Cattan said that such an amendment was possible with applicant agreement and she would ask if they were amenable. This process would involve no changes to the approved project.

**A motion to grant a one-year extension to previously approved project application #06-061 with the following finding was made by Commissioner Smith and seconded by Commissioner Welch:**

**A. A substantial change of circumstances has not occurred since Planning Commission approval of the permit on December 7, 2006. An additional one-year extension of the permit to December 5, 2014, would not be detrimental to the purpose of the certified local coastal program and zoning ordinance.**

The Planning Commission finds that neither the physical characteristics of the lot nor the zoning ordinance has changed since approval of the permit on December 7, 2006. Therefore, (a sixth) one-year extension (to December 5, 2014) of said permit is appropriate.

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

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

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| **A.** | **2178 41st Avenue      #12-080      APN: 034-221-02** |
| Modification to Design Permit and a Conditional Use Permit to incorporate a carwash into the recently approved commercial retail building (7-Eleven) in the CC (Community Commercial) Zoning District.   Environmental Determination:  Categorical Exemption Property Owner:  Ed Hadad, filed: 3/28/13 Representative:  Joe Nguyen, ASI Consulting |

Planner Cattan presented the staff report. She shared images and the history of the original design and conditional use permits. She noted the previously approved new building moves closer to the property line in the back than the current building. The conditions for that approval include a requirement that no deliveries are permitted at the back of the building. Planner Cattan noted that in response to staff concerns the applicant added doors and equipment to the carwash to reduce the sound impact, but concerns remain about compatibility with adjacent uses. Specifically, the issues of noise and exhaust from queuing are not addressed by the equipment.

Chairperson Ortiz opened the public hearing.

Rosalind Rondash spoke on behalf of the applicant. She said the applicant felt the queuing concerns were raised late in the process, but a discussion with the sound consultant indicated it would not increase the noise. She also noted that since carwash tickets are good for two days, customers can opt not to wait if there are multiple cars and instead come back later.

Commissioner Graves expressed concern about adequate room for cars to exit that do not wish to wait. He asked if County Zone Five was approached about paving over a concrete culvert running underneath. Staff said there has been no discussion on that issue.

Commissioner Welch clarified data from the sound study and noted that mitigating noise is a major concern in new General Plan update.

Americo Castillo, who owns a house behind the applicant’s property, spoke against the proposal. He said there are already a number of carwashes on 41st and the applicant cannot control the actions and noises of those using the carwash.

Tom Harman ,who owns a house behind the applicant’s property, spoke against the proposal. He questioned the sufficiency of the noise study conducted for 20 minutes on a June afternoon. He expressed concern that noise from the carwash will likely increase over time. Conditions from the previous approval discouraged vehicles behind the building and this application would encourage them.

Neighbor Niki Harman also asked the Commission to deny the application and voiced similar concerns about the project.

Joe Nguyen spoke on behalf of the applicant and clarified landscaping, distances and machinery operation.

The public hearing was closed.

Commissioner Ortiz asked whether Santa Cruz Water was consulted on the use. Community Development Director Rich Grunow said because carwashes generally filter and recycle water it was not brought up in the planning stage.

Commissioner Smith said she could appreciate the applicants’ frustration with multiple questions and studies but noted that staff is seeking to provide the most complete report. She reviewed the original discussion and the concerns raised about noise and traffic even before the carwash, and said she does not understand why that use was not included in the original application. The Commission takes seriously the need to mitigate the impact on neighborhoods adjacent to commercial uses. She worried that the noise study levels were based on estimation and already close to maximum acceptable levels.

Commissioner Graves recalled the 7-11 application and why the Commission included conditions to protect the adjacent neighborhood. He feels it is not a good use to put cars in back next to residential neighbors and does not believe the carwash can be supported.

Commissioner Ortiz concurred, saying she is not in favor of the application as it flies in face of expressed concerns about traffic in back.

**A motion to deny project application #12-080 based on the following findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**FINDINGS**

A**. The application, subject to the conditions imposed, will not secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project does not conform with the conditional use permit considerations of the Zoning Ordinance due to the impacts of a carwash of operational noise from mechanical equipment and automatic dryers, nuisance noise from loud exhaust and car stereos, and fumes/odors from queuing automobiles on the existing adjacent residential neighborhood.

B. **The application will not maintain the character and integrity of the neighborhood.**

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The carwash is located in a commercial district that is adjacent to an existing residential neighborhood. The proposed carwash has compatibility issues that threaten the character and integrity of the existing residential neighborhood due to operational noise from mechanical equipment and automatic dryers, nuisance noise from loud exhaust and car stereos, and fumes/odors from queuing automobiles.

C. **This project is statutorily exempt under Section 15270(a) of the California Environmental Quality Act**

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

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| **B.** | **115 San Jose         #13-160      APN 035-221-17** |
| Conditional Use Permit for outdoor seating and an outdoor ATM in the CV (Central Village) Zoning District. Environmental Determination:  Categorical Exemption Owner:  Capitola Associates, LLC Representative:  Shane Gomes, filed:  11/12/2013 |

Senior Planner Cattan presented the staff report. She noted that the new seating does not inhibit circulation and does not trigger extra parking requirements. The use compliments the existing area. For the ATM, staff has concern about the color and outdoor location, which resulted in conditions requiring a change of color.

Commission members confirmed locations of other ATMs in Mercantile area.

Commissioner Ortiz opened the public hearing. Shane Gomes spoke on behalf of the applicant. He acknowledged that the ATM color needs to be changed and said that process has begun.

Commissioner Graves asked if there is a need for two ATMs on the same property. He expressed concern about night security and lighting. Mr. Gomes noted the area is well lit. Commissioner Graves thinks the outdoor seating is a wonderful addition.

Commissioner Ortiz closed the public hearing.

Commissioner Ortiz noted that such ATMs are highly profitable and expects that more businesses will be looking at adding them.

Commissioner Smith supports the seating and the idea of a gathering place. She said people in the Village often seek an ATM and this seems an appropriate location outside.

Commissioner Welch agreed that the ATM is a benefit to visitors.

Commissioner Ortiz supports the seating but expressed concerned about the outdoor ATM. She acknowledged it is useful but not visually appealing and worried about the precedent. She asked if the large lettering will remain and was told it will likely stay.

Commissioner Graves is also concerned about the stand-alone machine. He and Commissioner Ortiz felt they could support an outdoor machine that was incorporated into the building. Commission consensus was to address the two items separately and deny the ATM without prejudice to allow the applicant to return with a revised proposal incorporated into the building. Staff was instructed to work with the applicant to limit costs for the reapplication.

**A motion to deny without prejudice project application #13-160 A (ATM) and approve project application #13-160 B (seating) with the following findings was made by Commissioner Graves and seconded by Commissioner Ortiz:**

**FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the project. The project proposes a compatible land uses that can be mitigated through proper management by the applicant. Allowing a quasi-public seating area and an ATM within the Central Village zoning district will not cause impacts to the adjacent commercial or residential dwelling units. The application reflects the objectives of the Zoning Ordinance and General Plan.

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

Community Development Department Staff and the Planning Commission have reviewed the project. The project conforms with the conditional use permit standards of the Capitola Municipal Code. As conditioned, the conditional use complements the existing character and integrity of the Central Village.

**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 conditional use permit with no expansion of use beyond what has currently existed. 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, Ortiz, Smith, and Welch. No: None. Abstain: None.**

**6. DIRECTOR’S REPORT**

The General Plan Update draft will be released on Dec. 19, 2013, and will allow a 60-day review given the holidays. In response to Commission questions about the availability of printed copies, Director Grunow noted they cost about $50 each so distribution is limited, and people are encouraged to access it online.

**7. COMMISSION COMMUNICATIONS**

Commissioner Graves said he had failed to note in earlier comments on the General Plan that the map is incorrect for the 38th Avenue boundaries. That correction will be made.

**8. ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:12 p.m. to the regular meeting of the Planning Commission to be held on Thursday, Jan. 16, 2014, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on Jan. 16, 2014.

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Linda Fridy, Minute Clerk