

# Capitola Planning Commission

## Agenda Report



**Meeting:** December 7, 2023

**From:** Community Development

**Address:** 200 Monterey Avenue #2

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**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

Recommendation: Review and **approve** project application #23-0513 with the recommended Conditions and based on the Findings for Approval.

**Applicant Proposal:** The applicant has submitted a request for a Conditional Use Permit (CUP) for beer and wine sales at Mijo's Taqueria. Mijo's Taqueria is located within the Mixed-Use Village (MU-V) zoning district at 200 Monterey Avenue #2 and has been in operation for over seven years (2016). The prior tenant was also a taqueria restaurant and previously held a permit and license for beer and wine. Mijo's did not continue the beer and wine service and is now proposing to reestablish the use with this permit request.

**Background:** City permit records show continuous restaurant use at the subject tenant space dating back to the early 1990s and references in those files state that restaurant uses were already established and predate the records. The restaurant use and required parking for the Mijo's Taqueria tenant space are legal nonconforming and may continue so long as the activity does not cease for more than 90 days per Section 17.92.050.

**Discussion:** Mijo's Taqueria is located at 200 Monterey Avenue within the Central Village. The property is in proximity to commercial uses along Monterey Avenue and backs up to several residences on El Camino Medio. Monterey Avenue has a mix of retail, restaurant, and personal service establishments. The applicant is proposing to serve prepackaged beer and wine from a display refrigerator and/or a small tap system behind the point-of-sale counter.

Conditional Use Permit: The applicant is requesting a Conditional Use Permit for beer and wine sales and simultaneously has applied for a Type 41 liquor license with ABC for the sale of beer and wine at an "Eating Place". Pursuant to §17.124.060, when evaluating a CUP, the Planning Commission must consider the following characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- B. Availability of adequate public services and infrastructure.
- C. Potential impacts to the natural environment.

- D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

In a review of the applicant's proposal, Planning staff consulted with the Police Department and found that no calls to Police have been made by or to Mijo's Taqueria and there is no code violation history. Normal business hours for Mijo's Taqueria are 11 a.m. to 8 p.m. No change to operating hours is anticipated.

As conditioned, the findings for approval of the amended CUP can be made for the application.

**CEQA:** The 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 minor changes to operations and issuance of a conditional use permit for beer and wine sales at an established restaurant use. No adverse environmental impacts were discovered during the project review by either Planning Department Staff or the Planning Commission.

**Attachments:**

1. Site/Floor Plan
2. Applicant Letter – Business Plan

**Recommended 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.