

CALIFORNIA COASTAL COMMISSION

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Prepared February 19, 2009 (for March 12, 2009 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: City of Capitola Major Amendment Number 1-07 (Capitola Village Parking). Proposed major amendment to the City of Capitola's certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's March 12, 2009 meeting to take place at the Portola Hotel and Spa at Monterey Bay, Two Portola Plaza in Monterey.

Summary

The City of Capitola is proposing to amend its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP, also known as the LCP zoning ordinance) to eliminate references to the City's McGregor Drive property as a City parking lot and to add new standards to allow a valet parking program in the Central Village area of the City of Capitola. To the extent such a valet parking program does not displace existing public parking, and instead increases the range of public parking in the high-parking-demand Central Village and surrounding area, the proposed amendment can be found consistent with the Coastal Act and the LUP. The proposed text, however, does not ensure this to be the case, and it could result in a loss of general access public parking spaces to valet and related uses, thus decreasing public recreational access opportunities. Accordingly, staff recommends modifications to ensure that: 1) the valet parking program does not displace parking in public lots or along the public street right-of-way; 2) the valet parking program only operates when private parking spaces are widely available, i.e. when the private uses are not open for business and the associated private parking lots are not in use, and; 3) the two pickup and drop-off spaces in the Central Village dedicated for the valet parking program are available for general public use when the valet program is not in operation. With respect to elimination of the McGregor Drive lot reference, this is appropriate only inasmuch as replacement text detailing current shuttle operation lots is provided so as to continue to recognize the status and importance of the City's free shuttle service. With these modifications, the Commission can find that the proposed amendment is consistent with and adequate to carry out the public access and recreation policies of the Coastal Act and the modified LUP. The City has indicated that it is in agreement with the proposed modifications.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on October 11, 2008. The proposed amendment affects both the LUP and the IP, and the original 90-day action deadline was January 9, 2009. On November 12, 2008, the Commission extended the action deadline by one year to January 9, 2010. Thus, the Commission has until January 9, 2010 to take a final action on this LCP amendment.



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I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make four motions in order to act on this recommendation.

1. Denial of Land Use Plan Major Amendment Number 1-07 as Submitted

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion (1 of 4). I move that the Commission **certify** Land Use Plan Major Amendment 1-07 as submitted by the City of Capitola.

Resolution to Deny Land Use Plan as Submitted. The Commission hereby denies certification of the Land Use Plan Major Amendment 1-07 as submitted by the City of Capitola and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. Approval of Land Use Plan Major Amendment Number 1-07 if Modified

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.



Motion (2 of 4). I move that the Commission **certify** Land Use Plan Major Amendment 1-07 if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby certifies Land Use Plan Major Amendment 1-07 to the City of Capitola Local Coastal Program if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

3. Denial of Implementation Plan Major Amendment Number 1-07 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (3 of 4). I move that the Commission **reject** Implementation Plan Major Amendment Number 1-07 as submitted by the City of Capitola.

Resolution to Deny. The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 1-07 as submitted by the City of Capitola and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

4. Approval of Implementation Plan Major Amendment Number 1-07 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (4 of 4). I move that the Commission **certify** Implementation Plan Major Amendment Number 1-07 if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby certifies Implementation Plan Major Amendment Number 1-07 to the City of Capitola Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds



that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If the City of Capitola accepts each of the suggested modifications within six months of Commission action (i.e., by September 12, 2009), by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

1. **Modify LUP Public Access Policy II-2 as follows:**

Policy II-2: It shall be the policy of the City of Capitola to maintain the existing shuttle bus system so that it serves as an alternative to automobile use and parking within the Village. Furthermore, the City shall continue to seek out and implement other parking alternatives that may become available in the future. The intensity of development within Capitola Village shall be limited to the availability of parking. The City may designate two Village metered parking spaces, or similar space, to allow for the operation of a Valet Parking Program. These two parking spaces shall be available for use by the general public when the Valet Parking Program is not in operation. The valet parking program shall not otherwise reduce the general public parking supply.

Implementation:

- (A) ~~Acquire a shuttle bus parking lot.~~ The City shall continue to provide a free summer beach shuttle program on summer weekends and summer holidays from a remote lot or lots, such as on Bay Avenue.
- (B) ~~Develop a~~ Continue the financing mechanism for the free summer beach shuttle program.
~~bus.~~
- (C) Periodically review parking innovations in other coastal communities for possible use in Capitola.



(D) The City or a private entity approved by the City may operate a valet parking program by leasing private parking spaces and/or lots during weekends and/or evenings, and where the spaces/lots are located within a reasonable distance from the Village. The program operator can charge a reasonable fee, approved by the City, to users of the valet parking program. For a fee, automobile drivers may leave their cars with a valet, who then has the choice to park in the leased private parking spaces/lots when the businesses or services that typically use these spaces/lots are not open. The owners of these spaces/lots are compensated for the use of the spaces/lots, and issues such as liability will be addressed by the private company operating the valet service.

2. Add new Section 17.51.220 to Chapter 17.51 (Parking and Loading) of the Implementation Plan as follows:

Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue.

3. Modify new Section 17.21.160(A) (see page 3 of Exhibit B) of the Implementation Plan as follows:

The City may use up to two metered parking spaces, or similar space, for operating a valet parking program.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

The proposed amendment changes the location for the summer beach shuttle parking lot from the City-owned parking lot on McGregor Drive to any remote parking lot or lots within the City, such as those located on Bay Avenue. The proposed amendment also adds new standards to allow a valet parking program in the Central Village area of the City of Capitola. Specifically, the City proposes to designate two Central Village metered parking spaces as drop-off/pickup sites for a valet service during busy periods.¹

¹ The City indicates that the proposed valet service would be operated by a private company. Specifically, for a fee paid to a private entity contracted by the City, automobile drivers could leave their cars with a valet at one of two metered or similar spaces in the Central Village. The valet then would have the choice to park in various private lots when those lots are not in use (because the businesses or services that typically use the parking lots are closed). The owners of these parking lots would be compensated for use of the lot, and issues such as liability would be addressed by the private company that operates the valet service. There would be no cost to the City



B. Consistency Analysis

1. Standard of Review

The proposed amendment affects the LUP and IP components of the City of Capitola LCP. The standard of review for the LUP amendments is that they must be consistent with and adequate to carry out the Coastal Act; the standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

2. LUP Amendment Consistency Analysis

A. Applicable Coastal Act Policies

In order to approve a Land Use Plan amendment, it must be consistent with and adequate to carry out the policies of the Coastal Act. The proposed amendments primarily affect public recreational access to the Central Village of the City of Capitola, as well as Capitola Beach. Selected applicable Coastal Act policies include:

Section 30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30214(a): *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access*

because the City would rent the metered spaces to the valet company, and the valet company would charge the valet parking patrons for the valet service.



depending on the facts and circumstances in each case

Section 30220: *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30223: *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30252 (in relevant part): *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses...*

Section 30253(e): *(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

B. Beach Shuttle Parking Lot Amendment

The Central Village of Capitola (see page 2 of Exhibit A) is framed by its physical setting, including the ocean and beach, Soquel Creek, as well as the cliffs and bluffs extending landward from the ocean to form the northern and southern boundaries of the Central Village. The Central Village also includes architecturally significant and historic structures, such as the Venetian Hotel and the Capitola Wharf. The Central Village also has an oceanfront esplanade and many visitor-serving shops and restaurants.

The Central Village is an extremely popular visitor destination, particularly during summer months, and parking is in very short supply. As a result, the Central Village is adversely impacted at times by intense automobile traffic and associated parking needs. The certified Land Use Plan acknowledges the adverse impact of the automobile on the Central Village and notes that increased parking within the Village could destroy Village character and would be extremely costly. To remedy this situation, the City has been operating a free shuttle service during summer weekends and summer holidays for many years.² Visitors during these summer periods can park their cars in a remote parking area for free and ride the free shuttle to the Central Village and Capitola Beach. This shuttle system maintains and enhances public access to Capitola Beach, the Central Village, and Capitola Wharf while maintaining and enhancing the character of Capitola Village and the surrounding residential areas by limiting automobile

² The shuttle operates on weekends and holidays from the start of the Memorial Day weekend through the last day of the Capitola Art and Wine Festival, which is typically held the second weekend in September.



traffic and parking impacts on the Central Village during the peak periods of the summer season.

Prior to 2003, the City-owned McGregor Drive lot was used as the remote parking area for the shuttle system. However, to get to the McGregor Drive parking area, visitors needed to travel south on Highway One past the two primary exits for Capitola. In 2003, the City established a shuttle parking area in underused parking lots located on Bay Avenue near the Highway One exit. Since that time, the shuttle program has seen a large increase in use³, probably due to the Bay Avenue parking areas being more centrally located in Capitola and easier for visitors to access than the McGregor Drive parking area (see page 2 of Exhibit A for a map of these locations).

The City proposed to amend the certified Land Use Plan to remove the reference to the McGregor Drive lot as the location for the summer shuttle parking area, and replace it with more general language regarding the location of the summer shuttle parking lot (see the bottom of page 1 of Exhibit B). Such a modification is appropriate and will provide the City with more flexibility to site and operate the free shuttle system, but the proposed amended language on page 1 of Exhibit B pertains to the City's *uncertified* General Plan, and not the certified Land Use Plan.⁴ To remedy this situation, Modification 1 amends Land Use Plan Public Access Policy II-2 regarding the shuttle parking lot to include the language that the free beach shuttle operates on summer weekends and summer holidays from a remote lot or lots, such as on Bay Avenue. This policy is also amended to require that the City continue the financing mechanism for the summer shuttle system to ensure it remains free to the public. These modifications will help to ensure the continuation of the free summer shuttle program. As modified, the Land Use Plan is consistent with the Coastal Act policies cited above, including the requirement to provide transportation services that enhance access to the coast.

C. Valet Parking Program

The proposed amendment would allow for the implementation of a valet parking program in the Central Village.⁵ Prior to commencing operation, this LCP amendment would need to be certified, and the City would need to process a coastal development permit for the valet parking program. When in operation, the parking valet service would operate from up to two metered or similar spaces within the Central Village. The elimination of these public spaces raises concerns regarding maintaining adequate public parking in the Central Village. However, the proposed valet parking program is intended to *increase* public parking opportunities in the Central Village by efficiently moving vehicles off of the streets or public parking lots and into parking reservoirs that are not usually accessible to the general public. Each

³ The average number of riders increased from 109 per day at the McGregor site in 2002 (for a yearly total of 9,304 riders in 2002), to 184 per day at the Bay Avenue site in 2005 (for a yearly total of 13,002 riders in 2005).

⁴ According to the City, the City intended to amend its Land Use Plan, but mistakenly modified the General Plan, thinking it was part of the certified LCP (the City did modify the certified IP as part of its LCP amendment submittal). The City has asked the Commission to consider this LCP amendment nonetheless and intends to process the necessary LCP changes based on the Commission's action.

⁵ As noted above, the City amended its General Plan to include the language shown on page 1 of Exhibit B, but neglected to amend the certified Land Use Plan in a similar manner. As before, the City intended to add the policy language shown on page 1 of Exhibit B regarding a valet parking program to its certified Land Use Plan, and intends to process the necessary LCP changes based on the Commission's action.



vehicle that the valet service stores in a remote, non-public parking space is one less vehicle that could have occupied a parking space in a public parking lot or on a public street. However, the City's proposed LUP language does not specify that the valet program must avoid using general public parking spaces to avoid displacing potential parking for the general public. Without this assurance, general public parking spaces might be used for fee-based valet parking and the program would de facto result in less general public parking because valet users' cars would occupy those public parking spaces. Likewise, the use of private lots during times when the private businesses are operating could displace patrons of these businesses into general public space, also leading to reduced public parking availability. As proposed, this amendment cannot be found consistent with the Coastal Act policies cited above, including those protecting low-cost public recreational opportunities.

To ensure that the proposed amendment maintains adequate public access to the Central Village and the adjacent beaches in the City of Capitola, Modification 1 amends Land Use Plan Public Access Policy II-2 to include the City's proposed policy language regarding the parking valet program as shown on page 1 of Exhibit B, with some changes. The City's proposed language is modified to: 1) ensure that the two Central Village parking spaces used for valet drop-off and pickup are available for use by the general public when the valet parking program is not in operation; 2) ensure that only private (not public) lots and/or spaces may be used for valet parking, and only then when the businesses served by the private spaces/lots are closed, and; 3) ensure that any such program not reduce general public parking supply.⁶ Additionally, to allow for more flexibility, the City's proposed language is modified to allow for the valet parking program to be in operation during evenings, as well as weekends. As modified, the Commission finds that the proposed LUP valet parking program text can be found consistent with the above-cited policies of the Coastal Act.

3. IP Amendment Consistency Analysis

A. Applicable LUP Policies

The following certified LUP policies require protection of access to Capitola Beach and the Central Village through, among other things, the use of a shuttle bus and remote parking:

Locating and Planning New or Intensified Development/Public Works Facilities Policy 1-1: It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and the Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as shuttle bus

⁶ This approach is similar to previous Commission actions on valet parking in parking-starved coastal communities. For example, in 2000, the Commission approved a valet parking program for the City of Manhattan Beach (CDP A-5-MNB-99-453). In that case, the Commission found that the proposed valet parking program, if operated in a manner to ensure the protection of public parking for coastal access, was in conformance with the parking policies of the certified Manhattan Beach LCP. Specifically, the Commission conditioned its approval to, among other things, prohibit the storage of vehicles on public rights-of-way and in public parking areas that support coastal access. This condition was necessary because the use of public parking lots or on-street metered spaces for storage of vehicles by the proposed valet parking program could displace parking available to the general public, including beachgoers.



and remote parking.

Visual Resources and Special Community Character Policy III-12: *Maintain an emphasis on small individual businesses oriented primarily to the pedestrian; discourage large scale conglomerations of shops surrounded by off-street parking. Establish a desirable range to the size and scale of the Village commercial facilities including square footage and street frontage. The intensity of development shall be limited to the availability of parking or alternative transportation systems such as a shuttle bus and remote parking. Relate sign and access regulations to pedestrian movement and physical character appropriate to particular areas in the Central Village.*

B. Beach Shuttle Parking Lot Amendment

The City no longer uses the City-owned McGregor Drive lot as a remote parking lot for the summer beach shuttle, but instead uses a parking lot located on Bay Avenue (which is outside the Coastal Zone, but is more accessible to visitors traveling on Highway One than was the McGregor Drive lot). The proposed IP amendment removes references to the City-owned McGregor Drive lot that pertain to parking (see pages 2-3 of Exhibit B). The proposed amendment, however, does not include new IP language to describe where the remote parking for the summer shuttle bus program will be located. Modification 2 adds language to the Parking and Loading Chapter of the Implementation Plan to include this language so as to continue to recognize the status and importance of the City's free shuttle service. As modified, the proposed amendment is consistent with the above-cited policies and is also consistent with modified Public Access Policy II-2 (see pages 4-5 above) regarding operation of a summer shuttle program to maintain and enhance public access to the Central Village and Capitola Beach.

C. Valet Parking Program

The proposed amendment adds language to the implementation plan to allow the City to use up to two metered Village parking spaces in order to operate a valet parking program (see page 3 of Exhibit B). This language will implement modified Public Access Policy II-2 (see pages 4-5 above) and, to the extent the as-modified LUP standards are met, such use and program should serve to enhance public parking access to the Central Village. However, the proposed amendment language would limit the drop-off and pickup areas for the valet parking program to metered parking spaces only. It is possible the City may wish to use non-metered spaces for this use, such as those non-metered spaces located at Capitola City Hall. Thus, Modification 3 allows for more flexibility in this regard. As modified, the proposed amendment is consistent with the above-cited policies and is also consistent with modified Public Access Policy II-2 regarding alternative transportation systems and public access in the Central Village.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been

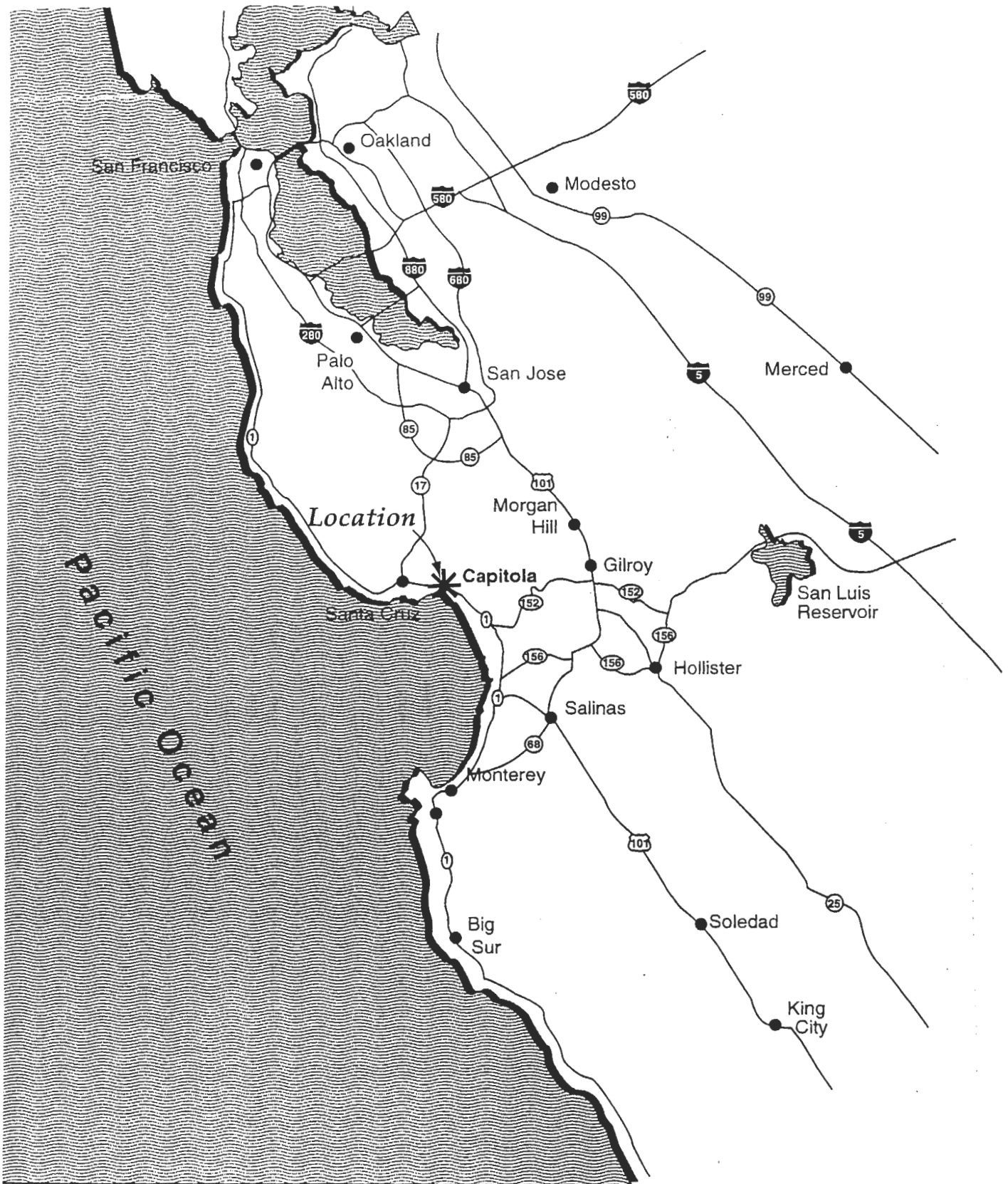


certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





Scale: 1" = 20 miles

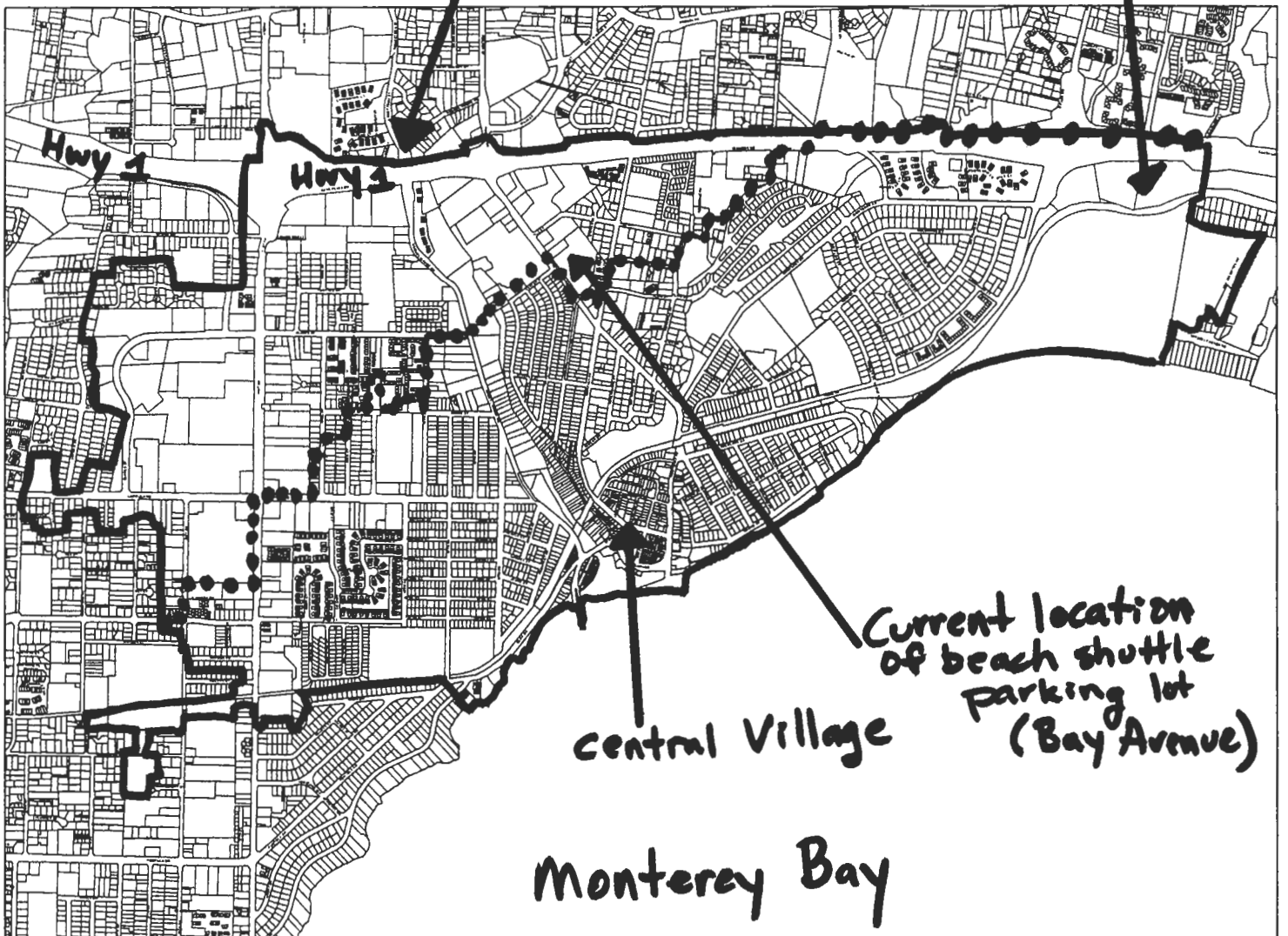
Source: California State Automobile Association & EMC Planning Group Inc.



CCC Exhibit A
 (page 1 of 2 pages)

Capitola city Limit Line

Former beach
shuttle parking lot
(McGregor
Drive)



● = COASTAL ZONE BOUNDARY

EXHIBIT A

not LUP

**AMENDED GENERAL PLAN LAND USE ELEMENT, AND
CIRCULATION ELEMENT**

GENERAL PLAN POLICIES

LAND USE ELEMENT

The Land Use Element is part of the General Plan, and includes the following Coastal policies, which show the proposed changes: deletions as strikethrough, and additions as underlined:

LAND USE ELEMENT - not LUP

Add Policy 17: Valet Parking. The City may designate two Village metered parking spaces, or similar space to allow for the operation of a Valet Parking Program.

Add Implementation: The City or a private entity approved by the City may operate a valet parking program by leasing public or private parking spaces that are underutilized during the weekends, and are located within a reasonable distance from the Village. The program operator would charge a reasonable fee, approved by the City, to users of the valet parking program. For a fee, automobile drivers leave their cars with a valet, who then has the choice to park in various leased private, or public parking lots. These lot owners are compensated for the use of the lot, and issues such as liability are addressed by the private company operating the valet service.

CIRCULATION ELEMENT - not LUP

The Circulation Element is part of the General Plan, and includes the following Coastal policies, which show the proposed changes: deletions as strikethrough, and additions as underlined:

The following sentence on page 62 of the General Plan Circulation Element will be changed to read, "The City provides a special beach shuttle on weekends from a remote lot or lots, such as on Bay Avenue." ~~Located near the intersection of Park Avenue and McGregor Drive."~~

CCC Exhibit B
(page 1 of 4 pages)

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3585 passed and adopted by the Capitola City Council on the 26th day of October, 2006.

Pamela Greeninger
Pamela Greeninger, City Clerk CMC

ORDINANCE NO. 911

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTION 12.58.010, DEFINITIONS OF TITLE 12 OF THE CAPITOLA
MUNICIPAL CODE PERTAINING TO STREETS, SIDEWALKS AND PUBLIC PLACES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section I. Section 12.58.010 of the Capitola Municipal Code is hereby amended to read as follows:


12.58.010 Definitions.

“City-owned property” means property owned and/or operated by the city or the city of Capitola redevelopment agency and used by the city in connection with its municipal operations including public works facilities, corporation yards, and parking lots (including ~~the McGregor parking lot,~~ the Jade Street Park parking lot and other public facility parking lots). City-owned property also includes the Rispin Mansion property, and the McGregor property. City-owned property does not include city parks governed by Chapter 12.40 of this code.

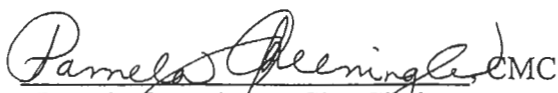
Section II. This Ordinance shall be in full force and take effect upon approval and certification by the California Coastal Commission. If the Coastal Commission modifies any portion of the ordinance, only the sections with modifications will require formal action by the City of Capitola.

This ordinance was introduced on the 26th day of October, 2006, and was passed and adopted by the City Council of the City of Capitola on the 9th day of November, 2006, by the following vote:

- AYES: Council Members Arthur, Harlan, Nicol, and Vice Mayor Termini
- NOES: None
- ABSENT: Mayor Norton
- ABSTAIN: None

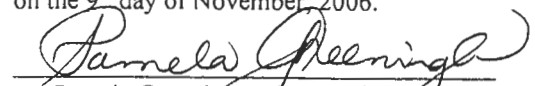
APPROVED: 
 Michael Termini, Vice Mayor

ATTEST:


 Pamela Greeninger, City Clerk

CCC Exhibit B
(page 2 of 4 pages)

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 911 passed and adopted by the Capitola City Council on the 9th day of November, 2006.


 Pamela Greeninger, CMC, City Clerk

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING CAPITOLA MUNICIPAL CODE TITLE 17 PERTAINING TO ZONING TO
AMEND CHAPTER 17.21, C-V CENTRAL VILLAGE DISTRICT BY AMENDING
SECTION 17.21.120, PARKING, AND ADDING SECTION 17.21.160 VALET PARKING;
AMENDING CHAPTER 17.46 CZ COASTAL ZONE COMBINING DISTRICT, SECTION
17.46.090 COASTAL PERMIT APPROVAL, AND AMENDING CHAPTER 17.42 PF
PUBLIC FACILITIES DISTRICT, SECTION 17.42.010 APPLICABILITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section I. Sections 17.21.120, 17.42.010, and 17.46.090 (D)(23)(e) of the Capitola Municipal Code are amended to read as follows:

17.21.120 Parking. Parking requirements for buildings in the C-V zone shall be as provided in Chapter 17.51, Section 17.21.160, and as required by this chapter:

17.42.010 Applicability.

B. In the coastal zone, in addition to the regulations set forth in this chapter, for consistency with the Capitola parking program, the following PF districts shall be maintained for public parking: the Pacific Cove parking lot; ~~the McGregor Drive remote parking lot~~; the Cliff Drive overlook parking and the Cliff Drive Southern Pacific RR right-of-way parking unless Cliff Drive must be relocated due to cliff erosion. Changes in public facilities in the coastal zone will require LUP amendment.

17.46.090 Coastal permit approval.

(D) (23) (e). Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in ~~the McGregor Drive parking lot~~ and the Cliff Drive parking areas.

Section II. Section 17.21.160 is hereby added to Chapter 17.21 of the Capitola Municipal Code to read as follows:

17.21.160 Valet Parking.

A. The City may use up to two metered Village parking spaces for operating a valet parking program.

Section III. This ordinance shall be in full force and take effect upon approval and certification by the California Coastal Commission. If the Coastal Commission modifies any portion of the ordinance, only the sections with modifications will require formal action by the City of Capitola.

This ordinance was introduced on the 26th day of October, 2006, was passed to a second reading with modifications and adopted by the City Council of the City of Capitola on the 9th day of November, 2006, by the following vote:


AYES: Council Members Arthur, Harlan, Nicol, and Vice Mayor Termini

NOES: None

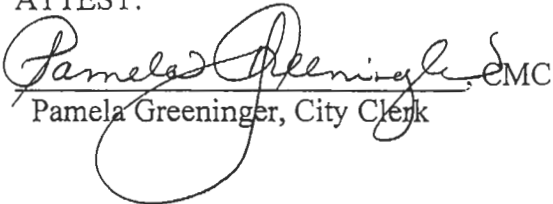
ABSENT: Mayor Norton

ABSTAIN: None

APPROVED:

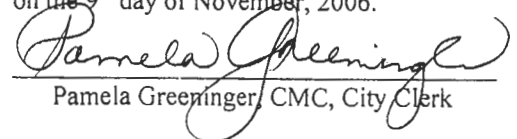

Michael Termini, Vice Mayor

ATTEST:


Pamela Greeninger, City Clerk

CCC Exhibit B
(page 4 of 4 pages)

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 910 passed and adopted by the Capitola City Council on the 9th day of November, 2006.


Pamela Greeninger, CMC, City Clerk