

## CALIFORNIA COASTAL COMMISSION

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**Prepared November 17, 2011 (for December 8, 2011 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Daniel Robinson, Coastal Planner

**Subject: De Minimis Amendment Determination for the City of Capitola Local Coastal Program  
Amendment Number 1-10 Part 1 (Community Commercial District Standards)**

#### City of Capitola's Proposed Amendment

The City of Capitola is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) regulations with respect to certain parking standards, allowable uses, and definitions in the Community Commercial (CC) zoning district. Specifically, the amendment proposes to modify some parking standards, redesignate some conditionally permitted uses as principally permitted uses, and to add definitions for "Floor Area, Available for Dining" and "Restaurant" (see Exhibit A for the proposed changes). The City's coastal zone area to which the CC district applies is very limited, stretching about 2,000 feet along 41<sup>st</sup> Avenue roughly from the Union Pacific railroad tracks (about one-half mile inland of the shoreline along 41<sup>st</sup> Avenue) further inland to Capitola Road. 41<sup>st</sup> Avenue is the City's primary commercial corridor and is a regional commercial destination, and the CC District is fully developed with a variety of commercial buildings and businesses (see Exhibit B for a map of the affected CC area).

#### De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis". In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment is set for a future public hearing; if three or more commissioners do



not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on December 8, 2011).

**The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis.**

Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The City of Capitola's Community Commercial (CC) district in the coastal zone is located in the western portion of the City along 41<sup>st</sup> Avenue beginning roughly one-half mile from the shoreline. There are approximately 45 parcels in the approximately 2,000 linear foot coastal zone portion of this zoning district stretching from roughly the Union Pacific railroad tracks inland to Capitola Road (see Exhibit B for a map of the affected area), and the area is completely developed. The component of the proposed amendment that redesignates some existing allowed conditional uses as principally permitted uses would alter the way in which certain projects may be processed by the City, but will not alter the mix of allowed uses along this inland commercial corridor, including visitor serving uses. As such, this portion of the proposed amendment will not alter the type of potential development allowed in this area. These allowed uses provide for a range of commercial (and not residential) uses that seem appropriate for this commercial area. .

In terms of the proposed changes to parking standards, the changes are applicable to three specific CC uses: Retail, Restaurant (including all prepared food service), and Office, as follows:

Use	Existing LCP Parking Standard*	Proposed LCP Parking Standard*
Retail	1/240	1/300
Restaurant	1/60	1/60 (floor area available for dining)** 1/300 (all other floor area)
Office	1/240	1/300

\* Number of parking spaces required per square foot of interior space.

\*\* Floor area available for dining means the floor area in a restaurant that may be used for the placement of seating for the consumption of food and beverages (this definition is a new LCP definition that would be added to the LCP as Section 17.03.247 per the proposed LCP amendment).

Thus, the proposed changes generally reduce the amount of parking that would be required for retail, restaurant, and office projects in the CC district. For restaurants, the proposed changes basically keep the same standard applicable to actual floor seating, while providing a lesser standard for the remainder of the space (and including new complementary definitions for the two different areas of restaurants). The City indicates that the changes are designed to help provide flexibility in siting and design for redevelopment in the 41<sup>st</sup> Avenue commercial core, as well as to bring the City's standards into general conformity with Institute of Traffic Engineers (ITE) standards as well as other



nearby jurisdictions.<sup>1</sup> By reducing the amount of required on-site parking, there is always the potential that parking demand outstrips supply and that site users fan out into the surrounding area for parking. This can lead to the potential for displacement of other user groups, particularly related to on-street parking for coastal access. In this case, however, the changes are minor enough that such displacement impact is not expected to occur, and any such displacement is unlikely to affect coastal public access parking. In fact, as described above, the affected area of Capitola's coastal zone starts one-half mile inland from the shoreline and, in general, this commercial area is not a convenient or historically used location for coastal public access parking. Few, if any, coastal visitors park along this inland corridor to access the beach and shoreline (particularly given the presence of more convenient parking nearer the shoreline, including in a large public parking lot at the shoreline end of 41<sup>st</sup> Avenue), rather these spaces are essentially fully occupied by patrons of the commercial establishments in this area. Thus, it is extremely unlikely that the changes will affect coastal access parking, and unlikely that the shift will significantly impact other commercial parking.

In sum, the proposed amendment will not unduly impact coastal access parking nor adversely affect coastal resources while providing the City of Capitola with expanded flexibility for its main commercial core along 41<sup>st</sup> Avenue in an area well inland from the immediate shoreline. Thus, the proposal will not have an adverse impact, either individually or cumulatively, on coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. **Provision of public notice:** The City provided public notice in advance of both the Planning Commission hearings (held on January 21, 2010 and February 4, 2010) and the City Council hearings (held on May 13, May 27, June 10, and August 12, 2010). For the Planning Commission hearings, newspaper advertisement notices were printed on January 8 and January 9, 2010. For the City Council hearings, a newspaper advertisement notice was printed on April 30, 2010. In addition, the proposed text was made available in advance in the lobby at City Hall and the Capitola Library (in advance of Planning Commission hearings on January 15, 2010 and January 29, 2010 and in advance of the City Council hearings on April 30, May 21, June 4, and August 6, 2010), the text was also made available on the City's website in advance of the Planning Commission and City Council hearings. The amendment submittal was subsequently received by Commission staff on December 9, 2010, thus satisfying the 21 day requirement.
3. **No change in use of land or allowable use of property:** No change in use or allowable use of property is proposed by this amendment. While some uses are being proposed to change to principally permitted uses, those uses are already allowed as conditionally allowed uses, and thus, no change in use or allowable use of property is proposed.

#### California Environmental Quality Act (CEQA)

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<sup>1</sup> In terms of cited jurisdictions, the proposed standards are generally similar to those identified, including for: 1) Santa Cruz (1/250 for retail, 1/120 floor area for restaurant, and 1/300 for office); 2) Monterey (1/250 for retail, 1/50 of seating area for restaurant, and 1/275 for office); and 3) Carmel (1/600 for retail, 1/600 for restaurant, and 1/600 for office).



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. The City exempted the proposed amendment from environmental review under CEQA. This report has discussed the relevant coastal resource issues associated with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

#### Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its December 8, 2011 meeting at the Aquarium by the Bay in San Francisco. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Daniel Robinson at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by December 2, 2011.

#### Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 10, 2011. It amends only the City's Implementation Plan and the 60-day action deadline was originally March 11, 2011. The Commission extended the action deadline (it may be extended by up to one year) on March 11, 2011, and thus the Commission has until March 11, 2012 to take a final action on this LCP amendment.

#### Exhibits:

Exhibit A: Proposed LCP amendment

Exhibit B: Affected Community Commercial (CC) area



# Strikeout and Underline Version of Adopted Ordinance No. 947

## Chapter 17.27 CC COMMUNITY COMMERCIAL DISTRICT

### Sections:

17.27.010	Applicability.
17.27.020	Purpose.
17.27.030	Architectural and site approval.
17.27.040	Principal permitted uses.
17.27.050	Accessory uses.
17.27.060	Conditional uses.
17.27.070	Development standards.
17.27.080	Height.
17.27.090	Lot area.
17.27.100	Lot coverage.
17.27.110	Yards.
17.27.120	Parking.
17.27.130	Loading areas.
17.27.140	Landscaping.

#### 17.27.010 Applicability.

The regulations set forth in this chapter apply in all CC districts. (Ord. 388 § 9.01, 1975)

#### 17.27.020 Purpose.

The purpose of CC districts is to provide at readily accessible locations for a wide variety of retail, service and administrative establishments which are required to serve a large trading area population. Principal uses should be conducted within an enclosed building. No residential uses are anticipated in this district. (Ord. 388 § 9.02, 1975)

#### 17.27.030 Architectural and site approval.

Architectural and site approval shall be secured for the establishment and conduct of any principal permitted, accessory, or conditional use in a CC district as provided in Chapter 17.63. (Ord. 388 § 9.03, 1975)

#### 17.27.040 Principal permitted uses.

The following are principal permitted uses in a CC district:

- A. Department stores;
- B. Furniture, appliance or home furnishing stores;
- C. Other retail uses when contained in a shopping center with a minimum of three hundred thousand square feet gross floor area.
- D. Retail businesses conducted entirely within enclosed building;
- E. Personal service establishments entirely within enclosed buildings that occupy less than three thousand square feet gross floor area of building area, such as barbershops, beauty parlors, shoe repair shops, clothes cleaning and laundry agencies and self-service laundrettes; retail dry cleaning establishments; provided, that the solvents used in the cleaning process shall be nonflammable and nonexplosive and are used in fluid-tight cleaning units approved by the State Fire Marshall; no dry cleaning is permitted of clothes other than those delivered to the establishments by consumers;
- F. Limited repair services conducted entirely within enclosed buildings that occupy less than three thousand square feet of building area, such as jewelry and domestic appliance repair shops;

G. Professional, general administrative and medical offices that occupy less than three thousand square feet of building area;

H. Banks and financial services that occupy less than three thousand square feet of building area.

**17.27.050 Accessory uses.**

The following are accessory uses permitted in a CC district:

- A. Signs complying with the applicable regulations set forth in the sign ordinance;
- B. Accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 388 § 9.05, 1975)

**17.27.060 Conditional uses.**

The following are conditional uses in a CC district, subject in each case to the securing of a use permit as provided in Chapter 17.60:

- A. ~~Retail business establishments including~~ Bakeries and supermarkets;
- B. Professional, general administrative and business offices that occupy more than three thousand square feet of building area;
- C. Banks and financial services that occupy more than three thousand square feet of building area;
- D. Personal service establishments entirely within enclosed buildings that occupy more than three thousand square feet of building area, such as barbershops, beauty parlors, shoe repair shops, tailor shops, clothes cleaning and laundry agencies and self-service laundrettes, retail dry cleaning establishments provided the solvents used in the cleaning process shall be nonflammable and nonexplosive and are in fluid-tight cleaning units approved by the State Fire Marshal; no dry cleaning is permitted of clothes other than those delivered to the establishment by consumers;
- E. Limited repair services conducted entirely within enclosed buildings that occupy more than three thousand square feet of building area, such as jewelry, domestic appliances, typewriter and business machine repair shops;
- F. Lodges, clubs and restaurants, not including restaurants with drive-up windows or car service;
- G. New car sales;
- H. Vocational and specialized schools;
- I. Auditoriums, assembly halls and exhibition halls;
- J. Commercial entertainment establishments such as theaters, bowling alleys, billiard and pool parlors, dancehalls and skating rinks, and amusement centers;
- K. Limited food preparation with retail outlets on the same premises, such as bakeries;
- L. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
- M. Motels and hotels;
- N. Service stations;
- O. Wholesale without stock, where the storage of merchandise is limited to samples only;
- P. Home equipment rental establishments conducted within a closed building;
- Q. Caterers;
- R. Other uses similar to the above, not inconsistent with the general purposes of this chapter and the general plan, subject to approval by the city council upon the recommendation of the planning commission;
- S. Any activity which includes any significant alteration of a historic feature;
- T. Auto repair shops as a secondary use to a primary use;

U. Reverse vending machines for beverage containers and small collection facilities of five hundred square feet or less, are subject to the requirements of subsections D and E of Section 17.60.030.

V. Self storage facilities located outside of the Coastal Zone Boundary, subject to the considerations in Section 17.60.030(F). (Ord. 947 § 2, 2010; Ord. 946 § 1, 2010; Ord. 644 § 3, 1987; Ord. 556 § 1 (part), 1984; Ord. 536 § 1 (part), 1983; Ord. 515 § 5 (part), 1982; Ord. 388 § 9.06, 1975)

#### **17.27.070 Development standards.**

The development standards set forth in Sections 17.27.080 through 17.27.140 shall apply in a CC district. (Ord. 388 § 9.07 (part), 1975)

#### **17.27.080 Height.**

No structures shall exceed forty feet in height. Exceptions may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

A. The proposed development is compatible with existing land uses of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows, which may adversely affect the enjoyment of adjacent streets, buildings or open space;

D. Major views from other structures or public vantage points are not blocked by the proposed development;

E. The structures of the proposed development are compatible with the existing scale of the adjacent buildings and surrounding areas. (Ord. 556 § 1 (part), 1984; Ord. 388 § 9.07(a), 1975)

#### **17.27.090 Lot area.**

There shall be no specific minimum lot area required except that there shall be sufficient area to satisfy any landscaping and off-street parking and loading area requirements. (Ord. 388 § 9.07(b), 1975)

#### **17.27.100 Lot coverage.**

There shall be no specific maximum lot coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front yard and open space requirements shall be satisfied;

C. The first two hundred fifty gross square feet of a basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations. (Ord. 774 § 6, 1995; Ord. 388 § 9.07(c), 1975)

#### **17.27.110 Yards.**

A. Landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.

B. Side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide.

C. Front yards and corner lot side yards shall not be used for required parking facilities. (Ord. 757 § 3, 1993; Ord. 556 § 1 (part), 1984; Ord. 388 § 9.07(d), 1975)

**17.27.120 Parking.**

A. Parking standards shall be as provided in Chapter 17.51 except that 17.51.130 (J), (L), (M), and (O) are replaced with the following:

<u>Use</u>	<u>Parking Standard</u>
<u>Retail</u>	<u>1/300 SF</u>
<u>Restaurant, including all prepared food service</u>	<u>1/60 SF Floor Area Available for Dining</u> <u>1/300 SF all other floor area</u>
<u>Office</u>	<u>1/300 SF</u>

Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

**17.27.130 Loading areas.**

Loading areas shall be as provided in Chapter 17.51. (Ord. 388 § 9.07(f), 1975)

**17.27.140 Landscaping.**

Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. (Ord. 388 § 9.07(g), 1975)



**Excerpt of Chapter 17.03  
DEFINITIONS**

**Sections:**

**17.27.247 Floor area, available for dining.**  
**17.27.247 8 Freeway.**  
**17.27.535 Restaurant.**

Section 17.03.247, Floor Area, Available for Dining, is hereby added to the Capitola Municipal Code and Section 17.03.247, Freeway, is hereby renumbered to be 17.03.248, to read as follows:

"17.03.247 Floor area, available for dining.

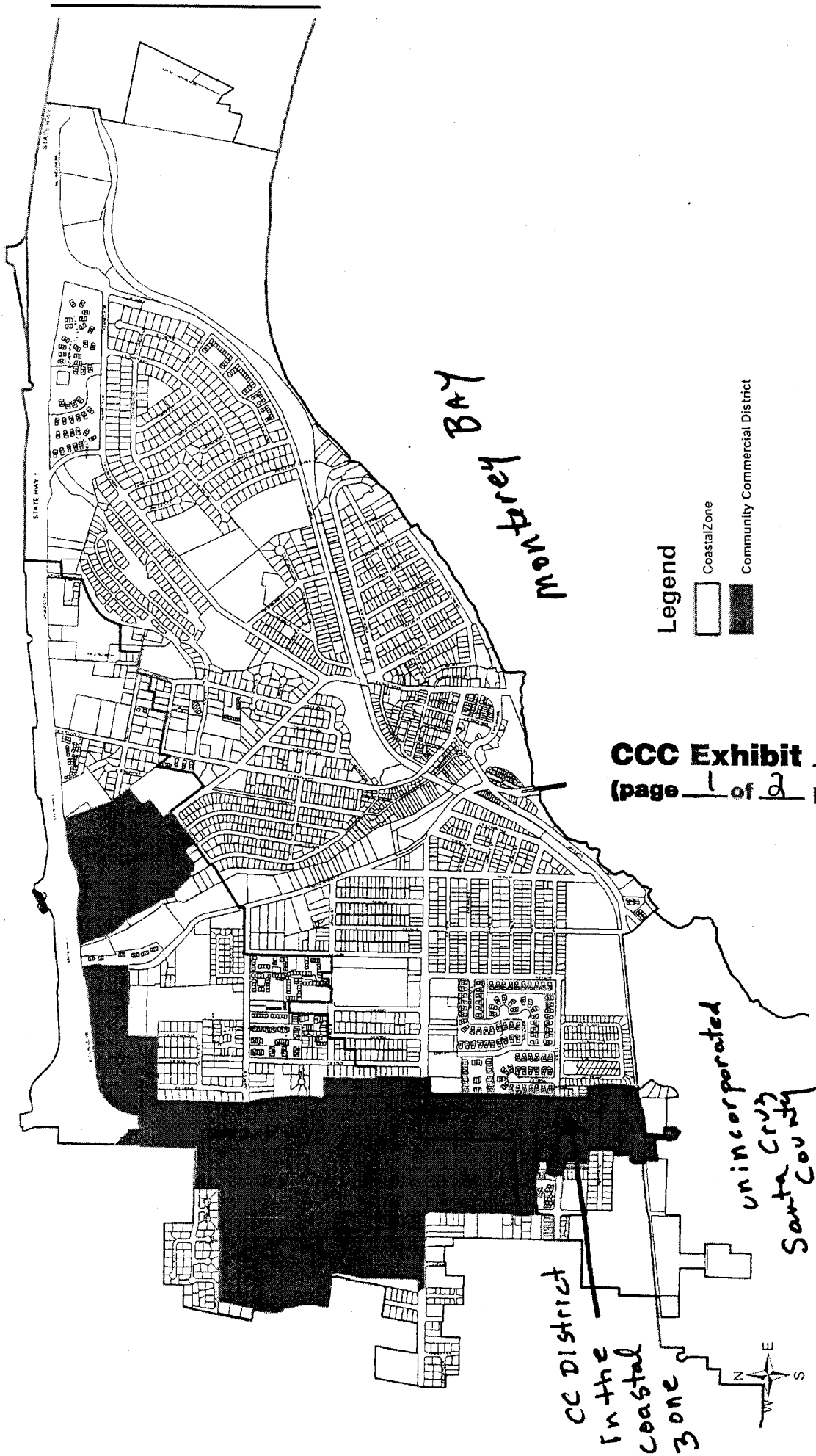
"Floor area, available for dining" means floor area in a restaurant which may be used for the placement of seating for the consumption of food or beverages."

17.03.2487 Freeway."

Section 17.03.535 of the Capitola Municipal Code is hereby added to read as follows:

"17.03.535 Restaurant

"Restaurant" means a retail food service establishment in which food or beverage is prepared and sold for on-site consumption."



CCC Exhibit B  
(page 1 of 2 pages)

