

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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**Th8a****PUBLIC NOTICE**

RECORD PACKET COPY

**Prepared December 16, 2004 (for January 13, 2005 Hearing)****To:** Commissioners and Interested Persons**From:** Charles Lester, Deputy Director  
Diane Landry, District Manager *DNL*  
Susan Craig, Coastal Planner**Subject:** **City of Capitola LCP Minor Amendment Number 2-04 (Architectural and Site Review Committee; Use Permits for Uses in Excess of 12,000 square feet)**

Proposed minor amendment to the City of Capitola's certified Local Coastal Program to be heard at the Coastal Commission's January 13, 2005 meeting at the Hilton Long Beach, 701 W. Ocean Blvd., Long Beach, CA 90831.

The City of Capitola is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment request was filed on December 1, 2004 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555. The proposed amendments would: 1) redefine the required members of the City's Architectural and Site Review Committee, allow alternates to serve on the Committee in the absence of the architect and landscape architect members, and specify when the architect and landscape architect's terms expire (see Exhibit 1, pp. 1-2 for the text of the amendment); 2) require the Planning Commission to consider five factors when considering an application for a conditional use for any new development that occupies in excess of 12,000 square feet. The factors to be considered include: the scale and character of the surrounding area; traffic generation; parking impacts; compatibility to surrounding activity-uses, and; the size of the proposed activity-use compared to the average size of similar activity-uses in the surrounding area. The amendment provides exceptions for the Community Commercial District, which allows for large retail outlets, and for a use already approved in an applicable master conditional use permit. The amendment also modifies the "master/tenant use permit" provisions of the existing ordinance to specify that no administrative approval be allowed for uses of 12,000 or more square feet, i.e., a regular conditional use permit with review by the Planning Commission is required.

Based on its review of submitted materials, the Executive Director has determined that the LCP amendment qualifies as a minor amendment. Section 13554(a) of the California Code of Regulations defines minor amendments to certified Implementation Plans as:



**California Coastal Commission**  
**January 2005 Meeting in Long Beach**

*Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the Land Use Plan as certified by the Commission.*

The proposed amendments add specificity and/or clarify portions of the certified implementation plan. None of the amendments change the kind, location, density, or intensity of use of the implementation ordinances.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 because it clarifies LCP terminology and is consistent with and adequate to carry out the intent of the City's certified Land Use Plan (CCR Section 13554(a)).

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its January 13, 2005 meeting at the Hilton Hotel located at 701 W. Ocean Blvd. in Long Beach. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Susan Craig in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by January 10, 2004.

**Attachments:**

Exhibit 1: Architectural and Site Review Committee Amendments.

Exhibit 2: Use Permit Amendments for Uses in Excess of 12,000 square feet

Exhibit 3: Resolution of City Council Adopting Amendments



Chapter 17.63

ARCHITECTURAL AND SITE REVIEW

Sections:

- 17.63.010 Purpose.
- 17.63.020 Architectural and site review committee.
- 17.63.030 Required when.
- 17.63.040 Application.
- 17.63.50 Maps and drawings.
- 17.63.055 Visualization requirements
- 17.63.060 Fee.
- 17.63.070 Review of application by committee.
- 17.63.080 Hearing and notice.
- 17.63.090 Considerations in review of applications.
- 17.63.100 Conditions.
- 17.63.110 Findings and decision.
- 17.63.120 Notification of approval.
- 17.63.130 Time limitations on approval.
- 17.63.140 Transfer of approval upon change in use.
- 17.63.150 Conformance to approval and site supervision.
- 17.63.160 Appeal to city council.
- 17.63.170 Hearing on appeal.
- 17.63.180 Revocation.
- 17.63.190 Council review.
- 17.63.200 Amendments.

17.63.010 Purpose. The intent of architectural and site review is to secure the general purposes of this title and the general plan and to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, encouraging the utilization of solar energy, and encouraging the most appropriate development and use of land in harmony with the neighborhood. In fulfilling its intent, architectural and site approval may contain reasonable conditions which exceed the basic development standards listed elsewhere in this title. (Ord. 517 §2, 1982; Ord. 388 §19.01, 1975).

17.63.020 Architectural and site review committee. ~~The architectural and site review committee shall consist of between five and seven members. One of such members shall be a member of the Planning Commission. Planning commissioners shall serve on the architectural and site review committee on a rotating basis, with the time and duration of the term to be determined by the chairperson of the Planning Commission. When the chairperson of the Planning Commission changes, the new chairperson should~~

~~review this determination. The remaining members of the architectural and site review committee shall be appointed by the mayor; however, a majority of the City Council may remove or appoint any of the remaining members. The City Council should endeavor to make appointments such that the committee contains within itself engineering, architectural and landscape architectural experience (hereafter referred to as expert members). Committee members who are neither expert members or a planning commissioner will be referred to as public members. At the first meeting of the City Council following the effective date of the ordinance codified in this section, the mayor should appoint the public member(s). Thereafter, public members' terms will expire one month after the certification of any regular election of City Council members.~~

A. The architectural and site review committee shall consist of five members as follows:

1. Architect;
2. Landscape architect;
3. Building official;
4. Planning Director;
5. Public Works Director.

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17.63.030

B. The architect and landscape architect members of the architectural and site review committee shall be appointed by the mayor; however, a majority of the City Council may remove the architect or landscape architect. At the first meeting of the City Council following the effective date of the ordinance codified in this section, the mayor should appoint the architect and landscape architect members, whose terms will expire one month after the certification of any regular election of City Council members. The Mayor, in his or her discretion, may appoint an alternate architect or alternate landscape architect member to serve in the absence of the regular architect or landscape architect. A majority of the City Council may remove the alternative architect and alternate landscape architect. The terms of the architect and alternate landscape architect will expire at the same time as regular architect and landscape architect terms expire. (Ord. 767 \$1, 1994: Ord. 762, 1993: Ord. 659, 1988: Ord. 564 \$1, 1984: Ord. 494, 1980: Ord. 388 \$19.02, 1975).

17.63.030 Required when. Site plan and architectural review is required for the following uses:

A. Any use requiring architectural and site review in the district regulations;

B. Any use requiring a conditional use permit;

17.60.030 Considerations. A. In considering an application for a conditional use, the planning commission shall give due regard to the nature and condition of all adjacent uses and structures. In issuing a conditional use permit, the commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use in addition to those expressly provided in this chapter for the particular use, as may be necessary for the protection of the adjacent properties and in the public interest.

B. In approving a use permit, the commission may include such conditions as the commission deems reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of this title, the general plan, and the local coastal program. Such conditions, without limiting the discretion and authority of the commission, may include time limitations, further architectural and site review, street dedication, and street and drainage improvements.

C. In considering an application for a conditional use involving a material change of an historic feature the planning commission shall weigh the benefits of the proposed change against the detriment to the public welfare caused by a change in the feature. In approving any such change, the commission shall make one of the following findings:

1. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur; or

2. The applicant has demonstrated that denial of the application would result in hardship that is so substantial as to outweigh the corresponding benefit to the public of maintenance to the historic feature or structure.

D. In considering an application for a conditional use permit that proposes a new activity-use that will occupy in excess of twelve thousand square feet within one or more buildings, the planning commission will approve, conditionally approve, or deny the proposed activity-use after considering the following factors:

1. Scale and character of the surrounding area;

2. Traffic generation;

3. Parking impacts;

4. Compatibility to surrounding activity-uses;

5. The size of the proposed activity-use compared to the average size of similar activity-uses located in the surrounding area.

The purpose of this subsection D is to enable and to require the planning commission to apply the above criteria in considering a proposed activity-use; its purpose is not to involve the city in the normal competition that arises between similar businesses.

This subsection D is not applicable:

1. In the area described in Municipal Code Section 17.27.040 ("in a shopping center with a minimum of three hundred thousand square feet gross floor area"); and

2. When the proposed use/activity has already been specifically approved in an applicable master conditional use permit pursuant to Section 17.60.160.

E. Small collection facilities sited in a commercial or industrial zone:

1. May be established only in conjunction with an existing commercial or industrial use which complies with the zoning, building and fire codes for the city;

2. Shall be no larger than five hundred square feet and shall provide parking for removal of the materials and for customers depositing the materials;

3. Shall accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County environmental Health Department and the Hazardous Wastes Commission;

4. Shall use no power-driven processing equipment, except reverse vending machines;

5. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping;

6. Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

7. Shall not exceed noise levels of sixty dba as measured from the property line of residentially zoned or occupied property or otherwise shall not exceed seventy dba;

8. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours of between nine a.m. and seven p.m.;

9. Containers for the twenty-four-hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

10. Containers shall be clearly marked to identify the type of materials which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

11. Signs may be provided as follows:

a. Recycling facilities may have identification signs with a maximum of ten square feet, in addition to informational signs required by the city.

provisions of this chapter, the actions of the planning commission are subject to review and modification by the city council unless rights have vested under the permit. The same is true of planning director determinations made under Section 17.60.160E (tenant use permits). (Ord. 713 §1(part), 1991: Ord. 388 §18.13, 1975).

17.60.140 Amendments. Amendments to a use permit shall be made by new application. (Ord. 388 §18.14, 1975).

17.60.150 Requirements for conversion of mobile home parks. For requirements pertinent to subdivisions which will result in the conversion of a mobile home park to another use, see Chapter 17.90 of this code and Government Code Section 66427.4. (Ord. 576 §4, 1984).

17.60.160 Master conditional use permits--Tenant use permits. The following requirements pertain to master conditional use permits and tenant use permits.

A. To qualify for a master use permit, more than ten thousand square feet of building must be located upon a parcel, or multiple adjoining parcels under one ownership, at the time the first tenant use permit is utilized.

B. The property must conform to city parking and landscaping requirements.

C. The holder of the master use permit will be renting space to a number of tenants (or itself will be carrying on various businesses), all of which will be using their space for one of the uses allowed in the master use permit. When approving any application the planning commission shall determine the uses allowed by the master use

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17.60.160

permit by selecting from those principal permitted uses and conditional uses, as listed in the zoning district regulations, which are (without the imposition of conditions not in the master use permit) compatible with the master use and the surrounding properties.

D. Hereafter, prior to the leasing of any space upon the subject property, the holder of the master use permit must inform all prospective tenants, or tenants renewing or extending leases, of the conditions of the master use permit and of the requirements of this section.

E. At the time the master use permit is originally issued, tenant use permits need not be obtained by tenants occupying space on the subject property unless such a requirement is made a precondition of the master use permit approval. After a master use permit has been issued, tenant use permits shall be approved by the planning director upon inspection of the property, and verification that it and its landscaping are in good repair, and that all other conditions of the master use permit are being met. Any adverse determination made by the planning director under this section may be appealed by the applicant to the planning commission within ten calendar days of receipt of notice

from the planning director. Such appeals shall be heard de novo. Favorable determinations of either the planning director or planning commission will be so listed on the consent calendar portion of the agenda for the next city council meeting. No tenant use permit will be issued prior to such city council meeting. At such meeting, any member of the council who believes that the application (in order to satisfy the considerations set forth in Section 17.60.030A and B, may need rejection or additional conditions) may demand a de novo review of the application. That review shall occur at such time as is then set by the council. Unless waived by the applicant, at least seven calendar days' notice (measured from the date of mailing) shall be given to the applicant prior to the council's de novo review. If no council member so demands such de novo review, the planning director may forthwith issue the tenant use permit.

F. A tenant use permit may be revoked in the manner provided in Section 17.60.120 if the tenant is the cause of violation of a condition of the master use permit.

G. ~~No tenant use permit will be issued for any single business occupying over one thousand five hundred square feet of building area. Such businesses must obtain an ordinary conditional use permit. (Ord. 713 §2 (part), 1991).~~  
-Any approval of a master use permit may include size limitations for each category of allowable tenant use permits, subject to the following limitations: For master use permits issued after April 15, 2000, no tenant use permits may be issued for any activity-use that will occupy over twelve thousand square feet of building area; for Master use permits issued before April 15, 2000, not tenant use permits may be issued for any activity-use that will exceed one thousand five hundred square feet. Above those limits, activity-uses must obtain an ordinary conditional use permit.      351-1      (Capitola 10/00)

17.60.160

H. The planning commission may deny a master conditional use to all, or a portion of, any area described in subsection A, if the planning commission finds that particular circumstances of the property, its existing use, or its proposed use, are such that the ordinary conditional use permit process is necessary for adequate protection of the community's land use interests. (ord. 817 §4, 2000; Ord 713 §2 (part), 1991).



**COPY****RESOLUTION NO. 3355****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AUTHORIZING THE CITY MANAGER TO SUBMIT THE CURRENT AND  
PREVIOUS CITY LOCAL COASTAL PROGRAM AMENDMENTS TO THE  
CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION**

**WHEREAS**, the City's Local Coastal Program was certified by the California Coastal Commission on June 1981, and updated in October of 2001; and

**WHEREAS**, the Planning Commission conducted a public hearing on February 19 and March 4, 2004; and the City Council held a public hearing on March 11 and took action on March 25, 2004, for amendments to the City's Local Coastal Program as part of a Coastal Commission grant completed in March 2004, and forthwith collectively referred to as the Coastal Commission Grant LCP Amendment, which include the following:

1. A Zoning Ordinance amendment to revise Chapter 17.30 Visitor Serving (VS) and Section 17.46.50 Permit Exemptions, and adding a new Section 17.46.55 Exclusionary Areas (Ordinance No. 868);
2. Amendment to the Local Coastal Program to include within the City of Capitola Coastal Zone boundary three areas formally designated as "Areas of Deferred Certification," namely Rispin Mansion, Shadowbrook Restaurant, and Blodgett/Dodds' Properties (Resolution No. 3353);
3. An ordinance to amend the Blodgett/Dodds' Properties Zoning Map designation from AR/VS/R-1 to VS/R-1 for Assessor's Parcel Numbers 036-142-26, 036-142-27, 036-143-31, 036-142-28, and 036-143-29; and from AR/VS/R-1 to VS/RM-LM for Assessor's Parcel Number 036-143-30 (passed to a second reading on March 25, 2004);
4. Amend the General Plan Map/Local Coastal Program Land Use Plan and Implementation Program to Designate Property located at 620, 720, and 723 El Salto Drive (Assessor's Parcel Numbers 036-142-26, 036-142-27, 036-142-28, 036-143-29, 036-143-30 and 036-143-30) for Visitor Serving / Residential-Low Medium (VS/R-LM) (Resolution No. 3354);
5. Authorization to forward these above amendments as well as previous Local Coastal Program amendments listed below to the California Coastal Commission for certification of the City's Local Coastal Program (this Resolution No. 3355):

Ord. No. 587            Amending Section 10.36.195 of the Municipal Code concerning areas of no weekend or holiday parking.

Ord. No. 755            Amending Sections 17.50.010 and 17.50.100 and adding Sections 17.50.035 and 17.50.045 to the municipal code regarding flood regulations.

Ord. No. 756            Amending Section 17.51.100 (Floor Area Defined) and Adding Section 17.51.035 (Quasi-Public Seating Area).

Ord. No. 757            Deleting Chapter 17.48 re Future Width and Special Building Lines, Amending Section 17.21.110 and Section 17.27.110, and Adding Subsection N. to Section 17.63.090.

*Exhibit 3  
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- Ord. No. 759            Amending Chapter 17.90 of the Capitola Municipal Code pertaining to changes of use of Mobilehome Parks.
- Ord. No. 795            Amending Chapter 17.57, and Land Use Map re off-site Real Estate for Sale signs.
- Ord. No. 799            Amending Zoning Map of Zoning Ordinance for APN 034-182-01 (3790 Brommer Street) from RM-M to PD District (Habitat).
- Ord. No. 798            Amending GP/LCP Land Use Map from PF/VS (Public Facilities/Visitor and Res. No. 2896    Serving) to R-MH (Residential- Mobile Homes) for the Surf and Sand MHP.
- Ord. No. 805            Amending the zoning map of the Zoning Ordinance for APN: 034-161-12, at 1255 41st Avenue, by way of rezoning a portion of the parcel from the "RM-M" (Multiple Family Residential-Medium) district to the "PD" (Planned Development) District.
- Ord. No. 809            Adding Section 17.63.055 to Chapter 17.63 Architectural and Site Review and Res. No. 2989    re: Visualization Requirements.

Ord. No. 817            Amending Sections 17.03.690 defining "use," 17.60.020 re CUP requirements, 17.60.030 adding criteria to evaluate Use Permits for uses in excess of 12,000 sf., and 17.60.160 for Master Use Permits.

*CAP-MIN-2-04*

Ord. No. 819            Amending the Zoning Ordinance for APN 036-062-07, (409 Pine Street) from RM-M to PD District.

Ord. No. 837            Repealing Ordinance 586 and Section 10.36.045 pertaining to parking meter zones and parking meter rates, and adding a new Section 10.36.045 and Section 10.36.055 to the Municipal Code regarding the same.

Ord. No. 853            Amending Section 17.63.020 pertaining to the Architectural and Site Review Board.

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Ord. No. 858            Secondary Dwelling Units (SDU) Ordinance amending Section 17.15.040 to include SDU as a Principally Permitted Use. Added Chapter 17.99 pertaining to SDU.

Ord. No. 860            Urgency Ordinance re Secondary Dwelling Units.

Ord. No. 862            Ordinance adding Chapter 17.98 to Capitola Municipal Code pertaining to Wireless Communications Facilities.

Ord. No. 863            Amendment replacing Chapters 12.12, and 12.16 with a new Chapter 12.12 Community Tree and Forest Ordinance.

*Exhibit 3  
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WHEREAS, the City Council conducted a public hearing on March 11, 2004, and took final action on March 25, 2004, for these Coastal Commission Grant Amendments; and

*CAP-MIN-2-04*

WHEREAS, this Coastal Commission LCP Grant Amendment is Statutorily Exempt under CEQA Section 15265 (a) (1); and

WHEREAS, this Coastal Commission LCP Grant Amendment is intended to bring the City's Local Coastal Program into conformance with the Coastal Act; and

WHEREAS, This Coastal Commission LCP Grant Amendment provides the Coastal Commission with the benefit of viewing the proposed changes as a comprehensive package; and

WHEREAS, a Notice of Availability was prepared six weeks prior to final action by the City Council.

NOW, THEREFORE, the City Council of the City of Capitola hereby finds:

1. This Coastal Commission LCP Grant Amendment is Categorical Exempted, and in conformance with the under CEQA Section 15265 (a) (1).
2. This Coastal Commission LCP Grant Amendment is consistent with the Local Coastal Land Use Plan, and the Coastal Act.
3. This Coastal Commission Grant Amendment, as drafted, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that this Coastal Commission LCP Grant Amendment is hereby adopted and are in full conformity with the City of Capitola Local Coastal Program and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Grant Amendment to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 25<sup>th</sup> day of March, 2004, by the following vote:

AYES: Council Members Norton, Ortiz, Arthur and Mayor Harlan  
 NOES: None  
 ABSENT: Council Member Gualtieri  
 ABSTAIN: None

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*Stephanie Harlan*  
Stephanie Harlan, Mayor

ATTEST:  
*Pamela Greeninger*, CMC  
Pamela Greeninger, City Clerk

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This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3355 passed and adopted by the Capitola City Council on the 25<sup>th</sup> day of March, 2004.

*Pamela Greeninger* City Clerk  
Pamela Greeninger, CMC

COPY

## ORDINANCE NO. 817

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 17.03.690 (DEFINING "USE"),  
17.60.020 (CONDITIONAL USE PERMIT REQUIREMENTS),  
17.60.030 (ADDING CRITERIA TO BE EVALUATED IN CONSIDERING USE PERMITS  
FOR USES IN EXCESS OF 12,000 SQUARE FEET), AND  
17.60.160 (MASTER USE PERMITS) OF THE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY ORDAINS AS FOLLOWS:

**SECTION 1.** Section 17.03.690 of the Municipal Code is amended to read as follows:

17.03.690 Use. "Use", when utilized in reference to a proposal to create or modify a building, means the kinds of intended occupancies for which the building is arranged or designed. In other contexts, "use" refers to the predominant activity or class of activities that will be allowed within a building, or upon a parcel or collection of adjacent parcels. Where it is relevant to distinguish, the phrase "design-use" will be utilized to refer to the first meaning above; and "activity-use" will be utilized for the second above-stated meaning.

**SECTION 2.** Section 17.60.020 of the Municipal Code is amended to read as follows.

17.60.020 Required. A conditional use permit is required prior to:

A. The issuance of a building permit for the construction of any structure that requires a building permit, unless the design-use is a "permitted use" under the zoning classification for the property; and

B. The commencement of any new activity-use, or the change of one activity-use to another activity-use set forth in the conditional use permit regulations for the zoning district, except that activity-uses may be established without an additional conditional use permit where an existing master conditional use permit explicitly so allows.

**SECTION 3.** Sub-section D shall be added to Section 17.60.030 of the Municipal Code, to read as follows:

D. In considering an application for a conditional use permit that proposes a new activity-use that will occupy in excess of 12,000 square feet within one or more buildings, the Planning Commission will approve, conditionally approve, or deny the proposed activity-use after considering the following factors:

1. Scale and character of the surrounding area
2. Traffic generation
3. Parking impacts
4. Compatibility to surrounding activity-uses

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5. The size of the proposed activity-use compared to the average size of similar activity-uses located in the surrounding area.

The purpose of this sub-paragraph D is to enable and to require the Planning Commission to apply the above criteria in considering a proposed activity-use; its purpose is not to involve the City in the normal competition that arises between similar businesses.

This sub-paragraph D is not applicable:

1. In the area described in Municipal Code Section 17.27.040 ("...in a shopping center with a minimum of 300,000 square feet gross floor area"); and

2. When the proposed use/activity has already been specifically approved in an applicable master conditional use permit pursuant to Section 17.60.160.

SECTION 4. Section 17.60.160 shall be amended such that sub-sections G. and H. read as follows:

G. Any approval of a master use permit may include size limitations for each category of allowable tenant use permits, subject to the following limitations: For master use permits issued after April 15, 2000, no tenant use permits may be issued for any activity-use that will occupy over 12,000 square feet of building area; for Master use permits issued before April 15, 2000 no tenant use permits may be issued for any activity-use that will exceed 1500 square feet. Above those limits, activity-uses must obtain an ordinary conditional use permit.

H. The Planning Commission may deny a master conditional use to all, or a portion of, any area described in sub-section A, if the Planning Commission finds that particular circumstances of the property, its existing use, or its proposed use, are such that the ordinary conditional use permit process is necessary for adequate protection of the community's land use interests.

This ordinance was introduced on the 10<sup>th</sup> day of August, 2000, and passed for final adoption on the 14<sup>th</sup> day of September, 2000, by the following vote:

AYES: Council Member Ortiz, Gualtieri and Norton.

NOES: Council Member Harlan and Mayor Arthur

ABSENT: None

ABSTAIN: None

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APPROVED:

Bruce Arthur, Mayor

ATTEST:

Pamela Greeninger, City Clerk

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 817 PASSED AND ADOPTED BY THE CITY COUNCIL ON THE 14 DAY OF September 2000  
  
CITY CLERK

COPY 2126

ORDINANCE NO. 853

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTION 17.63.020 OF THE CAPITOLA MUNICIPAL  
CODE PERTAINING TO THE ARCHITECTURAL  
AND SITE REVIEW COMMITTEE

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

Section 1. Section 17.63.020 of the Capitola Municipal Code is hereby amended to read as follows:

"Section 17.63.020. Architectural and Site Review Committee.

(a) The Architectural and Site Review Committee shall consist of five members as follows:

1. Architect;
2. Landscape Architect;
3. Building Official;
4. Planning Director;
5. Public Works Director.

(b) The architect and landscape architect members of the Architectural and Site Review Committee shall be appointed by the Mayor; however, a majority of the City Council may remove the architect or landscape architect. At the first meeting of the City Council following the effective date of the ordinance codified in this section, the Mayor should appoint the architect and landscape architect members, whose terms will expire one month after the certification of any regular election of City Council members. The Mayor, in his or her discretion, may appoint an alternate architect and alternate landscape architect member to serve in the absence of the regular architect or landscape architect. A majority of the City Council may remove the alternate architect and alternate landscape architect. The terms of the alternate architect and alternate landscape architect will expire at the same time as regular architect and landscape architect terms expire.

This ordinance was introduced on the 27<sup>th</sup> day of March, 2003, and was passed and adopted by the City Council of the City of Capitola on the 10<sup>th</sup> day of April, 2003, by the following vote:

AYES: Council Members Norton, Ortiz, and Mayor Gualtieri  
 NOES: Council Member Harlan and Arthur  
 ABSENT: None  
 ABSTAIN: None

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APPROVED: Tony Gualtieri  
Tony Gualtieri, Mayor

ATTEST: Pamela Greeninger CMC  
Pamela Greeninger, City Clerk

THIS IS TO CERTIFY THAT THE ABOVE AND  
FOREGOING IS A TRUE AND CORRECT COPY  
OF ORDINANCE NO. 853 PASSED AND  
ADOPTED BY THE CITY COUNCIL ON THE  
10 DAY OF April 2003  
Pamela Greeninger