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Th20c

Prepared July 25, 2013 (for August 15, 2013 hearing)

To: Coastal Commissioners and Interested Persons
From: Madeline Cavalieri, Central Coast District Manager
Karen Geisler, Coastal Planner
Subject: **City of Capitola Amendment Number CAP-1-13 (Parking Meter Rates and Zones).**

SUMMARY OF STAFF RECOMMENDATION

The City of Capitola proposes to amend its certified Local Coastal Program (LCP) to update and modify the LCP's Implementation Plan (IP, also known as LCP zoning ordinance). The proposed LCP amendment would change the way in which parking meter rates and zones are established in the City of Capitola by removing these standards from the LCP and requiring any changes to parking meter rates, parking meter zones and related parking standards to be authorized by the City through the coastal development permit (CDP) process. Currently, these parking standards, including parking meter rates, are explicitly identified in the LCP, and any changes to these parking standards require an LCP amendment.

Historically, the Commission has carefully considered parking provisions in Capitola, including in relation to parking rates and the effect of such rates on coastal visitors, particularly coastal visitors for which parking fees can severely limit their ability to access and enjoy the coast. The City's proposed approach of having those issues addressed in a CDP context as opposed to an LCP amendment context will help streamline the ability for the City to make parking changes, which seems appropriate. However, under the proposed amendment, there would be no specific IP standards related to parking that could help ensure that the broad LUP policies protecting public access are adequately carried out through the CDP process. Absent such standards and criteria, the LCP will lack sufficient direction for considering any such CDP, whether the City initially or the Commission if on appeal. Without direction, it is possible that CDP decisions will not be adequately protective of public parking in a parking starved area that is a very significant visitor destination.

To ensure that the proposed amendment does not negatively impact public parking access in Capitola, staff recommends a modification that requires the City to make specific findings, based on substantial evidence, that any proposed increase in parking meter rates will not have a detrimental impact on public coastal access. Staff recommends that the Commission **reject** the IP

amendment as submitted and **approve** the amendment with suggested modifications, and find that, as modified, the proposed amendment is consistent with and adequate to carry out the public access and recreation policies of the City’s certified Land Use Plan (LUP). The City has indicated that it is in agreement with the proposed modifications. The required motions and resolutions to implement this recommendation begin on page 3.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 26, 2013. The amendment proposes changes to the LCP’s Implementation Plan and the original 60-day action deadline was April 27, 2013. On April 11, 2013 the Commission extended the action deadline by one year to April 27, 2014. Thus, the Commission has until April 27, 2014 to take a final action on this LCP amendment.

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EXHIBITS

- Exhibit 1: City Location Map and Aerial Photo of Central Village Area
- Exhibit 2: Proposed Implementation Plan Amendments
- Exhibit 3: Existing Parking Meter Zone Maps

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment only if modified. The Commission needs to make two motions, one to deny the proposed amendment as submitted and another to approve it subject to required modifications, in order to act on this recommendation

A. Reject the IP Amendment As Submitted

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

***Motion.** I move that the Commission reject Implementation Plan Amendment Number 1-13 as submitted by the City of Capitola, and I recommend a yes vote.*

***Resolution.** The Commission hereby denies certification of Implementation Plan Amendment Number 1-13 as submitted by the City of Capitola and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.*

B. Certify the IP Amendment if Modified

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

***Motion.** I move that the Commission certify Implementation Plan Amendment Number 1-13 if it is modified as suggested in this report, and I recommend a yes vote.*

***Resolution.** The Commission hereby certifies Implementation Plan Amendment Number 1-13 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 the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified City of Capitola 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 Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment if modified.*

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite findings that the amendment conforms with and is adequate to carry out the certified LUP. If the City of Capitola accepts each of the suggested modifications within six months of Commission action (i.e., by February 15, 2014), 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 the following sentence in IP Section 10.36.055 (B) (Parking meter zones/rates) as follows:**

...Parking meter zones and rates shall be established by City Council ~~resolution~~ordinance approving the required coastal development permit...

2. **Modify IP Section 10.36.055 (A) (Parking meter zones/rates) as follows:**

Parking meter zones shall be established by the City Council. Rates in the Coastal Zone will be established and/or modified by the City Council issuing a Coastal Development Permit. All Coastal Development Permits that authorize changes to public parking zones, time limits, hours of operation, fees and/or standards that effect public parking use shall include enforceable measures (e.g. conditions of approval) necessary to maintain or enhance existing public parking availability and opportunities for public access to the shoreline and Capitola Village, where such measures may include but not be limited to:

- Requirements to maintain at current levels, expand, and/or enhance the City's free park and ride shuttle service.
- Requirements to maintain at current levels, expand, and/or enhance free and low-cost public parking access in areas conducive to providing easy access to the shoreline and Village area, such as through expansion of the Pacific Cove parking area.
- Requirements to reduce existing negative public access impacts associated with existing parking zones, time limits, hours of operation, fees and/or standards (e.g., reducing or eliminating fees in certain areas to offset changes elsewhere).

All such Coastal Development Permits shall be accompanied by substantial evidence demonstrating compliance with the above requirements, including evidence documenting the ways in which the enforceable measures applied maintain or enhance existing public parking availability and opportunities for public access to the shoreline and Capitola Village.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. DESCRIPTION OF PROPOSED IP AMENDMENT

The City of Capitola's certified Implementation Plan (IP) contains standards for three public parking meter zones in the City, including the location of each parking meter zone, the hourly parking meter rates for each zone, and the hours when the parking meters are operational.¹ The City of Capitola is proposing to amend its IP by removing the existing parking meter rates, zones and meter operating hours from the IP. The proposed amendment would allow parking meter zones and rates to be established or modified by the City Council through the issuance of CDPs. The amendment provides that parking meter fees will be shown in the City's fee schedule, and that a file map showing parking meter zones established by the City Council through CDPs will be maintained by the City Public Works Director. The proposed amendment does not propose to change the existing parking meter rates in the above-mentioned zones at this time.

Please see **Exhibit 1** for the City of Capitola location map, **Exhibit 2** for the proposed IP amendment text and **Exhibit 3** for the existing Parking Meter Zone Maps.

B. IP AMENDMENT CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the LCP's IP component only. The standard of review for IP amendments is that they must conform with and be adequate to carry out the policies of the certified Land Use Plan (LUP).

Applicable LUP Policies

The proposed amendment affects the IP's parking standards in the Capitola Village area of the City, which is directly adjacent to beach access points. Applicable LUP public access and recreation policies include (in relevant part):

LUP Policy I-1: It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village and Wharf...

LUP 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

¹ Currently the three parking meter zones in the City are Zone A(1), Zone A(2) and Zone B. Zone A(1) includes all metered parking spaces located along both sides of certain streets in and surrounding the Central Village. The parking meter rate in Zone A(1) is \$1.50 per hour with a 2-hour limit. Zone (A)2 includes metered parking spaces along Cliff Drive (located just outside the Central Village). The parking meter rate in Zone (A)2 is \$1.00 per hour for a maximum stay of twelve hours. Zone B exclusively applies to the City's Pacific Cove Parking Lot which is located about ¼ of a mile from the beach. The parking meter rate in Zone B is \$0.50 per hour. Rates apply from 8:00 am to 8:00 pm and the meters operate seven days a week.

Capitola Village shall be limited to the availability of parking...

LUP Policy II-4: *Provide for a safe pedestrian and bicycle path and/or sidewalk on or along Cliff Drive, and provide improvements including landscaping, benches, etc., and parking turnout areas to facilitate both pedestrian and auto use.*

LUP Policy II-9: *Provide adequate parking nearby to support the wharf uses...*

LUP Policy IV-1: *The City shall designate the following areas as visitor-serving and/or recreation uses: a) The Capitola Village commercial area (retail, restaurants, lodging, etc.)...*

LUP Policy IV-2: *Areas designated as visitor-serving and/or recreational shall be reserved for visitor support services or recreational uses...*

Analysis

The Central Village of the City of Capitola (**Exhibit 1**) is framed by its physical setting, as it is located along the ocean and beach, set beside Soquel Creek, and surrounded by the cliffs and bluffs extending landward from the ocean to form the northern and southern boundaries of the Village. The Central Village also includes architecturally significant and historic structures such as the Venetian Hotel and Capitola Wharf. The Central Village has an oceanfront esplanade and many visitor-serving shops and restaurants. It is an extremely popular visitor destination, particularly during summer months, and parking is often in very short supply.

Currently, parking meter rates and zones are explicitly identified in the Capitola LCP, and the City is required to process an LCP amendment whenever it seeks to change or modify parking standards, including parking rates. The Commission adopted this LCP framework for parking meter rates and zones in July 2009 (LCP amendment number 1-09), and rates in these areas have not changed since then.

The proposed amendment to IP Section 10.36.055 would remove existing parking standards and requirements from the IP, and allow the City Council to establish parking hours and meter/pay station rates, as well as add or eliminate meter/pay stations or change the locations where meters/pay stations are installed. The proposed amendment to IP Section 17.46.09 adds language to ensure that to the City Council does not change parking standards on public property, including parking rates and zones, unless it first approves a CDP for such changes established by City Council ordinance. In summary, the proposed amendments allow the City Council to set future parking standards through the issuance of CDPs without the need for future LCP amendments.

Any increase in parking meter rates in coastal areas can have a detrimental impact on public access, depending on the amount of the increase, availability of lower-cost parking options nearby, and availability of alternative transportation methods (e.g., shuttles, buses, etc.) that provide access to the beach. Similar, other parking changes (such as changes to hours of operations, time-limits for length of stay, etc.), can likewise negatively impact parking access. Historically, the Commission has carefully considered parking provisions in Capitola, including parking rates and the effect of such rates on coastal visitors, particularly coastal visitors for which parking fees can severely limit their ability to access and enjoy the coast.

Currently, and in order to support public coastal access and provide adequate parking, the City operates a free public parking and shuttle service during summer weekends and summer holidays,² as required by LUP Policy II-2. This allows visitors during these summer periods to park their cars in a remote parking area³ for free and ride the free shuttle to the Central Village and Capitola Beach. The shuttle operates from 10am to 8pm. This shuttle system maintains and enhances public access to Capitola Beach, the Central Village, and Capitola Wharf while maintaining and enhancing the character of the Central Village and the surrounding residential areas by limiting automobile traffic and parking impacts on the Central Village during the peak periods of the summer season.⁴ Currently, the City limits parking in the Central Village area to a maximum of two hours to provide more turn-over in parking for these areas that are closest to the beach, which also benefits the visitor-serving restaurants and shops located in the Central Village. For visitors who desire longer stays, the Pacific Cove parking lot, which is located about two blocks from the Central Village, provides longer-term metered parking for up to 12 hours per day. Thus, alternative lower-cost and longer-term parking areas are available within the City to support public access to the beach, albeit further from the shoreline, and the City has stated that it intends to continue operating the beach shuttle (as required by the LUP) and maintain the longer-term parking at the Pacific Cove lot.

The proposed amendment would allow the City Council to change parking meter rates and zones through the issuance of a CDP. Any changes to parking meter rates or zones proposed by the City would be discussed at a public meeting, which would allow for public participation and input into the decision making process. By removing parking meter zones and rates from the IP, the City asserts that it will have more flexibility to provide free or reduced parking rates during off-season periods and thus provide better access to the beach for everyone. Also, most of the parking areas affected by the proposed amendment are located within the Coastal Commission's appeal jurisdiction. Thus, any CDP approved by the City Council that includes changes to parking rates or other parking standards for areas located within the appeal zone could be appealed to the Commission.

However, under the proposed amendment, there would be no specific IP standards related to parking that could help ensure that the broad LUP policies protecting public access are adequately carried out. Substantial increases to the existing parking meter rates in the Central Village area and in the longer-term Pacific Cove parking lot (which is not located in a mapped appeal zone) could adversely impact public access. While the proposed language would not change the current parking meter rates and zones, future rates and zones would be established by CDP. Absent IP criteria for evaluating such changes, including standards ensuring that the offsetting parking provisions cited by the City (e.g., shuttle park and ride, free parking at more inland locations, reduced cost and/or free parking at certain times of the year, etc.) are protected and explicitly tied to any future changes, the IP amendment, as submitted, would leave the IP with insufficient specificity to protect public access, as required in the LUP. The IP amendment, as submitted, must therefore be denied.

² The Capitola Beach Shuttle runs weekends and holidays from Memorial Day through mid-September (the last weekend the shuttle operates is during the Capitola Art & Wine Festival which takes place in Capitola Village).

³ The free park and ride parking lot is located on Bay Avenue, just off of Highway 1.

⁴ In 2012, the shuttle operated for 35 days with a total of 16,026 riders, for an average of about 458 riders per day.

In order to ensure that the proposed amendment does not result in inappropriate impacts to public access, **Suggested Modification No. 2** requires the City to make specific findings, based on substantial evidence, that any changes to public parking zones, time limits, hours of operation, fees and/or standards that effect public parking use include enforceable measures (e.g., conditions of approval) necessary to maintain or enhance existing public parking availability, and to not have a detrimental impact on public parking access. The intent of this modification is that any such parking changes be thoroughly evaluated, and that any public access and parking impacts be offset appropriately, including through a package of measures designed to maintain or enhance existing public parking availability and opportunities for public access to the shoreline and Capitola Village (e.g., requirements to maintain, expand, and/or enhance the free shuttle and low and no cost parking areas, etc.). In addition, **Suggested Modification No. 1** makes a correction (at the City's request) to IP Section 10.36.055 to state that parking meter zones and rates shall be established by City Council ordinance approving the required CDP (instead of a resolution).

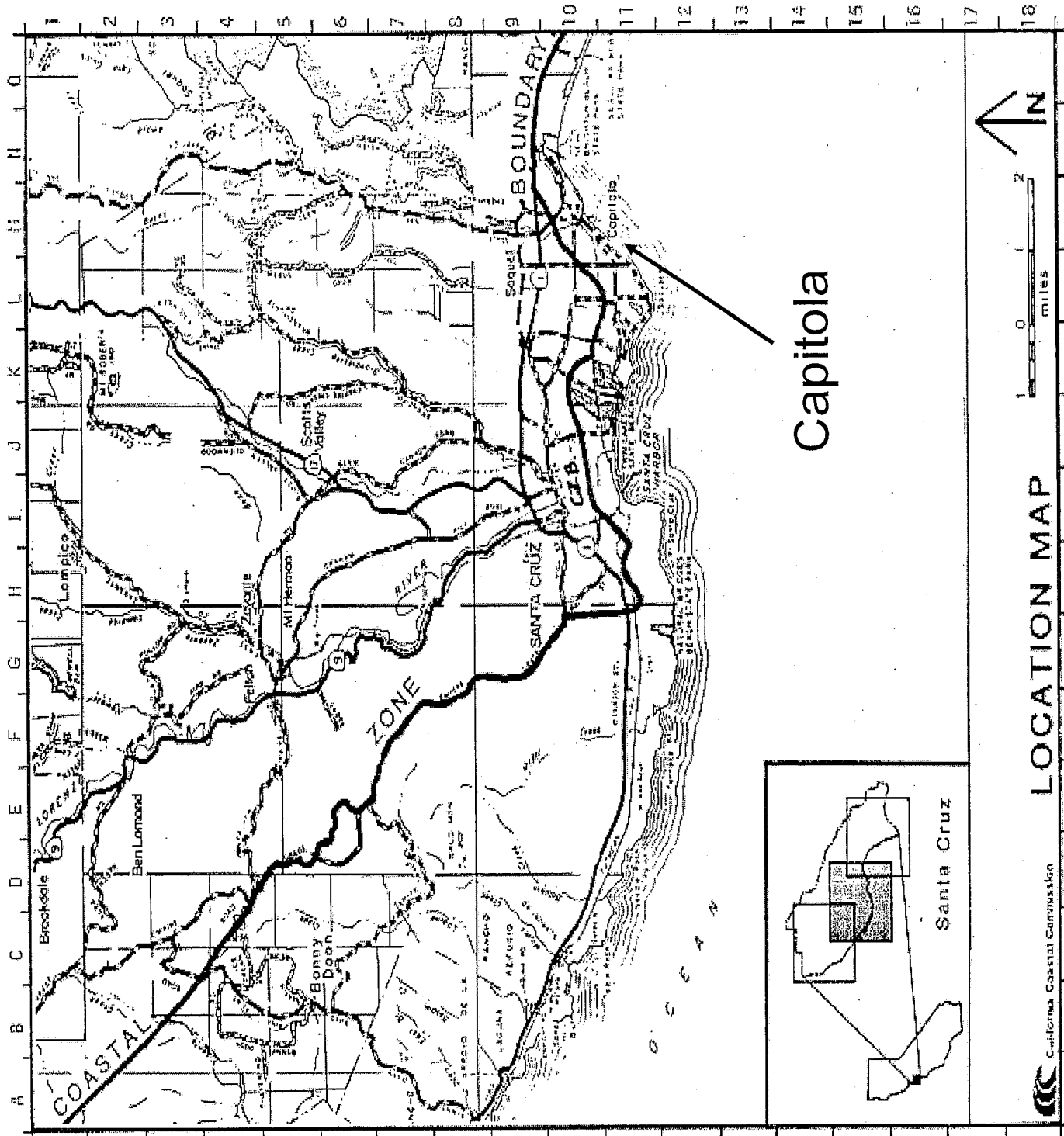
As modified, the proposed IP amendment will include criteria allowing the City Council, or the Coastal Commission on appeal, to appropriately evaluate whether proposed changes to parking zones, rates, time limits, hours, and related standards adequately protect public access, consistent with the LUP. The amendment, as modified, will ensure the continued availability and affordability of public parking in the City of Capitola. Thus, as modified, the Commission finds the proposed IP amendment consistent with the applicable public access and recreation policies of the City's certified LUP.

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 of Capitola, acting as the lead CEQA agency in this case, determined that the proposed LCP amendment was categorically exempt from CEQA requirements. This 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 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 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).

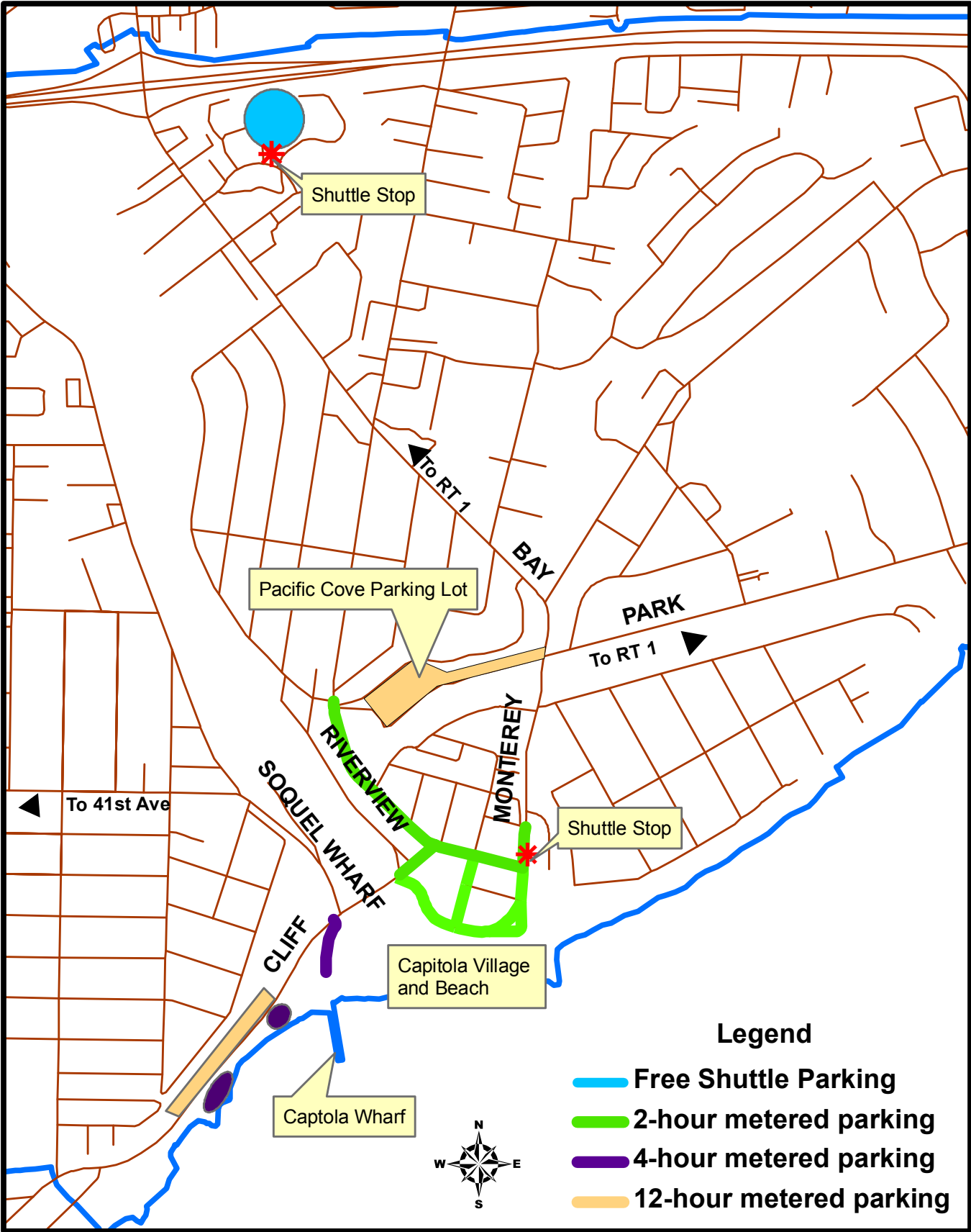


Capitola

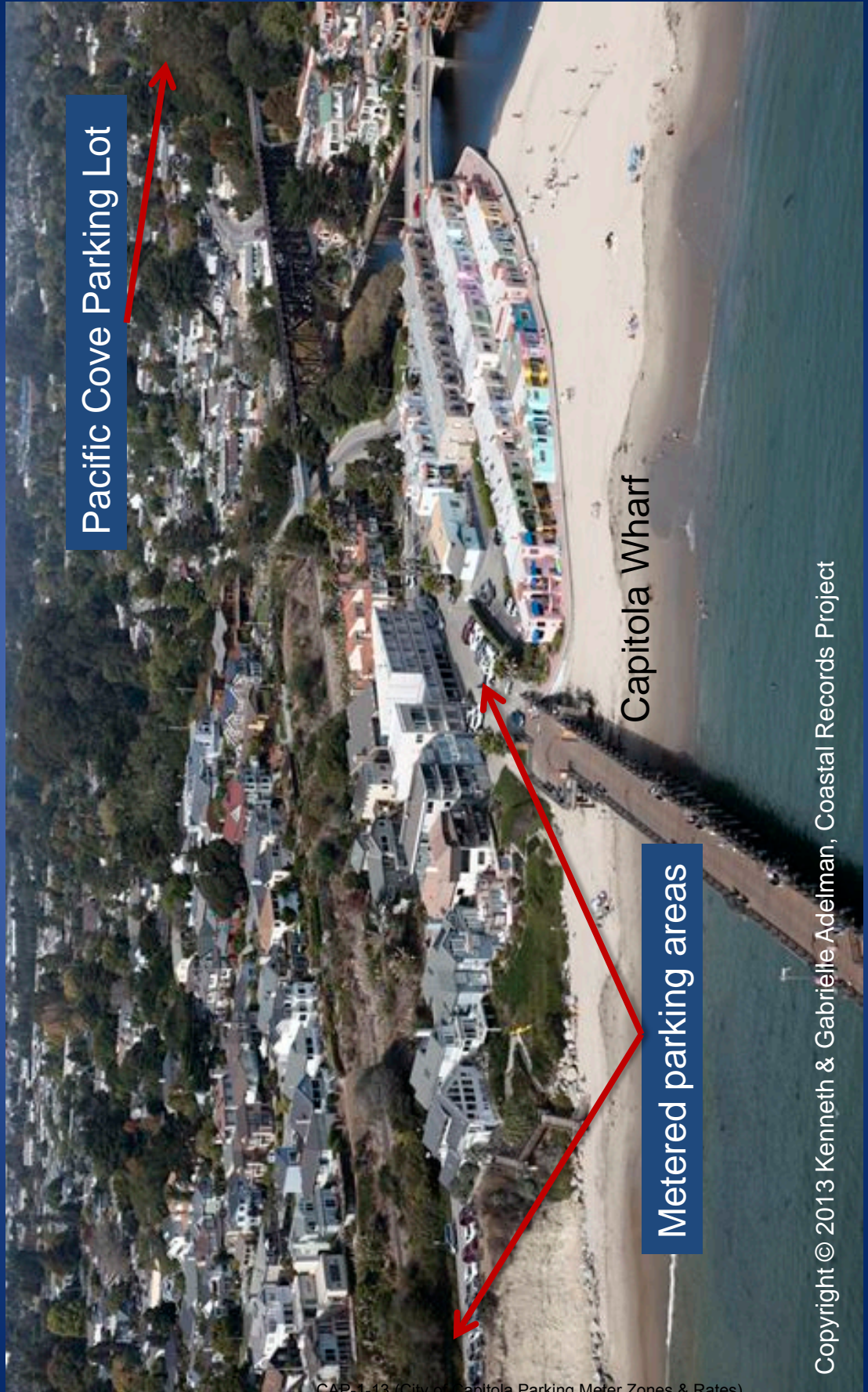
LOCATION MAP

County of Santa Cruz

Capitola Village Public Parking Map



Capitola Village Parking



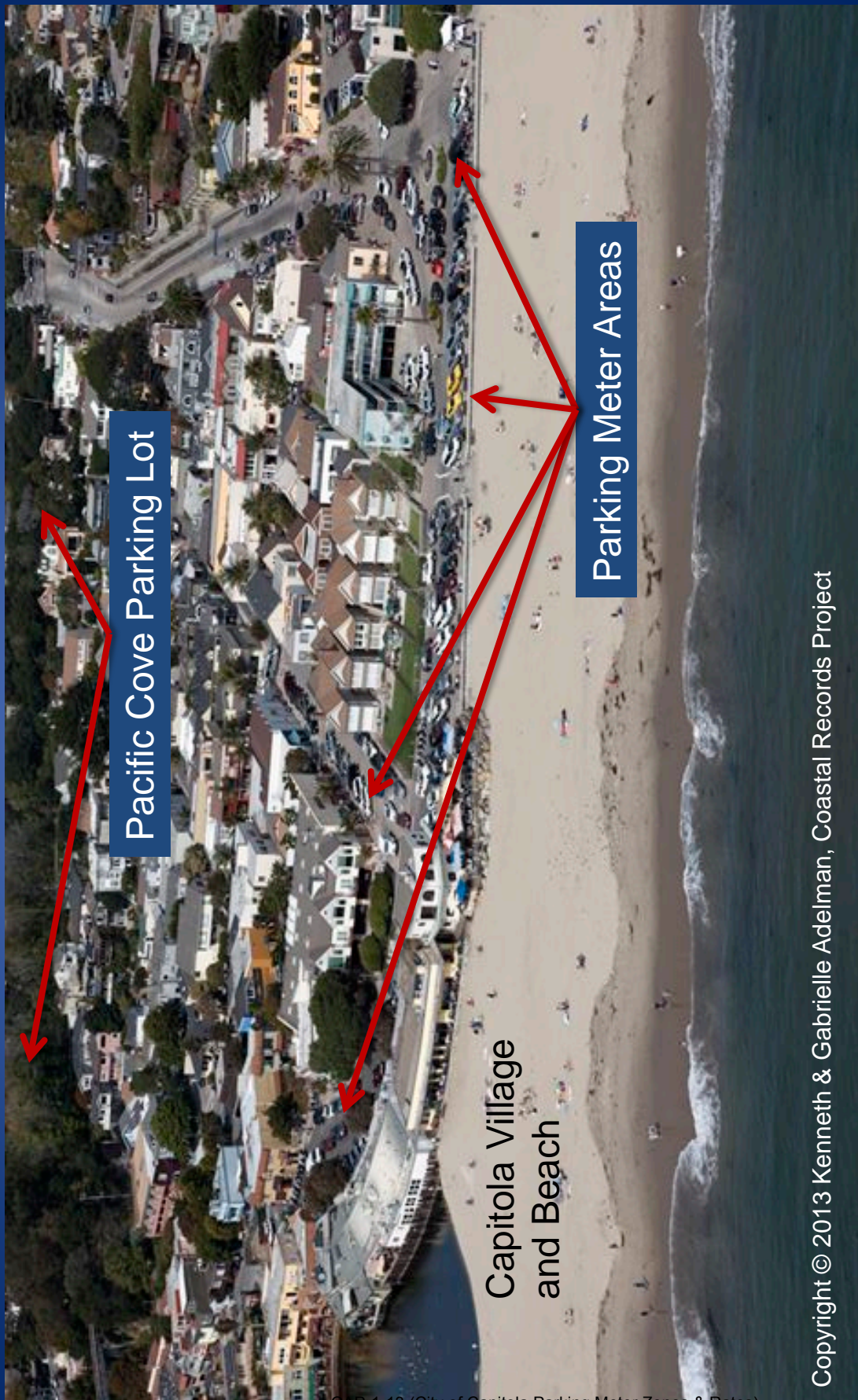
Pacific Cove Parking Lot

Capitola Wharf

Metered parking areas

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Capitola Village Parking



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ORDINANCE NO. 978

**AN ORDINANCE OF THE CITY OF CAPITOLA
AMENDING SECTION 10.36.055 B OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO PARKING METER RATES AND ZONES AND AMENDING
SECTION 17.46.090 COASTAL PERMIT APPROVAL**

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

Section 1. Section 10.36.055 is hereby amended to read as follows:

10.36.055 Parking meter zones/rates.

A. The following parking meter zones are hereby established in the city of Capitola: Parking meter zones shall be established by the City Council. Rates in the Coastal Zone will be established and/or modified by the City Council issuing a Coastal Development Permit.

1. Parking Meter Zone A(1). The area labeled as Zone A(1) on the map attached hereto as Exhibit "A" found on file in the office of the city clerk, shall constitute parking meter Zone A(1). The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters equipment in conformance with the zones and rates established by the City Council. The director shall maintain on file a map showing parking meter zones established by the City Council. in all public parking spaces located in zone A(1) and to place appropriate signage in zone A(1) relative to said metered parking. Parking meters will operate in zone A(1) each day of the week from the hours of eight a.m. to eight p.m. The city council, by resolution or minute order, may designate days when said parking meters equipment will not operate.

Parking meter zone A(1) includes parking spaces along both sides of the following streets located in and surrounding the Capitola Village:

- a. Capitola Avenue from Monterey Avenue to Beulah Drive;
- b. Monterey Avenue from Esplanade to the Union Pacific Railway;
- c. Esplanade along its entire length from Stockton Avenue to Monterey Avenue;
- d. San Jose Avenue from Capitola Avenue to Esplanade;
- e. Stockton Avenue from Capitola Avenue to Cliff Drive;
- f. Wharf Road from Stockton Avenue to the Capitola Municipal Wharf;

2. Parking Meter Zone A(2). The area labeled as Zone A(2) on the map attached hereto as Exhibit "A" found on file in the office of the city clerk, shall constitute parking meter zone A(2). The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters in all public parking spaces located in zone A(2) and to place appropriate signage in zone A(2) relative to said metered parking. Parking meters will operate in zone A(2) each day of the week from the hours of eight a.m. to eight p.m. The city council, by resolution or minute order, may designate days when said parking meters will not operate.

Parking meter zone A(2) includes parking spaces along both sides of the following street:

- a. Cliff Drive from Stockton Avenue to the city limits;

3. ~~Parking Meter Zone B. The city owned parking lot adjacent to, and directly to the north and east of Capitola City Hall, portion of APN 35 141 33 located at 426 Capitola Avenue, which encompasses the area known as Pacific Cove Parking Lot, as depicted on the map attached hereto as Exhibit "B" found on file in the office of the city clerk, shall constitute parking meter zone B. The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters in all public parking spaces located in zone B and to place appropriate signage in zone B relative to said metered parking. Parking meters will operate in zone B each day of the week from the hours of eight a.m. to eight p.m. The city council by resolution or minute order may designate days when said parking meters will not operate.~~

B. The following parking meter rates are hereby established in the city of Capitola:

Zone A(1) (Village Area)	\$1.50 per hour
Zone A(2) (Cliff Drive Area).....	\$1.00 per hour
Zone B (Pacific Cove Parking Lot).....	\$0.50 per hour

Section 2. ~~This ordinance shall take effect and be in force thirty (30) days after final adoption or upon approval of Coastal Development Permit No.09-002, whichever occurs last.~~

Parking meter zones and rates shall be established by City Council resolution. Parking meter fees will be shown in the City's fee schedule.

Parking meter rates and zones in effect at the time of this ordinance amendment will remain in effect until modified by the City Council and;

Section 2. Section 17.46.090 is hereby amended to read as follows:

Section 17.46.090 Coastal permit approval.

A. Approving Authority. Action on a coastal permit shall be taken by the planning commission or city council on appeal or concurrent with other required permit applications. except Coastal Permits related to parking equipment rates, hours or zones on public property shall be considered only by the City Council.

This ordinance was introduced on the 13th day of December, 2012, and was passed and adopted by the City Council of the City of Capitola on the 10th day of January 2013, by the following vote:

AYES: Council Members Norton, Storey, Bottorf, Termini, and Mayor Harlan

NOES: None

ABSENT: None

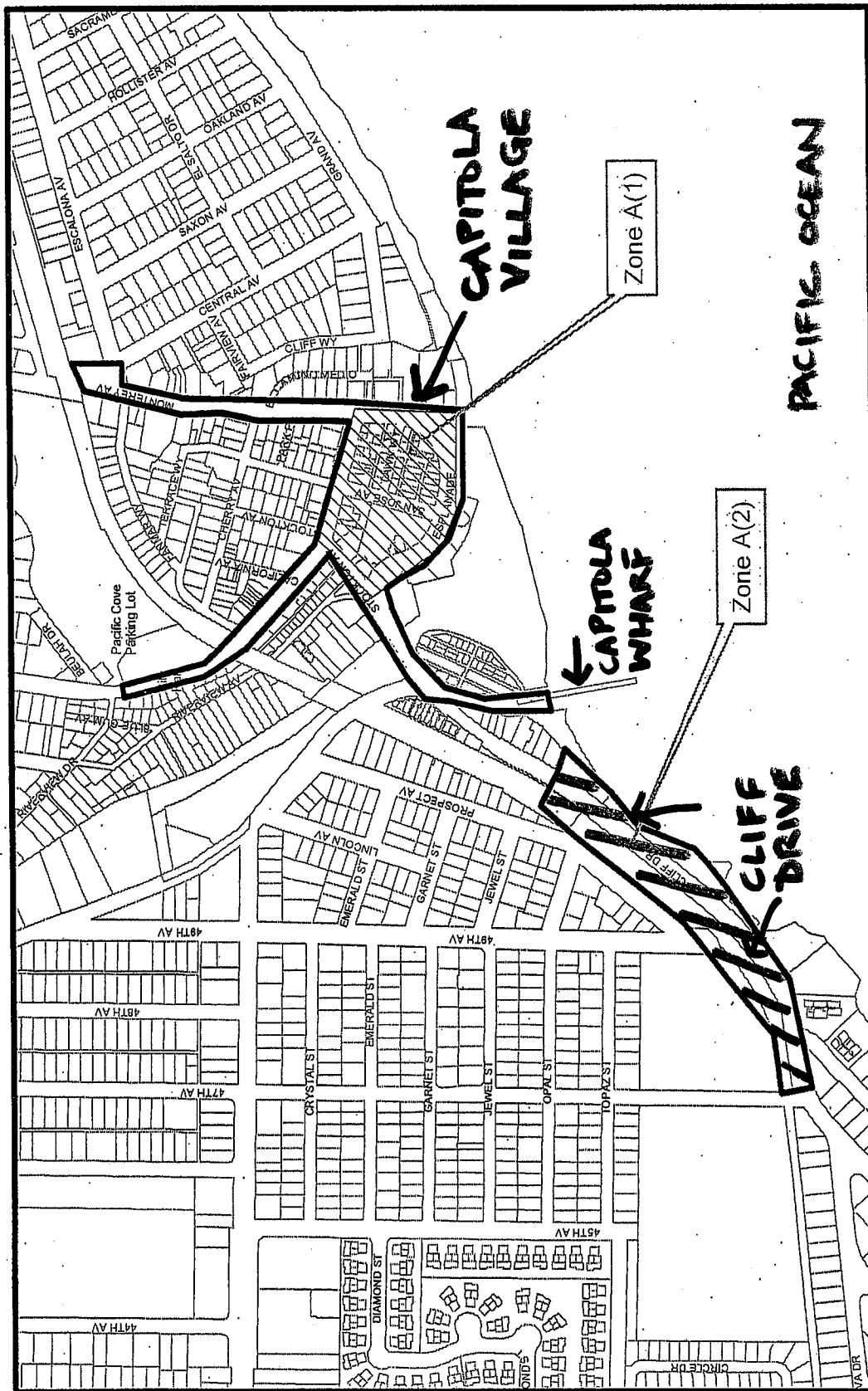
ABSTAIN: None

APPROVED: Stephanie Harlan
Stephanie Harlan, Mayor

ATTEST:

Susan Sneddon
Susan Sneddon, City Clerk

City of Capitola Parking Meter Zones A(1) and A(2)



June 2013

City of Capitola Parking Meter Zone B



June 2013