

# Building moratorium along 41st Avenue

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CAPITOLA — A six-month building moratorium is now in effect in the

commercial zone of 41st Avenue.

The Capitola Redevelopment Agency, made up of the City Council, put the moratorium into effect Thursday to stem the flow of new fast food restaurants and banks while a study can be done to look into "a better mix of businesses."

Agency Director/Councilman Michael Routh named 16 fast food restaurants within a half-mile along 41st Avenue, the county's only six-lane commercial street. The agency has jurisdiction in the area due to the establishment of a 41st Avenue Redevelopment Plan last year.

Routh said the "economic viability" of the city is at stake due to the overabundance of identical uses. Fast food restaurants and banks were specifically mentioned.

City staff is to report back within two months. In addition to the eventual hiring of a planning consultant, an economic analysis will be done on other appropriate types of businesses, as well as aesthetics and pedestrian elements, are to be included in the final study.

Such a study is expected to take

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four months to complete at a cost of approximately \$20,000.

The moratorium, which is effective immediately, will not stop the already-approved Lyon's Restaurant application that prompted all the commotion.

The moratorium came up during discussion of the appeal of last month's Planning Commission approval of Lyon's. That appeal was made by Routh and he was the lone councilman to vote against denying the appeal. The rest of the council felt it would be unfair to stop Lyon's after making it through the city's planning process.

The 4,500-square-foot, 127-seat capacity restaurant is to be built between the existing County Bank and Home Savings, across from the Capitola Mall.

Discussion included a scalding attack by Mayor Ron Graves against Planning Director Dick Steele and the Planning Commission. Graves charged that such a 41st Avenue study pertaining to mixed uses was directed by the council several months ago, yet nothing had been done.

"We're putting this applicant (Lyon's) at the mercy of the council for something our staff and Planning Commission failed to do," said Graves. "I feel a little chagrined that Lyon's falls into the trap."

Steele took exception to Graves' comments. He maintained the city's Architectural and Site Review Committee had discussed it and the only reason the Planning Commission continued it from their last meeting was

because it came up at 1:30 a.m.

"There has been a lot of work on it," said Steele. "This study is not something you turn around and have in two weeks."

Steele and the Planning Commission received the backing of both Councilmen Dennis Beltram and Bob Bucher.

Beltram admitted the council had given "absolutely no guidance to what type of uses we'd like to see there." Bucher added, "I don't want to place all the blame on the Planning Commission."

Routh, who was the catalyst behind the moratorium, then got into a debate with Beltram as to its merits. Beltram maintained it was far too late to try changing the types of uses on 41st Avenue.

"To talk about a grand concept of 41st Avenue is a little late," Beltram said. "The Lyon's development fits in with what we've got. The pattern has already been established. We're not going to change the character of the block by denying Lyon's."

Graves disagreed, describing Beltram as having a "defeatist" attitude. "I haven't given up on 41st Avenue," he said. "It's not too late to change future uses."

Lyon's Restaurant Vice President Marvin Alldaffer told the council he was "very disappointed" at the talk of stopping his development now. He maintained some \$10,000 had already been spent in design.

Alldaffer was smiling later, however, when his restaurant just made it under the moratorium wire.