

Capitola - 1970-1979

# Another section of city rezoned; council has final say

Automatic Review (AR) zoning was placed on several parcels Monday night by the Capitola planning commission following a public hearing on rezoning a large area of the city.

The controversial zoning designation must be approved by the city council before it becomes effective, and will require use permits from the planning commission for any construction project.

The commission had scheduled public hearing on zoning a large angular shaped area, bounded by Bay and Monterey Avenues on the south and the freeway on the north.

AR zoning was placed on the

Brookdale trailer park in Noble Gulch, the Capitola Mansions and the Crepe restaurant property west of Capitola Avenue, and extended onto vacant property now owned by Vanderson Construction of San Jose, east of Bay Avenue, north of Hill Street.

City planner Pat McCormick had proposed AR zoning for a small parcel, now containing two residential structures, on Bay Avenue, across the street from Burlingame Ave., and owned by James Reding. Reding opposed the designation, saying he wanted to develop the land as commercial — a use permitted by the general plan. The commission went along with that

## Several parcels put into controversial AR classification during commission hearing.

proposal and placed the land in the Neighborhood Commercial (CN) zone.

McCormick's zoning recommendations for the Capitola Mansion apartments and the Courtyard were questioned. He explained that the Mansions are built to a density so great that no zoning in the city fits them. And in the event they were destroyed or heavily damaged by fire, the only way to permit them to be rebuilt is through the AR zone designation.

The same arguments apply to the Crepe restaurant building. It is a commercial use in a residentially-planned area. Commercial zoning doesn't match the

General Plan and a multi-residential zoning would make it a non-conforming use.

The zoning recommendations were approved on a 3-0 roll call vote. Commissioner Lewis Deasy was absent and there is presently one vacancy on the commission.

The commission also granted architectural and site review approval to a controversial triplex at 220 Saxon Ave., on Depot Hill. The property is jointly owned by William Sessions and Dee Contreras.

An earlier proposal to build a four-plex on the 7,250-square-foot lot prompted the city council to pass emergency legislation — "grandfathered" to permit a tri-

plex on the property — requiring all new building proposals in the city to conform with the city's general plan while zoning hearings are being held by the city council.

Builder Robert Hughes, representing Sessions and Mrs. Contreras, agreed to modify his building plans and sink a garage below the existing grade so it doesn't project more than six feet above ground, thus complying with the city height limitation of 2½ stories.

The proposal must now go to the regional Coastal Commission before receiving a building permit.

In other action, the commission:

— Granted a use permit for a convalescent home, planned by Dr. Gerald Horn, at 500 Plum St., Capitola.

— Approved a variance to build a greenhouse in the rear yard at 4685 Grace St., Sarrell K. Sedgwick, applicant.

— Approved a use permit for a hot dog stand at 115 Stockton Avenue, for realtor Bob Grimes. The commission is requiring Grimes to execute an easement for additional parking on his real estate office property next door, and also for access to two on-site parking spaces across from his real estate property. The commission was concerned about the parking and access problems if Grimes ever sold the lot with the

hot dog stand.

— Denied a use permit for Nick Frigo to expand a residence in a commercial zone at 4315 Capitola Road.

— Postponed action on a use permit for Mobile Home and Trailer Sales Yard at 1970-41st Ave., while an opinion is being obtained from the city attorney. The problem is that a use permit currently exists for the property, allowing a retail nursery. Owner Cyril E. Deane wants a "standby" permit for the property in case the nursery pulls out, but commissioners want to know if two use permits can exist for the same property.

— Approved, with commissioner Jack Nicol voting "no," architectural and site review for a duplex to be built by Robert Hughes, at Cherry Avenue and Cherry Way. Hughes had earlier obtained approval for the project but wanted to modify the building design with a second-story overhang adjacent to the property line. Nicol didn't like the

modification and voted against. Dysle and commissioner Terry Commission chairman Howard George voted for the project.

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