

## Council shapes compromise on Shadowbrook parking

Shadowbrook restaurant owner Ted Burke won a hard-fought battle with the city of Capitola to keep an employee parking lot, but will have to landscape and otherwise improve all of the famed restaurant's parking lots in the next year.

Burke had been seeking city approval to use a dirt lot at the corner of 49th Avenue and Capitola Road this summer for employee parking.

The Planning Commission approved Burke's proposal but the issue wound up before the City Council on appeal.

Burke said his two lots are being filled up this summer, not with Shadowbrook employ-

ees and patrons, but with Village and beach visitors searching for a place to park.

Use of the dirt lot would be limited to Shadowbrook employees, freeing space in the restaurant's two paved lots for customers.

City officials not only wanted Burke to landscape the area around the dirt parking lot — something that Burke objected to because the property owner had specifically forbidden Burke to make any improvements to the property for fear that the city would then not let him build on the land — but to also prepare a master plan outlining the restaurant's future expansion plans.

"Our landlord will not let us do anything to that lot. I would love to do something with it but he is fearful that if we do, the city will not let him put up his office building or would want it for a park," Burke said.

Burke called the master plan requirement unreasonable.

He had the support of neighbors Rosie Seville and Robert Alexander who told the council that the neighborhood is now being inundated by village visitors.

But Nels Westman, a River-view Avenue resident who lives across Soquel Creek from the restaurant, urged the city council to require a master development plan from Burke.

"I see nothing wrong with using the application for a temporary parking lot to trigger a long range planning from Shadowbrook. It is a complex issue and I see nothing wrong with starting the process now."

Burke did see something wrong. "I view it as a short term plan but if it is plan for 10, 15 or 20 years from now, it is a foolhardy effort to spend money for something that no one knows what the market conditions will be or our

needs."

The council compromised. They allowed Burke to use the dirt lot until the end of September for employee-only parking, with the condition that he start work on a master plan for the restaurant parking.

"I can't see any benefit of denying Shadowbrook a beneficial temporary use since we all know there is a parking problem," Councilman Dennis Beltram said. "The question is how can we tie it to a master plan."

Mayor Michael Routh agreed. "I think the Planning Commission missed the boat. I don't think the council wanted a master plan for 20-50 years. We wanted a parking lot plan. I think we should require a landscaping plan and require its completion by September, 1984. I think we should require landscaping on the lot by 1985," the mayor said.

The other councilmembers agreed, approving a motion by Routh that gave Burke permission to use the dirt lot this summer, with the condition that Burke submit a landscape plan and finish work on the lot at Capitola Road and 49th Avenue by Jan. 1, 1985, and the lot at Wharf Road and 49th Avenue by May 1, 1985.

If the conditions are not met, the council will take legal steps to close the existing parking lots.

The council, in other business:

✓ Delayed action on an agreement setting up a city-county joint powers authority to finance and oversee the operation of the county animal shelter. City Manager Steve Burrell asked for a delay in approving the agreement because the county wants two of the five governing board seats.